



Rep. Sidney H. Mathias

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LRB094 16335 AJ0 57933 a

1 AMENDMENT TO SENATE BILL 2295

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2295, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Code of Civil Procedure is amended by  
6 changing Sections 8-802, 8-2001, and 8-2006 as follows:

7 (735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

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

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

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

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

27 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)  
28 Sec. 8-2001. Examination of health care records.

29 (a) In this Section:

30 "Health ~~health~~ care facility" or "facility" means a public  
31 or private hospital, ambulatory surgical treatment center,  
32 nursing home, independent practice association, or physician  
33 hospital organization, or any other entity where health care

1 services are provided to any person. The term does not include  
2 a health care practitioner ~~an organizational structure whose~~  
3 ~~records are subject to Section 8-2003.~~

4 "Health care practitioner" means any health care  
5 practitioner, including a physician, dentist, podiatrist,  
6 advanced practice nurse, physician assistant, clinical  
7 psychologist, or clinical social worker. The term includes a  
8 medical office, health care clinic, health department, group  
9 practice, and any other organizational structure for a licensed  
10 professional to provide health care services. The term does not  
11 include a health care facility.

12 (b) Every private and public health care facility shall,  
13 upon the request of any patient who has been treated in such  
14 health care facility, or any person, entity, or organization  
15 presenting a valid authorization for the release of records  
16 signed by the patient or the patient's legally authorized  
17 representative, permit the patient, his or her health care  
18 practitioner ~~physician~~, authorized attorney, or any person,  
19 entity, or organization presenting a valid authorization for  
20 the release of records signed by the patient or the patient's  
21 legally authorized representative to examine the health care  
22 facility patient care records, including but not limited to the  
23 history, bedside notes, charts, pictures and plates, kept in  
24 connection with the treatment of such patient, and permit  
25 copies of such records to be made by him or her or his or her  
26 health care practitioner ~~physician~~ or authorized attorney.

27 (c) Every health care practitioner shall, upon the request  
28 of any patient who has been treated by the health care  
29 practitioner, or any person, entity, or organization  
30 presenting a valid authorization for the release of records  
31 signed by the patient or the patient's legally authorized  
32 representative, permit the patient and the patient's health  
33 care practitioner or authorized attorney, or any person,  
34 entity, or organization presenting a valid authorization for

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

7 (d) A request for copies of the records shall be in writing  
8 and shall be delivered to the administrator or manager of such  
9 health care facility or to the health care practitioner. The  
10 ~~health care facility shall be reimbursed by the person~~  
11 requesting copies of records shall reimburse the facility or  
12 the health care practitioner with the requested record at the  
13 time of such copying for all reasonable expenses, including the  
14 costs of independent copy service companies, incurred ~~by the~~  
15 ~~health care facility~~ in connection with such copying not to  
16 exceed a \$20 handling charge for processing the request for  
17 copies, and 75 cents per page for the first through 25th pages,  
18 50 cents per page for the 26th through 50th pages, and 25 cents  
19 per page for all pages in excess of 50 (except that the charge  
20 shall not exceed \$1.25 per page for any copies made from  
21 microfiche or microfilm), and actual shipping costs. These  
22 rates shall be automatically adjusted as set forth in Section  
23 8-2006. The ~~health care~~ facility or health care practitioner  
24 may, however, charge for the reasonable cost of all duplication  
25 of record material or information that cannot routinely be  
26 copied or duplicated on a standard commercial photocopy machine  
27 such as x-ray films or pictures.

28 (e) The requirements of this Section shall be satisfied  
29 within 30 days of the receipt of a written request by a patient  
30 or by his or her legally authorized representative, health care  
31 practitioner ~~physician~~, authorized attorney, or any person,  
32 entity, or organization presenting a valid authorization for  
33 the release of records signed by the patient or the patient's  
34 legally authorized representative. If the ~~health care~~ facility

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

9 (f) A health care facility or health care practitioner must  
10 provide the public with at least 30 days prior notice of the  
11 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 (Source: P.A. 93-87, eff. 7-2-03; 94-155, eff. 1-1-06.)

22 (735 ILCS 5/8-2006)

23 Sec. 8-2006. Copying fees; adjustment for inflation.  
24 Beginning in 2003, every January 20, the copying fee limits  
25 established in Sections 8-2001, ~~8-2003, 8-2004,~~ and 8-2005  
26 shall automatically be increased or decreased, as applicable,  
27 by a percentage equal to the percentage change in the consumer  
28 price index-u during the preceding 12-month calendar year.  
29 "Consumer price index-u" means the index published by the  
30 Bureau of Labor Statistics of the United States Department of  
31 Labor that measures the average change in prices of goods and  
32 services purchased by all urban consumers, United States city  
33 average, all items, 1982-84 = 100. The new amount resulting

1 from each annual adjustment shall be determined by the  
2 Comptroller and made available to the public on January 20 of  
3 every year.

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

5 (735 ILCS 5/8-2003 rep.)

6 Section 10. The Code of Civil Procedure is amended by  
7 repealing Section 8-2003."