**Section 102.260 Personal Injury Claims**

a) Clients who suffer a personal injury and have a potential for recovery of damages as a result of the type or severity of the injury, must report such injuries to the Department and take action to collect any damages which may be due.

b) The Department shall collect payment from personal injury settlements paid in behalf of clients. The Department shall not collect payment from claims covered by the Workers' Compensation Act (Ill. Rev. Stat. 1985, ch., 48, par. 138.1 et seq.), the Workers' Occupational Diseases Act (Ill. Rev. Stat. 1985, ch. 48, par. 172.36 et seq.) or an Act requiring compensation for causing death by wrongful act, neglect or default (Ill. Rev. Stat. 1985, ch. 70, pars. 1-22).

c) The Department shall have a charge equal to the total cost of medical assistance provided to an injured individual from the date of the injury to the date of recovery of damages.

d) If an employable individual receives assistance for himself and/or dependents, the Department's charge shall also include the total cost of cash and medical assistance issued as a result of the injury which was provided for the individual and his dependents from the date of injury to the date of recovery of damages. The Department's charge is for assistance provided for the injured recipient and his dependents even if all persons are not included in a single assistance unit.

e) Payment received by a client as damages for a personal injury shall be considered nonexempt unearned income after payment of the following expenses:

1) necessary costs of litigation or settlement;

2) the Department's charge;

3) medical costs resulting from the injury and paid by the client; and

4) expenses to repair or replace personal property which was damaged as a result of the injury.

(Source: Amended at 10 Ill. Reg. 19088, effective October 24, 1986)