

**SB 834 STAFF MEASURE SUMMARY**

**Carrier:** Rep. Hayden

**House Committee On Health Care**

---

**Action Date:** 04/23/19

**Action:** Do Pass.

**Vote:** 11-0-0-0

**Yeas:** 11 - Alonso Leon, Boles, Drazan, Greenlick, Hayden, Keny-Guyer, Mitchell, Noble, Nosse, Prusak, Salinas

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Oliver Droppers, LPRO Analyst

**Meeting Dates:** 4/16, 4/23

---

**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. Prohibits the person licensed from being examined about their expression of regret or apology in any civil or administrative proceeding.

**ISSUES DISCUSSED:**

- Apology protections for other health care providers
- Legal proceedings; the extent of any limitation on examination of recipients of expressions of regret or apology

**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 protects Oregon Medical Board licensees against the use of an expression of regret or apology as an admission of fault in legal proceedings. Without such protection, licensed health care professionals communications with patients may be chilled or inhibited if something occurs or goes wrong. Such protection does not limit a patient's right to pursue legal action against the health care provider.

Senate Bill 834 extends the same protection currently offered to Oregon Medical Board licensees to Oregon Board of Dentistry licensees, so that expressions of regret or apologies made by them or on their behalf may not be used against them in a civil action. The measure also protects the person making the statement from being examined about it in any civil or administrative proceeding.