



February 2, 2016

The Honorable Members of the Oregon Legislative Assembly  
Oregon State Capitol  
900 Court Street NE  
Salem, OR 97301

Dear Senators and Representatives:

On behalf of nearly 7,000 Oregon small business members of the National Federation of Independent Business (NFIB), I urge you to oppose HB 4136, a proposed tripling of the reasonable and constitutional \$500,000 limit on noneconomic damages recoverable in wrongful death lawsuits.

Small businesses are both consumers and producers of healthcare. In recent years, many small businesses have already seen their premiums increase substantially. They regularly report that one of their biggest challenges is the high cost of health insurance coverage for themselves and their employees. Litigation and defensive medicine contribute to this cost.

Objective and predictable economic damages are already fully recoverable under current law, a fair and reasonable approach to our medical liability system. Subjective and unpredictable noneconomic damages are limited under Oregon law to bring stability to our liability system and ensure that the cost of liability insurance, including policies for medical professionals, does not skyrocket.

By tripling the limit on noneconomic damages in Oregon, professional liability insurance policies will become more expensive. Physicians and providers in high risk specialties, especially in rural areas, could be forced to limit their practices or close them altogether.

NFIB supports *reasonable* noneconomic damage limits to help control medical costs by providing predictability in the medical liability system, maintaining insurance rates, and reducing the cost of defensive medicine for *all* Oregonians. Given the likely negative consequences associated with this proposal, especially on Oregon's small businesses, I urge the Oregon Legislature to stand up for Oregon small businesses and oppose HB 4136.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony K. Smith", is written over a light blue horizontal line.

Anthony K. Smith  
NFIB/Oregon State Director  
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