

1 AN ACT concerning health care records.

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 Sections 8-2001, 8-2003, 8-2004, and 8-2005 and by
6 changing the heading of Part 20 of Article VIII as follows:

7 (735 ILCS 5/Art. 8, Part 20 heading)

8 Part 20. Inspection of Hospital Records.

9 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

10 Sec. 8-2001. Examination of records. Every private and
11 public hospital shall, upon the request of any patient who
12 has been treated in such hospital ~~and--after--his--or--her~~
13 ~~discharge--therefrom~~, permit the patient, his or her physician
14 or authorized attorney to examine the hospital records,
15 including but not limited to the history, bedside notes,
16 charts, pictures and plates, kept in connection with the
17 treatment of such patient, and permit copies of such records
18 to be made by him or her or his or her physician or
19 authorized attorney. A request for copies of the records
20 shall be in writing and shall be delivered to the
21 administrator of such hospital. The hospital shall be
22 reimbursed by the person requesting copies of records at the
23 time of such copying for all reasonable expenses, including
24 the costs of independent copy service companies, incurred by
25 the hospital in connection with such copying not to exceed a
26 \$20 handling charge for processing the request for copies,
27 and 75 cents per page for the first through 25th pages, 50
28 cents per page for the 26th through 50th pages, and 25 cents
29 per page for all pages in excess of 50 (except that the
30 charge shall not exceed \$1.25 per page for any copies made

1 from microfiche or microfilm), and actual shipping costs.
2 Any requested fees must be paid prior to receiving copies.
3 These rates shall be automatically adjusted as set forth in
4 Section 8-2006. The hospital may, however, charge for the
5 reasonable cost of all duplication of record material or
6 information that cannot routinely be copied or duplicated on
7 a standard commercial photocopy machine such as x-ray films
8 or pictures.

9 This Section applies to any record requests including
10 those records requested by subpoena.

11 The requirements of this Section shall be satisfied
12 within 60 days of the receipt of a written request by a
13 patient, for his or her physician, authorized attorney, or
14 own person.

15 In addition, a hospital must provide a 30-day notice of
16 closure of the hospital and a statement of how copies of
17 records may be accessed by the public. Notice may be made by
18 publication in a newspaper of general circulation within the
19 area that the hospital serves. Any notice given by
20 publication shall be made once per week for 3 consecutive
21 weeks and shall be completed at least 30 days prior to the
22 closure.

23 Failure to comply with the time limit requirement of this
24 Section shall subject the denying party to expenses and
25 reasonable attorneys' fees incurred in connection with any
26 court ordered enforcement of the provisions of this Section.

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

28 (735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

29 Sec. 8-2003. Records of physicians and other health care
30 practitioners. In this Section, "practitioner" means any
31 health care practitioner other than a physician, clinical
32 psychologist, or clinical social worker including independent
33 practice associations, physician hospital organizations,

1 medical offices, clinics group practices, and other corporate
2 or organizational entities in which a licensed professional
3 provides health care services.

4 Every physician and practitioner shall, upon the request
5 of any patient who has been treated by such physician or
6 practitioner, permit the patient or the such patient's
7 physician, practitioner, or authorized attorney to examine
8 and copy the patient's records, including but not limited to
9 those relating to the diagnosis, treatment, prognosis,
10 history, charts, pictures and plates, kept in connection with
11 the treatment of such patient. Such request for examining
12 and copying of the records shall be in writing and shall be
13 delivered to such physician or practitioner. Such written
14 request shall be complied with by the physician or
15 practitioner within a reasonable time after receipt by him or
16 her at his or her office or any other place designated by him
17 or her. The physician or practitioner shall be reimbursed by
18 the person requesting such records at the time of such
19 copying, for all reasonable expenses, including the costs of
20 independent copy service companies, incurred by the physician
21 or practitioner in connection with such copying not to exceed
22 a \$20 handling charge for processing the request for copies,
23 and 75 cents per page for the first through 25th pages, 50
24 cents per page for the 26th through 50th pages, and 25 cents
25 per page for all pages in excess of 50 (except that the
26 charge shall not exceed \$1.25 per page for any copies made
27 from microfiche or microfilm), and actual shipping costs.
28 Any requested fees must be paid prior to receiving copies.

29 These rates shall be automatically adjusted as set forth in
30 Section 8-2006. The physician or other practitioner may,
31 however, charge for the reasonable cost of all duplication of
32 record material or information that cannot routinely be
33 copied or duplicated on a standard commercial photocopy
34 machine such as x-ray films or pictures.

1 This Section applies to any record requests including
2 those records requested by subpoena.

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

7 In addition, a physician or practitioner is required to
8 provide a 30-day notice of closure of the physician or
9 practitioner's practice and a statement of how copies of
10 records may be accessed by the public. Notice may be made by
11 publication within the area that the practice serves. Any
12 notice given by publication shall be made once per week for 3
13 consecutive weeks and shall be completed at least 30 days
14 prior to the closure.

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

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

20 (735 ILCS 5/8-2004) (from Ch. 110, par. 8-2004)

21 Sec. 8-2004. Records of clinical psychologists and
22 clinical social workers. Except where the clinical
23 psychologist or clinical social worker consents, records of a
24 clinical psychologist or clinical social worker regulated in
25 this State, relating to psychological services or social work
26 services, shall not be examined or copied by a patient,
27 unless otherwise ordered by the court for good cause shown.
28 For the purpose of obtaining records, the patient or his or
29 her authorized agent may apply to the circuit court of the
30 county in which the patient resides or the county in which
31 the clinical psychologist or clinical social worker resides.
32 The clinical psychologist or clinical social worker shall be
33 reimbursed by the person requesting the records at the time

1 of the copying, for all reasonable expenses, including the
2 costs of independent copy service companies, incurred by the
3 clinical psychologist or clinical social worker in connection
4 with the copying, not to exceed a \$20 handling charge for
5 processing the request for copies, and 75 cents per page for
6 the first through 25th pages, 50 cents per page for the 26th
7 through 50th pages, and 25 cents per page for all pages in
8 excess of 50 (except that the charge shall not exceed \$1.25
9 per page for any copies made from microfiche or microfilm),
10 and actual shipping costs. Any requested fees must be paid
11 prior to receiving copies. These rates shall be
12 automatically adjusted as set forth in Section 8-2006. The
13 clinical psychologist or clinical social worker may, however,
14 charge for the reasonable cost of all duplication of record
15 material or information that cannot routinely be copied or
16 duplicated or a standard commercial photocopy machine such as
17 pictures.

18 In addition, a custodian of medical records of a clinical
19 psychologist or social worker must provide a 30-day notice of
20 closure of the clinical psychologist or social worker's
21 practice and a statement of how copies of records may be
22 accessed by the public. Notice may be made by publication in
23 a newspaper of general circulation within the area that the
24 practice serves. Any notice given by publication shall be
25 made once per week for 3 consecutive weeks and shall be
26 completed at least 30 days prior to the closure.

27 (Source: P.A. 87-530; 92-228, eff. 9-1-01.)

28 (735 ILCS 5/8-2005)

29 Sec. 8-2005. Attorney's records. This Section applies
30 only if a client and his or her authorized attorney have
31 complied with all applicable legal requirements regarding
32 examination and copying of client files, including but not
33 limited to satisfaction of expenses and attorney retaining

1 liens.

2 Upon the request of a client, an attorney shall permit
3 the client's authorized attorney to examine and copy the
4 records kept by the attorney in connection with the
5 representation of the client, with the exception of attorney
6 work product. The request for examination and copying of the
7 records shall be in writing and shall be delivered to the
8 attorney. Within a reasonable time after the attorney
9 receives the written request, the attorney shall comply with
10 the written request at his or her office or any other place
11 designated by him or her. At the time of copying, the person
12 requesting the records shall reimburse the attorney for all
13 reasonable expenses, including the costs of independent copy
14 service companies, incurred by the attorney in connection
15 with the copying not to exceed a \$20 handling charge for
16 processing the request for copies, and 75 cents per page for
17 the first through 25th pages, 50 cents per page for the 26th
18 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
20 per page for any copies made from microfiche or microfilm),
21 and actual shipping costs. Any requested fees must be paid
22 prior to receiving copies. These rates shall be
23 automatically adjusted as set forth in Section 8-2006. The
24 attorney may, however, charge for the reasonable cost of all
25 duplication of record material or information that cannot
26 routinely be copied or duplicated on a standard commercial
27 photocopy machine such as pictures.

28 Any entity legally authorized to receive copies,
29 including via a subpoena, must comply with this Section.

30 An attorney shall satisfy the requirements of this
31 Section within 60 days after he or she receives a written
32 request from a client or his or her authorized attorney. An
33 attorney who fails to comply with the time limit requirement
34 of this Section shall be required to pay expenses and

1 reasonable attorney's fees incurred in connection with any
2 court-ordered enforcement of the requirements of this
3 Section.

4 (Source: P.A. 92-228, eff. 9-1-01.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.