

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, registered
18 nurse, licensed practical nurse, physician assistant, clinical
19 psychologist, ~~or~~ clinical social worker, therapist, or
20 counselor. The term includes a medical office, health care
21 clinic, health department, group practice, and any other
22 organizational structure for a licensed professional to
23 provide health care services. The term does not include a

1 health care facility.

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

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

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

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

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

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

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

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

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

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

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

1 requested by the patient or a person, entity, attorney,
2 registered representative, or organization presenting a valid
3 authorization for the release of records signed by the patient
4 or the patient's legally authorized representative who has
5 provided documentation of authority to act for the patient, or
6 by such other requester as is authorized by statute if the
7 patient is deceased, for the purpose of supporting a claim
8 for: (1) federal veterans' disability benefits; (2) federal
9 Social Security or Supplemental Security Income benefits, or
10 both, under any title of the Social Security Act; or (3) Aid to
11 the Aged, Blind, or Disabled benefits. Upon request, and if
12 the records are for at least one of the approved purposes, the
13 requester may obtain updated medical records not included in
14 the original medical record free of charge if the request is
15 accompanied by a valid authorization for the release of
16 records signed by the patient, the patient's legally
17 authorized representative who has provided documentation of
18 authority to act for the patient, or such other requester as is
19 authorized by statute if the patient is deceased.

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