



Sen. Michael E. Hastings

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09800SB3110sam001

LRB098 19508 HEP 56477 a

1 AMENDMENT TO SENATE BILL 3110

2 AMENDMENT NO. _____. Amend Senate Bill 3110 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Section 8-802 as follows:

6 (735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

7 Sec. 8-802. Physician and patient. No physician or surgeon
8 shall be permitted to disclose any information he or she may
9 have acquired in attending any patient in a professional
10 character, necessary to enable him or her professionally to
11 serve the patient, except only (1) in trials for homicide when
12 the disclosure relates directly to the fact or immediate
13 circumstances of the homicide, (2) in actions, civil or
14 criminal, against the physician for malpractice, (3) with the
15 expressed consent of the patient, or in case of his or her
16 death or disability, of his or her personal representative or

1 other person authorized to sue for personal injury or of the
2 beneficiary of an insurance policy on his or her life, health,
3 or physical condition, or as authorized by Section 8-2001.5,
4 (4) in all actions brought by or against the patient, his or
5 her personal representative, a beneficiary under a policy of
6 insurance, or the executor or administrator of his or her
7 estate wherein the patient's physical or mental condition is an
8 issue, (5) upon an issue as to the validity of a document as a
9 will of the patient, (6) in any criminal action where the
10 charge is either first degree murder by abortion, attempted
11 abortion or abortion, (7) in actions, civil or criminal,
12 arising from the filing of a report in compliance with the
13 Abused and Neglected Child Reporting Act, (8) to any
14 department, agency, institution or facility which has custody
15 of the patient pursuant to State statute or any court order of
16 commitment, (9) in prosecutions where written results of blood
17 alcohol tests are admissible pursuant to Section 11-501.4 of
18 the Illinois Vehicle Code, (10) in prosecutions where written
19 results of blood alcohol tests are admissible under Section
20 5-11a of the Boat Registration and Safety Act, (11) in criminal
21 actions arising from the filing of a report of suspected
22 terrorist offense in compliance with Section 29D-10(p)(7) of
23 the Criminal Code of 2012, ~~or~~ (12) upon the issuance of a
24 subpoena pursuant to Section 38 of the Medical Practice Act of
25 1987; the issuance of a subpoena pursuant to Section 25.1 of
26 the Illinois Dental Practice Act; the issuance of a subpoena

1 pursuant to Section 22 of the Nursing Home Administrators
2 Licensing and Disciplinary Act; or the issuance of a subpoena
3 pursuant to Section 25.5 of the Workers' Compensation Act; or
4 (13) upon the issuance of a grand jury subpoena pursuant to
5 Article 112 of the Code of Criminal Procedure of 1963.

6 Upon disclosure under item (13) of this Section, in any
7 criminal action where the charge is domestic battery,
8 aggravated domestic battery, criminal sexual assault,
9 aggravated criminal sexual assault, predatory criminal sexual
10 assault of a child, criminal sexual abuse, or aggravated
11 criminal sexual abuse, the State's Attorney shall petition the
12 court for a protective order pursuant to Supreme Court Rule
13 415.

14 In the event of a conflict between the application of this
15 Section and the Mental Health and Developmental Disabilities
16 Confidentiality Act to a specific situation, the provisions of
17 the Mental Health and Developmental Disabilities
18 Confidentiality Act shall control.

19 (Source: P.A. 97-18, eff. 6-28-11; 97-623, eff. 11-23-11;
20 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13.)".