

SB1281



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1281

Introduced 2/9/2007, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-2001

from Ch. 110, par. 8-2001

Amends the Code of Civil Procedure. Makes a technical change in a Section concerning health care facility records.

LRB095 10898 AJO 31182 b

A BILL FOR

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 Section 8-2001 as follows:

6 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

7 Sec. 8-2001. Examination of records.

8 In this ~~this~~ Section, "health care facility" or "facility"
9 means a public or private hospital, ambulatory surgical
10 treatment center, nursing home, independent practice
11 association, or physician hospital organization, or any other
12 entity where health care services are provided to any person.
13 The term does not include an organizational structure whose
14 records are 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), and actual shipping costs. These
19 rates shall be automatically adjusted as set forth in Section
20 8-2006. The health care facility may, however, charge for the
21 reasonable cost of all duplication of record material or
22 information that cannot routinely be copied or duplicated on a
23 standard commercial photocopy machine such as x-ray films or
24 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

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

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

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

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