

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 1. Short title. This Act may be cited as the
5 Patient Health Information Act.

6 Section 5. Purpose. The purpose of this Act is to
7 establish certain rights of patients to obtain health care
8 information.

9 Section 10. Definitions. For the purposes of this Act:

10 "Health care professional" means a physician, dentist,
11 podiatrist, or other individual appropriately licensed or
12 registered to provide health care services.

13 "Health care services" means any services included in the
14 furnishing to any individual of medical care, or the
15 hospitalization incident to the furnishing of such care, as
16 well as the furnishing to any person of any and all other
17 services for the purpose of preventing, alleviating, curing,
18 or healing human illness or injury, including home health and
19 pharmaceutical services and products.

20 "Health care provider" means a hospital facility,
21 ambulatory surgical treatment center, nursing home,
22 independent practice association, physician-hospital
23 organization, or other person, other than a health care
24 professional, dentist, or podiatrist, that is licensed or
25 otherwise authorized to deliver health care services.

26 "Patient" means any person who has received or is
27 receiving health care treatment, services, or products from a
28 health care professional or health care provider.

29 Section 15. Explanation of bill. Every patient,

1 regardless of source of payment, may examine and receive a
2 reasonable explanation of his or her total bill for health
3 care services rendered by his or her health care professional
4 or health care provider, including the itemized charges for
5 specific health care services received. Each health care
6 professional or health care provider shall be responsible
7 only for a reasonable explanation of those specific health
8 care services provided by the health care professional or
9 health care provider.

10 Section 20. Disclosure. Each health care professional,
11 health care provider, health services corporation, and
12 insurance company shall refrain from disclosing the nature or
13 details of health care services provided to patients, except
14 that the information may be disclosed to the patient, the
15 party making treatment decisions regarding the health care
16 services provided, those parties directly involved with
17 providing treatment to the patient or processing the payment
18 for that treatment, those parties responsible for peer
19 review, utilization review and quality assurance, and those
20 parties required to be notified under the Abused and
21 Neglected Child Reporting Act, the Illinois Sexually
22 Transmissible Disease Control Act, and where otherwise
23 authorized or required by law. This right may be waived in
24 writing by the patient or the patient's representative or
25 guardian, but a health care professional or other health care
26 provider may not condition the provision of health care
27 services on the patient's or representative's or guardian's
28 agreement to sign a waiver.

29 Section 25. Examination and copying of records;
30 reimbursement; notice of closure; failure to comply. Every
31 health care professional and health care provider shall, upon
32 the request of any patient who has been treated by the

1 professional or provider, permit the patient, the patient's
2 health care professional, health care provider, or authorized
3 attorney to examine and copy the patient's records, including
4 but not limited to those relating to the diagnosis,
5 treatment, prognosis, history, charts, pictures, and plates,
6 kept in connection with the treatment of the patient. All
7 requests for examining and copying of the records shall be in
8 writing and shall be delivered to such professional or
9 provider. In the case of a hospital or other facility, the
10 request shall be delivered to the administrator of the
11 facility. A written request shall be complied with by the
12 professional or provider within a reasonable time after
13 receipt.

14 The requirements of this Section shall be satisfied
15 within 30 days of the receipt of a written request by a
16 patient or his or her health care professional, health care
17 provider, or authorized attorney. If the professional or
18 provider needs more time to comply with the request, then the
19 professional or provider must provide the requesting party
20 with a written statement of the reasons for the delay and the
21 date by which the requested information will be provided no
22 later than 60 days from receipt of the request.

23 The professional or provider shall be reimbursed by the
24 person requesting records at the time of such examination or
25 copying for all reasonable expenses, including the costs of
26 independent copy service companies, incurred by the
27 professional or provider in connection with copying.
28 Reasonable expenses may not exceed a \$20 handling charge for
29 processing the request for copies, and 75 cents per page for
30 the first through 25th pages, 50 cents per page for the 26th
31 through 50th pages, and 25 cents per page for all pages in
32 excess of 50 (except that the charge shall not exceed \$1.25
33 per page for any copies made from microfiche or microfilm),
34 and actual shipping costs. The requested fee must be paid in

1 order to receive the copies, even if the copies are being
2 provided pursuant to a subpoena. These rates shall be
3 automatically adjusted as set forth in Section 8-2006 of the
4 Code of Civil Procedure. The professional or provider may,
5 however, charge for the reasonable cost of all duplication of
6 record material or information that cannot routinely be
7 copied or duplicated on a standard commercial photocopy
8 machine such as x-ray films or pictures.

9 Professionals and providers must provide 30 days prior
10 notice of closure and explanation of how copies of records
11 may be accessed to the public. Notice may be by publication
12 in a newspaper of general circulation in the area in which
13 the professional or provider is located.

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

18 Section 30. Responsibility for maintenance and transfer
19 of medical records.

20 (a) A health care professional or health care provider
21 who has an ownership interest in a business entity,
22 regardless of the form of organization of the business
23 entity, organized for the purpose of providing health care
24 services is responsible for the maintenance and transfer of
25 all patient medical records originated by or in the
26 possession of that business entity. A health care
27 professional or health care provider subject to this Section
28 shall act to assure that patients are given notice of
29 procedures to obtain a copy or transfer of the patient's
30 medical records.

31 (b) Within 180 days after the effective date of this
32 Act, the Department of Public Health shall issue rules
33 necessary for the implementation of this Section.

1 (c) A health care professional or health care provider
 2 who violates this Section or the rules promulgated under this
 3 Section is subject to disciplinary action by the disciplinary
 4 board governing that professional.

5 Section 35. Rules. The Department of Public Health
 6 shall have the authority to adopt any rules necessary for the
 7 implementation of this Act.

8 Section 90. The Code of Civil Procedure is amended by
 9 changing Sections 8-2001, 8-2005, and 8-2006 as follows:

10 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

11 Sec. 8-2001. Examination of records. Patient health care
 12 records are available from health care professionals and
 13 health care providers in accordance with Section 25 of the
 14 Patient Health Information Act. Every--private--and--public
 15 hospital--shall,--upon-the-request-of-any-patient-who-has-been
 16 treated-in-such-hospital--and--after--his--or--her--discharge
 17 therefrom,--permit--the--patient,--his--or--her--physician-or
 18 authorized--attorney--to--examine---the---hospital---records,
 19 including--but--not--limited--to--the-history,--bedside-notes,
 20 charts,--pictures-and-plates,--kept--in--connection--with--the
 21 treatment--of--such-patient,--and-permit-copies-of-such-records
 22 to-be-made--by--him--or--her--or--his--or--her--physician--or
 23 authorized--attorney.---A--request--for-copies-of-the-records
 24 shall--be--in--writing--and--shall--be---delivered---to---the
 25 administrator--of--such--hospital.----The--hospital--shall-be
 26 reimbursed-by-the-person-requesting-copies-of-records-at--the
 27 time--of--such-copying-for-all-reasonable-expenses,--including
 28 the-costs-of-independent-copy-service-companies,--incurred--by
 29 the--hospital-in-connection-with-such-copying-not-to-exceed-a
 30 \$20-handling-charge-for-processing-the--request--for--copies,
 31 and--75--cents--per-page-for-the-first-through-25th-pages,--50

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

11 The-requirements-of-this-Section-shall-be-satisfied
 12 within-60-days-of-the-receipt-of-a-request-by-a-patient, for
 13 his-or-her-physician, authorized-attorney, or-own-person.

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

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

19 (735 ILCS 5/8-2005)

20 Sec. 8-2005. Attorney's records. This Section applies
 21 only if a client and his or her authorized attorney have
 22 complied with all applicable legal requirements regarding
 23 examination and copying of client files, including but not
 24 limited to satisfaction of expenses and attorney retaining
 25 liens.

26 Upon the request of a client, an attorney shall permit
 27 the client's authorized attorney to examine and copy the
 28 records kept by the attorney in connection with the
 29 representation of the client, with the exception of attorney
 30 work product. The request for examination and copying of the
 31 records shall be in writing and shall be delivered to the
 32 attorney. Within a reasonable time after the attorney
 33 receives the written request, the attorney shall comply with

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

19 Any entity legally authorized to receive copies,
 20 including via a subpoena, must comply with this Section.

21 An attorney shall satisfy the requirements of this
 22 Section within 60 days after he or she receives a written
 23 request from a client or his or her authorized attorney. An
 24 attorney who fails to comply with the time limit requirement
 25 of this Section shall be required to pay expenses and
 26 reasonable attorney's fees incurred in connection with any
 27 court-ordered enforcement of the requirements of this
 28 Section.

29 (Source: P.A. 92-228, eff. 9-1-01.)

30 (735 ILCS 5/8-2006)

31 Sec. 8-2006. Copying fees; adjustment for inflation.
 32 Beginning in 2003, every January 20, the copying fee limits
 33 established in Section ~~Sections~~-8-2001~~7~~-8-2003~~7~~--8-2004~~7~~--and

1 8-2005 of this Act and Section 25 of the Patient Health
2 Information Act shall automatically be increased or
3 decreased, as applicable, by a percentage equal to the
4 percentage change in the consumer price index-u during the
5 preceding 12-month calendar year. "Consumer price index-u"
6 means the index published by the Bureau of Labor Statistics
7 of the United States Department of Labor that measures the
8 average change in prices of goods and services purchased by
9 all urban consumers, United States city average, all items,
10 1982-84 = 100. The new amount resulting from each annual
11 adjustment shall be determined by the Comptroller and
12 submitted by ~~made-available-to-the-public-on~~ January 20 of
13 every year to the Secretary of State for publication in the
14 Illinois Register.

15 (Source: P.A. 92-228, eff. 9-1-01.)

16 (735 ILCS 5/8-2003 rep.)

17 (735 ILCS 5/8-2004 rep.)

18 Section 95. The Code of Civil Procedure is amended by
19 repealing Sections 8-2003 and 8-2004.

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