

HOUSE AMENDMENTS TO HOUSE BILL 4027

By COMMITTEE ON HEALTH CARE

February 14

- 1 On page 1 of the printed bill, delete lines 5 through 27.
- 2 On page 2, delete lines 1 through 3 and insert:
- 3 **“SECTION 1.** ORS 30.792 is amended to read:
- 4 **“30.792.** (1) As used in this section:
- 5 **“(a)(A)** ‘Charitable [*corporation*] **organization’** [*has the meaning given that term in ORS*
- 6 *128.620.*] **means a charitable organization, as defined in ORS 128.620, that:**
- 7 **“(i) Spends at least 65 percent of its revenues on charitable programs; and**
- 8 **“(ii) Has a financially secure source of recovery for individuals who suffer harm as a**
- 9 **result of actions taken by a volunteer on behalf of the organization.**
- 10 **“(B) ‘Charitable organization’ does not include hospitals, intermediate care facilities or**
- 11 **long term care facilities, as those terms are defined in ORS 442.015.**
- 12 **“(b)** ‘Health care provider’ means [*any person*] **an individual** licensed in this state as a practi-
- 13 tioner of one or more healing arts as described in ORS 31.740.
- 14 **“(c)** ‘Health clinic’ means a public health clinic or a health clinic operated by a charitable
- 15 [*corporation*] **organization** that provides primarily primary physical health, dental or mental health
- 16 services to low-income patients without charge or using a sliding fee scale based on the income of
- 17 the patient.
- 18 **“(2)** Except as provided in subsection (3) of this section, [*no*] **a person may not** maintain an
- 19 action for damages against:
- 20 **“(a)** A health care provider who voluntarily provides [*to a charitable corporation any*] assistance,
- 21 services or advice [*directly related to the charitable purposes of the corporation*] **through a charita-**
- 22 **ble organization if:**
- 23 **“(A)** The assistance, services or advice **that caused the damages** are within the scope of the
- 24 license of the health care provider; [*or*] **and**
- 25 **“(B) The health care provider was acting within the course and scope of the provider’s**
- 26 **volunteer duties when the damages occurred; or**
- 27 **“(b)** A health clinic for the assistance, services or advice provided by a health care provider
- 28 described in paragraph (a) of this subsection.
- 29 **“(3)** The immunity provided in this section [*shall*] **does** not apply to:
- 30 **“(a)** Any person who receives compensation other than reimbursement for expenses incurred by
- 31 the person providing [*such*] **the** assistance, services or advice **described in subsection (2) of this**
- 32 **section.**
- 33 **“(b)** **A person operating a motor vehicle, vessel, aircraft or other vehicle for which the**
- 34 **person or owner of the vehicle, vessel, aircraft or other vehicle is required to possess an**
- 35 **operator’s license or to maintain insurance.**

1 “[(b)] (c) The liability of any person for damages resulting from the person’s gross negligence
2 or from the person’s reckless, wanton or intentional misconduct.

3 “[(c)] (d) Any activity for which a person is otherwise strictly liable without regard to fault.”.

4
