



Rep. Sidney H. Mathias

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LRB094 16335 AJ0 58596 a

1 AMENDMENT TO SENATE BILL 2295

2 AMENDMENT NO. _____. Amend Senate Bill 2295, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Code of Civil Procedure is amended by
6 changing Sections 8-802, 8-2001, and 8-2006 as follows:

7 (735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

8 Sec. 8-802. Physician and patient. No physician or surgeon
9 shall be permitted to disclose any information he or she may
10 have acquired in attending any patient in a professional
11 character, necessary to enable him or her professionally to
12 serve the patient, except only (1) in trials for homicide when
13 the disclosure relates directly to the fact or immediate
14 circumstances of the homicide, (2) in actions, civil or
15 criminal, against the physician for malpractice, (3) with the
16 expressed consent of the patient, or in case of his or her
17 death or disability, of his or her personal representative or
18 other person authorized to sue for personal injury or of the
19 beneficiary of an insurance policy on his or her life, health,
20 or physical condition, (4) in all actions brought by or against
21 the patient, his or her personal representative, a beneficiary
22 under a policy of insurance, or the executor or administrator
23 of his or her estate wherein the patient's physical or mental
24 condition is an issue, (5) upon an issue as to the validity of

1 a document as a will of the patient, (6) in any criminal action
2 where the charge is either first degree murder by abortion,
3 attempted abortion or abortion, (7) in actions, civil or
4 criminal, arising from the filing of a report in compliance
5 with the Abused and Neglected Child Reporting Act, (8) to any
6 department, agency, institution or facility which has custody
7 of the patient pursuant to State statute or any court order of
8 commitment, (9) in prosecutions where written results of blood
9 alcohol tests are admissible pursuant to Section 11-501.4 of
10 the Illinois Vehicle Code, (10) in prosecutions where written
11 results of blood alcohol tests are admissible under Section
12 5-11a of the Boat Registration and Safety Act, ~~or~~ (11) in
13 criminal actions arising from the filing of a report of
14 suspected terrorist offense in compliance with Section
15 29D-10(p)(7) of the Criminal Code of 1961, or (12) upon the
16 issuance of a subpoena pursuant to Section 38 of the Medical
17 Practice Act of 1987; the issuance of a subpoena pursuant to
18 Section 25.1 of the Illinois Dental Practice Act; or the
19 issuance of a subpoena pursuant to Section 22 of the Nursing
20 Home Administrators Licensing and Disciplinary Act.

21 In the event of a conflict between the application of this
22 Section and the Mental Health and Developmental Disabilities
23 Confidentiality Act to a specific situation, the provisions of
24 the Mental Health and Developmental Disabilities
25 Confidentiality Act shall control.

26 (Source: P.A. 87-803; 92-854, eff. 12-5-02.)

27 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

28 Sec. 8-2001. Examination of health care records.

29 (a) In this Section:

30 "Health ~~health~~ care facility" or "facility" means a public
31 or private hospital, ambulatory surgical treatment center,
32 nursing home, independent practice association, or physician
33 hospital organization, or any other entity where health care

1 services are provided to any person. The term does not include
2 a health care practitioner ~~an organizational structure whose~~
3 ~~records are subject to Section 8-2003.~~

4 "Health care practitioner" means any health care
5 practitioner, including a physician, dentist, podiatrist,
6 advanced practice nurse, physician assistant, clinical
7 psychologist, or clinical social worker. The term includes a
8 medical office, health care clinic, health department, group
9 practice, and any other organizational structure for a licensed
10 professional to provide health care services. The term does not
11 include a health care facility.

12 (b) Every private and public health care facility shall,
13 upon the request of any patient who has been treated in such
14 health care facility, or any person, entity, or organization
15 presenting a valid authorization for the release of records
16 signed by the patient or the patient's legally authorized
17 representative, permit the patient, his or her health care
18 practitioner ~~physician~~, patient's authorized attorney, or any
19 person, entity, or organization presenting a valid
20 authorization for the release of records signed by the patient
21 or the patient's legally authorized representative to examine
22 the health care facility patient care records, including but
23 not limited to the history, bedside notes, charts, pictures and
24 plates, kept in connection with the treatment of such patient,
25 and permit copies of such records to be made by him or her or
26 his or her health care practitioner ~~physician~~ or patient's
27 authorized attorney.

28 (c) Every health care practitioner shall, upon the request
29 of any patient who has been treated by the health care
30 practitioner, or any person, entity, or organization
31 presenting a valid authorization for the release of records
32 signed by the patient or the patient's legally authorized
33 representative, permit the patient and the patient's health
34 care practitioner or patient's authorized attorney, or any

1 person, entity, or organization presenting a valid
2 authorization for the release of records signed by the patient
3 or the patient's legally authorized representative, to examine
4 and copy the patient's records, including but not limited to
5 those relating to the diagnosis, treatment, prognosis,
6 history, charts, pictures and plates, kept in connection with
7 the treatment of such patient.

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

29 (e) The requirements of this Section shall be satisfied
30 within 30 days of the receipt of a written request by a patient
31 or by his or her legally authorized representative, health care
32 practitioner ~~physician~~, patient's authorized attorney, or any
33 person, entity, or organization presenting a valid
34 authorization for the release of records signed by the patient

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

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

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

22 (Source: P.A. 93-87, eff. 7-2-03; 94-155, eff. 1-1-06.)

23 (735 ILCS 5/8-2006)

24 Sec. 8-2006. Copying fees; adjustment for inflation.
25 Beginning in 2003, every January 20, the copying fee limits
26 established in Sections 8-2001, ~~8-2003, 8-2004,~~ and 8-2005
27 shall automatically be increased or decreased, as applicable,
28 by a percentage equal to the percentage change in the consumer
29 price index-u during the preceding 12-month calendar year.
30 "Consumer price index-u" means the index published by the
31 Bureau of Labor Statistics of the United States Department of
32 Labor that measures the average change in prices of goods and
33 services purchased by all urban consumers, United States city

1 average, all items, 1982-84 = 100. The new amount resulting
2 from each annual adjustment shall be determined by the
3 Comptroller and made available to the public on January 20 of
4 every year.

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

6 (735 ILCS 5/8-2003 rep.)

7 Section 10. The Code of Civil Procedure is amended by
8 repealing Section 8-2003."