

Enrolled House Bill 2217

Sponsored by Representative BUCKLEY; Representatives GELSER, TOMEI, Senator BATES (Pre-session filed.)

CHAPTER

AN ACT

Relating to punitive damages; creating new provisions; and amending ORS 31.740.

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

SECTION 1. ORS 31.740 is amended to read:

31.740. Punitive damages may not be awarded against a health practitioner if:

- (1) The health practitioner is licensed, registered or certified as:
 - (a) A psychologist under ORS 675.030 to 675.070, 675.085 and 675.090;
 - (b) An occupational therapist under ORS 675.230 to 675.300;
 - (c) A regulated social worker under ORS 675.510 to 675.600;
 - (d) A physician under ORS 677.100 to 677.228;
 - (e) An emergency medical technician under ORS chapter 682;
 - (f) A podiatric physician and surgeon under ORS 677.820 to 677.840;
 - (g) A nurse under ORS 678.040 to 678.101;
 - (h) A nurse practitioner under ORS 678.375 to 678.390;
 - (i) A dentist under ORS 679.060 to 679.180;
 - (j) A dental hygienist under ORS 680.040 to 680.100;
 - (k) A denturist under ORS 680.515 to 680.535;
 - (L) An audiologist or speech-language pathologist under ORS 681.250 to 681.350;
 - (m) An optometrist under ORS 683.040 to 683.155 and 683.170 to 683.220;
 - (n) A chiropractor under ORS 684.040 to 684.105;
 - (o) A naturopath under ORS 685.060 to 685.110, 685.125 and 685.135;
 - (p) A massage therapist under ORS [687.021 to 687.086] **687.011 to 687.250**;
 - (q) A physical therapist under ORS 688.040 to 688.145;
 - (r) A medical imaging licensee under ORS 688.445 to 688.525;
 - (s) A pharmacist under ORS 689.151 and 689.225 to 689.285; [or]
 - (t) A physician assistant as provided by ORS 677.505 to 677.525; [and] or
 - (u) **A professional counselor or marriage and family therapist under ORS 675.715 to 675.835; and**

(2) The health practitioner was engaged in conduct regulated by the license, registration or certificate issued by the appropriate governing body and was acting within the scope of practice for which the license, registration or certificate was issued and without malice.

SECTION 2. The amendments to ORS 31.740 by section 1 of this 2011 Act apply only to causes of action that arise on or after the effective date of this 2011 Act.

Passed by House April 21, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate May 31, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State