

House Bill 3503

Sponsored by Representative GARRARD

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Limits awards of attorney fees to \$100,000 in civil actions against certain health care providers.

A BILL FOR AN ACT

1
2 Relating to attorney fees.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) An attorney may not charge or collect more than \$100,000 in attorney**
5 **fees for representation of a plaintiff in any civil action against a health care provider that**
6 **alleges personal injury or death arising out of services rendered by the health care provider**
7 **while the provider was acting within the scope of the license or certificate issued to the**
8 **provider. This subsection applies if the health care provider is:**

9 (a) **An emergency medical technician certified by the Department of Human Services**
10 **under ORS chapter 682;**

11 (b) **A health care facility as defined in ORS 442.015; and**

12 (c) **Any person who is licensed or certified by:**

13 (A) **The State Board of Examiners for Speech-Language Pathology and Audiology;**

14 (B) **The State Board of Chiropractic Examiners;**

15 (C) **The State Board of Clinical Social Workers;**

16 (D) **The Oregon Board of Licensed Professional Counselors and Therapists;**

17 (E) **The Oregon Board of Dentistry;**

18 (F) **The Board of Examiners of Licensed Dietitians;**

19 (G) **The State Board of Massage Therapists;**

20 (H) **The Board of Naturopathic Examiners;**

21 (I) **The Oregon State Board of Nursing;**

22 (J) **The Board of Examiners of Nursing Home Administrators;**

23 (K) **The Oregon Board of Optometry;**

24 (L) **The State Board of Pharmacy;**

25 (M) **The Board of Medical Examiners;**

26 (N) **The Occupational Therapy Licensing Board;**

27 (O) **The Physical Therapist Licensing Board;**

28 (P) **The State Board of Psychologist Examiners;**

29 (Q) **The Board of Radiologic Technology; or**

30 (R) **The Oregon Health Licensing Agency.**

31 (2) **The limit imposed by this section does not limit the amounts payable to an attorney**
32 **for actual costs and expenses incurred by the attorney in connection with the claim, includ-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **ing costs for expert witness fees, depositions and court costs.**

2 **(3) Any provision in a contingent fee agreement that provides for a payment of attorney**
3 **fees in excess of the limit imposed by this section is void and of no force and effect.**

4 **(4) The limit imposed by this section applies without regard to whether recovery on a**
5 **claim is by judgment, settlement, mediation, arbitration or any other form of alternative**
6 **dispute resolution.**

7 **(5) If more than one attorney represents a plaintiff in a claim described in subsection (1)**
8 **of this section, the combined fees of all attorneys representing the client may not exceed the**
9 **limit imposed by this section.**

10 **(6) In any action based on a claim described in subsection (1) of this section, a court may**
11 **limit the attorney fee payable under a contingent fee agreement to an amount that is less**
12 **than the maximum fee permitted under this section.**

13 **SECTION 2. Section 1 of this 2007 Act applies only to causes of action arising on or after**
14 **the effective date of this 2007 Act.**

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