**Section 582.135 Service Obligation Waiver**

Waiver of the service obligation requirement permanently relieves the health care professional of all or part of the service obligation. Waiver requests shall be submitted in writing to the Department. The request shall detail the reasons for the waiver request and shall be accompanied and supported by documentation as described in this Section.

a) Reasons for a waiver request must be based upon the health care professional's:

1) Total and permanent disability;

2) Incompetency; or

3) Death.

b) If a waiver is requested because of total and permanent disability, documentation from a physician licensed to practice medicine in the United States is required. Additionally, the proof of disability shall include documentation from:

1) The Social Security Administration;

2) The Illinois Workers' Compensation Commission;

3) The U.S. Department of Defense; or

4) An insurer authorized to transact business in Illinois who is providing disability insurance coverage.

c) If a waiver request for total and permanent disability is approved, the Department will notify the health care professional in writing that the service obligation is waived, that the health care professional is discharged from all obligations to the Department in connection with this Part, and that the health care professional is ineligible to participate in the program in the future (see Section 582.100(f)(5)).

d) If the waiver is requested because the health care professional has been adjudicated as incompetent, the request shall be supported by a certified copy of the adjudication from a State or federal court of law.

e) If a waiver request for incompetency is approved, the Department will notify the health care professional's legal guardian in writing that the service obligation is waived, that the health care professional is discharged from all obligations to the Department in connection with this Part, and that the health care professional is ineligible to participate in the program in the future (see Section 582.100(f)(5)).

f) If the waiver request is submitted based on disability or incompetency and the request is denied by the Department, the health care professional shall fulfill the service obligation as stipulated in the agreement and in this Part.

g) If the waiver is requested because of the health care professional's death, the request shall be supported by a certified copy of the health care professional's death certificate.

h) The Department shall not initiate a claim for repayment against a health care professional who is deemed permanently disabled or incompetent nor against the estate of a decedent if the request is in full compliance with this Section.

(Source: Amended at 47 Ill. Reg. 13300, effective August 29, 2023)