



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1907

Introduced 2/25/2005, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-2001

from Ch. 110, par. 8-2001

Amends the Code of Civil Procedure examination of patient records provisions. Permits a person, entity, or organization presenting a valid signed authorization for the release of records to examine a health care facility's records of a patient. Provides that a written request by a person, entity, or organization presenting a valid signed authorization for the release of records shall be satisfied within 30 days of receipt.

LRB094 08969 LCB 39190 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 Sec. 8-2001. Examination of records.

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

15 Every private and public health care facility shall, upon
16 the request of any patient who has been treated in such health
17 care facility, or any person, entity, or organization
18 presenting a valid signed authorization for the release of
19 records, permit the patient, his or her physician, ~~or~~
20 authorized attorney, or any person, entity, or organization
21 presenting a valid signed authorization for the release of
22 records to examine the health care facility patient care
23 records, including but not limited to the history, bedside
24 notes, charts, pictures and plates, kept in connection with the
25 treatment of such patient, and permit copies of such records to
26 be made by him or her or his or her physician or authorized
27 attorney. A request for copies of the records shall be in
28 writing and shall be delivered to the administrator or manager
29 of such health care facility. The health care facility shall be
30 reimbursed by the person requesting copies of records at the
31 time of such copying for all reasonable expenses, including the
32 costs of independent copy service companies, incurred by the

1 health care facility in connection with such copying not to
2 exceed a \$20 handling charge for processing the request for
3 copies, and 75 cents per page for the first through 25th pages,
4 50 cents per page for the 26th through 50th pages, and 25 cents
5 per page for all pages in excess of 50 (except that the charge
6 shall not exceed \$1.25 per page for any copies made from
7 microfiche or microfilm), and actual shipping costs. These
8 rates shall be automatically adjusted as set forth in Section
9 8-2006. The health care facility may, however, charge for the
10 reasonable cost of all duplication of record material or
11 information that cannot routinely be copied or duplicated on a
12 standard commercial photocopy machine such as x-ray films or
13 pictures.

14 The requirements of this Section shall be satisfied within
15 30 days of the receipt of a written request by a patient or by
16 his or her legally authorized representative, physician, ~~or~~
17 authorized attorney, or any person, entity, or organization
18 presenting a valid signed authorization for the release of
19 records . If the health care facility needs more time to comply
20 with the request, then within 30 days after receiving the
21 request, the facility must provide the requesting party with a
22 written statement of the reasons for the delay and the date by
23 which the requested information will be provided. In any event,
24 the facility must provide the requested information no later
25 than 60 days after receiving the request.

26 A health care facility must provide the public with at
27 least 30 days prior notice of the closure of the facility. The
28 notice must include an explanation of how copies of the
29 facility's records may be accessed by patients. The notice may
30 be given by publication in a newspaper of general circulation
31 in the area in which the health care facility is located.

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

36 (Source: P.A. 92-228, eff. 9-1-01; 93-87, eff. 7-2-03.)