

OREGON TRIAL LAWYERS ASSOCIATION

319 SW Washington Street, #607

Portland, OR 97204

www.oregontriallawyers.org

503-799-1017

Testimony of Arthur Towers Before House Committee on Judiciary In Support of House Bill 2176 April 11, 2017

Thank you for the opportunity to testify on House Bills 2175 and 2176. If experts in the field of drug and alcohol treatment support this legislation, then the Oregon Trial Lawyers Association would also support it enthusiastically.

OTLA is very proud of being part of the team that passed HB 2936 in 2015 which allowed Grants Pass to build its sobering facility. The initial version of the bill provided little accountability and few guidelines for the operation of a sobering facility. Operators could have opened the facility with almost no written protocols. They would have had the same level of immunity as a facility like Hooper Detox in Portland. Hooper Center provides medical detoxification and stabilization. There, patients receive 4-10 days of medical treatment for early withdrawal symptoms. A team of registered nurses and technicians provide around the clock medical care, and a physician provides an examination on admissions. HB 2936 originally proposed that the Grants Pass facility could be granted the same privilege of immunity with almost none of the medical and safety requirements.

Our members fight to make sure that the rights of injured Oregonians are protected. The best way to do this is to prevent injuries in the first place. We felt that clients, staff, law enforcement officers, and the public could be endangered in this situation, and there would be no accountability. Representatives Stark, Wilson, Barton, and Majority Leader Hoyle pulled the stakeholders together and collectively we hammered out safety protocols, requirements for written procedures, and a requirement that the facility be associated with medical personnel. As you know, one of OTLA's core principles is that wrongdoers should be held accountable if they hurt people. The immunity in the original bill flew in the face of the idea we learned in kindergarten: if you do something wrong, make it right.

We were schooled on the importance of this facility to the community, so we compromised on our principles and agreed that – if the safety requirements were met – that we would support limited immunity for sobering facilities. **The facility in Grants Pass is quite the success story thanks to the efforts of the community, and we feel that the rights of those who may be injured are adequately protected.**

The underlying problem in 2015, which went unaddressed, is the greed of the insurance industry. Proponents of the sobering facility were informed by the insurers that they would have to pay unaffordable premiums or not be able to purchase insurance at all. The proponents felt powerless to fight the insurance industry, so the only alternative seemed to be to force the people they harmed to bear the cost of the injuries themselves. **Our dream is that we can collaborate with entities in this situation to fight back against insurance industry greed.** The House Judiciary Committee could be an important catalyst in this effort.

Over the last couple sessions, we have seen groups ranging from architects to ski resorts to the medical industry to airstrip owners to rafting guides to the auto industry to pumpkin patch operators seek to deny the civil rights of their customer base, and to expose Oregonians to danger. Perhaps most disappointingly, even local government kowtows to the insurance industry at the expense of public safety. They do this not out of malice but out of their own frustration with the insurance industry. It is profoundly discouraging that there is such a relentless attack on the right to a jury trial, the 7th Amendment to the U.S. Constitution, and the civil rights and safety of Oregonians on so many fronts.