**Section 299.1020 Liability for Services Charges**

a) Recipients have the primary liability for payment of sums representing charges for services at the prevailing maximum rate determined by the Department, subject to the allowable reserve. Upon the death of the recipient, the estate of the recipient has the primary liability for payment of unpaid sums representing charges for services at the prevailing maximum rate established in Section 299.1000.

b) The recipient or, if deceased, the estate of the recipient retains liability as long as unpaid services charges remain.

c) Income accruing from a trust estate of a person shall be charged the same as other assets. If the income from the trust is not sufficient to meet the maximum cost of services to the person, the Department shall, in those cases in which the trust agreement specifically states that the principal, if needed, may be used, establish charges against both the income and the corpus of the trust.

d) When a person under the age of 22 receives benefits from a federal government agency that are to provide for the recipient's care and maintenance needs, those funds, when the law allows, shall be applied toward the State's cost of providing care, less any applicable personal allowance.

e) If the recipient is also a Medicaid recipient and receives benefits from a federal government agency, the federal funds, less the applicable personal allowance specified in 89 Ill. Adm. Code 113.247, must be applied toward the Medicaid charges in accordance with 42 CFR 435.732. Claims submitted by the Department to HFS shall be reduced by the amount of these net benefits.

(Source: Added at 44 Ill. Reg. 8246, effective April 28, 2020)