**Section 112.54 Assignment of Medical Support Rights**

a) Rights to Support

1) As a condition of eligibility for medical assistance under the TANF program, each applicant or recipient by operation of State law, automatically assigns to the Department any rights to support which the applicant or recipient may have. This assignment gives the Department the right to collect support money directly from the absent parent in order to be reimbursed for assistance given to the dependent children.

2) This right includes support money paid in the applicant/ recipient own behalf, such as alimony, and money paid in behalf of any other family member for whom assistance is requested, such as child support.

b) As a condition of eligibility for medical assistance under the TANF program each legally able applicant and recipient must cooperate (see 89 Ill. Adm. Code 120.320(b)) with the Department in obtaining medical support or payments. ("Legally able" means the applicant/recipient has the legal authority to execute an assignment of medical support rights.) This includes support or payments for the applicant/recipient and/or for any person for whom the applicant/recipient receives medical assistance.

c) Refusal/Failure to Cooperate

1) If the applicant/recipient refuses to cooperate with the Department in obtaining medical support or payments, he/she is ineligible for medical assistance and will be removed from the assistance unit for medical assistance. (Non-cooperation is failure/refusal to comply with the requirements of 89 Ill. Adm. Code 120.320(b).) However, the applicant/recipient remains eligible for TANF cash benefits.

2) Cooperation in obtaining medical support and/or payments includes enrolling dependents for no cost dependent health insurance coverage.

3) If the applicant/recipient fails/refuses to cooperate in obtaining medical support/payments or sign up for no cost medical insurance, he/she is ineligible for medical assistance as long as he/she continues to fail/refuse to cooperate. If the applicant/recipient later wishes to receive medical assistance then he/she must cooperate by complying with the requirements (see 89 Ill. Adm. Code 120.320(b)) that he/she previously failed/refused to meet.

4) An applicant/recipient can appeal the Department's determination that he/she refused to cooperate in obtaining medical support/payments or that he/she refused to sign up for no cost medical insurance. Such appeal shall be in accordance with 89 Ill. Adm. Code 14: Subpart A.

d) The Department will provide or continue to provide medical assistance to any applicant or recipient who is not legally able to cooperate in securing medical support, and would otherwise be eligible for medical assistance but for the refusal by a person legally able to cooperate.

(Source: Amended at 29 Ill. Reg. 8161, effective May 18, 2005)