

1 AMENDMENT TO HOUSE BILL 1038

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1038 by replacing  
3 the title with the following:

4 "AN ACT concerning patient health information."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Code of Civil Procedure is amended by  
8 changing Sections 8-2001 and 8-2003 as follows:

9 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

10 Sec. 8-2001. Examination of records.

11 In this Section, "health care facility" or "facility"  
12 means a public or private hospital, ambulatory surgical  
13 treatment center, nursing home, independent practice  
14 association, or physician hospital organization, or any other  
15 entity where health care services are provided to any person.  
16 The term does not include an organizational structure whose  
17 records are subject to Section 8-2003.

18 Every private and public health care facility ~~hospital~~  
19 shall, upon the request of any patient who has been treated  
20 in such health care facility ~~hospital-and-after-his-or-her~~  
21 ~~discharge-therefrom~~, permit the patient, his or her physician

1 or authorized attorney to examine the health care facility  
2 patient care hospital records, including but not limited to  
3 the history, bedside notes, charts, pictures and plates, kept  
4 in connection with the treatment of such patient, and permit  
5 copies of such records to be made by him or her or his or her  
6 physician or authorized attorney. A request for copies of  
7 the records shall be in writing and shall be delivered to the  
8 administrator or manager of such health care facility  
9 hospital. The health care facility hospital shall be  
10 reimbursed by the person requesting copies of records at the  
11 time of such copying for all reasonable expenses, including  
12 the costs of independent copy service companies, incurred by  
13 the health care facility hospital in connection with such  
14 copying not to exceed a \$20 handling charge for processing  
15 the request for copies, and 75 cents per page for the first  
16 through 25th pages, 50 cents per page for the 26th through  
17 50th pages, and 25 cents per page for all pages in excess of  
18 50 (except that the charge shall not exceed \$1.25 per page  
19 for any copies made from microfiche or microfilm), and actual  
20 shipping costs. These rates shall be automatically adjusted  
21 as set forth in Section 8-2006. The health care facility  
22 hospital may, however, charge for the reasonable cost of all  
23 duplication of record material or information that cannot  
24 routinely be copied or duplicated on a standard commercial  
25 photocopy machine such as x-ray films or pictures.

26 The requirements of this Section shall be satisfied  
27 within 30 ~~60~~ days of the receipt of a written request by a  
28 patient, or by his or her legally authorized representative,  
29 ~~for--his--or--her~~ physician, or authorized attorney, ~~or own~~  
30 person. If the health care facility needs more time to comply  
31 with the request, then within 30 days after receiving the  
32 request, the facility must provide the requesting party with  
33 a written statement of the reasons for the delay and the date  
34 by which the requested information will be provided. In any

1 event, the facility must provide the requested information no  
2 later than 60 days after receiving the request.

3 A health care facility must provide the public with at  
4 least 30 days prior notice of the closure of the facility.  
5 The notice must include an explanation of how copies of the  
6 facility's records may be accessed by patients. The notice  
7 may be given by publication in a newspaper of general  
8 circulation in the area in which the health care facility is  
9 located.

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

14 (Source: P.A. 84-7; 92-228, eff. 9-1-01.)

15 (735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

16 Sec. 8-2003. Records of ~~physicians-and-ether~~ health care  
17 practitioners. In this Section, "practitioner" means any  
18 health care practitioner, including ether-than a physician,  
19 dentist, podiatrist, advanced practice nurse, physician  
20 assistant, clinical psychologist, or clinical social worker.  
21 The term includes a medical office, health care clinic,  
22 health department, group practice, and any other  
23 organizational structure for a licensed professional to  
24 provide health care services. The term does not include a  
25 health care facility as defined in Section 8-2001.

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

1 and copying of the records shall be in writing and shall be  
2 delivered to such ~~physieian--er~~ practitioner. Such written  
3 request shall be complied with by the ~~physieian---~~  
4 practitioner within a reasonable time after receipt by him or  
5 her at his or her office or any other place designated by him  
6 or her.

7 The requirements of this Section shall be satisfied  
8 within 30 days of the receipt of a written request. If the  
9 practitioner needs more time to comply with the request, then  
10 within 30 days after receiving the request, the practitioner  
11 must provide the requesting party with a written statement of  
12 the reasons for the delay and the date by which the requested  
13 information will be provided. In any event, the practitioner  
14 must provide the requested information no later than 60 days  
15 after receiving the request.

16 The ~~physieian-er~~ practitioner shall be reimbursed by the  
17 person requesting such records at the time of such copying,  
18 for all reasonable expenses, including the costs of  
19 independent copy service companies, incurred by the ~~physieian~~  
20 ~~er~~ practitioner in connection with such copying not to exceed  
21 a \$20 handling charge for processing the request for copies,  
22 and 75 cents per page for the first through 25th pages, 50  
23 cents per page for the 26th through 50th pages, and 25 cents  
24 per page for all pages in excess of 50 (except that the  
25 charge shall not exceed \$1.25 per page for any copies made  
26 from microfiche or microfilm), and actual shipping costs.  
27 These rates shall be automatically adjusted as set forth in  
28 Section 8-2006. The physician or other practitioner may,  
29 however, charge for the reasonable cost of all duplication of  
30 record material or information that cannot routinely be  
31 copied or duplicated on a standard commercial photocopy  
32 machine such as x-ray films or pictures.

33 A health care practitioner must provide the public with  
34 at least 30 days prior notice of the closure of the

1 practitioner's practice. The notice must include an  
2 explanation of how copies of the practitioner's records may  
3 be accessed by patients. The notice may be given by  
4 publication in a newspaper of general circulation in the area  
5 in which the health care practitioner's practice is located.

6 ~~The requirements of this Section shall be satisfied~~  
7 ~~within 60 days of the receipt of a request by a patient or~~  
8 ~~his or her physician, practitioner, or authorized attorney.~~

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

13 (Source: P.A. 84-7; 92-228, eff. 9-1-01.)

14 (735 ILCS 5/8-2004 rep.)

15 Section 6. The Code of Civil Procedure is amended by  
16 repealing Section 8-2004.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."