



MEMORANDUM

To: Sen. Prozanski, Chair, Senate Committee on Judiciary
Sen. Thatcher, Vice Chair, Senate Committee on Judiciary
Members of the Senate Committee on Judiciary

From: Mark Bonanno, General Counsel and Vice President of Health Policy

Date: March 21, 2025

Re: OMA Comments on SB 233

The Oregon Medical Association (OMA) represents and advocates for more than 7,000 physicians, physician associates, medical and PA students across Oregon. Our mission is to support our members in their efforts to practice medicine effectively, improve the health of Oregonians, and provide the highest quality patient care.

We appreciate the opportunity to provide testimony on Senate Bill 233 and share our concerns about why we are in opposition to the introduced bill.

The bill upsets a long-established state policy about time limitations for medical negligence claims.

If a patient is harmed due to medical negligence, it is important in Oregon that physicians have access to quality and cost-effective medical malpractice insurance to help support the patient. Because the bill would more than double the time to bring claims against a physician for medical negligence and do so retroactively, this immediately will impact physician practices.

The number of claims made against physicians will increase. The timeliness and robustness of evidence associated with claims will decrease making it more costly for patients and physicians to evaluate claims. Medical clinics will have to change record retention policies, and there will be less certainty about when a patient record truly may be closed.

As a result, medical malpractice insurance policies will become more expensive. According to an American Medical Association Policy Research Perspectives for February 2025 that summarizes data on medical malpractice premiums, Oregon remains among the top states with the highest premium increases and the state enjoyed a similar ranking in an April 2023 report. The concern raised in the most recent report is that some states may begin to experience a “hard market” for medical malpractice coverage which means that premiums keep increasing and coverage options decline.

Today, our medical practices are struggling to remain open or be forced to sell to a larger corporate entity, and when Oregon desperately needs to retain and recruit physicians, we believe SB 233 would upset the balance of an equitable patient safety system with a stable health care system.

There are alternatives outside of our civil justice system that can help resolve some cases. When there is a serious adverse event in health care, we continue to support programs such as the Oregon Patient Safety Commission early discussion and resolution program which can help work through issues in difficult cases and allow the participants to achieve a meaningful resolution.

For these reasons the OMA is opposed to SB 233.

The Oregon Medical Association (OMA) is the state's largest professional organization engaging in advocacy, policy, and community-building for Oregon's physicians, physician associates, medical students, and physician associate students. The OMA's members speak with one voice as they advocate for policies that improve access to quality patient care, reduce administrative burdens on medical professionals, and improve the health of all Oregonians. Additional information can be found at www.theOMA.org.