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Sen. John J. Cullerton

Filed: 5/31/2007

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1	AMENDMENT TO HOUSE BILL 830
2	AMENDMENT NO. _____. Amend House Bill 830, AS AMENDED, by
3	replacing everything after the enacting clause with the
4	following:
5	"Section 5. The Code of Civil Procedure is amended, if and
6	only if Senate Bill 472 of the 95th General Assembly becomes
7	law, by changing Section 8-2001 as follows:
8	(735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)
9	Sec. 8-2001. Examination of health care records.
10	(a) In this Section:
11	"Health care facility" or "facility" means a public or
12	private hospital, ambulatory surgical treatment center,
13	nursing home, independent practice association, or physician
14	hospital organization, or any other entity where health care
15	services are provided to any person. The term does not include
16	a health care practitioner.

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1	"Health care practitioner" means any health care
2	practitioner, including a physician, dentist, podiatrist,
3	advanced practice nurse, physician assistant, clinical
4	psychologist, or clinical social worker. The term includes a
5	medical office, health care clinic, health department, group
6	practice, and any other organizational structure for a licensed
7	professional to provide health care services. The term does not
8	include a health care facility.
9	(b) Every private and public health care facility shall,
10	upon the request of any patient who has been treated in such
11	health care facility, or any person, entity, or organization
12	presenting a valid authorization for the release of records
13	signed by the patient or the patient's legally authorized
14	representative, permit the patient, his or her healthcare
15	practitioner, authorized attorney, or any person, entity, or
16	organization presenting a valid authorization for the release
17	of records signed by the patient or the patient's legally
18	authorized representative to examine the health care facility
19	patient care records, including but not limited to the history,
20	bedside notes, charts, pictures and plates, kept in connection
21	with the treatment of such patient, and permit copies of such
22	records to be made by him or her or his or her healthcare
23	practitioner or authorized attorney.
24	(c) Every health care practitioner shall, upon the request
25	of any patient who has been treated by the health care
26	practitioner, or any person, entity, or organization

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1`	presenting a valid authorization for the release of records
2	signed by the patient or the patient's legally authorized
3	representative, permit the patient and the patient's health
4	care practitioner or authorized attorney, or any person,
5	entity, or organization presenting a valid authorization for

6 the release of records signed by the patient or the patient's
7 legally authorized representative, to examine and copy the
8 patient's records, including but not limited to those relating
9 to the diagnosis, treatment, prognosis, history, charts,
10 pictures and plates, kept in connection with the treatment of
11 such patient.

(d) A request for copies of the records shall be in writing
12 and shall be delivered to the administrator or manager of such
13 health care facility or to the health care practitioner. The
14 person (including patients, health care practitioners and
15 attorneys) requesting copies of records shall reimburse the
16 facility or the health care practitioner at the time of such
17 copying for all reasonable expenses, including the costs of
18 independent copy service companies, incurred in connection
19 with such copying not to exceed a \$20 handling charge for
20 processing the request and the actual postage or shipping
21 charge, if any, plus: (1) for paper copies 75 cents per page
22 for the first through 25th pages, 50 cents per page for the
23 26th through 50th pages, and 25 cents per page for all pages in
24 excess of 50 (except that the charge shall not exceed \$1.25 per
25 page for any copies made from microfiche or microfilm; records
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1 retrieved from scanning, digital imaging, electronic
2 information or other digital format do not qualify as
3 microfiche or microfilm retrieval for purposes of calculating
4 charges); and (2) for electronic records, retrieved from a
5 scanning, digital imaging, electronic information or other
6 digital format in a electronic document, a charge of 50% of the
7 per page charge for paper copies under subdivision (d) (1). This
8 per page charge includes the cost of 75 cents for each CD Rom,
9 DVD, or other storage media. Records already maintained in an
10 electronic or digital format shall be provided in an electronic

11 format when so requested. If the records system does not allow
 12 for the creation or transmission of an electronic or digital
 13 record, then the facility or practitioner shall inform the
 14 requester in writing of the reason the records cannot be
 15 provided electronically. The written explanation may be
 16 included with the production of paper copies, if the requester
 17 chooses to order paper copies. These rates shall be
 18 automatically adjusted as set forth in Section 8-2006. The
 19 facility or health care practitioner may, however, charge for
 20 the reasonable cost of all duplication of record material or
 21 information that cannot routinely be copied or duplicated on a
 22 standard commercial photocopy machine such as x-ray films or
 23 pictures.

24 (e) The requirements of this Section shall be satisfied
 25 within 30 days of the receipt of a written request by a patient
 26 or by his or her legally authorized representative, healthcare

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

13 (f) A health care facility or health care practitioner must
 14 provide the public with at least 30 days prior notice of the
 15 closure of the facility or the health care practitioner's

16	practice. The notice must include an explanation of how copies
17	of the facility's records may be accessed by patients. The
18	notice may be given by publication in a newspaper of general
19	circulation in the area in which the health care facility or
20	health care practitioner is located.
21	(g) Failure to comply with the time limit requirement of
22	this Section shall subject the denying party to expenses and
23	reasonable attorneys' fees incurred in connection with any
24	court ordered enforcement of the provisions of this Section.
25	(Source: P.A. 93-87, eff. 7-2-03; 94-155, eff. 1-1-06;
26	09500SB0472ham001.)

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1	Section 10. "An Act concerning civil law", Senate Bill 472
2	of the 95th General Assembly, is amended, if and only if Senate
3	Bill 472 of the 95th General Assembly becomes law, by changing
4	Section 99 as follows:
5	(SB 472, 95th G.A., Sec. 99)
6	Sec. 99. Effective date. This Act takes effect upon
7	becoming law, <u>except that the provisions amending the Code of</u>
8	<u>Civil Procedure by changing Sections 8-2001, 8-2005, and 8-2006</u>
9	<u>and repealing Section 8-2003 take effect on January 1, 2008.</u>
10	(Source: 09500SB0472ham001.)
11	Section 99. Effective date. This Act takes effect upon
12	becoming law, except Section 5 takes effect on January 1,
13	2008".