

House Bill 2519

Sponsored by Representative THOMPSON (Pre-session filed.)

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**.

Modifies provisions limiting liability of health clinics, volunteer health practitioners and volunteers providing outreach services to homeless individuals.

A BILL FOR AN ACT

1
2 Relating to limitations on liability of persons providing volunteer services; creating new provisions;
3 amending ORS 413.246; and repealing ORS 30.792, 676.340 and 676.345 and section 2, chapter 41,
4 Oregon Laws 2012.

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

SECTION 1. (1) **As used in this section:**

6
7 (a) **"Health clinic" means a public health clinic or a health clinic that customarily pro-**
8 **vides primary physical health, dental or mental health services to low-income patients with-**
9 **out charge or using a sliding fee scale based on the income of the patient.**

10 (b) **"Homeless individual" has the meaning given that term in 42 U.S.C. 11302, as in effect**
11 **on the effective date of this 2013 Act.**

12 (c) **"Outreach services" means assessment and referral for alcohol or other drug-related**
13 **services and for housing, financial, educational and related services.**

14 (d) **"Volunteer practitioner" means:**

15 (A) **A person licensed by a health professional regulatory board as defined in ORS 676.160**
16 **who is providing health care services:**

17 (i) **Within the scope of the practitioner's license;**

18 (ii) **Without compensation; and**

19 (iii) **In connection with an organization that provides charitable services.**

20 (B) **A person providing outreach services without compensation to homeless individuals**
21 **or individuals at risk of becoming homeless individuals.**

22 (2) **A volunteer practitioner provides health care services or outreach services without**
23 **compensation for the purposes of this section even though:**

24 (a) **The practitioner requires payment of laboratory fees, testing services and other out-**
25 **of-pocket expenses.**

26 (b) **The practitioner provides services at a health clinic that receives compensation from**
27 **the patient, as long as the practitioner does not personally receive compensation for the**
28 **services.**

29 (c) **The practitioner is reimbursed for travel expenses or the cost of supplies.**

30 (3) **Except as provided in subsection (6) of this section, a person may not maintain an**
31 **action against a volunteer practitioner for any injury, death or other loss arising out of the**

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.

1 provision of health care services or outreach services, unless the injury, death or other loss
2 results from the gross negligence of the volunteer practitioner.

3 (4) A person may not maintain an action for damages against a health clinic for health
4 care services or outreach services provided by a volunteer practitioner.

5 (5) In any civil action in which a volunteer practitioner or health clinic prevails based
6 on the limitation on liability provided by this section, the court shall award all reasonable
7 attorney fees incurred by the volunteer practitioner or health clinic in defending the action.

8 (6) Subsection (3) of this section does not apply to a person operating a motor vehicle,
9 vessel, aircraft or other vehicle for which the person or owner of the motor vehicle, vessel,
10 aircraft or other vehicle is required to possess an operator's license or to maintain insur-
11 ance.

12 **SECTION 2.** ORS 30.792, 676.340 and 676.345 and section 2, chapter 41, Oregon Laws 2012,
13 are repealed.

14 **SECTION 3.** ORS 413.246 is amended to read:

15 413.246. The Oregon Health Authority, in consultation with the appropriate professional and
16 trade associations and licensing boards, shall inform retired physicians and health care providers
17 regarding ORS 30.302 and [30.792] **section 1 of this 2013 Act.**

18 **SECTION 4.** Section 1 of this 2013 Act and the repeal of ORS 30.792, 676.340 and 676.345
19 and section 2, chapter 41, Oregon Laws 2012, by section 2 of this 2013 Act apply to causes
20 of action that arise on or after the effective date of this 2013 Act.
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