



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4116

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-2001

from Ch. 110, par. 8-2001

Amends the Code of Civil Procedure. Provides that notwithstanding any other provision of law, a health care facility or health care practitioner shall provide a patient's records without charge if the records are being requested by the patient for use in supporting an application, claim, or appeal relating to a government benefit or program. Provides that if the health care facility or health care practitioner maintains records in electronic form, the health care facility or health care practitioner shall provide the copy to the patient in either electronic or paper form, as required by the government entity administering the benefit or program, or at the request of the patient. Effective immediately.

LRB100 15081 HEP 29924 b

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 (Text of Section before amendment by P.A. 100-513)

8 Sec. 8-2001. Examination of health care records.

9 (a) In this Section:

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

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

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

17 (c) Every health care practitioner shall, upon the request
18 of any patient who has been treated by the health care
19 practitioner, or any person, entity, or organization
20 presenting a valid authorization for the release of records
21 signed by the patient or the patient's legally authorized
22 representative, permit the patient and the patient's health
23 care practitioner or authorized attorney, or any person,
24 entity, or organization presenting a valid authorization for
25 the release of records signed by the patient or the patient's
26 legally authorized representative, to examine and copy the

1 patient's records, including but not limited to those relating
2 to the diagnosis, treatment, prognosis, history, charts,
3 pictures and plates, kept in connection with the treatment of
4 such patient.

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

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

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

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

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

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

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

21 (h) Notwithstanding any other provision of law, a health
22 care facility or health care practitioner shall provide a
23 patient's records without charge if the records are being
24 requested by the patient for use in supporting an application,
25 claim, or appeal relating to a government benefit or program.
26 If the health care facility or health care practitioner

1 maintains records in electronic form, the health care facility
2 or health care practitioner shall provide the copy to the
3 patient in either electronic or paper form, as required by the
4 government entity administering the benefit or program, or at
5 the request of the patient.

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

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18 practitioner, including a physician, dentist, podiatric
19 physician, advanced practice registered nurse, physician
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21 The term includes a medical office, health care clinic, health
22 department, group practice, and any other organizational
23 structure for a licensed professional to provide health care
24 services. The term does not include a health care facility.

25 (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,
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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
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23 entity, or organization presenting a valid authorization for
24 the release of records signed by the patient or the patient's
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5 and shall be delivered to the administrator or manager of such
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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

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19 court ordered enforcement of the provisions of this Section.

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26 maintains records in electronic form, the health care facility

1 or health care practitioner shall provide the copy to the
2 patient in either electronic or paper form, as required by the
3 government entity administering the benefit or program, or at
4 the request of the patient.

5 (Source: P.A. 100-513, eff. 1-1-18.)

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.