

SENATE AMENDMENTS TO SENATE BILL 95

By COMMITTEE ON JUDICIARY

March 18

1 On page 1 of the printed bill, line 2, delete “and 442.837” and insert “, 442.837 and 677.082”.

2 Delete lines 12 through 15 and insert:

3 “(d) ‘Patient’s family’ includes:

4 “(A) A parent, sibling or child by marriage, blood, adoption or domestic partnership.

5 “(B) A foster parent or foster child.

6 “(2) An insurer may not decline or refuse to defend or indemnify a health practitioner or a
7 health care facility with respect to a claim, for any reason that is based on the disclosure to the
8 patient or the patient’s family by the health practitioner or facility of an adverse event or informa-
9 tion relating to the cause of an adverse event.

10 “(3) A policy or contract of insurance or indemnity may not include a provision or term ex-
11 cluding or limiting coverage based on the disclosure to a patient or the patient’s family by a health
12 practitioner or facility of an adverse event or information relating to the cause of an adverse
13 event.”.

14 On page 3, lines 21 through 23, restore the bracketed material and delete the boldfaced material.

15 After line 32, insert:

16 “(5) The commission shall collaborate with providers of ambulatory health care to develop ini-
17 tiatives to promote patient safety in ambulatory health care.

18 “**SECTION 5.** ORS 677.082 is amended to read:

19 “677.082. (1) For the purposes of any civil action against a person licensed by the Oregon Med-
20 ical Board **or a health care institution, health care facility or other entity that employs the**
21 **person or grants the person privileges**, any expression of regret or apology made by or on behalf
22 of the person, **the institution, the facility or other entity**, including an expression of regret or
23 apology that is made in writing, orally or by conduct, does not constitute an admission of liability
24 *[for any purpose]*.

25 “(2) A person who is licensed by the Oregon Medical Board, or any other person who makes an
26 expression of regret or apology on behalf of a person who is licensed by the Oregon Medical Board,
27 may not be examined by deposition or otherwise in any civil or administrative proceeding, including
28 any arbitration or mediation proceeding, with respect to an expression of regret or apology made
29 by or on behalf of the person, including expressions of regret or apology that are made in writing,
30 orally or by conduct.”.

31 In line 33, delete “5” and insert “6”.

32 In line 35, delete “6” and insert “7”.

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