

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.