House Bill 2015

Sponsored by Representative BARNHART; Representatives BEYER, BUCKLEY, HOLVEY, TOMEI, WITT

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.**

Requires Board of Medical Examiners for State of Oregon to publish and provide to Legislative Assembly annual report of professional negligence claims made against licensees of board. Prohibits inclusion of individually identifiable information in report.

1 **A BILL FOR AN ACT**

2 Relating to annual report of professional negligence claims made against licensees of Board of

3 Medical Examiners; amending ORS 742.400.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 742.400 is amended to read:

6 742.400. (1) As used in this section, "claim" means:

7 (a) A written request for payment for injury alleged to have been caused by professional

8 negligence that is made by or on behalf of the injured person to an insurer; or

9 (b) A written notification to an insurer by an insured that a person has requested payment from

10 the insured for injury alleged to have been caused by professional negligence.

11 (2) Any insurer that issues or underwrites professional liability insurance in this state to any

12 physician or podiatric physician and surgeon licensed by the Board of Medical Examiners for the

13 State of Oregon, to any optometrist registered by the Oregon Board of Optometry, to any dentist

14 or dental hygienist licensed by the Oregon Board of Dentistry or to any naturopath licensed by the

15 Board of Naturopathic Examiners shall report any claim against the insured for alleged professional

16 negligence to the appropriate licensing board within 30 days after receiving notice of the claim from

17 the insured or any other person.

18 (3) The report required by subsection (2) of this section shall be kept confidential by all persons

19 who make or receive it until the case is settled or closed and shall include:

20 (a) The name of the insured;

21 (b) The name of the person making the claim;

22 (c) The reason or reasons for which the claim is made; and

23 (d) Any additional information the Director of the Department of Consumer and Business Ser-

24 vices considers necessary.

25 (4) Any insurer required to report to a board under this section shall also be required to advise

26 the appropriate licensing board of any settlements, awards or judgments against a physician,

27 optometrist, dentist or dental hygienist or naturopath within 30 days after the date of the settlement,

28 award or judgment.

29 **(5) Notwithstanding subsection (3) of this section, the Board of Medical Examiners for**

30 **the State of Oregon shall report annually on professional negligence claims made against**

31 **persons licensed by the board. The report shall be submitted to the Legislative Assembly in**

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   **accordance with ORS 192.245 and must be posted on the board's website and be made avail-**

2   **able to the public in printed form if requested. The report may not include any individually**

3   **identifiable information, but must include the number and status of claims made against:**

4   **(a) All licensees of the board;**

5   **(b) All licensees of the board by practice area recognized by the board;**

6   **(c) Each licensee of the board against whom a claim was made; and**

7   **(d) All licensees of the board at each health care facility licensed under ORS 441.015 to**

8   **441.087, 441.525 to 441.595, 441.815, 441.820, 441.990, 442.342, 442.344 and 442.400 to 442.463 that**

9   **employs or grants staff privileges to a person against whom a claim was made.**

10   [*(5)*] **(6)** The appropriate board shall provide copies of all reports required by subsections (2)**,**

11   [*and*] (4) **and (5)** of this section to each health care facility licensed under ORS 441.015 to 441.087,

12   441.525 to 441.595, 441.815, 441.820, 441.990, 442.342, 442.344 and 442.400 to 442.463 that employs or

13   grants staff privileges to the person against whom the claim was filed.

14   ————————