

HB5235



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5235

by Rep. Patrick J Verschoore

SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-2001

from Ch. 110, par. 8-2001

Amends provisions of the Code of Civil Procedure relating to the examination of health care records. Replaces references to "authorization for the release of records" with references to "authorization for the release of records or protected health information". Makes numerous changes, additions and deletions in provisions concerning copying, duplication, and retrieval of records. Effective immediately.

LRB095 18461 WGH 44547 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 term does not include
14 a health care practitioner.

15 "Health care practitioner" means any health care
16 practitioner, including a physician, dentist, podiatrist,
17 advanced practice nurse, physician assistant, clinical
18 psychologist, or clinical social worker. The term includes a
19 medical office, health care clinic, health department, group
20 practice, and any other organizational structure for a licensed
21 professional to provide health care services. The term does not
22 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 or
4 protected health information signed by the patient or the
5 patient's legally authorized representative, permit the
6 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 or protected
9 health information signed by the patient or the patient's
10 legally authorized representative to examine the health care
11 facility patient care records, including but not limited to the
12 history, bedside notes, charts, pictures and plates, kept in
13 connection with the treatment of such patient, and permit
14 copies of such records to be made by him or her or his or her
15 health care practitioner or 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 but not limited to patients, health care
8 practitioners, insurance companies, third party payors, 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 be not exceed \$1.25
19 per page for any copies made from microfiche or microfilm,
20 electronic storage, as well as for duplication of record
21 material or information that cannot routinely be copied or
22 duplicated on a standard commercial photocopy machine such as
23 x-ray films or pictures) and actual shipping costs. Requesters
24 are required to reimburse the health care facility or health
25 care practitioner for fees associated with retrieval of records
26 from off-site storage facilities. ; ~~records retrieved from~~

1 ~~scanning, digital imaging, electronic information or other~~
2 ~~digital format do not qualify as microfiche or microfilm~~
3 ~~retrieval for purposes of calculating charges); and (2) for~~
4 ~~electronic records, retrieved from a scanning, digital~~
5 ~~imaging, electronic information or other digital format in a~~
6 ~~electronic document, a charge of 50% of the per page charge for~~
7 ~~paper copies under subdivision (d) (1). This per page charge~~
8 ~~includes the cost of each CD Rom, DVD, or other storage media.~~
9 ~~Records already maintained in an electronic or digital format~~
10 ~~shall be provided in an electronic format when so requested. If~~
11 ~~the records system does not allow for the creation or~~
12 ~~transmission of an electronic or digital record, then the~~
13 ~~facility or practitioner shall inform the requester in writing~~
14 ~~of the reason the records can not be provided electronically.~~
15 ~~The written explanation may be included with the production of~~
16 ~~paper copies, if the requester chooses to order paper copies.~~
17 These rates shall be automatically adjusted as set forth in
18 Section 8-2006. ~~The facility or health care practitioner may,~~
19 ~~however, charge for the reasonable cost of all duplication of~~
20 ~~record material or information that cannot routinely be copied~~
21 ~~or duplicated on a standard commercial photocopy machine such~~
22 ~~as x-ray films or pictures.~~

23 (e) The requirements of this Section shall be satisfied
24 within 30 days of the receipt of a written request by a patient
25 or by his or her legally authorized representative, health care
26 practitioner, authorized attorney, or any person, entity, or

1 organization presenting a valid authorization for the release
2 of records signed by the patient or the patient's legally
3 authorized representative. If the facility or health care
4 practitioner needs more time to comply with the request, then
5 within 30 days after receiving the request, the facility or
6 health care practitioner must provide the requesting party with
7 a written statement of the reasons for the delay and the date
8 by which the requested information will be provided. In any
9 event, the facility or health care practitioner must provide
10 the requested information no later than 60 days after receiving
11 the request.

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

20 (g) Failure to comply with the time limit requirement of
21 this 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. 94-155, eff. 1-1-06; 95-478, eff. 1-1-08 (changed
25 from 8-27-07 by P.A. 95-480); 95-480, eff. 1-1-08.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.