**Section 120.308 Client Cooperation**

a) As a condition of eligibility, clients must cooperate:

1) in the determination of eligibility;

2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend; and

3) in applying for all financial benefits for which they may qualify and to avail themselves of those benefits at the earliest possible date.

b) Clients are required to avail themselves of all potential income and resources and to take appropriate action to receive such resources, including those described under Section 120.388(d)(2).

c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.

d) At screening, applicants shall be informed, in writing, of any information they are to provide at the eligibility interview.

e) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow 10 days for the return of the requested information. The first day of the 10 day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the 10 day period shall be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

f) At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department shall allow 10 calendar days for the return of the requested information or for verification that the third party information has been requested. The first day of the 10 day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the 10 day period shall be a work day and will be indicated on the information request form. If the applicant does not provide the information or verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

1) Third party information is defined as information that must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party, but is treated as if he or she were the applicant.

2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide that verification.

3) If the applicant requests an extension either verbally or in writing in order to obtain third party information and provides written verification of the request for the third party information, such as a copy of the request that was sent to the third party, an extension of 45 days from the date of application shall be granted. The first day of the 45 day period is the calendar day following the date of application. The 45th day must be a work day.

A) For long term care (LTC) applicants, the Department shall send a request for information about current resources or resources transferred in the look-back period to the applicant or the applicant's approved representative, as described in 89 Ill. Adm. Code 110.10(c)(4), and the facility named on the application. The request for information shall include an explanation of the information required; the date by which it must be submitted; a statement that failure to respond in a timely manner can result in denial of the application; a statement that an extension of time may be requested by the applicant or on behalf of the applicant by the applicant's spouse or approved representative or the facility in which the applicant lives; and the name and contact information of a caseworker or another State official in case of questions.

B) For LTC applicants, when requested by the applicant, his or her spouse, the approved representative, or the facility in which the applicant lives, the Department shall allow an extension of up to 30 days to provide verification about current resources or resources transferred under the look-back period described in Section 120.387 or 120.388.

C) When requested by the applicant, his or her spouse, the approved representative, or the facility in which the applicant lives, the Department may allow a second 30-day extension if needed. The Department shall take into account what is in the best interest of the applicant when deciding whether to grant a second 30-day extension of time to respond.

D) An extension of time to provide information extends the State's processing timeframes for the same period.

E) Subsections (f)(3)(B), (C) and (D) shall be effective June 16, 2014.

4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request, the Department will assist in securing evidence to support the client's eligibility for assistance.

g) Any information or verifications requested under this Section must be returned to the Department's or its agent's office in the manner indicated on the information request form. Information mailed or otherwise delivered to an address not indicated on the form will not toll the timeframes for providing information under this Section.

h) Failure to cooperate in the determination of eligibility under this Section, including failure to provide requested information or verifications, is a basis for the denial of an application for benefits. A person has the right to appeal such a denial under 89 Ill. Adm. Code 102.80. The Department shall not deny an application if third party information cannot be timely obtained when the delay is beyond the control of the person and a timely request was made to the third party for the information. The Department shall not deny an application for failure to timely provide information in the applicant's possession if the person has made a good faith attempt to retrieve the information and is unable, due to incapacity, illness, family emergency or other just cause, to do so.

i) Effective June 16, 2014, clients and applicants who receive Supplemental Security Income (SSI) payments or who were receiving SSI when they entered a nursing home or the supported living program or initiated other long term support services are considered to have their current income verified, unless there is a specific reason to question the amount of income the individual receives.

(Source: Amended at 38 Ill. Reg. 23595, effective December 2, 2014)