



February 6, 2012

Oregon State Capitol
900 Court Street NE
Salem, OR 97301

An open letter to the Governor and the presiding officers of the Legislative Assembly:

While we agree work must be done to transform Oregon's health care system, we continue to question why a key component of this change never rises above the level of discussion. The issue of medical liability has been studied continuously over the last two decades with no resolution. While the results of these studies vary greatly depending on what questions were asked and who was giving the answers, there is general agreement in the medical community reform is a significant part of any cost containment strategy.

We have placed on the table a modification to the Oregon Tort Claims Act relative to medical providers. It should be noted all parties agreed to the modification of the Act just three years ago. This proposal just extends the coverage of this act to medical providers in Coordinated Care Organizations. We feel this is a good start, and is actually not creating anything new.

We also acknowledge this is not the total solution, which is why we have put a delayed implementation date in the proposal. Without a provision in statute with a date certain it is doubtful the issue of medical liability will ever go past the discussion stage. To this end we are also adding a provision directing the Governor to convene a workgroup to bring the other aspects of reform into the discussion.

We are moving to a system where the rationing decisions currently made at the state level will now be made by these new community organizations. To add further risk to providers as envisioned in transformation without offering some liability protection would set up such efforts for failure, as providers would be understandably reluctant to participate. We want to give transformation every change to succeed, and therefor respectfully submit we will not support any transformation bill without these liability provisions included. It is never too late to do the right thing.

Sincerely,

Jeff Keese
Long Whitsett
Jacob Miller
Chuck Thomas
Ally Miller
Paul Smith
John W. Atan

Frankman
David Nelson
Ted Jucoli
Bob Boggs
Mittman
Chris Telford
John A. Cook