

# HB0954



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB0954**

Introduced 01/31/11, 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.

LRB097 03773 AJO 43810 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, 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  
4 signed by the patient or the patient's legally authorized  
5 representative, permit the patient, his or her health care  
6 practitioner, authorized attorney, or any person, entity, or  
7 organization presenting a valid authorization for the release  
8 of records signed by the patient or the patient's legally  
9 authorized representative to examine the health care facility  
10 patient care records, including but not limited to the history,  
11 bedside notes, charts, pictures and plates, kept in connection  
12 with the treatment of such patient, and permit copies of such  
13 records to be made by him or her or his or her health care  
14 practitioner or authorized attorney.

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

1 pictures and plates, kept in connection with the treatment of  
2 such patient.

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

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

14 (e) The requirements of this Section shall be satisfied  
15 within 30 days of the receipt of a written request by a patient  
16 or by his or her legally authorized representative, health care  
17 practitioner, authorized attorney, or any person, entity, or  
18 organization presenting a valid authorization for the release  
19 of records signed by the patient or the patient's legally  
20 authorized representative. If the facility or health care  
21 practitioner needs more time to comply with the request, then  
22 within 30 days after receiving the request, the facility or  
23 health care practitioner must provide the requesting party with  
24 a written statement of the reasons for the delay and the date  
25 by which the requested information will be provided. In any  
26 event, the facility or health care practitioner must provide

1 the requested information no later than 60 days after receiving  
2 the request.

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

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

15 (Source: P.A. 94-155, eff. 1-1-06; 95-478, eff. 1-1-08 (changed  
16 from 8-27-07 by P.A. 95-480); 95-480, eff. 1-1-08.)