



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1613

Introduced 2/22/2007, by Rep. Sidney H. Mathias

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-2001  
735 ILCS 5/8-2006  
735 ILCS 5/8-2003 rep.

from Ch. 110, par. 8-2001

Amends the Code of Civil Procedure. Defines "health care practitioner" and changes all existing references to "physician" to "health care practitioner" in provisions regarding the examination of a patient's health records. Provides that records of a health care facility or health care practitioner shall be made available for examination or copying to the patient's health care practitioner or authorized attorney, any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative. Provides that a reasonable copying fee may be charged for record requests from patients, health care practitioners, attorneys, employers or insurers for worker's compensation purposes, and subpoenas. Repeals provisions concerning records of health care practitioners (these provisions are added to other existing provisions). In provisions concerning copying fees, removes references to provisions that are repealed.

LRB095 04862 AJ0 24924 b

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 by  
5 changing Sections 8-2001 and 8-2006 as follows:

6 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)  
7 Sec. 8-2001. Examination of health care records.

8 (a) In this Section:  
9

10 "Health ~~health~~ care facility" or "facility" means a public  
11 or 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 an organizational structure whose  
records are subject to Section 8-2003.

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

25 (e) The requirements of this Section shall be satisfied  
26 within 30 days of the receipt of a written request by a patient

1 or by his or her legally authorized representative, health care  
2 practitioner ~~physician~~, authorized attorney, or any person,  
3 entity, or organization presenting a valid authorization for  
4 the release of records signed by the patient or the patient's  
5 legally authorized representative. If the ~~health care~~ facility  
6 or health care practitioner needs more time to comply with the  
7 request, then within 30 days after receiving the request, the  
8 facility or health care practitioner must provide the  
9 requesting party with a written statement of the reasons for  
10 the delay and the date by which the requested information will  
11 be provided. In any event, the facility or health care  
12 practitioner must provide the requested information no later  
13 than 60 days after receiving the request.

14 (f) A health care facility or health care practitioner must  
15 provide the public with at least 30 days prior notice of the  
16 closure of the facility or health care practitioner's practice.  
17 The notice must include an explanation of how copies of the  
18 facility's records may be accessed by patients. The notice may  
19 be given by publication in a newspaper of general circulation  
20 in the area in which the health care facility or health care  
21 practitioner is located.

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

26 (h) The reasonable copying fees apply to all requests for

1 copies of records including but not limited to requests from  
2 patients, health care practitioners, attorneys, employers or  
3 insurers for workers' compensation purposes, and pursuant to  
4 subpoenas.

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

6 (735 ILCS 5/8-2006)

7 Sec. 8-2006. Copying fees; adjustment for inflation.  
8 Beginning in 2003, every January 20, the copying fee limits  
9 established in Sections 8-2001, ~~8-2003, 8-2004,~~ and 8-2005  
10 shall automatically be increased or decreased, as applicable,  
11 by a percentage equal to the percentage change in the consumer  
12 price index-u during the preceding 12-month calendar year.  
13 "Consumer price index-u" means the index published by the  
14 Bureau of Labor Statistics of the United States Department of  
15 Labor that measures the average change in prices of goods and  
16 services purchased by all urban consumers, United States city  
17 average, all items, 1982-84 = 100. The new amount resulting  
18 from each annual adjustment shall be determined by the  
19 Comptroller and made available to the public via the  
20 Comptroller's official website by January 31 of every year.

21 (Source: P.A. 94-982, eff. 6-30-06.)

22 (735 ILCS 5/8-2003 rep.)

23 Section 10. The Code of Civil Procedure is amended by  
24 repealing Section 8-2003.