

1 AMENDMENT TO HOUSE BILL 1318

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1318, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Code of Civil Procedure is amended by  
6 changing Sections 8-2001 and 8-2003 as follows:

7 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

8 Sec. 8-2001. Examination of records.

9 In this Section, "health care facility" or "facility"  
10 means a public or private hospital, ambulatory surgical  
11 treatment center, nursing home, independent practice  
12 association, or physician hospital organization, or any other  
13 entity where health care services are provided to any person.  
14 The term does not include an organizational structure whose  
15 records are subject to Section 8-2003.

16 Every private and public health care facility ~~hospital~~  
17 shall, upon the request of any patient who has been treated  
18 in such health care facility ~~hospital-and-after-his-or-her~~  
19 ~~discharge-therefrom~~, permit the patient, his or her physician  
20 or authorized attorney to examine the health care facility  
21 patient care ~~hospital~~ records, including but not limited to  
22 the history, bedside notes, charts, pictures and plates, kept

1 in connection with the treatment of such patient, and permit  
2 copies of such records to be made by him or her or his or her  
3 physician or authorized attorney. A request for copies of  
4 the records shall be in writing and shall be delivered to the  
5 administrator or manager of such health care facility  
6 ~~hospital~~. The health care facility ~~hospital~~ shall be  
7 reimbursed by the person requesting copies of records at the  
8 time of such copying for all reasonable expenses, including  
9 the costs of independent copy service companies, incurred by  
10 the health care facility ~~hospital~~ in connection with such  
11 copying not to exceed a \$20 handling charge for processing  
12 the request for copies, and 75 cents per page for the first  
13 through 25th pages, 50 cents per page for the 26th through  
14 50th pages, and 25 cents per page for all pages in excess of  
15 50 (except that the charge shall not exceed \$1.25 per page  
16 for any copies made from microfiche or microfilm), and actual  
17 shipping costs. These rates shall be automatically adjusted  
18 as set forth in Section 8-2006. The health care facility  
19 ~~hospital~~ may, however, charge for the reasonable cost of all  
20 duplication of record material or information that cannot  
21 routinely be copied or duplicated on a standard commercial  
22 photocopy machine such as x-ray films or pictures.

23 The requirements of this Section shall be satisfied  
24 within 30 ~~60~~ days of the receipt of a written request by a  
25 patient, or by his or her legally authorized representative,  
26 ~~for his--or--her~~ physician, or authorized attorney, ~~or own~~  
27 person. If the health care facility needs more time to comply  
28 with the request, then within 30 days after receiving the  
29 request, the facility must provide the requesting party with  
30 a written statement of the reasons for the delay and the date  
31 by which the requested information will be provided. In any  
32 event, the facility must provide the requested information no  
33 later than 60 days after receiving the request.

34 A health care facility must provide the public with at

1 least 30 days prior notice of the closure of the facility.  
 2 The notice must include an explanation of how copies of the  
 3 facility's records may be accessed by patients. The notice  
 4 may be given by publication in a newspaper of general  
 5 circulation in the area in which the health care facility is  
 6 located.

7 Failure to comply with the time limit requirement of this  
 8 Section shall subject the denying party to expenses and  
 9 reasonable attorneys' fees incurred in connection with any  
 10 court ordered enforcement of the provisions of this Section.  
 11 (Source: P.A. 84-7; 92-228, eff. 9-1-01.)

12 (735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

13 Sec. 8-2003. Records of ~~physicians-and-ether~~ health care  
 14 practitioners. In this Section, "practitioner" means any  
 15 health care practitioner, including ether-than a physician,  
 16 dentist, podiatrist, advanced practice nurse, physician  
 17 assistant, clinical psychologist, or clinical social worker.  
 18 The term includes a medical office, health care clinic,  
 19 health department, group practice, and any other  
 20 organizational structure for a licensed professional to  
 21 provide health care services. The term does not include a  
 22 health care facility as defined in Section 8-2001.

23 Every ~~physician-and~~ practitioner shall, upon the request  
 24 of any patient who has been treated by such ~~physician--er~~  
 25 practitioner, permit the patient and the such patient's  
 26 ~~physician,~~ practitioner, or authorized attorney to examine  
 27 and copy the patient's records, including but not limited to  
 28 those relating to the diagnosis, treatment, prognosis,  
 29 history, charts, pictures and plates, kept in connection with  
 30 the treatment of such patient. Such request for examining  
 31 and copying of the records shall be in writing and shall be  
 32 delivered to such ~~physician--er~~ practitioner. Such written  
 33 request shall be complied with by the ~~physician---~~er

1 practitioner within a reasonable time after receipt by him or  
2 her at his or her office or any other place designated by him  
3 or her.

4 The requirements of this Section shall be satisfied  
5 within 30 days of the receipt of a written request. If the  
6 practitioner needs more time to comply with the request, then  
7 within 30 days after receiving the request, the practitioner  
8 must provide the requesting party with a written statement of  
9 the reasons for the delay and the date by which the requested  
10 information will be provided. In any event, the practitioner  
11 must provide the requested information no later than 60 days  
12 after receiving the request.

13 The physician-or practitioner shall be reimbursed by the  
14 person requesting such records at the time of such copying,  
15 for all reasonable expenses, including the costs of  
16 independent copy service companies, incurred by the physician  
17 or practitioner in connection with such copying not to exceed  
18 a \$20 handling charge for processing the request for copies,  
19 and 75 cents per page for the first through 25th pages, 50  
20 cents per page for the 26th through 50th pages, and 25 cents  
21 per page for all pages in excess of 50 (except that the  
22 charge shall not exceed \$1.25 per page for any copies made  
23 from microfiche or microfilm), and actual shipping costs.  
24 These rates shall be automatically adjusted as set forth in  
25 Section 8-2006. The physician or other practitioner may,  
26 however, charge for the reasonable cost of all duplication of  
27 record material or information that cannot routinely be  
28 copied or duplicated on a standard commercial photocopy  
29 machine such as x-ray films or pictures.

30 A health care practitioner must provide the public with  
31 at least 30 days prior notice of the closure of the  
32 practitioner's practice. The notice must include an  
33 explanation of how copies of the practitioner's records may  
34 be accessed by patients. The notice may be given by

1 publication in a newspaper of general circulation in the area  
2 in which the health care practitioner's practice is located.

3 ~~The requirements of this Section shall be satisfied~~  
4 ~~within 60 days of the receipt of a request by a patient or~~  
5 ~~his or her physician, practitioner, or authorized attorney.~~

6 Failure to comply with the time limit requirement of this  
7 Section shall subject the denying party to expenses and  
8 reasonable attorneys' fees incurred in connection with any  
9 court ordered enforcement of the provisions of this Section.

10 (Source: P.A. 84-7; 92-228, eff. 9-1-01.)

11 (735 ILCS 5/8-2004 rep.)

12 Section 6. The Code of Civil Procedure is amended by  
13 repealing Section 8-2004.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law."