

Oregon Medical Board

Investigations Section

POLICY

TITLE/SUBJECT: Malpractice Claim Retention and Disclosure

REFERENCE: ORS 742.400

APPLICATION: Investigations and Compliance Department

INTERPRETATION RESPONSIBILITY: Investigations Manager
Investigations Supervisor

EFFECTIVE DATE: June 6, 2025

REVIEW DATE: June 6, 2027

AUTHOR: Investigations Supervisor and Executive Support Specialist

REVISED: Administrative Specialist

APPROVED BY: Investigations and Compliance Department Manager

PURPOSE:

To comply with documentation and disclosure of malpractice claims.

POLICY:

Per Oregon Revised Statute (ORS) 742.400, insurance companies must notify the Board within 30 days of receiving notice of a malpractice claim that has been filed in an Oregon court and within 30 days of claim closure. Claims that are filed out-of-state are not required to be reported; however, if the Board receives notice of such a claim, it will be retained in the Board's records.

Claims and closures are considered public information. All are retained, but not all are available on the OMB website. Claims are not posted on the Board website if there is no indemnity paid to the plaintiff on behalf of any defendant in the claim, no judicial finding or admission of liability, not court filed, or if the claim was filed outside of Oregon. These claims are available via public records request, but may include redactions per ORS 742.400, 192.355(2), and 192.398(1).

Per Senate Bill 337 (2007), certain claims were removed from public posting, but this provision was changed back to the previous language in 2010. As a result:

Effective July 17, 2007, if a Licensee does not have a malpractice claim filed against them for at least 4 years, all claims prior to that 4-year period will be removed from the Board's website, ***IF*** the end of the 4-year period is before January 1, 2010.

PUBLIC DISCLOSURE OF MALPRACTICE CLAIMS BY BOARD

