



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2918

Introduced 2/23/2011, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

215 ILCS 5/155.66 new
735 ILCS 5/8-2002

from Ch. 110, par. 8-2002

Amends the Illinois Insurance Code to provide that insurance companies that require the submission of medical records of an applicant for any reason shall pay the health care facility or health care practitioner the applicable fees established under the provision of the Code of Civil Procedure concerning examination of health care records. Amends the Code of Civil Procedure to provide that insurance companies requesting copies of records of an applicant for any reason shall pay the health care facility or health care practitioner the applicable fees established under the provision of the Code of Civil Procedure concerning examination of health care records.

LRB097 00130 RPM 40138 b

1 AN ACT concerning insurance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Insurance Code is amended by adding
5 Section 155.66 as follows:

6 (215 ILCS 5/155.66 new)

7 Sec. 155.66. Payment for health records. Insurance
8 companies that transact business in this State of any kind that
9 require the submission of medical records of an applicant,
10 subscriber, insured, enrollee, or beneficiary for any reason
11 shall pay the health care facility or health care practitioner
12 the applicable fees established under Section 8-2001 of the
13 Code of Civil Procedure.

14 Section 10. The Code of Civil Procedure is amended by
15 changing Section 8-2002 as follows:

16 (735 ILCS 5/8-2002) (from Ch. 110, par. 8-2002)

17 Sec. 8-2002. Application.

18 (a) Part 20 of Article VIII of this Act does not apply to
19 the records of patients, inmates, or persons being examined,
20 observed or treated in any institution, division, program or
21 service now existing, or hereafter acquired or created under

1 the jurisdiction of the Department of Human Services as
2 successor to the Department of Mental Health and Developmental
3 Disabilities and the Department of Alcoholism and Substance
4 Abuse, or over which, in that capacity, the Department of Human
5 Services exercises executive or administrative supervision.

6 (b) In the event of a conflict between the application of
7 Part 20 of Article VIII of this Act and the Mental Health and
8 Developmental Disabilities Confidentiality Act or subsection
9 (bb) of Section 30-5 of the Alcoholism and Other Drug Abuse and
10 Dependency Act to a specific situation, the provisions of the
11 Mental Health and Developmental Disabilities Confidentiality
12 Act or subsection (bb) of Section 30-5 of the Alcoholism and
13 Other Drug Abuse and Dependency Act shall control. The
14 provisions of federal law concerning the confidentiality of
15 alcohol and drug abuse patient records, as contained in Title
16 21 of the United States Code, Section 1175; Title 42 of the
17 United States Code, Section 4582; 42 CFR Part 2; and any other
18 regulations promulgated pursuant thereto, all as now or
19 hereafter amended, shall supersede all other laws and
20 regulations concerning such confidentiality, except where any
21 such otherwise applicable laws or regulations are more
22 stringent, in which case the most stringent shall apply.

23 (c) Insurance companies requesting copies of records of an
24 applicant, subscriber, insured, enrollee, or beneficiary for
25 any reason shall pay the health care facility or health care
26 practitioner the applicable fees established under Section

1 8-2001 of the Code of Civil Procedure.

2 (Source: P.A. 88-670, eff. 12-2-94; 89-507, eff. 7-1-97.)