

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER ww: HEALTH CARE SERVICE PLANS

PART 4515  
NAVIGATOR, IN-PERSON COUNSELOR AND CERTIFIED  
APPLICATION COUNSELOR CERTIFICATION

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26  
27 AUTHORITY: Implementing and authorized by the Navigator Certification Act [215 ILCS  
28 121]; the Illinois Health Benefits Exchange Law [215 ILCS 122]; 42 U.S.C. 300gg-22; and 45  
29 CFR 150.101(b)(2) and 150.201.

30  
31 SOURCE: Adopted at 38 Ill. Reg. 2226, effective January 3, 2014; recodified from 50 Ill. Adm.  
32 Code 3125 to 50 Ill. Adm. Code 4515 at 41 Ill. Reg. 4976; amended at 43 Ill. Reg. 422, effective  
33 December 21, 2018; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

34  
35 **Section 4515.20 Definitions**

36  
37 "Act" means the Navigator Certification Act [215 ILCS 121].

38  
39 "Certification" means the issuance by the Director of a license or authorization  
40 pursuant to this Part.

41  
42 "Certified Application Counselor" means any employee or volunteer of a  
43 Certified Application Counselor Organization that enters into an agreement with

44 the Marketplace to have its employees or volunteers provide information to  
45 individuals and employees about insurance affordability programs and qualified  
46 health plan coverage options; assist individuals and employees to apply for  
47 coverage in a qualified health plan through the Marketplace and for insurance  
48 affordability programs; and help to facilitate enrollment of eligible individuals in  
49 qualified health plans and insurance affordability programs.

50  
51 "Certified Application Counselor Organization" means any organization  
52 designated by the Marketplace to certify its staff members or volunteers to act as  
53 certified application counselors and includes those organizations described in 45  
54 CFR 155.225 (Apr. 27, 2023) (no later editions or amendments).

55  
56 "Code" means the Illinois Insurance Code [215 ILCS 5].

57  
58 "Course" means any course of study certified to the Director that meets the  
59 requirements of this Part, including but not limited to seminar, classroom, and  
60 self-study formats.

61  
62 "Department" means the Illinois Department of Insurance.

63  
64 "Director" means the Director of the ~~Illinois Department of Insurance~~ or anyone  
65 to whom the Director's responsibilities and authority are lawfully delegated.

66  
67 "Federal training curriculum" means the curriculum implemented by the United  
68 States Department of Health and Human Services under 45 C.F.R. 155.215(b)  
69 (Apr. 25, 2019) (no later editions or amendments).

70  
71 "In-Person Counselor" means any individual or entity who receives grant funds  
72 from the State of Illinois to perform the activities and duties identified in 45 CFR  
73 155.205 (May 5, 2021) (no later editions or amendments) or is described or  
74 designated by a Marketplace, the State, or the United States Department of Health  
75 and Human Services, or could reasonably be described or designated as "non-  
76 Navigator assistance personnel" as described in 45 CFR 155.215. An In-Person  
77 Counselor would engage in the activities and meet the standards described in 45  
78 CFR 155.215, including, but not limited to:

79  
80       conduct public education activities to raise awareness of the availability of  
81       qualified health plans;

82  
83       distribute fair and impartial information concerning enrollment in  
84       qualified health plans, and the availability of premium tax credits under 26  
85       U.S.C.~~USC~~ 36B and cost-sharing reductions under 42 U.S.C.~~USC~~ 18071;

86

87 facilitate enrollment in qualified health plans;

88  
89 provide referrals to any applicable office of health insurance consumer  
90 assistance or health insurance ombudsman established under section 2793  
91 of the Public Health Services Act (42 [U.S.C.](#)~~USE~~ 300gg-93), or any other  
92 appropriate State agency or agencies, for any enrollee with a grievance,  
93 complaint, or question regarding his or her health plan, coverage, or a  
94 determination under a plan or coverage; and

95  
96 provide information in a manner that is culturally and linguistically  
97 appropriate to the needs of the population being served by the  
98 Marketplace.  
99

100 "Marketplace" means any health benefit exchange authorized under the federal  
101 Patient Protection and Affordable Care Act and established or operating in this  
102 State, including any exchange established or operated by the United States  
103 Department of Health and Human Services.  
104

105 "Navigator" means any individual or entity who is certified as a "Navigator"  
106 under the federal Patient Protection and Affordable Care Act, and means any  
107 individual or entity, other than an insurance producer licensed by the Department,  
108 who receives grant funds from the United States Department of Health and  
109 Human Services to perform any of the activities and duties identified in 42  
110 [U.S.C.](#)~~USE~~ 18031(i)(3) or is described or designated by a Marketplace, the State,  
111 or the United States Department of Health and Human Services, or could  
112 reasonably be described or designated, as Navigators, as described in 45 CFR  
113 155.210 ([Apr. 27, 2023](#)) ([no later editions or amendments](#)). A Navigator would  
114 engage in the activities and meet the standards described in 45 CFR 155.210 and  
115 45 CFR 155.215, including, but not limited to:

116  
117 conduct public education activities to raise awareness of the availability of  
118 qualified health plans;

119  
120 distribute fair and impartial information concerning enrollment in  
121 qualified health plans, and the availability of premium tax credits under 26  
122 [U.S.C.](#)~~USE~~ 36B and cost-sharing reductions under 42 [U.S.C.](#)~~USE~~ 18071;

123  
124 facilitate enrollment in qualified health plans;

125  
126 provide referrals to any applicable office of health insurance consumer  
127 assistance or health insurance ombudsman established under section 2793  
128 of the Public Health Services Act (42 [U.S.C.](#)~~USE~~ 300gg-93), or any other  
129 appropriate State agency or agencies, for any enrollee with a grievance,

130 complaint, or question regarding his or her health plan, coverage, or a  
131 determination under a plan or coverage; and

132  
133 provide information in a manner that is culturally and linguistically  
134 appropriate to the needs of the population being served by the  
135 Marketplace.

136  
137 "Qualified health plan" has the meaning given that term in 42 U.S.C.~~USC~~  
138 18021(a).

139  
140 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

141  
142 **Section 4515.50 Application for Certification**

- 143  
144 a) An individual applying for a Navigator, In-Person Counselor or Certified  
145 Application Counselor certification ~~must~~~~shall~~ make an application to the  
146 Department on a form developed or accepted by the Director and declare under  
147 penalty of refusal, suspension, or revocation of the certification that the  
148 statements made in the application are true, correct, and complete to the best of  
149 the individual's knowledge and belief. Before approving the application, the  
150 Director ~~must~~~~shall~~ find that the individual:
- 151 1) Is at least 18 years of age;
  - 152 2) Maintains his or her principal place of business in the State;
  - 153 3) Is not disqualified for having committed any act that would be a ground  
154 for denial, suspension, or revocation of a certification;
  - 155 4) Has not had an insurance producer license, Navigator certification, In-  
156 Person Counselor certification, or Certified Application Counselor  
157 certification, or equivalent license or certification denied, suspended, or  
158 revoked in any state, province, district, or territory or by the United States  
159 Department of Health and Human Services;
  - 160 5) Has successfully passed the applicable federal training curriculum~~program~~  
161 for Navigators, In-Person Counselors or Certified Application Counselors;
  - 162 6) Unless otherwise determined by the Director, other than an applicant for  
163 Certified Application Counselor certification, has submitted a full set of  
164 fingerprints to the Department and successfully completed a criminal  
165 background check in a manner prescribed by the Director. The Director  
166 may accept an equivalent criminal background check performed by the  
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- 173 Navigator entity, In-Person Counselor entity or Certified Application  
174 Counselor Organization;  
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- 176 7) When applicable, has the written consent of the Director pursuant to 18  
177 U.S.C.~~USE~~ 1033 or any successor statute regulating crimes by or affecting  
178 persons engaged in the business of insurance whose activities affect  
179 interstate commerce;  
180
- 181 8) Possesses the requisite character and integrity; and  
182
- 183 9) Has identified the entity with which the individual is affiliated and  
184 supervised, if any.  
185
- 186 b) An entity that acts as a Navigator, supervises or is responsible for the activities of  
187 individual Navigators, or receives funding to perform those activities shall obtain  
188 a Navigator entity certification. An entity applying for Navigator entity  
189 certification shall:  
190
- 191 1) Make application on a form containing the information prescribed by the  
192 Director; and  
193
- 194 2) Designate an individual registered as a Navigator to be responsible for the  
195 entity's compliance with this Chapter.  
196
- 197 c) An entity that acts as an In-Person Counselor, supervises or is responsible for the  
198 activities of individual In-Person Counselors, or receives funding to perform these  
199 activities shall obtain an In-Person Counselor entity certification. An entity  
200 applying for In-Person Counselor entity certification shall:  
201
- 202 1) Make application on a form containing the information prescribed by the  
203 Director; and  
204
- 205 2) Designate an individual registered as an In-Person Counselor to be  
206 responsible for the entity's compliance with this Chapter.  
207
- 208 d) An entity that acts as a Certified Application Counselor Organization, supervises  
209 or is responsible for the activities of individual Certified Application Counselors,  
210 or receives funding to perform those activities shall obtain a Certified Application  
211 Counselor certification. An entity applying for a Certified Application Counselor  
212 certification shall:  
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- 214 1) Make application on a form containing the information prescribed by the  
215 Director; and

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- 2) Designate an individual registered as a Certified Application Counselor to be responsible for the entity's compliance with this Chapter.
- e) The Director may require any documents deemed necessary to verify the information contained in an application submitted.
- f) Entities certified as Navigators, In-Person Counselors or Certified Application Counselor Organizations shall, in a manner prescribed by the Director, provide the Director with a list of all individual Navigators, In-Person Counselors or Certified Application Counselors that it employs, supervises, or is affiliated with on a quarterly basis.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 4515.60 Certification Renewal**

- a) A Navigator, In-Person Counselor, Certified Application Counselor and Certified Application Counselor Organization certification shall be valid, through October 31 of the plan year for which the certificate holder successfully completed the applicable federal training curriculum ~~for one year. A Navigator, In-Person Counselor, Certified Application Counselor and Certified Application Counselor Organization certification shall expire 12 months after certification.~~
- b) ~~Sixty~~Thirty days ~~before~~prior to the end of the ~~certification~~12-month period, a Navigator, In-Person Counselor, Certified Application Counselor or Certified Application Counselor Organization may file an application for renewal on the application prescribed by the Director.
- c) ~~Before~~Prior to the filing date for application for renewal of a certification, an individual Navigator, In-Person Counselor and Certified Application Counselor ~~must~~shall complete the applicable federal training ~~course~~-curriculum for recertification as provided in Section ~~4515.100~~4515.100(b). The individual, at the time of application, ~~must~~shall file with the Director, by a method prescribed by the Director, proof of passing the applicable ~~federal~~-training course curriculum. Any failure to fulfill the ongoing continuing education requirements ~~will~~shall result in the expiration of the certification. Individual Navigators, In-Person Counselors or Certified Application Counselors whose certification has expired for failing to complete the continuing education requirements may not apply for a certification until they have provided satisfactory proof to the Director that they have completed the required continuing education requirements and have filed an application for certification.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 4515.100 Responsibilities of the Applicant for the Navigator, In-Person Counselor or Certified Application Counselor Certification or Renewal**

- a) ~~Before~~~~Prior to~~ receiving approval for a Navigator, In-Person Counselor or Certified Application Counselor certification, the applicant must complete approved federal training courses prescribed by the Director. Initial courses for Navigators, In-Person Counselors and Certified Application Counselors will be provided online. An applicant for a Navigator, In-Person Counselor or Certified Application Counselor must complete the ~~Director's~~~~Director~~ prescribed federal training courses within 12 months prior to certification.
- b) Certified Navigator, In-Person Counselor or Certified Application Counselor Certificate Renewal
  - 1) Each Navigator or In-Person Counselor ~~must~~~~shall~~ complete ~~the~~~~2~~ approved federal training courses prescribed by the Director to satisfy continuing education requirements ~~before~~~~prior to~~ requesting a renewal of ~~a~~ certification. The training courses will be provided online.
  - 2) Each Certified Application Counselor ~~must~~~~shall~~ complete the ~~same~~ approved federal training courses that are prescribed by the Director ~~as~~ ~~initial courses~~ to satisfy continuing education requirements ~~before~~~~prior to~~ requesting a renewal of ~~a~~ certification. The training courses will be provided online.
- c) Each Navigator, In-Person Counselor, or Certified Application Counselor ~~must~~ retain the certificate of completion from~~shall maintain a record of~~ each course or federal training curriculum completed for 3 years from the date of completion. ~~The record shall include the name of the provider of the continuing education course, the course title, and the date of completion.~~ Courses initiated or completed ~~before~~~~prior to~~ the original issue or most recent renewal date of the Navigator, In-Person Counselor or Certified Application Counselor certificate ~~cannot~~~~shall not~~ be used to meet continuing education requirements.
- d) For certificates to perform Navigator or Certified Application Counselor activities in a State-based Exchange on the Federal Platform or a Federally-facilitated Exchange, an applicant or certificate holder must use the online federal training curriculum to satisfy their pre-certification and continuing education requirements. Users must register for the Marketplace Learning Management System (MLMS) application at <https://portal.cms.gov> and must successfully

301 [complete the HHS-approved training modules prescribed in MLMS for the](#)  
302 [applicable certification.](#)

303  
304 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
305

306 **Section 4515.120 Certification Denial, [Suspension](#), [Nonrenewal](#), [Probation](#), or Revocation**  
307

308 a) The Director may place on probation, suspend, revoke, or refuse to issue or renew  
309 a Navigator, In-Person Counselor or Certified Application Counselor's certificate  
310 or may levy a civil penalty in accordance with this Section or take any  
311 combination of actions, for any one or more of the following causes:  
312

- 313 1) Providing incorrect, misleading, incomplete, or materially untrue  
314 information in the certificate application;
- 315 2) Violating any insurance [law](#)~~laws~~, or violating any rule, subpoena, or order  
316 of the Director or of another state's insurance Director;  
317
- 318 3) Obtaining or attempting to obtain a certificate through misrepresentation  
319 or fraud;  
320
- 321 4) Obtaining or attempting to obtain any monies or [property](#)~~properties~~ from  
322 Illinois consumers while conducting navigator business;  
323
- 324 5) Intentionally misrepresenting the terms of an actual or proposed insurance  
325 contract;  
326
- 327 6) Having been convicted of a felony, [unless the individual demonstrates to](#)  
328 [the Director sufficient rehabilitation to warrant the public trust in](#)  
329 [accordance with Section 4515.140](#);  
330
- 331 7) Having admitted or been found to have committed any insurance unfair  
332 trade practice or fraud;  
333
- 334 8) Using fraudulent, coercive, or dishonest practices, or demonstrating  
335 incompetence, untrustworthiness or financial irresponsibility in the  
336 conduct of business in this State or elsewhere;  
337
- 338 9) Having a Navigator, In-Person Counselor or Certified Application  
339 Counselor certificate, or its equivalent, denied, suspended, or revoked in  
340 any other state, province, district, or territory;  
341  
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- 343 10) Forging a name to an application for insurance or ~~to~~a document related to  
344 an insurance transaction;  
345  
346 11) Failing to comply with an administrative or court order imposing a child  
347 support obligation;  
348  
349 12) Failing to pay Illinois state income tax or penalty or interest or comply  
350 with any administrative or court order directing payment of Illinois state  
351 income tax or failing to file a return or to pay any final assessment of any  
352 tax due to the Illinois Department of Revenue; or  
353  
354 13) Failing to make satisfactory repayment to the Illinois Student Assistance  
355 Commission for a delinquent or defaulted student loan.  
356  
357 b) If an action by the Director is to nonrenew, suspend, ~~or~~revoke, or deny a  
358 certificate or to place an applicant or certificate holder on probation~~deny an~~  
359 ~~application for a certificate~~, then the Director will~~shall~~ notify the applicant or  
360 certificate holder and advise, in writing, the applicant or certificate holder of the  
361 reason for the suspension, revocation, ~~or~~denial, ~~or~~nonrenewal, or probation of  
362 the applicant's or certificate holder's certificate. The applicant or certificate  
363 holder may make written demand upon the Director within 30 days after the date  
364 of mailing for a hearing before the Director to determine the reasonableness of the  
365 Director's action. The hearing will~~must~~ be held within not fewer than 20 days nor  
366 more than 30 days after the mailing of the notice of hearing and will~~shall~~ be held  
367 pursuant to 50 Ill. Adm. Code 2402.  
368  
369 c) In addition to, or instead of, any applicable denial, suspension or revocation, a  
370 person may be subject to a civil penalty of up to \$10,000 for each cause for  
371 denial, suspension or revocation; however, the civil penalty may total no more  
372 than \$100,000.  
373

374 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
375

376 **Section 4515.140 Felony~~Disqualifying~~ Offense Review**  
377

- 378 a) The Director and the Department will not require applicants or certificate holders  
379 to report the following information and will not collect and consider the following  
380 criminal history records in connection with a certificate under this Part:  
381  
382 1) Juvenile adjudications of delinquent minors as defined in Section 5-105 of  
383 the Juvenile Court Act of 1987, subject to the restrictions set forth in  
384 Section 5-130 of that Act;  
385

- 386           2)    Law enforcement records, court records, and conviction records of an  
387           individual who was 17 years old at the time of the offense and before  
388           January 1, 2014, unless the nature of the offense required the individual to  
389           be tried as an adult;  
390  
391           3)    Records of arrest not followed by a charge or conviction;  
392  
393           4)    Records of arrest where charges were dismissed unless related to the  
394           duties and responsibilities of a Navigator, Certified Application  
395           Counselor, or In-Person Counselor. However, individuals will not be  
396           asked to report any arrests, and any arrest not followed by a conviction  
397           will not be the basis of disciplinary action by the Director and may be used  
398           only to assess an individual's rehabilitation;  
399  
400           5)    Convictions overturned by a higher court;  
401  
402           6)    Convictions or arrests that have been sealed or expunged.  
403  
404        b)    The Director, upon a finding that an individual was previously convicted of a  
405           felony, will consider any mitigating factors and evidence of rehabilitation  
406           contained in the individual's record, including any of the following factors and  
407           evidence, to determine if a certificate may be denied, suspended, or revoked  
408           because the prior conviction will impair the individual's ability to engage in the  
409           position for which a certificate is sought:  
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411           1)    the bearing, if any, of the offense for which the individual was previously  
412           convicted on the duties and functions of the position for which a certificate  
413           is sought;  
414  
415           2)    whether the conviction suggests a future propensity to endanger the safety  
416           and property of others while performing the duties and responsibilities for  
417           which a certificate is sought;  
418  
419           3)    whether 5 years since a felony conviction or 3 years since release from  
420           confinement for the conviction, whichever is later, have passed without a  
421           subsequent conviction;  
422  
423           4)    if the individual was previously certified or employed in this State or other  
424           states or jurisdictions, then the lack of prior misconduct arising from or  
425           related to the certified position or position of employment;  
426  
427           5)    the individual's age at the time of the criminal offense;  
428

- 429           6)    successful completion of sentence and, for individuals serving a term of  
430           parole or probation, a progress report provided by the individual's  
431           probation or parole officer that documents the individual's compliance  
432           with conditions of supervision;  
433  
434           7)    evidence of the individual's present fitness and professional character;  
435  
436           8)    evidence of rehabilitation or rehabilitative effort during or after  
437           incarceration or during or after a term of supervision, including, but not  
438           limited to, a certificate of good conduct under Section 5-5.5-25 of the  
439           Unified Code of Corrections or certificate of relief from disabilities under  
440           Section 5-5.5-10 of the Unified Code of Corrections; and  
441  
442           9)    any other mitigating factors that contribute to the person's potential and  
443           current ability to perform the duties and responsibilities of a certificate  
444           holder.  
445  
446        c)    If the Director denies, suspends, or revokes a certificate based upon a conviction  
447           or convictions in whole or in part, then the Director will notify the applicant of the  
448           disciplinary action in writing with the following included in the notice:  
449  
450           1)    a statement about the decision to deny, suspend, or revoke the certificate;  
451  
452           2)    a list of convictions that the Director determined will impair the  
453           individual's ability to engage in the position for which the certificate is  
454           sought;  
455  
456           3)    a list of the convictions that were the sole or partial basis for the  
457           disciplinary action; and  
458  
459           4)    a summary of the appeal process or the earliest the individual may reapply  
460           for a certificate, whichever applies.  
461

462 **Review Standards**

463 ~~Section 30(a) of the Illinois Navigator Act allows the Director to place on probation, suspend,~~  
464 ~~revoke or refuse to issue or renew a Navigator, In Person Counselor and Certified Application~~  
465 ~~Counselor certification, levy a civil penalty, or take any combination of the preceding actions as~~  
466 ~~established by rule. Section 4515.120 of this Part allows the Director to place on probation,~~  
467 ~~suspend, revoke, or refuse to issue or renew a Navigator, In Person Counselor or Certified~~  
468 ~~Application Counselor's certificate or levy a civil penalty or take any combination of these~~  
469 ~~actions, when the Navigator, In Person Counselor, Certified Application Counselor or applicant~~  
470 ~~has been convicted of a felony. (See Section 4515.120(a)(6).) When reviewing Navigator, In-~~  
471 ~~Person Counselor and Certified Application Counselor certifications or applications involving~~

472 ~~Navigators, In Person Counselors or Certified Application Counselors who have been convicted~~  
473 ~~of a felony, the Director shall consider the following factors in determining the appropriate~~  
474 ~~action:~~

- 475
- 476 a) ~~Nature and severity of the criminal activity. Violent criminals or sex offenders~~  
477 ~~may be denied certification privileges, as well as those convicted of crimes which~~  
478 ~~are insurance related and/or involve untrustworthiness;~~
- 479
- 480 b) ~~Time elapsed since the prior criminal conduct. The greater the time period since~~  
481 ~~the criminal conduct, the more leniency is appropriate. When making this~~  
482 ~~determination, the duration since the criminal activity should be proportionate to~~  
483 ~~the severity of the criminal conduct;~~
- 484
- 485 e) ~~Absence of additional criminal conduct since the reported felony. Continued~~  
486 ~~criminal conduct of a lesser or greater nature should not be tolerated;~~
- 487
- 488 d) ~~Multiple offenses or pattern of criminal conduct. Those engaged in repeated~~  
489 ~~criminal conduct are a greater risk to the public;~~
- 490
- 491 e) ~~Restitution. Payment to the victim of the felony is necessary to both satisfy the~~  
492 ~~court order and to demonstrate penitence;~~
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- 494 f) ~~Proper disclosure. Failure to fully cooperate or properly report the criminal~~  
495 ~~activity to the Department does not reflect favorably on the applicant's character;~~
- 496
- 497 g) ~~Satisfactory completion of sentence and probationary period. The debt to society~~  
498 ~~must be fully satisfied before the applicant is granted any further privileges;~~
- 499
- 500 h) ~~Rehabilitation. Post conviction community service or charitable activity may~~  
501 ~~serve as evidence of rehabilitation;~~
- 502
- 503 i) ~~Nature of work performed. There is less risk when the work to be performed does~~  
504 ~~not involve money transactions or direct contact with the public; and~~
- 505
- 506 j) ~~Any other facts or circumstances deemed relevant by the Director. Letters of~~  
507 ~~recommendation addressed to the Director attesting to the character and~~  
508 ~~reputation of the applicant or certificate holder may be considered by the Director.~~

509  
510 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)