

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	5 - 0 - 0
Yeas:	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	5/25

WHAT THE MEASURE DOES: Exempts professional counselors and marriage and family therapists from punitive damage awards if they are engaged in conduct regulated by the appropriate governing body and they are acting without malice within the scope of practice for which they are licensed.

ISSUES DISCUSSED:

- Similar professions have this protection
- Consistency

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Punitive damages are not recoverable in a civil action unless it is proven by clear and convincing evidence that the party against whom punitive damages are sought has acted with malice or has shown a reckless and outrageous indifference to a highly unreasonable risk of harm, and has acted with a conscious indifference to the health, safety and welfare of others, ORS 31.730. Many professions are exempt from punitive damages if the professional is regulated by the appropriate governing body and the professional was acting within the scope of practice and without malice.