

HB4408



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4408

by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-802

from Ch. 110, par. 8-802

Amends the Code of Civil Procedure. In the list of circumstances under which a physician or surgeon is permitted to disclose information acquired in attending a patient in a professional character, provides that the physician or surgeon is permitted to disclose the information as otherwise provided by law.

LRB098 17885 HEP 53009 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 8-802 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, or as authorized by Section 8-2001.5,
20 (4) in all actions brought by or against the patient, his or
21 her personal representative, a beneficiary under a policy of
22 insurance, or the executor or administrator of his or her
23 estate wherein the patient's physical or mental condition is an

1 issue, (5) upon an issue as to the validity of a document as a
2 will of the patient, (6) in any criminal action where the
3 charge is either first degree murder by abortion, attempted
4 abortion or abortion, (7) in actions, civil or criminal,
5 arising from the filing of a report in compliance with the
6 Abused and Neglected Child Reporting Act, (8) to any
7 department, agency, institution or facility which has custody
8 of the patient pursuant to State statute or any court order of
9 commitment, (9) in prosecutions where written results of blood
10 alcohol tests are admissible pursuant to Section 11-501.4 of
11 the Illinois Vehicle Code, (10) in prosecutions where written
12 results of blood alcohol tests are admissible under Section
13 5-11a of the Boat Registration and Safety Act, (11) in criminal
14 actions arising from the filing of a report of suspected
15 terrorist offense in compliance with Section 29D-10(p)(7) of
16 the Criminal Code of 2012, ~~or~~ (12) upon the issuance of a
17 subpoena pursuant to Section 38 of the Medical Practice Act of
18 1987; the issuance of a subpoena pursuant to Section 25.1 of
19 the Illinois Dental Practice Act; the issuance of a subpoena
20 pursuant to Section 22 of the Nursing Home Administrators
21 Licensing and Disciplinary Act; or the issuance of a subpoena
22 pursuant to Section 25.5 of the Workers' Compensation Act, or
23 (13) as otherwise required by law.

24 In the event of a conflict between the application of this
25 Section and the Mental Health and Developmental Disabilities
26 Confidentiality Act to a specific situation, the provisions of

1 the Mental Health and Developmental Disabilities
2 Confidentiality Act shall control.

3 (Source: P.A. 97-18, eff. 6-28-11; 97-623, eff. 11-23-11;
4 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13.)