

# Senate Bill 710

Sponsored by COMMITTEE ON JUDICIARY

## 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**.

Exempts hospital from liability for health services provided without compensation except in cases of gross negligence. Requires hospital to inform patient in advance and obtain signed written waiver from patient or patient's representative.

## A BILL FOR AN ACT

1  
2 Relating to exemption of liability for hospitals providing care without compensation.

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

4 **SECTION 1. (1) Notwithstanding any other provision of law, a hospital, as defined by ORS**  
5 **442.015, that provides health care services without compensation is not liable for any injury,**  
6 **death or other loss arising out of the provision of those services, unless the injury, death**  
7 **or other loss results from gross negligence.**

8 (2) A hospital may claim the limitation on liability provided by this section only if the  
9 patient receiving health care services, or a person who has authority under law to make  
10 health care decisions for the patient, signs a statement that notifies the patient that the  
11 health care services are provided without compensation and that the hospital may be held  
12 liable for death, injury or other loss only to the extent provided by this section. The state-  
13 ment required under this subsection must be signed before the health care services are  
14 provided.

15 (3) A hospital may claim the limitation on liability provided by this section only if the  
16 hospital obtains the patient's informed consent for the health care services before providing  
17 the services, or receives the informed consent of a person who has authority under law to  
18 make health care decisions for the patient.

19 (4) A hospital provides health care services without compensation for the purposes of this  
20 section even though the hospital may require payment of laboratory fees, testing services  
21 and other services provided by entities that operate independent of the hospital.

22 (5) In any civil action in which a hospital prevails based on the limitation on liability  
23 provided by this section, the court shall award all reasonable attorney fees incurred by the  
24 hospital in defending the action.

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**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.