

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass

Vote: 7 - 0 - 1

Yeas: Cannon, Doherty, Hoyle, Parrish, Weidner, Greenlick, Thompson

Nays: 0

Exc.: Kennemer

Prepared By: Sandy Thiele-Cirka, Administrator

Meeting Dates: 4/27

WHAT THE MEASURE DOES: Requires insurer to defend claim of malpractice if claim is based on disclosure of adverse event by health practitioner to patient or patient's family. Applies to insurance policies issued or renewed on or after effective date of Act. Authorizes Oregon Patient Safety Commission (OPSC) to include any serious adverse event on list of reportable events. Requires OPSC to collaborate with providers of ambulatory health care for purposes relating to patient safety. Specifies that health care institution, health care facility or other entity that employs licensee of Oregon Medical Board is not admitting liability when institution, facility or other entity expresses regret or apologizes. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Current hospital practices
- Extending same benefits to hospitals that currently exist for physicians
- Review of Insurance Code
- Current barriers

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Medical Liability Task Force was appointed by the Oregon Health Policy Board (OHPB) in March 2010 to develop medical liability reform proposals for consideration by the OHPB and the Legislature. The task force identified the following three patient-centered goals for system improvement:

- The medical liability system becomes a more effective tool for improving patient safety;
- The medical liability system more effectively compensates individuals who are injured as a result of medical errors; and
- The collateral costs associated with the medical liability system (including costs associated with insurance administration, litigation, and defensive medicine) are reduced.

Additionally House Bill 2349 (2003) created the Oregon Patient Safety Commission (OPSC) as an independent public commission to improve patient safety. OPSC's mission is to improve patient safety by reducing the risk of serious adverse events occurring in Oregon's health care system and by encouraging a culture of patient safety. To accomplish the mission, OPSC will: establish a confidential, voluntary serious adverse event reporting system in Oregon; establish quality improvement techniques to reduce system errors; and share evidence-based prevention practices to improve patient outcomes.