

Senate Bill 518

Sponsored by Senator MORRISETTE

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 parties may not waive dispute resolution in certain cases arising out of provision of health care.

A BILL FOR AN ACT

1
2 Relating to dispute resolution; creating new provisions; and amending ORS 31.250.

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

4 **SECTION 1.** ORS 31.250 is amended to read:

5 31.250. (1) In any action described in subsection (5) of this section, all parties to the action and
6 their attorneys must participate in some form of dispute resolution within 270 days after the action
7 is filed unless[.]

8 [(a)] the action is settled or otherwise resolved within 270 days after the action is filed[; or]

9 [(b) *All parties to the action agree in writing to waive dispute resolution under this section*].

10 (2) Dispute resolution under this section may consist of arbitration, mediation or a judicial
11 settlement conference.

12 (3) Within 270 days after filing an action described in subsection (5) of this section, the parties
13 or their attorneys must file a certificate indicating that the parties and attorneys have complied
14 with the requirements of this section.

15 (4) The court may impose appropriate sanctions against any party or attorney who:

16 (a) Fails to attend an arbitration hearing, mediation session or judicial settlement conference
17 conducted for the purposes of the requirements of this section;

18 (b) Fails to act in good faith in any arbitration, mediation or judicial settlement conference
19 conducted for the purposes of the requirements of this section;

20 (c) Fails to timely submit any documents required for an arbitration, mediation or judicial
21 settlement conference conducted for the purposes of the requirements of this section; or

22 (d) Fails to have a person with authority to approve a resolution of the action available at the
23 time of any arbitration hearing, mediation session or judicial settlement conference conducted for
24 the purposes of the requirements of this section, unless the party or attorney receives from the
25 court, before the hearing, session or conference commences, an exemption from the requirements of
26 this paragraph.

27 (5) The provisions of this section apply to any action in which a claim for damages is made
28 against a health practitioner, as described in ORS 31.740, or against a health care facility, as defined
29 in ORS 442.015, based on negligence, unauthorized rendering of health care or product liability un-
30 der ORS 30.900 to 30.920.

31 **SECTION 2.** The amendments to ORS 31.250 by section 1 of this 2009 Act apply only to

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 **actions filed on or after the effective date of this 2009 Act.**

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