

1 AN ACT concerning civil procedure.

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, 8-2003, and 8-2004, changing the  
6 heading of Part 20 of Article VIII, and adding Sections  
7 8-2005 and 8-2006 as follows:

8 (735 ILCS 5/Art. 8, Part 20 heading)

9 Part 20. Inspection of ~~Hospital~~ Records

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

11 (Text of Section WITHOUT the changes made by P.A. 89-7,  
12 which has been held unconstitutional)

13 Sec. 8-2001. Examination of records. Every private and  
14 public hospital shall, upon the request of any patient who  
15 has been treated in such hospital and after his or her  
16 discharge therefrom, permit the patient, his or her physician  
17 or authorized attorney to examine the hospital records,  
18 including but not limited to the history, bedside notes,  
19 charts, pictures and plates, kept in connection with the  
20 treatment of such patient, and permit copies of such records  
21 to be made by him or her or his or her physician or  
22 authorized attorney. A request for copies examination of the  
23 records shall be in writing and shall be delivered to the  
24 administrator of such hospital. The hospital shall be  
25 reimbursed by the person requesting copies of records at the  
26 time of such copying for all reasonable expenses, including  
27 the costs of independent copy service companies, incurred by  
28 the hospital in connection with such copying not to exceed a  
29 \$20 handling charge for processing the request for copies,  
30 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.)

19 (735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

20 (Text of Section WITHOUT the changes made by P.A. 89-7,  
 21 which has been held unconstitutional)

22 Sec. 8-2003. Physieian's Records of physicians and other  
 23 health care practitioners. In this Section, "practitioner"  
 24 means any health care practitioner other than a physician,  
 25 clinical psychologist, or clinical social worker.

26 Every physician and practitioner shall, upon the request  
 27 of any patient who has been treated by such physician or  
 28 practitioner, permit such patient's physician, practitioner,  
 29 or authorized attorney to examine and copy the patient's  
 30 records, including but not limited to those relating to the  
 31 diagnosis, treatment, prognosis, history, charts, pictures  
 32 and plates, kept in connection with the treatment of such  
 33 patient. Such request for examining and copying of the

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

23 The requirements of this Section shall be satisfied  
24 within 60 days of the receipt of a request by a patient or  
25 his or her physician, practitioner, or authorized attorney.

26 Failure to comply with the time limit requirement of this  
27 Section shall subject the denying party to expenses and  
28 reasonable attorneys' fees incurred in connection with any  
29 court ordered enforcement of the provisions of this Section.

30 (Source: P.A. 84-7.)

31 (735 ILCS 5/8-2004) (from Ch. 110, par. 8-2004)

32 (Text of Section WITHOUT the changes made by P.A. 89-7,  
33 which has been held unconstitutional)

1           Sec. 8-2004. Records of clinical psychologists and  
2 clinical social workers. Except where the clinical  
3 psychologist or clinical social worker consents, records of a  
4 clinical psychologist or clinical social worker regulated in  
5 this State, relating to psychological services or social work  
6 services, shall not be examined or copied by a patient,  
7 unless otherwise ordered by the court for good cause shown.  
8 For the purpose of obtaining records, the patient or his or  
9 her authorized agent may apply to the circuit court of the  
10 county in which the patient resides or the county in which  
11 the clinical psychologist or clinical social worker resides.  
12 The clinical psychologist or clinical social worker shall be  
13 reimbursed by the person requesting the records at the time  
14 of the ~~examination~~-~~or~~ copying, for all reasonable expenses,  
15 including the costs of independent copy service companies,  
16 incurred by the clinical psychologist or clinical social  
17 worker in connection with the ~~examination~~-~~or~~ copying, not to  
18 exceed a \$20 handling charge for processing the request for  
19 copies, and 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  
23 made from microfiche or microfilm), and actual shipping  
24 costs. These rates shall be automatically adjusted as set  
25 forth in Section 8-2006. The clinical psychologist or  
26 clinical social worker may, however, charge for the  
27 reasonable cost of all duplication of record material or  
28 information that cannot routinely be copied or duplicated or  
29 a standard commercial photocopy machine such as pictures.  
30 (Source: P.A. 87-530.)

31           (735 ILCS 5/8-2005 new)

32           Sec. 8-2005. Attorney's records. This Section applies  
33 only if a client and his or her authorized attorney have

1 complied with all applicable legal requirements regarding  
2 examination and copying of client files, including but not  
3 limited to satisfaction of expenses and attorney retaining  
4 liens.

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

30 An attorney shall satisfy the requirements of this  
31 Section within 60 days after he or she receives a request  
32 from a client or his or her authorized attorney. An attorney  
33 who fails to comply with the time limit requirement of this  
34 Section shall be required to pay expenses and reasonable

1 attorney's fees incurred in connection with any court-ordered  
2 enforcement of the requirements of this Section.

3 (735 ILCS 5/8-2006 new)

4 Sec. 8-2006. Copying fees; adjustment for inflation.  
5 Beginning in 2003, every January 20, the copying fee limits  
6 established in Sections 8-2001, 8-2003, 8-2004, and 8-2005  
7 shall automatically be increased or decreased, as applicable,  
8 by a percentage equal to the percentage change in the  
9 consumer price index-u during the preceding 12-month calendar  
10 year. "Consumer price index-u" means the index published by  
11 the Bureau of Labor Statistics of the United States  
12 Department of Labor that measures the average change in  
13 prices of goods and services purchased by all urban  
14 consumers, United States city average, all items, 1982-84 =  
15 100. The new amount resulting from each annual adjustment  
16 shall be determined by the Comptroller and made available to  
17 the public on January 20 of every year.

18 Section 99. Effective date. This Act takes effect 30  
19 days after becoming law.