**Section 4521.141 HMO Producer Licensing Requirements**

a) HMO producer means an individual who solicits, negotiates, effects, procures, renews or continues enrollment in an HMO. The term HMO "producer" shall not include:

1) any regular salaried officer or employee of an HMO or of a licensed HMO producer who devotes substantially all of his or her time to activities other than the solicitation of applications for HMO membership and receives no commission or other compensation directly dependent upon the business obtained and who does not solicit or accept from the public applications for membership;

2) employers or their officers or employees or the trustees of any employee benefit plan to the extent that such employers, officers, employees, or trustees are engaged in the administration or operation of any program of employee benefits involving the use of membership in an HMO; provided that the employers, officers, employees, or trustees are not in any manner compensated directly or indirectly by the HMO issuing the HMO membership;

3) banks or their officers and employees, to the extent that the banks, officers, and employees collect and remit charges by charging same against accounts of depositors on the orders of depositors.

b) No persons may act as or hold themselves out to be an HMO producer unless duly licensed in accordance with the requirements of this Part.

c) An individual applying for an HMO producer's license shall make application on a form specified by the Department and declare under penalty of refusal, suspension or revocation of the license that the statements made in the application are true, correct and complete to the best of the individual's knowledge and belief. Before approving the application, the Director shall find that the individual:

1) Is at least 18 years of age;

2) Has not committed any act that is grounds for denial, suspension or revocation pursuant to Section 505.1 of the Illinois Insurance Code [215 ILCS 5/505.1];

3) Has successfully passed the Class 1(b) examination as required by Section 494.1 of the Illinois Insurance Code [215 ILCS 5/494.1].

d) The provisions of Article XXXI of the Illinois Insurance Code [215 ILCS 5/Art. XXXI] and the rules promulgated under that statute (50 Ill. Adm. Code: Chapter I, Subchapter ii) shall be applicable to all HMO producers.

(Source: Amended at 37 Ill. Reg. 14032, effective August 26, 2013)