

1 AMENDMENT TO SENATE BILL 721

2 AMENDMENT NO. _____. Amend Senate Bill 721, 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 8-2001, 8-2003, and 8-2004, changing the
7 heading of Part 20 of Article VIII, and adding Sections
8 8-2005 and 8-2006 as follows:

9 (735 ILCS 5/Art. 8, Part 20 heading)

10 Part 20. Inspection of Hospital Records

11 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

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

14 Sec. 8-2001. Examination of records. Every private and
15 public hospital shall, upon the request of any patient who
16 has been treated in such hospital and after his or her
17 discharge therefrom, permit the patient, his or her physician
18 or 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

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

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

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

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

29 (735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

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

32 Sec. 8-2003. Physieian's Records of physicians and other
33 health care practitioners. In this Section, "practitioner"

1 means any health care practitioner other than a physician,
2 clinical psychologist, or clinical social worker.

3 Every physician and practitioner shall, upon the request
4 of any patient who has been treated by such physician or
5 practitioner, permit such patient's physician, practitioner,
6 or authorized attorney to examine and copy the patient's
7 records, including but not limited to those relating to the
8 diagnosis, treatment, prognosis, history, charts, pictures
9 and plates, kept in connection with the treatment of such
10 patient. Such request for examining and copying of the
11 records shall be in writing and shall be delivered to such
12 physician or practitioner. Such written request shall be
13 complied with by the physician or practitioner within a
14 reasonable time after receipt by him or her at his or her
15 office or any other place designated by him or her. The
16 physician or practitioner shall be reimbursed by the person
17 requesting such records at the time of such examination--~~or~~
18 copying, for all reasonable expenses, including the costs of
19 independent copy service companies, incurred by the physician
20 or practitioner in connection with such examination--~~or~~
21 copying not to exceed a \$20 handling charge for processing
22 the request for copies, and 75 cents per page for the first
23 through 25th pages, 50 cents per page for the 26th through
24 50th pages, and 25 cents per page for all pages in excess of
25 50 (except that the charge shall not exceed \$1.25 per page
26 for any copies made from microfiche or microfilm), and actual
27 shipping costs. These rates shall be automatically adjusted
28 as set forth in Section 8-2006. The physician or other
29 practitioner may, however, charge for the reasonable cost of
30 all duplication of record material or information that cannot
31 routinely be copied or duplicated on a standard commercial
32 photocopy machine such as x-ray films or pictures.

33 The requirements of this Section shall be satisfied
34 within 60 days of the receipt of a request by a patient or

1 his or her physician, practitioner, or authorized attorney.

2 Failure to comply with the time limit requirement of this
3 Section shall subject the denying party to expenses and
4 reasonable attorneys' fees incurred in connection with any
5 court ordered enforcement of the provisions of this Section.

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

7 (735 ILCS 5/8-2004) (from Ch. 110, par. 8-2004)

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

10 Sec. 8-2004. Records of clinical psychologists and
11 clinical social workers. Except where the clinical
12 psychologist or clinical social worker consents, records of a
13 clinical psychologist or clinical social worker regulated in
14 this State, relating to psychological services or social work
15 services, shall not be examined or copied by a patient,
16 unless otherwise ordered by the court for good cause shown.
17 For the purpose of obtaining records, the patient or his or
18 her authorized agent may apply to the circuit court of the
19 county in which the patient resides or the county in which
20 the clinical psychologist or clinical social worker resides.
21 The clinical psychologist or clinical social worker shall be
22 reimbursed by the person requesting the records at the time
23 of the ~~examination-er~~ copying, for all reasonable expenses,
24 including the costs of independent copy service companies,
25 incurred by the clinical psychologist or clinical social
26 worker in connection with the ~~examination-er~~ copying, not to
27 exceed a \$20 handling charge for processing the request for
28 copies, and 75 cents per page for the first through 25th
29 pages, 50 cents per page for the 26th through 50th pages, and
30 25 cents per page for all pages in excess of 50 (except that
31 the charge shall not exceed \$1.25 per page for any copies
32 made from microfiche or microfilm), and actual shipping
33 costs. These rates shall be automatically adjusted as set

1 forth in Section 8-2006. The clinical psychologist or
2 clinical social worker may, however, charge for the
3 reasonable cost of all duplication of record material or
4 information that cannot routinely be copied or duplicated or
5 a standard commercial photocopy machine such as pictures.

6 (Source: P.A. 87-530.)

7 (735 ILCS 5/8-2005 new)

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

14 Upon the request of a client, an attorney shall permit
15 the client's authorized attorney to examine and copy the
16 records kept by the attorney in connection with the
17 representation of the client, with the exception of attorney
18 work product. The request for examination and copying of the
19 records shall be in writing and shall be delivered to the
20 attorney. Within a reasonable time after the attorney
21 receives the written request, the attorney shall comply with
22 the written request at his or her office or any other place
23 designated by him or her. At the time of copying, the person
24 requesting the records shall reimburse the attorney for all
25 reasonable expenses, including the costs of independent copy
26 service companies, incurred by the attorney in connection
27 with the copying not to exceed a \$20 handling charge for
28 processing the request for copies, and 75 cents per page for
29 the first through 25th pages, 50 cents per page for the 26th
30 through 50th pages, and 25 cents per page for all pages in
31 excess of 50 (except that the charge shall not exceed \$1.25
32 per page for any copies made from microfiche or microfilm),
33 and actual shipping costs. These rates shall be automatically

1 adjusted as set forth in Section 8-2006. The attorney may,
2 however, charge for the reasonable cost of all duplication of
3 record material or information that cannot routinely be
4 copied or duplicated on a standard commercial photocopy
5 machine such as pictures.

6 An attorney shall satisfy the requirements of this
7 Section within 60 days after he or she receives a request
8 from a client or his or her authorized attorney. An attorney
9 who fails to comply with the time limit requirement of this
10 Section shall be required to pay expenses and reasonable
11 attorney's fees incurred in connection with any court-ordered
12 enforcement of the requirements of this Section.

13 (735 ILCS 5/8-2006 new)

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

28 Section 99. Effective date. This Act takes effect 30
29 days after becoming law."