**Section 110.10 Application for Medical Assistance**

The provisions of this Section are effective October 1, 2013.

a) An application is:

1) a signed request for medical assistance in a form approved by the Department of Healthcare and Family Services ("Department") thathas been completed to the best of the client's knowledge and belief;

2) an electronic transmission received from the Social Security Administration on behalf of an applicant for enrollment in the Medicare Savings Program (MSP) and Low-Income Subsidy (LIS) Program pursuant to 42 USC 1320b-14(c). Such a transmission shall be treated as the initiation of an application for MSP benefits as if the application was submitted directly by the applicant;

3) a signed electronically transmitted request for medical assistance in a form approved by the Department, complying with the security requirements of subsection (b)(4), that has been completed to the best of the applicant's knowledge and belief;

4) a signed request for medical assistance submitted by telephone in a form approved by the Department, complying with the security requirements of subsection (b)(4), that has been completed to the best of the applicant's knowledge and belief.

b) The application must comply with the following:

1) Contain the applicant's name and address.

A) A person who is homeless, may use the address of a friend or relative, supervised shelter, church, halfway house, or similar facility.

B) A person who is homeless and does not have a permanent address may use the address of the local Department of Human Services office where he or she applied or where his or her case is currently active.

2) Contain a signature or signatures satisfying one of the following conditions:

A) an original signature or signatures on an application submitted under subsection (a)(1);

B) an electronic signature from the Social Security Administration on an application received under subsection (a)(2);

C) an electronic signature meeting the security requirements of subsection (b)(4) on an application submitted under subsection (a)(3); or

D) a voice recording constituting a telephonic signature meeting the security requirements of subsection (b)(4) on an application submitted under subsection (a)(4).

3) If the application does not contain a name or address, it will not be processed. If it does not contain a signature or signatures, the Department shall:

A) return an application submitted pursuant to subsection (a)(1) to the applicant to obtain the missing signature;

B) not accept an application submitted pursuant to subsection (a)(2), (a)(3) or (a)(4).

4) Applications submitted pursuant to subsection (a)(3) or (a)(4) of this Section shall:

A) in accordance with Section 25-101(c) of the Electronic Commerce Security Act [5 ILCS 175], meet the security requirements of 14 Ill. Adm. Code 105.210;

B) be captured in a secure format and placed into a secure, auditable database that tracks the user when the application is modified to ensure the integrity, security and confidentiality of the electronic signature; and

C) be made in accordance with the instructions given for completing any form approved by the Department.

c) The application must be signed by the applicant with the following exceptions:

1) When a guardian has been appointed for the applicant, the guardian must sign the application. For purposes of this Section, "guardian" means a representative of a minor or a representative of a person under legal disability as defined in Section 1-2.08 of the Probate Act of 1975 [755 ILCS 5] and a representative as defined in Section 1-2.15 of that Act. The term "guardian" includes a conservator.

2) When the applicant is physically or mentally unable to sign the application, the application may be signed by someone acting responsibly in behalf of the applicant, including, as allowed by Section 11-4.1 of the Public Aide Code [305 ILCS 5], a representative of a facility licensed under the Nursing Home Care Act [210 ILCS 45] or the ID/DD Community Care Act [210 ILCS 47] or certified under the Public Aid Code.

3) When application is made for a non-emancipated child under the age of 18, the application must be signed by one of the following:

A) the child's caretaker relative with whom the child lives;

B) an individual with whom the child lives who intends to claim the child as a tax dependent; or

C) if neither subsection (c)(3)(A) or (c)(3)(B) applies, the child.

4) When the applicant has appointed an authorized representative with the Department. (An authorized representative is a person authorized by the applicant to act in his or her behalf. The term "approved representative" has the same meaning as the term "authorized representative".)

5) When an electronic application is received from the Social Security Administration as described in subsection (a)(2).

6) When the applicant is a member of a household, as determined pursuant to 89 Ill. Adm. Code 120.64, and another adult member of the household submits application for the applicant.

d) Application for medical assistance may be made in behalf of a deceased person. In order for payment to be made by the Department for the funeral and burial expenses of the decedent, the completed application must be received in the local office not more than 30 calendar days after the individual's death, excluding the day on which death occurred, unless delay in receipt of the form occurred through no fault of the individual applying.

e) The applicant may be assisted by the Department and by individuals of the applicant's choice in completing the application.

f) The date of application shall be the business day an application with a name, address and proper signature or signatures is received by the Department, with one exception: for applications completed by pregnant women and children under age 18 at a disproportionate share hospital or federally qualified health center, the date the application is properly signed shall be the date of application.

g) If the Department does not process or does not accept an application for any reason set forth in subsection (b)(3), the Department shall use reasonable efforts to identify the individual who initiated or submitted the application; and inform that individual of:

1) the reason that the Department did not process or did not accept the application; and

2) the action or actions required for an application to be processed or accepted by the Department.

(Source: Amended at 38 Ill. Reg. 5954, effective February 26, 2014)