

SUPPORT SB 780 WITH THE -1 AMENDMENTS

We urge the adoption of SB 780 with the -1 amendment which is consensus language on liability protections for health care providers during the COVID-19 emergency.

In response to the COVID-19 pandemic, many health care providers had to alter their normal standard of care for reasons that are outside of their control—including the Governor’s Executive Orders banning non-emergency care. The limited liability protections in SB 780 with the -1 do not apply to cases of gross negligence or reckless misconduct and are limited to the period of the COVID-19 emergency. The bill does not protect a health care provider from claims based on discrimination of a patient.

Frontline health care providers have been critical partners throughout this pandemic, responding to patient needs and keeping up with ever-changing guidance and executive orders. Healthcare providers have been working day and night to flatten the curve and to keep people healthy.

Since June, under the direction of Senate Judiciary Chair, Senator Floyd Prozanski, a work group of the Oregon Medical Association, the Oregon Association of Hospitals and Health Systems, and the Oregon Trial Lawyers Association worked diligently to reach consensus on a framework that is narrowly tailored to provide some reasonable protection for health care providers when they follow government-imposed COVID-19 rules and executive orders that impact the delivery of health care. In other words, if those government-imposed COVID-19 rules shifted the standard of care, health care providers should be able to point that out in a legal proceeding and explain that they followed those rules. As mentioned above, this framework is not what we hear about as “blanket” immunity. Further, the framework does not take away access to the courts or infringe on any other rights that are not narrowly within our consensus language. The work group purposely did not address issues with long term care settings. Those discussions are occurring in different venues with the appropriate stakeholders. This discussion was limited and narrow. We are thankful to Senator Prozanski and many others who have been working on these complicated and difficult issues during this challenging time.

Oregon health care providers are exhausted, but excited to see the vaccine. However, with variants of COVID-19 and still many unknowns, the provider community remains ready to care for patients in any circumstance. They need the Oregon Legislature to pass SB 780 with the -1 amendment to provide them some sense of security that they won’t be sued for following the COVID-19 emergency rules.

Our members have been protecting us from day one. Now, we need you to protect them.

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Oregon CHAPTER

