



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0714

Introduced 2/8/2021, by Rep. Jennifer Gong-Gershowitz

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-2001

from Ch. 110, par. 8-2001

Amends the Code of Civil Procedure. In a Section concerning the examination of health care records, provides that "health care practitioner" includes any therapist or counselor. Deletes language requiring a health care facility or health care practitioner to provide without charge one complete copy of a patient's records if the patient is an indigent homeless veteran in order to facilitate the person's application for federal veterans' disability benefits. Provides instead that complete copies of a patient's records shall be provided to the patient or other person authorized by the patient for the purpose of supporting a claim for: (1) federal veterans' disability benefits; or (2) federal Social Security or Supplemental Security Income benefits, or both, under any title of the Social Security Act.

LRB102 13115 LNS 18458 b

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 term does not include  
14 a health care practitioner.

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

1 (b) Every private and public health care facility shall,  
2 upon the request of any patient who has been treated in such  
3 health care facility, or any person, entity, or organization  
4 presenting a valid authorization for the release of records  
5 signed by the patient or the patient's legally authorized  
6 representative, or as authorized by Section 8-2001.5, permit  
7 the patient, his or her health care practitioner, authorized  
8 attorney, or any person, entity, or organization presenting a  
9 valid authorization for the release of records signed by the  
10 patient or the patient's legally authorized representative to  
11 examine the health care facility patient care records,  
12 including but not limited to the history, bedside notes,  
13 charts, pictures and plates, kept in connection with the  
14 treatment of such patient, and permit copies of such records  
15 to be made by him or her or his or her health care practitioner  
16 or authorized attorney.

17 (c) Every health care practitioner shall, upon the request  
18 of any patient who has been treated by the health care  
19 practitioner, or any person, entity, or organization  
20 presenting a valid authorization for the release of records  
21 signed by the patient or the patient's legally authorized  
22 representative, permit the patient and the patient's health  
23 care practitioner or authorized attorney, or any person,  
24 entity, or organization presenting a valid authorization for  
25 the release of records signed by the patient or the patient's  
26 legally authorized representative, to examine and copy the

1 patient's records, including but not limited to those relating  
2 to the diagnosis, treatment, prognosis, history, charts,  
3 pictures and plates, kept in connection with the treatment of  
4 such patient.

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

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

17 (d-5) The handling fee shall not be collected from the  
18 patient or the patient's personal representative who obtains  
19 copies of records under Section 8-2001.5.

20 (e) The requirements of this Section shall be satisfied  
21 within 30 days of the receipt of a written request by a patient  
22 or by his or her legally authorized representative, health  
23 care practitioner, authorized attorney, or any person, entity,  
24 or organization presenting a valid authorization for the  
25 release of records signed by the patient or the patient's  
26 legally authorized representative. If the facility or health

1 care practitioner needs more time to comply with the request,  
2 then within 30 days after receiving the request, the facility  
3 or health care practitioner must provide the requesting party  
4 with a written statement of the reasons for the delay and the  
5 date by which the requested information will be provided. In  
6 any event, the facility or health care practitioner must  
7 provide the requested information no later than 60 days after  
8 receiving the request.

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

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

21 (h) Notwithstanding any other provision of the law ~~in~~  
22 ~~recognition of service provided,~~ a health care facility or  
23 health care practitioner shall provide without charge ~~one~~  
24 complete copies ~~copy~~ of a patient's records if ~~:(1) the~~  
25 ~~patient is an indigent homeless veteran; and (2) the records~~  
26 are being requested by the patient or a person, entity,

1 attorney, registered representative, or organization  
2 presenting a valid authorization for the release of records  
3 signed by the patient or the patient's legally authorized  
4 representative, for the purpose of supporting a claim for: (1)  
5 federal veterans' disability benefits; or (2) federal Social  
6 Security or Supplemental Security Income benefits, or both,  
7 under any title of the Social Security Act.

8 (Source: P.A. 100-513, eff. 1-1-18; 100-814, eff. 1-1-19.)