



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4845

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-2001.10 new

Amends the Code of Civil Procedure. Creates an authorization and form for the release of an incapacitated person's health care records. Provides that an incapacitated person's health care records must be released upon written request of the guardian of the incapacitated person or by an agent appointed by the incapacitated person under a power of attorney for health care. Provides that, if no guardian or agent exists and the incapacitated person did not specifically object to disclosure of the incapacitated person's records in writing, then an incapacitated person's health care records must be released upon the written request of a person in one of these categories: (1) the incapacitated person's spouse; or (2) if there is no spouse, any one or more of the following: (i) an adult child of the incapacitated person, (ii) a parent of the incapacitated person, or (iii) an adult sibling of the incapacitated person. Provides that the named authorized relative upon request for records of a incapacitated person, shall provide the facility or practitioner with a statement of a treating health care provider that the person is incapacitated. Effective immediately.

LRB104 17026 JRC 30441 b

1 AN ACT concerning civil law.

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 adding Section 8-2001.10 as follows:

6 (735 ILCS 5/8-2001.10 new)

7 Sec. 8-2001.10. Authorization for release of an
8 incapacitated person's records.

9 (a) In addition to disclosure allowed under Section 8-802,
10 an incapacitated person's health care records must be released
11 upon written request of the guardian of the incapacitated
12 person's or by an agent appointed by the incapacitated person
13 under a power of attorney for health care. If no guardian or
14 agent exists, and the incapacitated person did not
15 specifically object to disclosure of the incapacitated
16 person's records in writing, then an incapacitated person's
17 health care records must be released upon the written request
18 of a person, who is considered to be a personal representative
19 of the patient for the purpose of the release of an
20 incapacitated patient's health care records, in one of these
21 categories:

22 (1) the incapacitated person's spouse; or

23 (2) if there is no spouse, any one or more of the

1 following:

2 (A) an adult child of the incapacitated person;

3 (B) a parent of the incapacitated person; or

4 (C) an adult sibling of the incapacitated person.

5 (b) Health care facilities and practitioners are
6 authorized to provide a copy of an incapacitated patient's
7 records based upon a person's payment of the statutory fee and
8 signed Authorized Relative Certification, attesting to the
9 fact that the person is authorized to receive such records
10 under this Section.

11 (c) Any person who, in good faith, relies on a copy of an
12 Authorized Relative Certification has the same immunities from
13 criminal and civil liability as those who rely on a power of
14 attorney for health care as provided by State law.

15 (d) Upon request for records of an incapacitated person,
16 the named authorized relative shall provide the facility or
17 practitioner with a statement of a treating health care
18 provider that the person is incapacitated as defined in the
19 Illinois Power of Attorney Act and a certification in
20 substantially the following form:

21 AUTHORIZED RELATIVE CERTIFICATION

22 I, (insert name of authorized relative), certify that I am
23 an authorized relative of (insert name of incapacitated
24 person). (A statement of the treating health care provider
25 must be attached).

26 I certify that to the best of my knowledge and belief that

1 no guardian has been appointed for the incapacitated person,
2 that no agent was authorized to act for the incapacitated
3 person under a power of attorney for health care, and the
4 incapacitated person has not specifically objected to
5 disclosure in writing.

6 I certify that I am the spouse of the incapacitated
7 person; or

8 I certify that there is no spouse and my relationship to
9 the incapacitated person is (circle one):

10 (1) An adult child of the incapacitated person.

11 (2) Either parent of the incapacitated person.

12 (3) An adult child of the incapacitated person.

13 I certify that I am seeking the records as a personal
14 representative who is acting in a representative capacity and
15 who is authorized to seek these records under Section
16 8-2001.10 of the Code of Civil Procedure.

17 This certification is made under penalty of perjury.

18 Dated: (insert date)

19

20 (Print Authorized Relative's Name)

21

22 (Authorized Relative's Signature)

23

24 (Authorized Relative's Address)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.