

Senate Bill 628

Sponsored by Senator BONHAM (at the request of Sherry Dahl) (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that a doctor or PA has to try to get informed consent from a patient to send the patient to the ER or to another doctor or PA. (Flesch Readability Score: 68.9).

Requires a physician or physician associate to attempt to obtain a patient's informed consent for dismissal to seek emergency medical treatment or for transfer of care to another physician or physician associate.

A BILL FOR AN ACT

1
2 Relating to informed consent; amending ORS 677.097.

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

4 **SECTION 1.** ORS 677.097, as amended by section 124, chapter 73, Oregon Laws 2024, is
5 amended to read:

6 677.097. (1) In order to obtain the informed consent of a patient, a physician or physician asso-
7 ciate shall explain the following:

8 (a) In general terms the procedure or treatment to be undertaken;

9 (b) That there may be alternative procedures or methods of treatment, if any; and

10 (c) That there are risks, if any, to the procedure or treatment.

11 (2) After giving the explanation specified in subsection (1) of this section, the physician or phy-
12 sician associate shall ask the patient if the patient wants a more detailed explanation. If the patient
13 requests further explanation, the physician or physician associate shall disclose in substantial detail
14 the procedure, the viable alternatives and the material risks unless to do so would be materially
15 detrimental to the patient. In determining that further explanation would be materially detrimental
16 the physician or physician associate shall give due consideration to the standards of practice of
17 reasonable medical or podiatric practitioners in the same or a similar community under the same
18 or similar circumstances.

19 **(3)(a) If a physician or physician associate determines that a patient is experiencing a**
20 **medical emergency and the patient should be dismissed to seek emergency medical treatment**
21 **or be transferred to the care of another physician or physician associate, the physician or**
22 **physician associate shall attempt to obtain the patient's informed consent under subsection**
23 **(1) of this section for the dismissal or transfer and document whether informed consent was**
24 **obtained.**

25 **(b) Paragraph (a) of this subsection does not apply if the patient, or the patient's legal**
26 **representative, is unable to respond to a request for informed consent.**

27

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.