



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1866

Introduced 2/23/2007, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-2001
735 ILCS 5/8-2003

from Ch. 110, par. 8-2001
from Ch. 110, par. 8-2003

Amends the Code of Civil Procedure. Provides that the charge for copies of patient records held by a health care facility or health care practitioner shall not exceed \$1.25 per page for copies made from an electronic record, as that term is defined in the Electronic Commerce Security Act.

LRB095 08476 AJO 32005 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 8-2003 as follows:

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

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

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

1 representative to examine the health care facility patient care
2 records, including but not limited to the history, bedside
3 notes, charts, pictures and plates, kept in connection with the
4 treatment of such patient, and permit copies of such records to
5 be made by him or her or his or her physician or authorized
6 attorney. A request for copies of the records shall be in
7 writing and shall be delivered to the administrator or manager
8 of such health care facility. The health care facility shall be
9 reimbursed by the person requesting copies of records 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, or an "electronic record", as that
19 term is defined in Section 5-105 of the Electronic Commerce
20 Security Act), and actual shipping costs. These rates shall be
21 automatically adjusted as set forth in Section 8-2006. The
22 health care facility may, however, charge for the reasonable
23 cost of all duplication of record material or information that
24 cannot routinely be copied or duplicated on a standard
25 commercial photocopy machine such as x-ray films or pictures.

26 The requirements of this Section shall be satisfied within

1 30 days of the receipt of a written request by a patient or by
2 his or her legally authorized representative, physician,
3 authorized attorney, 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. If the health care facility needs more time to
7 comply with the request, then within 30 days after receiving
8 the request, the facility must provide the requesting party
9 with a written statement of the reasons for the delay and the
10 date by which the requested information will be provided. In
11 any event, the facility must provide the requested information
12 no later than 60 days after receiving the request.

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

19 Failure to comply with the time limit requirement of this
20 Section shall subject the denying party to expenses and
21 reasonable attorneys' fees incurred in connection with any
22 court ordered enforcement of the provisions of this Section.

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

24 (735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

25 Sec. 8-2003. Records of health care practitioners. In this

1 Section, "practitioner" means any health care practitioner,
2 including a physician, dentist, podiatrist, advanced practice
3 nurse, physician assistant, clinical psychologist, or clinical
4 social worker. The term includes a medical office, health care
5 clinic, health department, group practice, and any other
6 organizational structure for a licensed professional to
7 provide health care services. The term does not include a
8 health care facility as defined in Section 8-2001.

9 Every practitioner shall, upon the request of any patient
10 who has been treated by such practitioner, permit the patient
11 and the patient's practitioner or authorized attorney to
12 examine and copy the patient's records, including but not
13 limited to those relating to the diagnosis, treatment,
14 prognosis, history, charts, pictures and plates, kept in
15 connection with the treatment of such patient. Such request for
16 examining and copying of the records shall be in writing and
17 shall be delivered to such practitioner. Such written request
18 shall be complied with by the practitioner within a reasonable
19 time after receipt by him or her at his or her office or any
20 other place designated by him or her.

21 The requirements of this Section shall be satisfied within
22 30 days of the receipt of a written request. If the
23 practitioner needs more time to comply with the request, then
24 within 30 days after receiving the request, the practitioner
25 must provide the requesting party with a written statement of
26 the reasons for the delay and the date by which the requested

1 information will be provided. In any event, the practitioner
2 must provide the requested information no later than 60 days
3 after receiving the request.

4 The practitioner shall be reimbursed by the person
5 requesting such records at the time of such copying, for all
6 reasonable expenses, including the costs of independent copy
7 service companies, incurred by the practitioner in connection
8 with such copying not to exceed a \$20 handling charge for
9 processing the request for copies, and 75 cents per page for
10 the first through 25th pages, 50 cents per page for the 26th
11 through 50th pages, and 25 cents per page for all pages in
12 excess of 50 (except that the charge shall not exceed \$1.25 per
13 page for any copies made from microfiche, ~~or~~ microfilm, or an
14 "electronic record", as that term is defined in Section 5-105
15 of the Electronic Commerce Security Act), and actual shipping
16 costs. These rates shall be automatically adjusted as set forth
17 in Section 8-2006. The physician or other practitioner may,
18 however, charge for the reasonable cost of all duplication of
19 record material or information that cannot routinely be copied
20 or duplicated on a standard commercial photocopy machine such
21 as x-ray films or pictures.

22 A health care practitioner must provide the public with at
23 least 30 days prior notice of the closure of the practitioner's
24 practice. The notice must include an explanation of how copies
25 of the practitioner's records may be accessed by patients. The
26 notice may be given by publication in a newspaper of general

1 circulation in the area in which the health care practitioner's
2 practice is located.

3 Failure to comply with the time limit requirement of this
4 Section shall subject the denying party to expenses and
5 reasonable attorneys' fees incurred in connection with any
6 court ordered enforcement of the provisions of this Section.

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