

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, if and  
5 only if Senate Bill 472 of the 95th General Assembly becomes  
6 law, by changing Sections 8-2001 and 8-2005 as follows:

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

8 Sec. 8-2001. Examination of health care records.

9 (a) In this Section:

10 "Health care facility" or "facility" means a public or  
11 private hospital, ambulatory surgical treatment center,  
12 nursing home, independent practice association, or physician  
13 hospital organization, or any other entity where health care  
14 services are provided to any person. The term does not include  
15 a health care practitioner.

16 "Health care practitioner" means any health care  
17 practitioner, including a physician, dentist, podiatrist,  
18 advanced practice nurse, physician assistant, clinical  
19 psychologist, or clinical social worker. The term includes a  
20 medical office, health care clinic, health department, group  
21 practice, and any other organizational structure for a licensed  
22 professional to provide health care services. The term does not  
23 include a health care facility.

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

16           (c) Every health care practitioner shall, upon the request  
17 of any patient who has been treated by the health care  
18 practitioner, 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 and the patient's health  
22 care practitioner or 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  
25 legally authorized representative, to examine and copy the  
26 patient's records, including but not limited to those relating

1 to the diagnosis, treatment, prognosis, history, charts,  
2 pictures and plates, kept in connection with the treatment of  
3 such patient.

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

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

16 (e) The requirements of this Section shall be satisfied  
17 within 30 days of the receipt of a written request by a patient  
18 or by his or her legally authorized representative, healthcare  
19 practitioner, authorized attorney, or any person, entity, or  
20 organization presenting a valid authorization for the release  
21 of records signed by the patient or the patient's legally  
22 authorized representative. If the facility or health care  
23 practitioner needs more time to comply with the request, then  
24 within 30 days after receiving the request, the facility or  
25 health care practitioner must provide the requesting party with  
26 a written statement of the reasons for the delay and the date

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

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

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

17 (Source: P.A. 93-87, eff. 7-2-03; 94-155, eff. 1-1-06;  
18 09500SB0472ham001.)

19 (735 ILCS 5/8-2005)

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

25 Upon the request of a client, an attorney shall permit the

1 client's authorized attorney to examine and copy the records  
2 kept by the attorney in connection with the representation of  
3 the client, with the exception of attorney work product. The  
4 request for examination and copying of the records shall be in  
5 writing and shall be delivered to the attorney. Within a  
6 reasonable time after the attorney receives the written  
7 request, the attorney shall comply with the written request at  
8 his or her office or any other place designated by him or her.  
9 At the time of copying, the person requesting the records shall  
10 reimburse the attorney for all reasonable expenses, including  
11 the costs of independent copy service companies, incurred by  
12 the attorney in connection with the copying not to exceed a \$20  
13 handling charge for processing the request, and the actual  
14 postage or shipping charges, if any, plus (1) for paper copies  
15 75 cents per page for the first through 25th pages, 50 cents  
16 per page for the 26th through 50th pages, and 25 cents per page  
17 for 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; records retrieved from scanning, digital imaging,  
20 electronic information or other digital format do not qualify  
21 as microfiche or microfilm retrieval for purposes of  
22 calculating charges); and (2) for electronic records,  
23 retrieved from a scanning, digital imaging, electronic  
24 information or other digital format in a electronic document, a  
25 charge of 50% of the per page charge for paper copies under  
26 subdivision (d) (1). This per page charge includes the cost of

1 ~~75 cents for~~ each CD Rom, DVD, or other storage media. Records  
2 already maintained in an electronic or digital format shall be  
3 provided in an electronic format when so requested. If the  
4 records system does not allow for the creation or transmission  
5 of an electronic or digital record, then the attorney shall  
6 inform the requester in writing of the reason the records can  
7 not be provided electronically. The written explanation may be  
8 included with the production of paper copies, if the requester  
9 chooses to order paper copies. These rates shall be  
10 automatically adjusted as set forth in Section 8-2006. The  
11 attorney may, however, charge for the reasonable cost of all  
12 duplication of record material or information that cannot  
13 routinely be copied or duplicated on a standard commercial  
14 photocopy machine such as pictures.

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

22 (Source: P.A. 92-228, eff. 9-1-01; 09500SB0472ham001.)

23 Section 10. "An Act concerning civil law", Senate Bill 472  
24 of the 95th General Assembly, is amended, if and only if Senate  
25 Bill 472 of the 95th General Assembly becomes law, by changing

1 Section 99 as follows:

2 (SB 472, 95th G.A., Sec. 99)

3 Sec. 99. Effective date. This Act takes effect upon  
4 becoming law, except that the provisions amending the Code of  
5 Civil Procedure by changing Sections 8-2001, 8-2005, and 8-2006  
6 and repealing Section 8-2003 take effect on January 1, 2008.

7 (Source: 09500SB0472ham001.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law, except Section 5 takes effect on January 1, 2008.