**Section 104.930 Notice of Intent to Recover Money**

a) Prior to the recovery of any amount paid for unauthorized medical benefits allegedly obtained, the recipient of the benefits shall be afforded an opportunity for a hearing after written notice of the Department's intent to recover money. This notice shall be served personally or by certified or registered mail or as otherwise provided by law upon the person, or his or her agent appointed to receive service, and shall contain:

1) a statement of the time, place and nature of the hearing;

2) a statement of the legal authority and jurisdiction under which the hearing is to be held;

3) a reference to the particular Sections of the substantive and procedural statutes and rules involved;

4) except when a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted, the consequences of a failure to respond, and the official file or other reference number;

5) a statement of the monetary value of the benefits at issue;

6) a statement that, in addition to any other penalties provided by law, a civil penalty not to exceed $2,000 may be imposed for each payment or benefit received;

7) a statement providing that the Department's findings may be contested by petitioning the Department for an administrative hearing; and

8) the names and mailing addresses of the administrative law judge, all parties, and all other persons to whom the agency gives notice, unless otherwise confidential by law.

b) The Department may recover interest on the amount paid for unauthorized medical benefits at the rate of 5% per annum. Interest will accrue for the period from when payment was made to the date when repayment was made to the Department. If the amount of overpayment subject to recovery of interest is paid to the Department prior to the issuance of a final administrative decision, interest will cease to accrue. If the Department determines that it will recover the interest, the Department shall, as part of its notice of intent to recover money, set forth:

1) a reference to the particular Sections of the substantive and procedural statutes and rules involved;

2) a statement of the amount of State and federal monies paid that is subject to recovery of interest;

3) a statement of the amount of interest accrued as of the date of the Department's notice; and

4) a statement that the amount of interest may continue to accrue until such time as the amount subject to interest has been paid.

(Source: Added at 36 Ill. Reg. 7530, effective May 7, 2012)