



Sen. John J. Cullerton

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09400SB2295sam001

LRB094 16335 AJ0 55231 a

1 AMENDMENT TO SENATE BILL 2295

2 AMENDMENT NO. _____. Amend Senate Bill 2295 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Sections 8-2001, 8-2003, 8-2005, and 8-2006 as
6 follows:

7 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

8 Sec. 8-2001. Examination of records.

9 In this Section, "health care facility" or "facility" means
10 a public or private hospital, ambulatory surgical treatment
11 center, nursing home, independent practice association, or
12 physician hospital organization, or any other entity where
13 health care services are provided to any person. The term does
14 not include an organizational structure whose records are
15 subject to Section 8-2003.

16 Every private and public health care facility shall, upon
17 the request of any patient who has been treated in such health
18 care facility, or any person, entity, or organization
19 presenting a valid authorization for the release of records
20 signed by the patient or the patient's legally authorized
21 representative, permit the patient, his or her healthcare
22 practitioner ~~physician~~, authorized attorney, or any person,
23 entity, or organization presenting a valid authorization for
24 the release of records signed by the patient or the patient's

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

25 The requirements of this Section shall be satisfied within
26 30 days of the receipt of a written request by a patient or by
27 his or her legally authorized representative, healthcare
28 practitioner ~~physician~~, authorized attorney, or any person,
29 entity, or organization presenting a valid authorization for
30 the release of records signed by the patient or the patient's
31 legally authorized representative. If the health care facility
32 needs more time to comply with the request, then within 30 days
33 after receiving the request, the facility must provide the
34 requesting party with a written statement of the reasons for

1 the delay and the date by which the requested information will
2 be provided. In any event, the facility must provide the
3 requested information no later than 60 days after receiving the
4 request.

5 A health care facility must provide the public with at
6 least 30 days prior notice of the closure of the facility. The
7 notice must include an explanation of how copies of the
8 facility's records may be accessed by patients. The notice may
9 be given by publication in a newspaper of general circulation
10 in the area in which the health care facility is located.

11 Failure to comply with the time limit requirement of this
12 Section shall subject the denying party to expenses and
13 reasonable attorneys' fees incurred in connection with any
14 court ordered enforcement of the provisions of this Section.

15 (Source: P.A. 93-87, eff. 7-2-03; 94-155, eff. 1-1-06.)

16 (735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

17 Sec. 8-2003. Records of health care practitioners. In this
18 Section, "practitioner" means any health care practitioner,
19 including a physician, dentist, podiatrist, advanced practice
20 nurse, physician assistant, clinical psychologist, or clinical
21 social worker. The term includes a medical office, health care
22 clinic, health department, group practice, and any other
23 organizational structure for a licensed professional to
24 provide health care services. The term does not include a
25 health care facility as defined in Section 8-2001.

26 Every practitioner shall, upon the request of any patient
27 who has been treated by such practitioner, or any person,
28 entity, or organization presenting a valid authorization for
29 the release of records signed by the patient or the patient's
30 legally authorized representative, permit the patient and the
31 patient's practitioner or 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

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. Such request for examining and copying of the
6 records shall be in writing and shall be delivered to such
7 practitioner. Such written request shall be complied with by
8 the practitioner within a reasonable time after receipt by him
9 or her at his or her office or any other place designated by
10 him or her.

11 The requirements of this Section shall be satisfied within
12 30 days of the receipt of a written request. If the
13 practitioner needs more time to comply with the request, then
14 within 30 days after receiving the request, the practitioner
15 must provide the requesting party with a written statement of
16 the reasons for the delay and the date by which the requested
17 information will be provided. In any event, the practitioner
18 must provide the requested information no later than 60 days
19 after receiving the request.

20 The practitioner shall be reimbursed by the person
21 requesting such records at the time of such copying, for all
22 reasonable expenses, including the costs of independent copy
23 service companies, incurred by the practitioner in connection
24 with such copying not to exceed a \$20 handling charge for
25 processing the request for copies, and 75 cents per page for
26 the first through 25th pages, 50 cents per page for the 26th
27 through 50th pages, and 25 cents per page for all pages in
28 excess of 50 (except that the charge shall not exceed \$1.25 per
29 page for any copies made from microfiche or microfilm), and
30 actual shipping costs. These rates shall be automatically
31 adjusted as set forth in Section 8-2006. The physician or other
32 practitioner may, however, charge for the reasonable cost of
33 all duplication of record material or information that cannot
34 routinely be copied or duplicated on a standard commercial

1 photocopy machine such as x-ray films or pictures.

2 A health care practitioner must provide the public with at
3 least 30 days prior notice of the closure of the practitioner's
4 practice. The notice must include an explanation of how copies
5 of the practitioner's records may be accessed by patients. The
6 notice may be given by publication in a newspaper of general
7 circulation in the area in which the health care practitioner's
8 practice is located.

9 Failure to comply with the time limit requirement of this
10 Section shall subject the denying party to expenses and
11 reasonable attorneys' fees incurred in connection with any
12 court ordered enforcement of the provisions of this Section.

13 (Source: P.A. 92-228, eff. 9-1-01; 93-87, eff. 7-2-03.)

14 (735 ILCS 5/8-2005)

15 Sec. 8-2005. Attorney's records. This Section applies only
16 if a client and his or her authorized attorney have complied
17 with all applicable legal requirements regarding examination
18 and copying of client files, including but not limited to
19 satisfaction of expenses and attorney retaining liens.

20 Upon the request of a client, an attorney shall permit the
21 client's authorized attorney, or any person, entity, or
22 organization presenting a valid authorization for the release
23 of records signed by the client or the client's legally
24 authorized representative, to examine and copy the records kept
25 by the attorney in connection with the representation of the
26 client, with the exception of attorney work product. The
27 request for examination and copying of the records shall be in
28 writing and shall be delivered to the attorney. Within a
29 reasonable time after the attorney receives the written
30 request, the attorney shall comply with the written request at
31 his or her office or any other place designated by him or her.
32 At the time of copying, the person requesting the records shall
33 reimburse the attorney for all reasonable expenses, including

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

14 An attorney shall satisfy the requirements of this Section
15 within 60 days after he or she receives a request from a client
16 or his or her authorized attorney. An attorney who fails to
17 comply with the time limit requirement of this Section shall be
18 required to pay expenses and reasonable attorney's fees
19 incurred in connection with any court-ordered enforcement of
20 the requirements of this Section.

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

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.)".