

AN ACT concerning patient health information.

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

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

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

Sec. 8-2001. Examination of records.

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

Every private and public health care facility hospital  
shall, upon the request of any patient who has been treated  
in such health care facility hospital-and-after-his-or-her  
discharge-therefrom, permit the patient, his or her physician  
or authorized attorney to examine the health care facility  
patient care hospital records, including but not limited to  
the history, bedside notes, charts, pictures and plates, kept  
in connection with the treatment of such patient, and permit  
copies of such records to be made by him or her or his or her  
physician or authorized attorney. A request for copies of  
the records shall be in writing and shall be delivered to the  
administrator or manager of such health care facility  
hospital. The health care facility hospital shall be  
reimbursed by the person requesting copies of records at the  
time of such copying for all reasonable expenses, including  
the costs of independent copy service companies, incurred by  
the health care facility hospital in connection with such

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

The requirements of this Section shall be satisfied within 30 60 days of the receipt of a written request by a patient, or by his or her legally authorized representative, ~~for--his--or--her~~ physician, or authorized attorney, ~~or-own~~ person. If the health care facility needs more time to comply with the request, then within 30 days after receiving the request, the facility must provide the requesting party with a written statement of the reasons for the delay and the date by which the requested information will be provided. In any event, the facility must provide the requested information no later than 60 days after receiving the request.

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

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

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

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

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

Every ~~physieian-and~~ practitioner shall, upon the request of any patient who has been treated by such ~~physieian--er~~ practitioner, permit the patient and the such patient's ~~physieian,~~ practitioner, or authorized attorney to examine and copy the patient's records, including but not limited to those relating to the diagnosis, treatment, prognosis, history, charts, pictures and plates, kept in connection with the treatment of such patient. Such request for examining and copying of the records shall be in writing and shall be delivered to such ~~physieian--er~~ practitioner. Such written request shall be complied with by the ~~physieian---~~er practitioner within a reasonable time after receipt by him or her at his or her office or any other place designated by him or her.

The requirements of this Section shall be satisfied within 30 days of the receipt of a written request. If the practitioner needs more time to comply with the request, then within 30 days after receiving the request, the practitioner must provide the requesting party with a written statement of the reasons for the delay and the date by which the requested information will be provided. In any event, the practitioner

must provide the requested information no later than 60 days after receiving the request.

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

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

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

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

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

Public Act 093-0087  
HB1038 Enrolled

LRB093 05531 DRJ 05623 b

(735 ILCS 5/8-2004 rep.)

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

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