

**SB 110 STAFF MEASURE SUMMARY**

**Carrier:** Rep. Kropf

**House Committee On Judiciary**

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**Action Date:** 05/20/21

**Action:** Do Pass.

**Vote:** 8-0-2-0

**Yeas:** 8 - Bynum, Dexter, Helm, Kropf, Lewis, Morgan, Power, Wallan

**Exc:** 2 - Noble, Wilde

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Channa Newell, Counsel

**Meeting Dates:** 4/26, 4/28, 5/20

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**WHAT THE MEASURE DOES:**

Repeals sunset and makes permanent the Early Discussion and Resolution process for resolution of adverse health care incidents.

**ISSUES DISCUSSED:**

- History of measure and Senate Bill 483 (2013)
- Process used in Early Dispute Resolution
- Role of Oregon Patient Safety Commission
- Process for patients to learn about Early Dispute Resolution

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

In 2013, Senate Bill 483 (Chapter 5, 2013 Session Law) established a process for establishing transparency, communication, and reconciliation outside of the court system in health care incidents that have resulted in serious injury or death to a patient. The process is called Early Discussion and Resolution (EDR). Within this process, a patient or patient's representative, or a health care provider or health care facility, may notify the Oregon Patient Safety Commission (OPSC) of an adverse health care event. An adverse health care event is an objective, definable, and unanticipated consequence of patient care that is usually preventable, and results in death or serious physical injury to the patient. The notice is not a claim for compensation or payment. The parties to the adverse health care incident can coordinate a discussion regarding the incident, outcomes, and resolution, if any. These discussions are confidential and do not constitute an admission of liability. The parties report to the OPSC on the outcome of the conversation and may move into mediation, if the discussion did not lead to a resolution. While having a discussion through the EDR, the civil statute of limitations applicable to a negligence claim is tolled for 180 days or a period of time agreed upon by the parties. The EDR is set to sunset on December 31, 2023. SB 483 also created the Task Force on Resolution of Adverse Health Care Incidents, which issued a report in 2020 recommending the removal of the sunset on the EDR.

Senate Bill 110 repeals the sunset on Senate Bill 483 and exempts notices under the EDR from applicable civil notice provisions.