

1 AN ACT concerning patient health information.

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 and 8-2003 as follows:

6 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

7 Sec. 8-2001. Examination of records.

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

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

1 copying not to exceed a \$20 handling charge for processing
2 the request for copies, and 75 cents per page for the first
3 through 25th pages, 50 cents per page for the 26th through
4 50th pages, and 25 cents per page for all pages in excess of
5 50 (except that the charge shall not exceed \$1.25 per page
6 for any copies made from microfiche or microfilm), and actual
7 shipping costs. These rates shall be automatically adjusted
8 as set forth in Section 8-2006. The health care facility
9 ~~hospital~~ may, however, charge for the reasonable cost of all
10 duplication of record material or information that cannot
11 routinely be copied or duplicated on a standard commercial
12 photocopy machine such as x-ray films or pictures.

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

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

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

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

2 (735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

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

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

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

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

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

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

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

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

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

1 (735 ILCS 5/8-2004 rep.)

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

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