

SB 834 STAFF MEASURE SUMMARY

Carrier: Sen. Fagan

Senate Committee On Health Care

Action Date: 03/18/19

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Beyer, Fagan, Knopp, Linthicum, Monnes Anderson

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Brian Nieubuurt, LPRO Analyst

Meeting Dates: 3/13, 3/18

WHAT THE MEASURE DOES:

Provides that an expression of regret or apology made by or on behalf of a person licensed by the Oregon Board of Dentistry does not constitute an admission of liability for purposes of a civil action. Provides that a person who made an expression of regret or apology may not be examined by deposition or otherwise in any civil or administrative proceeding.

ISSUES DISCUSSED:

- Comparable apology protections for other health care providers
- Apology protections in other states

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Board of Dentistry's (Board) mission is to promote high quality oral health care in the State of Oregon by equitably regulating dental professionals. The Board is the second oldest licensing board in Oregon. As of July 2018, the Board licenses 3,794 dentists (of whom approximately 705 are specialists) and 4,369 dental hygienists. In 2003, the Legislative Assembly passed House Bill 3361 which provided protections against the use of an expression of regret or apology as an admission of liability for licensees of the Oregon Medical Board.

Senate Bill 834 mirrors protections currently offered to Oregon Medical Board licensees to licensees of the Oregon Board of Dentistry by providing that an expression of regret or apology made by or on behalf of a person licensed by the Oregon Board of Dentistry does not constitute admission of liability for purposes of a civil action and that person may not be examined with respect to that expression.