

Senate Joint Resolution 27

Sponsored by Senator GIROD (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**.

Proposes amendment to Oregon Constitution to limit awards of noneconomic damages in medical liability actions to \$500,000.

Refers proposed amendment to people for their approval or rejection at next regular general election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section 12 to be added to and made a part of Article XV, such section to read:

SECTION 12. (1) Noneconomic damages may not be recovered in a medical liability action in an amount that exceeds \$500,000.

(2) For the purposes of this section:

(a) "Health care provider" means:

(A) A psychologist;

(B) An occupational therapist;

(C) A physician;

(D) An emergency medical services provider;

(E) A podiatric physician and surgeon;

(F) A nurse;

(G) A nurse practitioner;

(H) A dentist;

(I) A dental hygienist;

(J) A denturist;

(K) An audiologist or speech-language pathologist;

(L) An optometrist;

(M) A chiropractor;

(N) A naturopath;

(O) A massage therapist;

(P) A physical therapist;

(Q) A medical imaging licensee;

(R) A pharmacist;

(S) A physician assistant;

(T) A direct entry midwife;

(U) An acupuncturist;

(V) A polysomnographic technologist;

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 **(W) A respiratory care practitioner; or**

2 **(X) A dietitian.**

3 **(b) "Medical liability action" means a civil action against a health care provider, hospital**
4 **or other health care facility based on alleged negligence in providing health care.**

5 **(c) "Noneconomic damages" means subjective, nonmonetary losses, including but not**
6 **limited to pain, mental suffering, emotional distress, humiliation, injury to reputation, loss**
7 **of care, comfort, companionship and society, loss of consortium, inconvenience and inter-**
8 **ference with normal and usual activities apart from compensated employment.**

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10 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
11 **people for their approval or rejection at the next regular general election held throughout**
12 **this state.**

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