**Section 113.160 Assignment of Medical Support Rights**

a) As a condition of eligibility for medical assistance under the AABD Program, each applicant or recipient by operation of State law, automatically assigns to the Department any rights to support which the applicant or recipient may have. This assignment gives the Department the right to collect support money directly from the absent spouse in order to be reimbursed for assistance given to the applicant/recipient.

b) As a condition of eligibility for medical assistance under the AABD Program each legally able applicant and recipient must cooperate (see 89 Ill. Adm. Code 120.320(b) with the Department in obtaining medical support or payments. Note: Cooperation in establishing paternity is not a requirement for medical assistance under the AABD Program.) ("Legally able" means the applicant/recipient has the legal authority to execute an assignment of medical support rights.)

c) Failure or Refusal to Cooperate in Obtaining Medical Support or Payments

1) If an applicant/recipient fails or refuses to cooperate with the Department in obtaining medical support or payments, he/she is ineligible for medical assistance and will be removed from the assistance unit for medical assistance. (Non-cooperation is failure/refusal to comply with the requirements (except "paternity") of 89 Ill. Adm. Code 120.320(b)). However, the applicant/recipient remains eligible for AABD cash benefits.

2) If the applicant/recipient fails/refuses to cooperate in obtaining medical support/payments (not applicable to "establishing paternity") or sign-up for no cost medical insurance, he/she is ineligible for medical assistance for as long as he/she continues to fail/refuse to cooperate. If the applicant/recipient later wishes to receive medical assistance, then he/she must cooperate by complying with the requirement (see 89 Ill. Adm. Code 120.320(b) that he/she previously failed/refused to meet.

3) An applicant/recipient can appeal the Department's determination that he/she failed/refused to cooperate in obtaining medical support payments or that he/she failed/refused to sign-up for no cost medical insurance. Such appeal shall be in accordance with 89 Ill. Adm. Code 14: Subpart A.

d) The Department will provide or continue to provide medical assistance to any applicant or recipient who would otherwise be eligible for medical assistance but for the refusal by a person legally able to cooperate in securing medical support.

(Source: Amended at 31 Ill. Reg. 11306, effective July 19, 2007)