**Section 359.10 Overpayments and Repayments**

a) When an overpayment for a service occurs, the Department will seek to recover the amount overpaid in the following ways:

1) The Department will deduct the amount of the overpayment from future payments to the service provider or from youth who receive their own payments. The Department will provide advance written notice to the service provider of the youth of the amount of the deduction.

2) If the service provider or youth are no longer receiving payments from the Department, the Department will request in writing repayment of the amount that was overpaid.

b) The Department seeks to recover an overpayment through deduction from future payments. In determining the amount of the monthly repayment, the Department will take into account the ability of providers to repay the amount without adversely affecting the provider's ability to provide proper care to the children in their care. Criteria will be based on their income, expenses and family size. The Department will take into account the ability of youth to repay without adversely affecting their ability to meet basic living expenses such as rent, food and clothing.

c) When the Department seeks to recover an overpayment from providers who are no longer providing a service to the Department or from youth who are no longer receiving payments, it will take into account their ability to repay based on their income, expenses and family size.

d) When providers or youth, who no longer receive payments from the Department, refuse to repay overpaid amounts and the Department has made a reasonable effort to recover the amount, the Department will refer the matter to the State Comptroller and the Attorney General.

(Source: Added at 9 Ill. Reg. 19705, effective December 16, 1985)