

Senate Bill 540

Sponsored by Senator WALKER

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**.

Provides that Oregon Health and Science University is not subject to Oregon Tort Claims Act. Provides that university may not claim sovereign immunity as defense in action brought against university.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to Oregon Health and Science University; creating new provisions; amending ORS 30.278,
3 353.100 and 353.117; repealing ORS 30.267 and 30.268; and declaring an emergency.

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

5 **SECTION 1.** ORS 353.100 is amended to read:

6 353.100. (1) The provisions of ORS chapters 35, 190, 192, 244 and 295 and ORS [*30.260 to*
7 *30.460,*] 200.005 to 200.025, 200.045 to 200.090, 236.605 to 236.640, 243.650 to 243.782, 297.040, 307.090
8 and 307.112 [*shall*] apply to Oregon Health and Science University under the same terms as they
9 apply to public bodies other than the state.

10 (2) Except as otherwise provided by law, the provisions of ORS chapters 182, 183, 240, 270, 273,
11 276, 279A, 279B, 279C, 283, 291, 292, 293, 294 and 297 and ORS **30.260 to 30.300**, 35.550 to 35.575,
12 180.060, 180.210 to 180.235, 183.710 to 183.725, 183.745, 183.750, 184.305 to 184.345, 190.430, 190.480,
13 190.490, 192.105, 200.035, 236.380, 243.105 to 243.585, 243.696, 278.011 to 278.120, 278.315 to 278.415,
14 279.835 to 279.855, 282.010 to 282.150, 357.805 to 357.895 and 656.017 (2) [*shall*] **do** not apply to the
15 university or any not-for-profit organization or other entity if the equity of the entity is owned ex-
16 clusively by the university and if the organization or entity is created by the university to advance
17 any of the university's statutory missions.

18 (3) The university, as a distinct governmental entity, or any organization or entity described in
19 subsection (2) of this section [*shall*] **is** not [*be*] subject to any provision of law enacted after January
20 1, 1995, with respect to any governmental entity, unless the provision specifically provides that it
21 applies to the university or to the organization or entity.

22 (4) **The university may not claim sovereign immunity as a defense in any action brought**
23 **against the university.**

24 **SECTION 2.** ORS 30.278 is amended to read:

25 30.278. When notice is received under ORS 30.275 of a claim of professional negligence against
26 a physician, optometrist, dentist, dental hygienist or naturopath who is acting within the scope of
27 employment by a public body [*or within the scope of duties as defined by ORS 30.267*], the person
28 receiving the notice shall report to the appropriate licensing board, in the same manner as required
29 by ORS 742.400, the information required by ORS 742.400 to be reported by insurers or self-insured
30 associations.

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 **SECTION 3.** ORS 353.117 is amended to read:

2 353.117. (1) Pursuant to ORS 353.050, Oregon Health and Science University may create and
3 maintain an entity that is exempt from federal income tax under section 501(c)(3) of the Internal
4 Revenue Code, as amended, for the purpose of conducting clinical care and practice and advancing
5 other university missions by the faculty.

6 (2) Any entity created by the university under subsection (1) of this section shall be considered:

7 (a) A public employer for purposes of ORS 236.605 to 236.640 and ORS chapters 238 and 238A;

8 (b) A unit of local government for purposes of ORS 190.003 to 190.130;

9 (c) A public body for purposes of ORS [30.260 to 30.300 and] 307.112;

10 (d) A public agency for purposes of ORS 200.090; and

11 (e) A public corporation for purposes of ORS 307.090.

12 **SECTION 4. ORS 30.267 and 30.268 are repealed.**

13 **SECTION 5. The amendments to ORS 30.278, 353.100 and 353.117 by sections 1 to 3 of this**
14 **2007 Act and the repeal of ORS 30.267 and 30.268 by section 4 of this 2007 Act apply to causes**
15 **of action arising on or after the effective date of this 2007 Act.**

16 **SECTION 6. This 2007 Act being necessary for the immediate preservation of the public**
17 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
18 **on its passage.**

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