

# House Bill 3019

Sponsored by Representative THOMPSON; Representative KRIEGER

## 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**.

Expands immunity from liability for health care providers who volunteer for charitable organizations.

## A BILL FOR AN ACT

Relating to volunteer health care providers; creating new provisions; and amending ORS 30.792.

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

**SECTION 1.** ORS 30.792 is amended to read:

30.792. (1) As used in this section:

(a) "Charitable [*corporation*] **organization**" [*has the meaning given that term in ORS 128.620*] **means an organization organized for charitable purposes, as that term is defined in ORS 128.801.**

(b) "Health care provider" means any person licensed in this state as a practitioner of one or more healing arts as described in ORS 31.740.

(c) "Health clinic" means a public health clinic or a health clinic operated by a charitable [*corporation*] **organization** that provides primarily primary physical health, dental or mental health services to low-income patients without charge or using a sliding fee scale based on the income of the patient.

(2) Except as provided in subsection (3) of this section, [*no*] **a** person may **not** maintain an action for damages against:

(a) A health care provider who voluntarily provides to a charitable [*corporation*] **organization** any assistance, services or advice directly related to the charitable purposes of the [*corporation*] **organization** if the assistance, services or advice are within the scope of the license of the health care provider; or

(b) A health clinic for the assistance, services or advice provided by a health care provider described in paragraph (a) of this subsection.

(3) The immunity provided in this section [*shall*] **does** not apply to:

(a) Any person who receives compensation other than reimbursement for expenses incurred by the person providing [*such*] **the** assistance, services or advice.

(b) The liability of any person for damages resulting from the person's gross negligence or from the person's reckless, wanton or intentional misconduct.

(c) Any activity for which a person is otherwise strictly liable without regard to fault.

**SECTION 2. Section 1 of this 2011 Act applies to causes of action that arise on or after the effective date of this 2011 Act.**

**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.