

1 AN ACT concerning civil procedure.

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, 8-2003, and 8-2004, changing the
6 heading of Part 20 of Article VIII, and adding Sections
7 8-2005 and 8-2006 as follows:

8 (735 ILCS 5/Art. 8, Part 20 heading)

9 Part 20. Inspection of ~~Hospital~~ Records

10 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

11 (Text of Section WITHOUT the changes made by P.A. 89-7,
12 which has been held unconstitutional)

13 Sec. 8-2001. Examination of records. Every private and
14 public hospital shall, upon the request of any patient who
15 has been treated in such hospital and after his or her
16 discharge therefrom, permit the patient, his or her physician
17 or authorized attorney to examine the hospital records,
18 including but not limited to the history, bedside notes,
19 charts, pictures and plates, kept in connection with the
20 treatment of such patient, and permit copies of such records
21 to be made by him or her or his or her physician or
22 authorized attorney. A request for copies examination of the
23 records shall be in writing and shall be delivered to the
24 administrator of such hospital. The hospital shall be
25 reimbursed by the person requesting copies of records at the
26 time of such copying for all reasonable expenses, including
27 the costs of independent copy service companies, incurred by
28 the hospital in connection with such copying not to exceed a
29 \$25 handling charge for processing the request for copies and
30 37 cents per page (except that the charge shall not exceed \$1

1 per page for any copies made from microfiche or microfilm),
 2 and actual shipping costs. These rates shall be
 3 automatically adjusted as set forth in Section 8-2006. The
 4 hospital may, however, charge for the reasonable cost of all
 5 duplication of record material or information that cannot
 6 routinely be copied or duplicated on a standard commercial
 7 photocopy machine such as x-ray films or pictures.

8 The requirements of this Section shall be satisfied
 9 within 60 days of the receipt of a request by a patient, for
 10 his or her physician, authorized attorney, or own person.

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

15 (Source: P.A. 84-7.)

16 (735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

17 (Text of Section WITHOUT the changes made by P.A. 89-7,
 18 which has been held unconstitutional)

19 Sec. 8-2003. Physieian's Records of physicians and other
 20 health care practitioners. In this Section, "practitioner"
 21 means any health care practitioner other than a physician,
 22 clinical psychologist, or clinical social worker.

23 Every physician and practitioner shall, upon the request
 24 of any patient who has been treated by such physician or
 25 practitioner, permit such patient's physician, practitioner,
 26 or authorized attorney to examine and copy the patient's
 27 records, including but not limited to those relating to the
 28 diagnosis, treatment, prognosis, history, charts, pictures
 29 and plates, kept in connection with the treatment of such
 30 patient. Such request for examining and copying of the
 31 records shall be in writing and shall be delivered to such
 32 physician or practitioner. Such written request shall be
 33 complied with by the physician or practitioner within a

1 reasonable time after receipt by him or her at his or her
 2 office or any other place designated by him or her. The
 3 physician or practitioner shall be reimbursed by the person
 4 requesting such records at the time of such examination--or
 5 copying, for all reasonable expenses, including the costs of
 6 independent copy service companies, incurred by the physician
 7 or practitioner in connection with such examination--or
 8 copying not to exceed a \$25 handling charge for processing
 9 the request for copies, and 37 cents per page (except that
 10 the charge shall not exceed \$1 per page for any copies made
 11 from microfiche or microfilm), and actual shipping costs.
 12 These rates shall be automatically adjusted as set forth in
 13 Section 8-2006. The physician or other practitioner may,
 14 however, charge for the reasonable cost of all duplication of
 15 record material or information that cannot routinely be
 16 copied or duplicated on a standard commercial photocopy
 17 machine such as x-ray films or pictures.

18 The requirements of this Section shall be satisfied
 19 within 60 days of the receipt of a request by a patient or
 20 his or her physician, practitioner, or authorized attorney.

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

25 (Source: P.A. 84-7.)

26 (735 ILCS 5/8-2004) (from Ch. 110, par. 8-2004)

27 (Text of Section WITHOUT the changes made by P.A. 89-7,
 28 which has been held unconstitutional)

29 Sec. 8-2004. Records of clinical psychologists and
 30 clinical social workers. Except where the clinical
 31 psychologist or clinical social worker consents, records of a
 32 clinical psychologist or clinical social worker regulated in
 33 this State, relating to psychological services or social work

1 services, shall not be examined or copied by a patient,
2 unless otherwise ordered by the court for good cause shown.
3 For the purpose of obtaining records, the patient or his or
4 her authorized agent may apply to the circuit court of the
5 county in which the patient resides or the county in which
6 the clinical psychologist or clinical social worker resides.
7 The clinical psychologist or clinical social worker shall be
8 reimbursed by the person requesting the records at the time
9 of the examination-~~or~~ copying, for all reasonable expenses,
10 including the costs of independent copy service companies,
11 incurred by the clinical psychologist or clinical social
12 worker in connection with the examination-~~or~~ copying, not to
13 exceed a \$25 handling charge for processing the request for
14 copies, and 37 cents per page (except that the charge shall
15 not exceed \$1 per page for any copies made from microfiche or
16 microfilm), and actual shipping costs. These rates shall be
17 automatically adjusted as set forth in Section 8-2006. The
18 clinical psychologist or clinical social worker may, however,
19 charge for the reasonable cost of all duplication of record
20 material or information that cannot routinely be copied or
21 duplicated or a standard commercial photocopy machine such as
22 pictures.

23 (Source: P.A. 87-530.)

24 (735 ILCS 5/8-2005 new)

25 Sec. 8-2005. Attorney's records. This Section applies
26 only if a client and his or her authorized attorney have
27 complied with all applicable legal requirements regarding
28 examination and copying of client files, including but not
29 limited to satisfaction of expenses and attorney retaining
30 liens.

31 Upon the request of a client, an attorney shall permit
32 the client's authorized attorney to examine and copy the
33 records kept by the attorney in connection with the

1 representation of the client, with the exception of attorney
2 work product. The request for examination and copying of the
3 records shall be in writing and shall be delivered to the
4 attorney. Within a reasonable time after the attorney
5 receives the written request, the attorney shall comply with
6 the written request at his or her office or any other place
7 designated by him or her. At the time of copying, the person
8 requesting the records shall reimburse the attorney for all
9 reasonable expenses, including the costs of independent copy
10 service companies, incurred by the attorney in connection
11 with the copying not to exceed a \$25 handling charge for
12 processing the request for copies, and 37 cents per page
13 (except that the charge shall not exceed \$1 per page for any
14 copies made from microfiche or microfilm), and actual
15 shipping costs. These rates shall be automatically adjusted
16 as set forth in Section 8-2006. The attorney may, however,
17 charge for the reasonable cost of all duplication of record
18 material or information that cannot routinely be copied or
19 duplicated on a standard commercial photocopy machine such as
20 pictures.

21 An attorney shall satisfy the requirements of this
22 Section within 60 days after he or she receives a request
23 from a client or his or her authorized attorney. An attorney
24 who fails to comply with the time limit requirement of this
25 Section shall be required to pay expenses and reasonable
26 attorney's fees incurred in connection with any court-ordered
27 enforcement of the requirements of this Section.

28 (735 ILCS 5/8-2006 new)
29 Sec. 8-2006. Copying fees; adjustment for inflation.
30 Beginning in 2003, every January 20, the copying fee limits
31 established in Sections 8-2001, 8-2003, 8-2004, and 8-2005
32 shall automatically be increased or decreased, as applicable,
33 by a percentage equal to the percentage change in the

1 consumer price index-u during the preceding 12-month calendar
2 year. "Consumer price index-u" means the index published by
3 the Bureau of Labor Statistics of the United States
4 Department of Labor that measures the average change in
5 prices of goods and services purchased by all urban
6 consumers, United States city average, all items, 1982-84 =
7 100. The new amount resulting from each annual adjustment
8 shall be determined by the Comptroller and made available to
9 the public on January 20 of every year.

10 Section 99. Effective date. This Act takes effect 30
11 days after becoming law.