

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 8-802, 8-2001, 8-2003, and 8-2006 as follows:

6 (735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

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

1 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

2 Sec. 8-2001. Examination of records.

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

10 In this Part, "practitioner" means any health care  
11 practitioner, including a physician, dentist, podiatrist,  
12 advanced practice nurse, physician assistant, clinical  
13 psychologist, or clinical social worker. The term includes a  
14 medical office, health care clinic, health department, group  
15 practice, and any other organizational structure for a licensed  
16 professional to provide health care services. The term does not  
17 include a health care facility as defined in this Section.

18 Every private and public health care facility shall, upon  
19 the request of any patient who has been treated in such health  
20 care facility, or any person, entity, or organization  
21 presenting a valid authorization for the release of records  
22 signed by the patient or the patient's legally authorized  
23 representative, permit the patient, his or her healthcare  
24 practitioner ~~physician~~, authorized attorney, or any person,  
25 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 the health care  
3 facility patient care records, including but not limited to the  
4 history, bedside notes, charts, pictures and plates, kept in  
5 connection with the treatment of such patient, and permit  
6 copies of such records to be made by him or her or his or her  
7 healthcare practitioner ~~physician~~ or authorized attorney. A  
8 request for copies of the records shall be in writing and shall  
9 be delivered to the administrator or manager of such health  
10 care facility. The health care facility shall be reimbursed by  
11 the person requesting copies of records at the time of such  
12 copying for all reasonable expenses, including the costs of  
13 independent copy service companies, incurred by the health care  
14 facility in connection with such copying not to exceed a \$20  
15 handling charge for processing the request for copies, and 75  
16 cents per page for the first through 25th pages, 50 cents per  
17 page for the 26th through 50th pages, and 25 cents per page for  
18 all pages in excess of 50 (except that the charge shall not  
19 exceed \$1.25 per page for any copies made from microfiche or  
20 microfilm), 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, healthcare  
3 practitioner ~~physician~~, authorized attorney, or any person,  
4 entity, or organization presenting a valid authorization for  
5 the release of records signed by the patient or the patient's  
6 legally authorized representative. If the health care facility  
7 needs more time to comply with the request, then within 30 days  
8 after receiving the request, the facility 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 must provide the  
12 requested information no later than 60 days after receiving the  
13 request.

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

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

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

25 (735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

1           Sec. 8-2003. Records of health care practitioners. ~~In this~~  
2 ~~Section, "practitioner" means any health care practitioner,~~  
3 ~~including a physician, dentist, podiatrist, advanced practice~~  
4 ~~nurse, physician assistant, clinical psychologist, or clinical~~  
5 ~~social worker. The term includes a medical office, health care~~  
6 ~~clinic, health department, group practice, and any other~~  
7 ~~organizational structure for a licensed professional to~~  
8 ~~provide health care services. The term does not include a~~  
9 ~~health care facility as defined in Section 8-2001.~~

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

1 him or her.

2 The requirements of this Section shall be satisfied within  
3 30 days of the receipt of a written request. If the  
4 practitioner needs more time to comply with the request, then  
5 within 30 days after receiving the request, the practitioner  
6 must provide the requesting party with a written statement of  
7 the reasons for the delay and the date by which the requested  
8 information will be provided. In any event, the practitioner  
9 must provide the requested information no later than 60 days  
10 after receiving the request.

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

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

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

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

13           (735 ILCS 5/8-2006)

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

1 Comptroller and made available to the public via the  
2 Comptroller's official website by January 31 of every year.  
3 (Source: P.A. 94-982, eff. 6-30-06.)