



Rep. Sidney H. Mathias

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09400SB2295ham003

LRB094 16335 AJ0 56878 a

1 AMENDMENT TO SENATE BILL 2295

2 AMENDMENT NO. _____. Amend Senate Bill 2295 on page 1,
3 line 5, after "Sections", by inserting "8-802,"; and

4 on page 1, immediately below line 6, by inserting the
5 following:

6 "(735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

7 Sec. 8-802. Physician and patient. No physician or surgeon
8 shall be permitted to disclose any information he or she may
9 have acquired in attending any patient in a professional
10 character, necessary to enable him or her professionally to
11 serve the patient, except only (1) in trials for homicide when
12 the disclosure relates directly to the fact or immediate
13 circumstances of the homicide, (2) in actions, civil or
14 criminal, against the physician for malpractice, (3) with the
15 expressed consent of the patient, or in case of his or her
16 death or disability, of his or her personal representative or
17 other person authorized to sue for personal injury or of the
18 beneficiary of an insurance policy on his or her life, health,
19 or physical condition, (4) in all actions brought by or against
20 the patient, his or her personal representative, a beneficiary
21 under a policy of insurance, or the executor or administrator
22 of his or her estate wherein the patient's physical or mental
23 condition is an issue, (5) upon an issue as to the validity of
24 a document as a will of the patient, (6) in any criminal action

1 where the charge is either first degree murder by abortion,
2 attempted abortion or abortion, (7) in actions, civil or
3 criminal, arising from the filing of a report in compliance
4 with the Abused and Neglected Child Reporting Act, (8) to any
5 department, agency, institution or facility which has custody
6 of the patient pursuant to State statute or any court order of
7 commitment, (9) in prosecutions where written results of blood
8 alcohol tests are admissible pursuant to Section 11-501.4 of
9 the Illinois Vehicle Code, (10) in prosecutions where written
10 results of blood alcohol tests are admissible under Section
11 5-11a of the Boat Registration and Safety Act, ~~or~~ (11) in
12 criminal actions arising from the filing of a report of
13 suspected terrorist offense in compliance with Section
14 29D-10(p)(7) of the Criminal Code of 1961, or (12) upon the
15 issuance of a subpoena pursuant to Section 38 of the Medical
16 Practice Act of 1987; the issuance of a subpoena pursuant to
17 Section 25.1 of the Illinois Dental Practice Act; or the
18 issuance of a subpoena pursuant to Section 22 of the Nursing
19 Home Administrators Licensing and Disciplinary Act.

20 In the event of a conflict between the application of this
21 Section and the Mental Health and Developmental Disabilities
22 Confidentiality Act to a specific situation, the provisions of
23 the Mental Health and Developmental Disabilities
24 Confidentiality Act shall control.

25 (Source: P.A. 87-803; 92-854, eff. 12-5-02.)".