

1 AMENDMENT TO SENATE BILL 721

2 AMENDMENT NO. _____. Amend Senate Bill 721 by replacing
3 everything after the enacting clause with the following:

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

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

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

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. 84-7.)

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

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

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

32 Every physician and practitioner shall, upon the request
33 of any patient who has been treated by such physician or

1 practitioner, permit such patient's physician, practitioner,
2 or authorized attorney to examine and copy the patient's
3 records, including but not limited to those relating to the
4 diagnosis, treatment, prognosis, history, charts, pictures
5 and plates, kept in connection with the treatment of such
6 patient. Such request for examining and copying of the
7 records shall be in writing and shall be delivered to such
8 physician or practitioner. Such written request shall be
9 complied with by the physician or practitioner within a
10 reasonable time after receipt by him or her at his or her
11 office or any other place designated by him or her. The
12 physician or practitioner shall be reimbursed by the person
13 requesting such records at the time of such examination--or
14 copying, for all reasonable expenses, including the costs of
15 independent copy service companies, incurred by the physician
16 or practitioner in connection with such examination--or
17 copying not to exceed a \$25 handling charge for processing
18 the request for copies, and 37 cents per page (except that
19 the charge shall not exceed \$1 per page for any copies made
20 from microfiche or microfilm), and actual shipping costs.
21 These rates shall be automatically adjusted as set forth in
22 Section 8-2006. The physician or other practitioner may,
23 however, charge for the reasonable cost of all duplication of
24 record material or information that cannot routinely be
25 copied or duplicated on a standard commercial photocopy
26 machine such as x-ray films or pictures.

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

30 Failure to comply with the time limit requirement of this
31 Section shall subject the denying party to expenses and
32 reasonable attorneys' fees incurred in connection with any
33 court ordered enforcement of the provisions of this Section.

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

1 (735 ILCS 5/8-2004) (from Ch. 110, par. 8-2004)

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

4 Sec. 8-2004. Records of clinical psychologists and
5 clinical social workers. Except where the clinical
6 psychologist or clinical social worker consents, records of a
7 clinical psychologist or clinical social worker regulated in
8 this State, relating to psychological services or social work
9 services, shall not be examined or copied by a patient,
10 unless otherwise ordered by the court for good cause shown.
11 For the purpose of obtaining records, the patient or his or
12 her authorized agent may apply to the circuit court of the
13 county in which the patient resides or the county in which
14 the clinical psychologist or clinical social worker resides.
15 The clinical psychologist or clinical social worker shall be
16 reimbursed by the person requesting the records at the time
17 of the ~~examination-er~~ copying, for all reasonable expenses,
18 including the costs of independent copy service companies,
19 incurred by the clinical psychologist or clinical social
20 worker in connection with the ~~examination-er~~ copying, not to
21 exceed a \$25 handling charge for processing the request for
22 copies, and 37 cents per page (except that the charge shall
23 not exceed \$1 per page for any copies made from microfiche or
24 microfilm), and actual shipping costs. These rates shall be
25 automatically adjusted as set forth in Section 8-2006. The
26 clinical psychologist or clinical social worker may, however,
27 charge for the reasonable cost of all duplication of record
28 material or information that cannot routinely be copied or
29 duplicated or a standard commercial photocopy machine such as
30 pictures.

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

32 (735 ILCS 5/8-2005 new)

33 Sec. 8-2005. Attorney's records. This Section applies

1 only if a client and his or her authorized attorney have
2 complied with all applicable legal requirements regarding
3 examination and copying of client files, including but not
4 limited to satisfaction of expenses and attorney retaining
5 liens.

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

29 An attorney shall satisfy the requirements of this
30 Section within 60 days after he or she receives a request
31 from a client or his or her authorized attorney. An attorney
32 who fails to comply with the time limit requirement of this
33 Section shall be required to pay expenses and reasonable
34 attorney's fees incurred in connection with any court-ordered

1 enforcement of the requirements of this Section.

2 (735 ILCS 5/8-2006 new)

3 Sec. 8-2006. Copying fees; adjustment for inflation.

4 Beginning in 2003, every January 20, the copying fee limits

5 established in Sections 8-2001, 8-2003, 8-2004, and 8-2005

6 shall automatically be increased or decreased, as applicable,

7 by a percentage equal to the percentage change in the

8 consumer price index-u during the preceding 12-month calendar

9 year. "Consumer price index-u" means the index published by

10 the Bureau of Labor Statistics of the United States

11 Department of Labor that measures the average change in

12 prices of goods and services purchased by all urban

13 consumers, United States city average, all items, 1982-84 =

14 100. The new amount resulting from each annual adjustment

15 shall be determined by the Comptroller and made available to

16 the public on January 20 of every year.

17 Section 99. Effective date. This Act takes effect 30

18 days after becoming law."