

1 AN ACT concerning health care.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 2. The Medical Patient Rights Act is amended by
5 changing Section 3 as follow:

6 (410 ILCS 50/3) (from Ch. 111 1/2, par. 5403)

7 Sec. 3. The following rights are hereby established:

8 (a) The right of each patient to care consistent with
9 sound nursing and medical practices, to be informed of the
10 name of the physician responsible for coordinating his or her
11 care, to receive information concerning his or her condition
12 and proposed treatment, to refuse any treatment to the extent
13 permitted by law, and to privacy and confidentiality of
14 records except as otherwise provided by law.

15 (b) The right of each patient, regardless of source of
16 payment, to examine and receive a reasonable explanation of
17 his total bill for services rendered by his physician or
18 health care provider, including the itemized charges for
19 specific services received. Each physician or health care
20 provider shall be responsible only for a reasonable
21 explanation of those specific services provided by such
22 physician or health care provider.

23 Within 30 days after rendering any service, each
24 physician and health care provider shall mail to each patient
25 at the patient's last known address an itemized bill for
26 services rendered without imposing any additional charge for
27 mailing the bill. If services are of a continuing nature,
28 each physician and health care provider shall mail to the
29 patient an itemized bill for services rendered each 30 days.
30 In no event may a physician or health care provider charge a
31 patient or a patient's authorized representative for a copy

1 of the patient's itemized bill for services rendered.

2 Upon request by a patient or a patient's authorized
3 representative for a narrative written medical report,
4 including but not limited to history, diagnosis, treatment,
5 prognosis, and opinions on cost of future treatment and
6 permanency of condition, a physician shall promptly submit
7 the narrative report. The cost of the narrative report may
8 not exceed \$75.

9 (c) In the event an insurance company or health services
10 corporation cancels or refuses to renew an individual policy
11 or plan, the insured patient shall be entitled to timely,
12 prior notice of the termination of such policy or plan.

13 An insurance company or health services corporation that
14 requires any insured patient or applicant for new or
15 continued insurance or coverage to be tested for infection
16 with human immunodeficiency virus (HIV) or any other
17 identified causative agent of acquired immunodeficiency
18 syndrome (AIDS) shall (1) give the patient or applicant prior
19 written notice of such requirement, (2) proceed with such
20 testing only upon the written authorization of the applicant
21 or patient, and (3) keep the results of such testing
22 confidential. Notice of an adverse underwriting or coverage
23 decision may be given to any appropriately interested party,
24 but the insurer may only disclose the test result itself to a
25 physician designated by the applicant or patient, and any
26 such disclosure shall be in a manner that assures
27 confidentiality.

28 The Department of Insurance shall enforce the provisions
29 of this subsection.

30 (d) The right of each patient to privacy and
31 confidentiality in health care. Each physician, health care
32 provider, health services corporation and insurance company
33 shall refrain from disclosing the nature or details of
34 services provided to patients, except that such information

1 may be disclosed to the patient, the party making treatment
 2 decisions if the patient is incapable of making decisions
 3 regarding the health services provided, those parties
 4 directly involved with providing treatment to the patient or
 5 processing the payment for that treatment, those parties
 6 responsible for peer review, utilization review and quality
 7 assurance, and those parties required to be notified under
 8 the Abused and Neglected Child Reporting Act, the Illinois
 9 Sexually Transmissible Disease Control Act or where otherwise
 10 authorized or required by law. This right may be waived in
 11 writing by the patient or the patient's guardian, but a
 12 physician or other health care provider may not condition the
 13 provision of services on the patient's or guardian's
 14 agreement to sign such a waiver.

15 (Source: P.A. 86-895; 86-902; 86-1028; 87-334.)

16 Section 3. The Code of Civil Procedure is amended by
 17 changing Sections 8-2001, 8-2003, and 8-2004, changing the
 18 heading of Part 20 of Article VIII, and adding Sections
 19 8-2005 and 8-2006 as follows:

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

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

22 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

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

25 Sec. 8-2001. Examination of records. Every private and
 26 public hospital shall, upon the request of any patient who
 27 has been treated in such hospital and after his or her
 28 discharge therefrom, permit the patient, his or her physician
 29 or authorized attorney to examine the hospital records,
 30 including but not limited to the history, bedside notes,
 31 charts, pictures and plates, kept in connection with the

1 treatment of such patient, and permit copies of such records
 2 to be made by him or her or his or her physician or
 3 authorized attorney. A request for copies examination of the
 4 records shall be in writing and shall be delivered to the
 5 administrator of such hospital. The hospital shall be
 6 reimbursed by the person requesting copies of records at the
 7 time of such copying for all reasonable expenses, including
 8 the costs of independent copy service companies, incurred by
 9 the hospital in connection with such copying not to exceed a
 10 \$25 handling charge for processing the request for copies and
 11 37 cents per page (except that the charge shall not exceed \$1
 12 per page for any copies made from microfiche or microfilm),
 13 and actual shipping costs. These rates shall be
 14 automatically adjusted as set forth in Section 8-2006. The
 15 hospital may, however, charge for the reasonable cost of all
 16 duplication of record material or information that cannot
 17 routinely be copied or duplicated on a standard commercial
 18 photocopy machine such as x-ray films or pictures.

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

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

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

27 (735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

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

30 Sec. 8-2003. Physician's Records of physicians and other
 31 health care practitioners. In this Section, "practitioner"
 32 means any health care practitioner other than a physician,
 33 clinical psychologist, or clinical social worker.

1 Every physician and practitioner shall, upon the request
2 of any patient who has been treated by such physician or
3 practitioner, permit such patient's physician, practitioner,
4 or authorized attorney to examine and copy the patient's
5 records, including but not limited to those relating to the
6 diagnosis, treatment, prognosis, history, charts, pictures
7 and plates, kept in connection with the treatment of such
8 patient. Such request for examining and copying of the
9 records shall be in writing and shall be delivered to such
10 physician or practitioner. Such written request shall be
11 complied with by the physician or practitioner within a
12 reasonable time after receipt by him or her at his or her
13 office or any other place designated by him or her. The
14 physician or practitioner shall be reimbursed by the person
15 requesting such records at the time of such examination--or
16 copying, for all reasonable expenses, including the costs of
17 independent copy service companies, incurred by the physician
18 or practitioner in connection with such examination--or
19 copying not to exceed a \$25 handling charge for processing
20 the request for copies, and 37 cents per page (except that
21 the charge shall not exceed \$1 per page for any copies made
22 from microfiche or microfilm), and actual shipping costs.
23 These rates shall be automatically adjusted as set forth in
24 Section 8-2006. The physician or other practitioner may,
25 however, charge for the reasonable cost of all duplication of
26 record material or information that cannot routinely be
27 copied or duplicated on a standard commercial photocopy
28 machine such as x-ray films or pictures.

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

32 Failure to comply with the time limit requirement of this
33 Section shall subject the denying party to expenses and
34 reasonable attorneys' fees incurred in connection with any

1 court ordered enforcement of the provisions of this Section.
2 (Source: P.A. 84-7.)

3 (735 ILCS 5/8-2004) (from Ch. 110, par. 8-2004)
4 (Text of Section WITHOUT the changes made by P.A. 89-7,
5 which has been held unconstitutional)
6 Sec. 8-2004. Records of clinical psychologists and
7 clinical social workers. Except where the clinical
8 psychologist or clinical social worker consents, records of a
9 clinical psychologist or clinical social worker regulated in
10 this State, relating to psychological services or social work
11 services, shall not be examined or copied by a patient,
12 unless otherwise ordered by the court for good cause shown.
13 For the purpose of obtaining records, the patient or his or
14 her authorized agent may apply to the circuit court of the
15 county in which the patient resides or the county in which
16 the clinical psychologist or clinical social worker resides.
17 The clinical psychologist or clinical social worker shall be
18 reimbursed by the person requesting the records at the time
19 of the ~~examination-er~~ copying, for all reasonable expenses,
20 including the costs of independent copy service companies,
21 incurred by the clinical psychologist or clinical social
22 worker in connection with the ~~examination-er~~ copying, not to
23 exceed a \$25 handling charge for processing the request for
24 copies, and 37 cents per page (except that the charge shall
25 not exceed \$1 per page for any copies made from microfiche or
26 microfilm), and actual shipping costs. These rates shall be
27 automatically adjusted as set forth in Section 8-2006. The
28 clinical psychologist or clinical social worker may, however,
29 charge for the reasonable cost of all duplication of record
30 material or information that cannot routinely be copied or
31 duplicated or a standard commercial photocopy machine such as
32 pictures.

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

1 (735 ILCS 5/8-2005 new)

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

8 Upon the request of a client, an attorney shall permit
9 the client's authorized attorney to examine and copy the
10 records kept by the attorney in connection with the
11 representation of the client, with the exception of attorney
12 work product. The request for examination and copying of the
13 records shall be in writing and shall be delivered to the
14 attorney. Within a reasonable time after the attorney
15 receives the written request, the attorney shall comply with
16 the written request at his or her office or any other place
17 designated by him or her. At the time of copying, the person
18 requesting the records shall reimburse the attorney for all
19 reasonable expenses, including the costs of independent copy
20 service companies, incurred by the attorney in connection
21 with the copying not to exceed a \$25 handling charge for
22 processing the request for copies, and 37 cents per page
23 (except that the charge shall not exceed \$1 per page for any
24 copies made from microfiche or microfilm), and actual
25 shipping costs. These rates shall be automatically adjusted
26 as set forth in Section 8-2006. The attorney may, however,
27 charge for the reasonable cost of all duplication of record
28 material or information that cannot routinely be copied or
29 duplicated on a standard commercial photocopy machine such as
30 pictures.

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

1 Section shall be required to pay expenses and reasonable
2 attorney's fees incurred in connection with any court-ordered
3 enforcement of the requirements of this Section.

4 (735 ILCS 5/8-2006 new)

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

19 Section 5. The Clinical Psychologists Lien Act is
20 amended by changing Section 1 as follows:

21 (770 ILCS 10/1) (from Ch. 82, par. 551)

22 Sec. 1. Every licensed clinical psychologist practicing
23 in this State who renders psychological diagnostic or
24 treatment services or treatment services related to the
25 psychological aspects of physical illness to injured persons
26 shall have a lien upon all claims and causes of action for
27 the amount of his reasonable charges up to the date of
28 payment of such damages. However, the total amount of all
29 liens under this Act, the Dentists Lien Act, the Emergency
30 Medical Services Personnel Lien Act, the Home Health Agency
31 Lien Act, the Hospital Lien Act, the Physical Therapist Lien

1 Act, the Physicians Lien Act, and subrogation claims shall
 2 not exceed 1/3 of the sum paid or due to the injured person
 3 based on a claim or right of action. The lien shall also
 4 include a written notice containing the name and address of
 5 the injured person, the date of the injury, the name and
 6 address of the licensed clinical psychologist practicing in
 7 this State, and the name of the party alleged to be liable to
 8 make compensation to such injured person for the injuries
 9 received. Such notice shall be served on both the injured
 10 person and the party against whom such claim or right of
 11 action exists. Service shall be made by registered or
 12 certified mail or in person.

13 (Source: P.A. 86-672.)

14 Section 10. The Dentists Lien Act is amended by changing
 15 Section 1 as follows:

16 (770 ILCS 20/1) (from Ch. 82, par. 121)

17 Sec. 1. Every licensed dentist practicing in this State
 18 who renders services by way of treatment to injured persons,
 19 except services rendered under the provisions of the Workers'
 20 Compensation Act or the Workers' Occupational Diseases Act,
 21 shall have a lien upon all claims and causes of action for
 22 the amount of his reasonable charges up to the date of
 23 payment of such damages.

24 Provided, however, that the total amount of all liens
 25 under this Act, the Clinical Psychologists Lien Act, the
 26 Emergency Medical Services Personnel Lien Act, the Home
 27 Health Agency Lien Act, the Hospital Lien Act, the Physical
 28 Therapist Lien Act, the Physicians Lien Act, and subrogation
 29 claims hereunder shall not exceed 1/3 of the sum paid or due
 30 to the injured person on the claim or right of action, and
 31 provided further, that the lien shall in addition include a
 32 notice in writing containing the name and address of the

1 injured person, the date of the injury, the name and address
2 of the licensed dentist practicing in this State, and the
3 name of the party alleged to be liable to make compensation
4 to such injured person for the injuries received, which
5 notice shall be served on both the injured person and the
6 party against whom such claim or right of action exists.

7 Notwithstanding any other provision of this Act, payment
8 in good faith to any person other than the dentist claiming
9 or asserting such lien prior to the service of such notice of
10 lien shall, to the extent of the payment so made, bar or
11 prevent the creation of an enforceable lien.

12 Service shall be made by registered or certified mail or
13 in person.

14 (Source: P.A. 81-992.)

15 Section 15. The Emergency Medical Services Personnel
16 Lien Act is amended by changing Section 5 as follows:

17 (770 ILCS 22/5)

18 Sec. 5. Elements of the lien. Every person certified or
19 authorized under the Emergency Medical Services (EMS) Systems
20 Act to provide emergency medical services shall have a lien
21 upon all claims and causes of action for the amount of his or
22 her reasonable charges up to the date of payment of such
23 damages. However, the total amount of all liens under this
24 Act, the Clinical Psychologists Lien Act, the Dentists Lien
25 Act, the Home Health Agency Lien Act, the Hospital Lien Act,
26 the Physical Therapist Lien Act, the Physicians Lien Act, and
27 subrogation claims shall not exceed 1/3 of the sum paid or
28 due to the injured person based on a claim or right of
29 action. The lien shall also include a written notice
30 containing the name and address of the injured person, the
31 date of the injury, the name and address of the person
32 certified or authorized under the Emergency Medical Services

1 (EMS) Systems Act to provide emergency medical services, and
2 the name of the party alleged to be liable to make
3 compensation to the injured person for the injuries received.
4 The notice shall be served on both the injured person and the
5 party against whom the claim or right of action exists.
6 Service shall be made by registered or certified mail or in
7 person.

8 (Source: P.A. 87-978.)

9 Section 20. The Home Health Agency Lien Act is amended
10 by changing Section 2 as follows:

11 (770 ILCS 25/2) (from Ch. 82, par. 302)

12 Sec. 2. Every home health agency licensed under the Home
13 Health Agency Licensing Act shall have a lien upon all such
14 claims and causes of action of an injured person for the
15 amount of its reasonable charges up to the date of payment of
16 such damages.

17 However, the total amount of all liens under this Act,
18 the Clinical Psychologists Lien Act, the Dentists Lien Act,
19 the Emergency Medical Services Personnel Lien Act, the
20 Hospital Lien Act, the Physical Therapist Lien Act, the
21 Physicians Lien Act, and subrogation claims hereunder shall
22 not exceed one-third of the sum paid or due to the injured
23 person on the claim or right of action, provided that if the
24 injured person is a minor at the time of the settlement or
25 adjudication the court may reduce the percentage of such
26 awards subject to liens under this Act. The lien shall, in
27 addition, include a notice in writing containing the name and
28 address of the injured person, the date of the injury, the
29 name and address of the home health agency, and the name of
30 the party alleged to be liable to make compensation to such
31 injured person for the injuries received, which notice shall
32 be served on both the injured person and the party against

1 whom such claim or right of action exists.

2 Service shall be made by registered mail or in person.

3 (Source: P.A. 84-508.)

4 Section 25. The Hospital Lien Act is amended by
5 changing Section 1 as follows:

6 (770 ILCS 35/1) (from Ch. 82, par. 97)

7 (Text of Section WITHOUT the changes made by P.A. 89-404,
8 which has been held unconstitutional)

9 Sec. 1. Lien created; notice required. Every hospital
10 rendering service in the treatment, care and maintenance, of
11 such injured person shall have a lien upon all such claims
12 and causes of action for the amount of its reasonable charges
13 at ward rates in such hospital up to the date of payment of
14 such damages.

15 Provided, however, that the total amount of all liens
16 under this Act, the Clinical Psychologists Lien Act, the
17 Dentists Lien Act, the Emergency Medical Services Personnel
18 Lien Act, the Home Health Agency Lien Act, the Physical
19 Therapist Lien Act, the Physicians Lien Act, and subrogation
20 claims hereunder shall not exceed one-third of the sum paid
21 or due to said injured person on said claim or right of
22 action, and provided further, that said lien shall in
23 addition include a notice in writing containing the name and
24 address of the injured person, the date of the injury, the
25 name and address of the hospital, and the name of the party
26 alleged to be liable to make compensation to such injured
27 person for the injuries received, shall be served on both the
28 injured person and the party against whom such claim or right
29 of action exists.

30 Service shall be made by registered mail or in person.

31 (Source: P.A. 89-280, eff. 1-1-96; parts of 89-626, eff.
32 8-9-96, not derived from 89-404.)

1 Section 30. The Physical Therapist Lien Act is amended
2 by changing Section 2 as follows:

3 (770 ILCS 75/2) (from Ch. 82, par. 602)

4 Sec. 2. Every licensed physical therapist practicing in
5 this State who provides services by way of treatment to
6 injured persons, except services rendered under the
7 provisions of the Workers' Compensation Act or the Workers'
8 Occupational Diseases Act, shall have a lien upon all claims
9 and causes of action for the amount of his reasonable charges
10 up to the date of payment of such damages. However, the
11 total amount of all liens under this Act, the Clinical
12 Psychologists Lien Act, the Dentists Lien Act, the Emergency
13 Medical Services Personnel Lien Act, the Home Health Agency
14 Lien Act, the Hospital Lien Act, the Physicians Lien Act, and
15 subrogation claims shall not exceed 1/3 of the sum paid or
16 due to the injured person based on a claim or right of
17 action. The lien shall also include a written notice
18 containing the name and address of the injured person, the
19 date of the injury, the name and address of the licensed
20 physical therapist practicing in this State, and the name of
21 the party alleged to be liable to make compensation to the
22 injured person for the injuries received. The notice shall
23 be served on both the injured person and the party against
24 whom such claim or right of action exists. Service shall be
25 made by registered or certified mail or in person.

26 (Source: P.A. 87-312.)

27 Section 35. The Physicians Lien Act is amended by
28 changing Section 1 as follows:

29 (770 ILCS 80/1) (from Ch. 82, par. 101.1)

30 Sec. 1. Every licensed physician practicing in this State
31 who renders services by way of treatment to injured persons,

1 except services rendered under the provisions of the Workers'
2 Compensation Act or the Workers' Occupational Diseases Act,
3 shall have a lien upon all claims and causes of action for
4 the amount of his reasonable charges up to the date of
5 payment of such damages.

6 Provided, however, that the total amount of all liens
7 under this Act, the Clinical Psychologists Lien Act, the
8 Dentists Lien Act, the Emergency Medical Services Personnel
9 Lien Act, the Home Health Agency Lien Act, the Hospital Lien
10 Act, the Physical Therapist Lien Act, and subrogation claims
11 hereunder shall not exceed 1/3 of the sum paid or due to the
12 injured person on the claim or right of action, and provided
13 further, that the lien shall in addition include a notice in
14 writing containing the name and address of the injured
15 person, the date of the injury, the name and address of the
16 licensed physician practicing in this State, and the name of
17 the party alleged to be liable to make compensation to such
18 injured person for the injuries received, which notice shall
19 be served on both the injured person and the party against
20 whom such claim or right of action exists.

21 Notwithstanding any other provision of this Act, payment
22 in good faith to any person other than the physician claiming
23 or asserting such lien prior to the service of such notice of
24 lien shall, to the extent of the payment so made, bar or
25 prevent the creation of an enforceable lien.

26 Service shall be made by registered or certified mail or
27 in person.

28 (Source: P.A. 81-992.)

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Statutes amended in order of appearance

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- 735 ILCS 5/Art. 8, Part 20 heading
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- 735 ILCS 5/8-2003 from Ch. 110, par. 8-2003
- 735 ILCS 5/8-2004 from Ch. 110, par. 8-2004
- 735 ILCS 5/8-2005 new
- 735 ILCS 5/8-2006 new
- 770 ILCS 10/1 from Ch. 82, par. 551
- 770 ILCS 20/1 from Ch. 82, par. 121
- 770 ILCS 22/5
- 770 ILCS 25/2 from Ch. 82, par. 302
- 770 ILCS 35/1 from Ch. 82, par. 97
- 770 ILCS 75/2 from Ch. 82, par. 602
- 770 ILCS 80/1 from Ch. 82, par. 101.1