

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2380

By COMMITTEE ON HEALTH CARE, HUMAN SERVICES AND RURAL HEALTH  
POLICY

June 8

1 On page 1 of the printed A-engrossed bill, line 2, delete “, 687.493”.

2 Delete lines 7 through 10 and insert:

3 **“SECTION 2. (1) Peer review of a licensed direct entry midwife conducted under ORS**  
4 **687.480 is subject to the provisions of ORS 41.675. Charts and records created during or for**  
5 **the purpose of the practice of direct entry midwifery are not data under ORS 41.675.**

6 **“(2) Peer review that is conducted outside of the Oregon Health Licensing Agency may**  
7 **not be used to replace agency regulatory investigations of complaints against licensed direct**  
8 **entry midwives.**

9 **“SECTION 3. (1) As used in this section:**

10 **“(a) ‘Direct entry midwife’ means a person practicing direct entry midwifery as defined**  
11 **in ORS 687.405.**

12 **“(b) ‘Hospital’ has the meaning given that term in ORS 442.015.**

13 **“(2) A person may not bring a cause of action against a physician licensed under ORS**  
14 **chapter 677 or against a hospital for injury to a patient if:**

15 **“(a) The injury occurred as a result of care provided by a direct entry midwife in a set-**  
16 **ting outside the hospital; and**

17 **“(b) The direct entry midwife requested that the patient be transported to the hospital**  
18 **because the direct entry midwife could not provide appropriate care to the patient.**

19 **“(3) This section does not apply to the extent the physician or hospital contributed to the**  
20 **injury or to a claim of vicarious liability for care provided by a direct entry midwife.**

21 **“(4) This section does not limit the liability of a physician or a hospital for gross**  
22 **negligence or reckless, wanton or intentional misconduct.”.**

23 In line 11, delete “3” and insert “4”.

24 Delete lines 17 through 24.

25 On page 2, delete lines 1 through 13 and insert:

26 **“SECTION 5. ORS 687.495 is amended to read:**

27 **“687.495. (1) [In cooperation with the State Board of Direct Entry Midwifery, the Oregon Health**  
28 **Licensing Agency] The Center for Health Statistics established under ORS 432.010 shall collect**  
29 **and report data on [births for which a direct entry midwife was the primary care provider] birth and**  
30 **fetal death outcomes occurring in this state, including intrapartum and neonatal transfers**  
31 **to hospital care from another birthing facility, hospital or other location. The center shall**  
32 **report the data by attendant type.** The report shall distinguish outcomes between licensed direct  
33 entry midwives and direct entry midwives who are not licensed under ORS 687.405 to 687.495.

34 **“(2) The Oregon Health Authority may accept gifts, grants and contributions from any**  
35 **public or private source for the purpose of carrying out the provisions of this section.”.**

