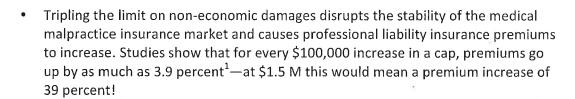


## Your Oregon physicians ask you to vote NO on HB 4136.

HB 4136 triples the reasonable and constitutional \$500,000 limit on noneconomic damages recoverable in civil injury lawsuits.



- Instability in the medical liability market, as was evidenced in the period after the Oregon Supreme Court decision on *Lakin v. Senco, Inc.* (1999), has the greatest impact on rural Oregonians and their access to care.
  - pediatric and neurology practices, were forced to either close their practices or stop providing certain services. Oregon's rural physician number dropped to just over 100 physicians per 100,000 population (compared to their urban counterparts, at 302 per 100,000 population<sup>2</sup>).

Between 1999 and 2004, many Oregon physicians, especially in OB/GYN,

- This crisis led the Oregon Legislature to create the Rural Medical
  Practitioners Subsidy Program that took effect in 2004. This program allows
  rural independent physicians and nurse practitioners to continue to practice
  and stay in rural Oregon. HB 4136 does not contemplate the financial strain
  on this program and rural health care providers.
- Oregon's Early Discussion and Resolution (EDR) program, passed by the legislature
  in 2013, is in its infancy and has not been utilized to its fullest capacity nor reached
  its potential in terms of impacting medical liability. EDR can be used in wrongful
  death cases to allow the patient's representative and the health care facility or
  provider to reach a shared understanding about what led to their loved one's death
  and allows all parties to come to a resolution.

















## For more information please contact:

Oregon Medical Association - Courtni Dresser

Oregon Academy of Ophthalmology and Oregon Associations of Orthopedic Surgeons – Nan Heim

Oregon Society of Anesthesiologists and Oregon Urological Society - Caleb Hayes

Oregon Osteopathic Physicians and Surgeons of Oregon – David Walls

Oregon Academy of Family Physicians - Doug Barber and Sam Barber

Oregon-American College of Emergency Physicians and Oregon Psychiatric Physicians Association - Katy King

Oregon Osteopathic Physicians and Surgeons of Oregon – Adam Maxey

<sup>&</sup>lt;sup>1</sup> Kilgore ML, Morrisey MA, Nelson LJ. Tort Law and Medical Malpractice Insurance Premiums. Inquiry. 2006;43:255-270.

<sup>&</sup>lt;sup>2</sup> Hedrick, V. The Medical Malpractice Crisis: Bandaging Oregon's Wounded System and Protecting Physicians. Willamette Law Review. 2007. Accessed Feb.4, 2016 <a href="https://willamette.edu/law/resources/journals/review/pdf/WLR%2043-3">https://willamette.edu/law/resources/journals/review/pdf/WLR%2043-3</a> Hedrick MEproof HT 5 8 07.pdf