



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 Sections 8-2001, 8-2001.5, and 8-2006 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, podiatric  
17 physician, advanced practice registered nurse, physician  
18 assistant, clinical psychologist, or clinical social worker.  
19 The term includes a medical office, health care clinic, health  
20 department, group practice, and any other organizational  
21 structure for a licensed professional to provide health care  
22 services. The term does not 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, or as authorized by Section 8-2001.5, permit  
6 the 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 signed by the  
9 patient or the patient's legally authorized representative to  
10 examine the health care facility patient care records,  
11 including but not limited to the history, bedside notes,  
12 charts, pictures and plates, kept in connection with the  
13 treatment of such patient, and permit copies of such records to  
14 be made by him or her or his or her health care practitioner or  
15 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. A  
7 patient who has been treated by the health care practitioner,  
8 or any person, entity, or organization presenting a valid  
9 authorization for the release of records signed by the patient  
10 or the patient's legally authorized representative may not be  
11 charged for photocopies of the records. ~~The person (including~~  
12 ~~patients, health care practitioners and attorneys) requesting~~  
13 ~~copies of records shall reimburse the facility or the health~~  
14 ~~care practitioner at the time of such copying for all~~  
15 ~~reasonable expenses, including the costs of independent copy~~  
16 ~~service companies, incurred in connection with such copying not~~  
17 ~~to exceed a \$20 handling charge for processing the request and~~  
18 ~~the actual postage or shipping charge, if any, plus: (1) for~~  
19 ~~paper copies 75 cents per page for the first through 25th~~  
20 ~~pages, 50 cents per page for the 26th through 50th pages, and~~  
21 ~~25 cents per page for all pages in excess of 50 (except that~~  
22 ~~the charge shall not exceed \$1.25 per page for any copies made~~  
23 ~~from microfiche or microfilm; records retrieved from scanning,~~  
24 ~~digital imaging, electronic information or other digital~~  
25 ~~format do not qualify as microfiche or microfilm retrieval for~~  
26 ~~purposes of calculating charges); and (2) for electronic~~

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

21 (d-5) (Blank). ~~The handling fee shall not be collected from~~  
22 ~~the patient or the patient's personal representative who~~  
23 ~~obtains copies of records under Section 8-2001.5.~~

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

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

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

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

25 (h) Notwithstanding any other provision of the law in  
26 recognition of service provided, a health care facility or

1 health care practitioner shall provide without charge one  
2 duplication of record materials or information in a patient's  
3 records that cannot routinely be copied or duplicated on a  
4 standard commercial photocopy machine ~~complete copy of a~~  
5 ~~patient's records~~ if: (1) the patient is an indigent homeless  
6 veteran; and (2) the records are being requested by the patient  
7 or a person, entity, or organization presenting a valid  
8 authorization for the release of records signed by the patient  
9 or the patient's legally authorized representative, for the  
10 purpose of supporting a claim for federal veterans' disability  
11 benefits.

12 (Source: P.A. 100-513, eff. 1-1-18; 100-814, eff. 1-1-19.)

13 (735 ILCS 5/8-2001.5)

14 Sec. 8-2001.5. Authorization for release of a deceased  
15 patient's records.

16 (a) In addition to disclosure allowed under Section 8-802,  
17 a deceased person's health care records must be released upon  
18 written request of the executor or administrator of the  
19 deceased person's estate or to an agent appointed by the  
20 deceased under a power of attorney for health care. When no  
21 executor, administrator, or agent exists, and the person did  
22 not specifically object to disclosure of his or her records in  
23 writing, then a deceased person's health care records must be  
24 released upon the written request of a person, who is  
25 considered to be a personal representative of the patient for

1 the purpose of the release of a deceased patient's health care  
2 records, in one of these categories:

3 (1) the deceased person's surviving spouse; or

4 (2) if there is no surviving spouse, any one or more of  
5 the following: (i) an adult son or daughter of the  
6 deceased, (ii) a parent of the deceased, or (iii) an adult  
7 brother or sister of the deceased.

8 (b) Health care facilities and practitioners are  
9 authorized to provide a copy of a deceased patient's records  
10 based upon a person's ~~payment of the statutory fee and~~ signed  
11 "Authorized Relative Certification", attesting to the fact  
12 that the person is authorized to receive such records under  
13 this Section.

14 (c) Any person who, in good faith, relies on a copy of an  
15 Authorized Relative Certification shall have the same  
16 immunities from criminal and civil liability as those who rely  
17 on a power of attorney for health care as provided by Illinois  
18 law.

19 (d) Upon request for records of a deceased patient, the  
20 named authorized relative shall provide the facility or  
21 practitioner with a certified copy of the death certificate and  
22 a certification in substantially the following form:

23 AUTHORIZED RELATIVE CERTIFICATION

24 I, (insert name of authorized relative), certify that I am



1 an authorized relative of the deceased (insert name of  
2 deceased). (A certified copy of the death certificate must be  
3 attached.)

4 I certify that to the best of my knowledge and belief that  
5 no executor or administrator has been appointed for the  
6 deceased's estate, that no agent was authorized to act for the  
7 deceased under a power of attorney for health care, and the  
8 deceased has not specifically objected to disclosure in  
9 writing.

10 I certify that I am the surviving spouse of the deceased;  
11 or

12 I certify that there is no surviving spouse and my  
13 relationship to the deceased is (circle one):

- 14 (1) An adult son or daughter of the deceased.  
15 (2) Either parent of the deceased.  
16 (3) An adult brother or sister of the deceased.

17 I certify that I am seeking the records as a personal  
18 representative who is acting in a representative capacity and  
19 who is authorized to seek these records under Section 8-2001.5  
20 of the Code of Civil Procedure.

21 This certification is made under penalty of perjury.\*

1 Dated: (insert date)

2 .....

3 (Print Authorized Relative's Name)

4 .....

5 (Authorized Relative's Signature)

6 .....

7 (Authorized Relative's Address)

8 \*(Note: Perjury is defined in Section 32-2 of the Criminal Code  
9 of 2012, and is a Class 3 felony.)

10 (Source: P.A. 97-623, eff. 11-23-11; 97-867, eff. 7-30-12;  
11 97-1150, eff. 1-25-13.)

12 (735 ILCS 5/8-2006)

13 Sec. 8-2006. Copying fees; adjustment for inflation.  
14 Beginning in 2003, every January 20, the copying fee limits  
15 established in Section ~~Sections 8-2001 and~~ 8-2005 shall  
16 automatically be increased or decreased, as applicable, by a  
17 percentage equal to the percentage change in the consumer price  
18 index-u during the preceding 12-month calendar year. "Consumer  
19 price index-u" means the index published by the Bureau of Labor  
20 Statistics of the United States Department of Labor that  
21 measures the average change in prices of goods and services  
22 purchased by all urban consumers, United States city average,

1 all items, 1982-84 = 100. The new amount resulting from each  
2 annual adjustment shall be determined by the Comptroller and  
3 made available to the public via the Comptroller's official  
4 website by January 31 of every year.

5 (Source: P.A. 94-982, eff. 6-30-06; 95-478, eff. 1-1-08  
6 (changed from 8-27-07 by P.A. 95-480).)