

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with amendments to the A-Engrossed Measure. (Printed B-Engrossed)

Vote: 5 - 0 - 0

Yeas: Atkinson, Beyer, Burdick, Ferrioli, Rosenbaum

Nays: 0

Exc.: 0

Prepared By: Erin Seiler, Administrator

Meeting Dates: 2/27

WHAT THE MEASURE DOES: Provides immunity from civil liability to persons, including medical or dental services provided by health practitioners, who are registered volunteers with nonprofit corporation organized under laws of Oregon if person is providing services to homeless individuals or individuals at risk of becoming homeless; if services are provided without compensation; and if services do not constitute intentional tort or are provided in grossly negligent manner. Includes medical or dental services by health practitioner in definition of outreach services to homeless individuals or individuals at risk of becoming homeless. Expands definition of charitable organizations and specifies requirements. Defines natural person. Provides exception for operation of motor vehicle, vessel, or aircraft that requires license and insurance as defined by Federal Volunteer Protection Act, 42 USC Sec. 14503(a)(4). Includes those professions within definition of “charitable organization” that “health care provider” may perform services and be immune from civil liability. Includes pharmacists and optometrists within list of “health care practitioners” who are immune from liability when providing medical services free of charge. Applies to causes of action arising after the effective of bill. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Need for volunteers to provide health care services to homeless and at-risk Oregonians
- Liability protection as barrier to recruiting volunteers
- Proposed amendments

EFFECT OF COMMITTEE AMENDMENT: Includes medical or dental services by health practitioner in definition of outreach services to homeless individuals or individuals at risk of becoming homeless, if services are provided without compensation; and if services do not constitute intentional tort or are provided in grossly negligent manner.

BACKGROUND: Currently, a “health practitioner” who has registered to provide health care services without compensation is not liable for injury or death to a patient for providing these services unless the injury or death is the result of gross negligence. This provision applies if the patient receiving the services or person with authority to make health care decisions for the patient signs a statement acknowledging that the services are being provided without charge. Currently, a “health practitioner” includes a physician, nurse, nurse practitioner, clinical nurse specialist, physician assistant, dentist or dental hygienist. Also, a “health care provider,” as defined in ORS 128.620, who provides services for free to a “charitable corporation” is not liable for injury or death to a patient, if the services provided are not grossly negligent or constitute reckless, wanton or intentional misconduct, and the services relate to the charitable purposes of the corporation. The definition of “health care provider” is broader than the definition of “health care practitioner” and includes occupations such as social worker and psychologist.

2/28/2012 9:31:00 AM

This summary has not been adopted or officially endorsed by action of the committee.