**Section 590.328 Waiver of Service Obligation**

A waiver request of the service obligation shall be submitted in writing to the Department. The request shall detail the reasons for the waiver and be accompanied and supported by documentation described in this Section.

a) Reasons for a waiver request must be based upon the recipient's:

1) Total and permanent disability;

2) Incompetency; or

3) Death.

b) If the waiver is due to 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 is requested because the recipient is incompetent, the request shall be supported by a certified copy of the adjudication from a State or federal court of law.

d) If the waiver is requested because of the recipient's death, the request shall be supported by a certified copy of the recipient's death certificate.

e) The Department shall not initiate a claim for repayment against a recipient who is deemed disabled or incompetent nor against the estate of a decedent, if the request is in full compliance with this Section.

(Source: Added at 44 Ill. Reg. 20074, effective December 9, 2020)