

# HB1743



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

**HB1743**

by Rep. Michael J. Madigan

### 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 the examination of health care records.

LRB100 03370 HEP 13375 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 health care records.

8 (a) In this Section:

9 "Health care facility" or "facility" means a public or  
10 private hospital, ambulatory surgical treatment center,  
11 nursing home, independent practice association, or physician  
12 hospital organization, or any other entity where health care  
13 services are provided to any person. The ~~The~~ term does not  
14 include a health care practitioner.

15 "Health care practitioner" means any health care  
16 practitioner, including a physician, dentist, podiatric  
17 physician, advanced practice nurse, physician assistant,  
18 clinical psychologist, or clinical social worker. The term  
19 includes a medical office, health care clinic, health  
20 department, group practice, and any other organizational  
21 structure for a licensed professional to provide health care  
22 services. The term does not include a health care facility.

23 (b) Every private and public health care facility shall,

1 upon the request of any patient who has been treated in such  
2 health care facility, 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, or as authorized by Section 8-2001.5, permit  
6 the patient, his or her health care practitioner, authorized  
7 attorney, or any person, entity, or organization presenting a  
8 valid authorization for the release of records signed by the  
9 patient or the patient's legally authorized representative to  
10 examine the health care facility patient care records,  
11 including but not limited to the history, bedside notes,  
12 charts, pictures and plates, kept in connection with the  
13 treatment of such patient, and permit copies of such records to  
14 be made by him or her or his or her health care practitioner or  
15 authorized attorney.

16 (c) Every health care practitioner shall, upon the request  
17 of any patient who has been treated by the health care  
18 practitioner, or any person, entity, or organization  
19 presenting a valid authorization for the release of records  
20 signed by the patient or the patient's legally authorized  
21 representative, permit the patient and the patient's health  
22 care practitioner or authorized attorney, or any person,  
23 entity, or organization presenting a valid authorization for  
24 the release of records signed by the patient or the patient's  
25 legally authorized representative, to examine and copy the  
26 patient's records, including but not limited to those relating

1 to the diagnosis, treatment, prognosis, history, charts,  
2 pictures and plates, kept in connection with the treatment of  
3 such patient.

4 (d) A request for copies of the records shall be in writing  
5 and shall be delivered to the administrator or manager of such  
6 health care facility or to the health care practitioner. The  
7 person (including patients, health care practitioners and  
8 attorneys) requesting copies of records shall reimburse the  
9 facility or the health care practitioner at the time of such  
10 copying for all reasonable expenses, including the costs of  
11 independent copy service companies, incurred in connection  
12 with such copying not to exceed a \$20 handling charge for  
13 processing the request and the actual postage or shipping  
14 charge, if any, plus: (1) for paper copies 75 cents per page  
15 for the first through 25th pages, 50 cents per page for the  
16 26th through 50th pages, and 25 cents per page for all pages in  
17 excess of 50 (except that the charge shall not exceed \$1.25 per  
18 page for any copies made from microfiche or microfilm; records  
19 retrieved from scanning, digital imaging, electronic  
20 information or other digital format do not qualify as  
21 microfiche or microfilm retrieval for purposes of calculating  
22 charges); and (2) for electronic records, retrieved from a  
23 scanning, digital imaging, electronic information or other  
24 digital format in an electronic document, a charge of 50% of  
25 the per page charge for paper copies under subdivision (d) (1).  
26 This per page charge includes the cost of each CD Rom, DVD, or

1 other storage media. Records already maintained in an  
2 electronic or digital format shall be provided in an electronic  
3 format when so requested. If the records system does not allow  
4 for the creation or transmission of an electronic or digital  
5 record, then the facility or practitioner shall inform the  
6 requester in writing of the reason the records can not be  
7 provided electronically. The written explanation may be  
8 included with the production of paper copies, if the requester  
9 chooses to order paper copies. These rates shall be  
10 automatically adjusted as set forth in Section 8-2006. The  
11 facility or health care practitioner may, however, charge for  
12 the reasonable cost of all duplication of record material or  
13 information that cannot routinely be copied or duplicated on a  
14 standard commercial photocopy machine such as x-ray films or  
15 pictures.

16 (d-5) The handling fee shall not be collected from the  
17 patient or the patient's personal representative who obtains  
18 copies of records under Section 8-2001.5.

19 (e) The requirements of this Section shall be satisfied  
20 within 30 days of the receipt of a written request by a patient  
21 or by his or her legally authorized representative, health care  
22 practitioner, authorized attorney, or any person, entity, or  
23 organization presenting a valid authorization for the release  
24 of records signed by the patient or the patient's legally  
25 authorized representative. If the facility or health care  
26 practitioner needs more time to comply with the request, then

1 within 30 days after receiving the request, the facility or  
2 health care practitioner must provide the requesting party with  
3 a written statement of the reasons for the delay and the date  
4 by which the requested information will be provided. In any  
5 event, the facility or health care practitioner must provide  
6 the requested information no later than 60 days after receiving  
7 the request.

8 (f) A health care facility or health care practitioner must  
9 provide the public with at least 30 days prior notice of the  
10 closure of the facility or the health care practitioner's  
11 practice. The notice must include an explanation of how copies  
12 of the facility's records may be accessed by patients. The  
13 notice may be given by publication in a newspaper of general  
14 circulation in the area in which the health care facility or  
15 health care practitioner is located.

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

20 (Source: P.A. 97-623, eff. 11-23-11; 97-867, eff. 7-30-12;  
21 98-214, eff. 8-9-13; 98-756, eff. 7-16-14.)