

**Enrolled**  
**Senate Bill 605**

Sponsored by Senators BATES, WESTLUND; Representatives MORGAN, WHISNANT (at the request of Bill Markham)

CHAPTER .....

AN ACT

Relating to volunteer services by health care providers; creating new provisions; amending ORS 30.792; and declaring an emergency.

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

**SECTION 1. The Department of Human Services, in consultation with the appropriate professional and trade associations and licensing boards, shall inform retired physicians and health care providers regarding ORS 30.302 and 30.792.**

**SECTION 2.** ORS 30.792 is amended to read:

30.792. (1) **As used in this section:**

(a) **“Charitable corporation” has the meaning given that term in ORS 128.620.**

(b) **“Health care provider” means any person licensed in this state as a practitioner of one or more healing arts as described in ORS 31.740.**

(c) **“Health clinic” means a public health clinic or a health clinic operated by a charitable corporation that provides primarily primary physical health, dental or mental health services to low-income patients without charge or using a sliding fee scale based on the income of the patient.**

~~[(1)]~~ (2) Except as provided in subsection ~~[(2)]~~ (3) of this section, no person may maintain an action for damages against:

(a) A health care provider who voluntarily provides to a charitable corporation[, *as defined in ORS 128.620,*] any assistance, services or advice directly related to the charitable purposes of the corporation if the assistance, services or advice are within the scope of the license of the health care provider[.]; **or**

**(b) A health clinic for the assistance, services or advice provided by a health care provider described in paragraph (a) of this subsection.**

~~[(2)]~~ (3) The immunity provided in this section shall not apply to:

(a) Any person who receives compensation other than reimbursement for expenses incurred by the person providing such assistance, services or advice.

(b) The liability of any person for damages resulting from the person’s gross negligence or from the person’s reckless, wanton or intentional misconduct.

(c) Any activity for which a person is otherwise strictly liable without regard to fault.

~~[(3)]~~ *As used in this section, “health care provider” means any person licensed in this state as a practitioner of one or more healing arts as described in ORS 31.740.*

**SECTION 3.** This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect July 1, 2005.

Passed by Senate April 13, 2005

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Secretary of Senate

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President of Senate

Passed by House June 7, 2005

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Speaker of House

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State