

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	8 - 0 - 2
Yeas:	Hicks, Nolan, Olson, Schaufler, Wand, Whisnant, Barker, Krieger
Nays:	0
Exc.:	Garrett, Tomei
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	4/15

WHAT THE MEASURE DOES: Exempts professional counselors and marriage and family therapists from punitive damage awards if they are engaged in conduct regulated by the appropriate governing body and they are acting without malice within the scope of practice for which they are licensed.

ISSUES DISCUSSED:

- Other professions have the same exemption

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Punitive damages are not recoverable in a civil action unless it is proven by clear and convincing evidence that the party against whom punitive damages are sought has acted with malice or has shown a reckless and outrageous indifference to a highly unreasonable risk of harm, and has acted with a conscious indifference to the health, safety and welfare of others, ORS 31.730.

House Bill 2217 had a hearing in the House Human Services Committee and February 16th and work sessions on March 7th, 9th and 14th.