

Joint Committee on Ways and Means

Carriers – House: Rep. Conger
Rep. Garrett
Carriers – Senate: Sen. Kruse
Sen. Prozanski

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure

Vote: 20 – 0 – 6

House

Yeas: Barker, Buckley, Frederick, Huffman, Jenson, Komp, McLane, Nathanson, Read,
Richardson, Smith, Tomei, Williamson

Nays:

Exc: Freeman, Hanna

Senate

Yeas: Devlin, Girod, Johnson, Steiner Hayward, Thomsen, Whitsett, Winters

Nays:

Exc: Bates, Edwards, Hansell, Monroe

Prepared By: Linda Ames, Legislative Fiscal Office

Meeting Date: March 1, 2013

WHAT THE MEASURE DOES: Defines “adverse health incident.” Allows patient (except inmate), health care facility including location operated by health facility or provider to file notice of adverse health incident with Oregon Patient Safety Commission (OPSC). Charges OPSC with gathering and disseminating patient safety information. Provides mechanism for discussion and options for responding to notice. Tolls statute of limitation for six months after notice filed. Makes discussions confidential and inadmissible with exception. States evidence of participation or non-participation in program is inadmissible. Allows for option of mediation after discussion. Ensures any payments are not considered written claim or demand for payment. Prohibits professional liability carrier from denying coverage based on participation but allows carriers to impose reasonable requirements or policy provisions. Does not preclude negligence claim in court. Authorizes rulemaking. Creates 14-member Task Force on Resolution of Adverse Health Care Incidents. Requires report to legislature in five years. Establishes 10-year sunset. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Ability of public entity that is self-insured to participate in this process and establish requirements for participation
- Fiscal impact

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: On May 19, 2012, representatives from the Oregon Medical Association and the Oregon Trial Lawyer Association convened an advisory group to address issues of medical liability. The work group agreed on the principles of improved patient safety, preservation of access to justice and reduced costs. The draft proposal was for an early discussion and resolution process, which was submitted to the Governor on June 21, 2012. The Patient Safety and Defensive Medicine (PSDM) Task Force was established by Senate Bill 1580 in the 2012 session and continued the work of the advisory group. Senate Bill 483A is the product of that work group.