

HB0953



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0953

Introduced 01/31/11, by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-2001

from Ch. 110, par. 8-2001

Amends the Code of Civil Procedure. Makes a technical change in a Section concerning the examination of health care records.

LRB097 03768 AJO 43805 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 8-2001 as follows:

6 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

7 Sec. 8-2001. Examination of health care records.

8 (a) In this Section:

9 "Health care facility" or "facility" means a public or
10 private hospital, ambulatory surgical treatment center,
11 nursing home, independent practice association, or physician
12 hospital organization, or any other entity where health care
13 services are provided to any person. The ~~The~~ term does not
14 include a health care practitioner.

15 "Health care practitioner" means any health care
16 practitioner, including a physician, dentist, podiatrist,
17 advanced practice nurse, physician assistant, clinical
18 psychologist, or clinical social worker. The term includes a
19 medical office, health care clinic, health department, group
20 practice, and any other organizational structure for a licensed
21 professional to provide health care services. The term does not
22 include a health care facility.

23 (b) Every private and public health care facility shall,

1 upon the request of any patient who has been treated in such
2 health care facility, or any person, entity, or organization
3 presenting a valid authorization for the release of records
4 signed by the patient or the patient's legally authorized
5 representative, permit the patient, his or her health care
6 practitioner, authorized attorney, or any person, entity, or
7 organization presenting a valid authorization for the release
8 of records signed by the patient or the patient's legally
9 authorized representative to examine the health care facility
10 patient care records, including but not limited to the history,
11 bedside notes, charts, pictures and plates, kept in connection
12 with the treatment of such patient, and permit copies of such
13 records to be made by him or her or his or her health care
14 practitioner or authorized attorney.

15 (c) Every health care practitioner shall, upon the request
16 of any patient who has been treated by the health care
17 practitioner, or any person, entity, or organization
18 presenting a valid authorization for the release of records
19 signed by the patient or the patient's legally authorized
20 representative, permit the patient and the patient's health
21 care practitioner or authorized attorney, or any person,
22 entity, or organization presenting a valid authorization for
23 the release of records signed by the patient or the patient's
24 legally authorized representative, to examine and copy the
25 patient's records, including but not limited to those relating
26 to the diagnosis, treatment, prognosis, history, charts,

1 pictures and plates, kept in connection with the treatment of
2 such patient.

3 (d) A request for copies of the records shall be in writing
4 and shall be delivered to the administrator or manager of such
5 health care facility or to the health care practitioner. The
6 person (including patients, health care practitioners and
7 attorneys) requesting copies of records shall reimburse the
8 facility or the health care practitioner at the time of such
9 copying for all reasonable expenses, including the costs of
10 independent copy service companies, incurred in connection
11 with such copying not to exceed a \$20 handling charge for
12 processing the request and the actual postage or shipping
13 charge, if any, plus: (1) for paper copies 75 cents per page
14 for the first through 25th pages, 50 cents per page for the
15 26th through 50th pages, and 25 cents per page for all pages in
16 excess of 50 (except that the charge shall not exceed \$1.25 per
17 page for any copies made from microfiche or microfilm; records
18 retrieved from scanning, digital imaging, electronic
19 information or other digital format do not qualify as
20 microfiche or microfilm retrieval for purposes of calculating
21 charges); and (2) for electronic records, retrieved from a
22 scanning, digital imaging, electronic information or other
23 digital format in a electronic document, a charge of 50% of the
24 per page charge for paper copies under subdivision (d) (1). This
25 per page charge includes the cost of each CD Rom, DVD, or other
26 storage media. Records already maintained in an electronic or

1 digital format shall be provided in an electronic format when
2 so requested. If the records system does not allow for the
3 creation or transmission of an electronic or digital record,
4 then the facility or practitioner shall inform the requester in
5 writing of the reason the records can not be provided
6 electronically. The written explanation may be included with
7 the production of paper copies, if the requester chooses to
8 order paper copies. These rates shall be automatically adjusted
9 as set forth in Section 8-2006. The facility or health care
10 practitioner may, however, charge for the reasonable cost of
11 all duplication of record material or information that cannot
12 routinely be copied or duplicated on a standard commercial
13 photocopy machine such as x-ray films or pictures.

14 (e) The requirements of this Section shall be satisfied
15 within 30 days of the receipt of a written request by a patient
16 or by his or her legally authorized representative, health care
17 practitioner, authorized attorney, or any person, entity, or
18 organization presenting a valid authorization for the release
19 of records signed by the patient or the patient's legally
20 authorized representative. If the facility or health care
21 practitioner needs more time to comply with the request, then
22 within 30 days after receiving the request, the facility or
23 health care practitioner must provide the requesting party with
24 a written statement of the reasons for the delay and the date
25 by which the requested information will be provided. In any
26 event, the facility or health care practitioner must provide

1 the requested information no later than 60 days after receiving
2 the request.

3 (f) A health care facility or health care practitioner must
4 provide the public with at least 30 days prior notice of the
5 closure of the facility or the health care practitioner's
6 practice. The notice must include an explanation of how copies
7 of the facility's records may be accessed by patients. The
8 notice may be given by publication in a newspaper of general
9 circulation in the area in which the health care facility or
10 health care practitioner is located.

11 (g) Failure to comply with the time limit requirement of
12 this Section shall subject the denying party to expenses and
13 reasonable attorneys' fees incurred in connection with any
14 court ordered enforcement of the provisions of this Section.

15 (Source: P.A. 94-155, eff. 1-1-06; 95-478, eff. 1-1-08 (changed
16 from 8-27-07 by P.A. 95-480); 95-480, eff. 1-1-08.)