



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2295

Introduced 1/12/2006, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-2003
735 ILCS 5/8-2005

from Ch. 110, par. 8-2003

Amends the Code of Civil Procedure. Provides that records of health care practitioners shall be made available for examination or copying to any person, entity, or organization that presents a valid authorization for the release of records. Provides that records of an attorney shall be made available for examination or copying to any person, entity, or organization that presents a valid authorization for the release of those records, subject to conditions currently in the Section.

LRB094 16335 AJO 51586 b

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 8-2003 and 8-2005 as follows:

6 (735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

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

16 Every practitioner shall, upon the request of any patient
17 who has been treated by such practitioner, or any person,
18 entity, or organization that presents a valid, signed
19 authorization for the release of records, permit the patient
20 and the patient's practitioner or authorized attorney, or any
21 person, entity, or organization that presents a valid, signed
22 authorization for the release of records, to examine and copy
23 the patient's records, including but not limited to those
24 relating to the diagnosis, treatment, prognosis, history,
25 charts, pictures and plates, kept in connection with the
26 treatment of such patient. Such request for examining and
27 copying of the records shall be in writing and shall be
28 delivered to such practitioner. Such written request shall be
29 complied with by the practitioner within a reasonable time
30 after receipt by him or her at his or her office or any other
31 place designated by him or her.

32 The requirements of this Section shall be satisfied within

1 30 days of the receipt of a written request. If the
2 practitioner needs more time to comply with the request, then
3 within 30 days after receiving the request, the practitioner
4 must provide the requesting party with a written statement of
5 the reasons for the delay and the date by which the requested
6 information will be provided. In any event, the practitioner
7 must provide the requested information no later than 60 days
8 after receiving the request.

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

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

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

36 (Source: P.A. 92-228, eff. 9-1-01; 93-87, eff. 7-2-03.)

1 (735 ILCS 5/8-2005)

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

7 Upon the request of a client, an attorney shall permit the
8 client's authorized attorney, or any person, entity, or
9 organization that presents a valid, signed authorization for
10 the release of records, to examine and copy the records kept by
11 the attorney in connection with the representation of the
12 client, with the exception of attorney work product. The
13 request for examination and copying of the records shall be in
14 writing and shall be delivered to the attorney. Within a
15 reasonable time after the attorney receives the written
16 request, the attorney shall comply with the written request at
17 his or her office or any other place designated by him or her.
18 At the time of copying, the person requesting the records shall
19 reimburse the attorney for all reasonable expenses, including
20 the costs of independent copy service companies, incurred by
21 the attorney in connection with the copying not to exceed a \$20
22 handling charge for processing the request for copies, and 75
23 cents per page for the first through 25th pages, 50 cents per
24 page for the 26th through 50th pages, and 25 cents per page for
25 all pages in excess of 50 (except that the charge shall not
26 exceed \$1.25 per page for any copies made from microfiche or
27 microfilm), and actual shipping costs. These rates shall be
28 automatically adjusted as set forth in Section 8-2006. The
29 attorney may, however, charge for the reasonable cost of all
30 duplication of record material or information that cannot
31 routinely be copied or duplicated on a standard commercial
32 photocopy machine such as pictures.

33 An attorney shall satisfy the requirements of this Section
34 within 60 days after he or she receives a request from a client
35 or his or her authorized attorney. An attorney who fails to

1 comply with the time limit requirement of this Section shall be
2 required to pay expenses and reasonable attorney's fees
3 incurred in connection with any court-ordered enforcement of
4 the requirements of this Section.

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