**Section 690.1355 Access to Medical or Health Information**

a) *To prevent the spread of a dangerously contagious or infectious disease, the Department, local boards of health, and local public health authorities shall have emergency access to medical or health information or records or data upon the condition that the Department, local boards of health, and local public health authorities shall protect the privacy and confidentiality of any medical or health information or records or data obtained pursuant to this Section in accordance* *with federal and State law*. (Section 2(h) of the Act)

b) *Any medical or health information or records or data* provided to the Departmentor certified local health department *shall be exempt from inspection and copying under the Freedom of Information Act. Other than a hearing* held in accordance with thisPart*, any information, records, reports, statements, notes, memoranda, or other data in the possession of the Department, local boards of health, or local public health authorities shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency, or person.* (Section 2(h) of the Act)

c) Copies of Medical Records and Diagnostic Tests

1) Health care providers and governmental entities shall, when requested, provide a copy of the medical records and diagnostic test results that are relevant to a public health order to the Department or certified local health department and to the individual who is subject to the public health order.

2) The records requested under this Section shall be provided as soon as possible after the request is submitted to the health care provider, or as soon as possible after the health care provider receives the results of any relevant diagnostic testing of the individual.

3) The production of records under this Section is for the benefit of the public health and safety of the citizens of the State. A health care provider is encouraged to provide copies of the medical records or other records necessary to carry out the purpose of this Subpart free of charge.

4) A health care provider that is a State governmental entity shall provide medical records or other records necessary to carry out the purposes of this Subpart free of charge.

d) *The privileged quality of communication between a professional person or any facility shall not constitute grounds for failure to provide emergency access* to the Department or certified local health department. (Section 2(h) of the Act)

e) Medical records held by a court related to orders of isolation, quarantine or closure shall be sealed by the circuit court.

f) *Any person, facility, institution, or agency that provides emergency access to health information and data shall have immunity from any civil or criminal liability, or any other type of liability that might otherwise result by reason of these actions except in the event of willful and wanton misconduct.* (Section 2(h) of the Act)

(Source: Added at 32 Ill. Reg. 3777, effective March 3, 2008)