



**Testimony Before the
House Committee on Judiciary regarding Opposition to HB 2014
Presented by Dr. Kevin Reavis
on behalf of the Oregon Medical Association
March 5, 2019**

Thank you for the opportunity to testify today. My name is Dr. Kevin Reavis and I am the immediate past President of the Oregon Medical Association. I am a practicing esophageal, foregut and bariatric surgeon at the Oregon Clinic and a clinical associate professor at OHSU. I serve patients in Portland and Astoria.

OMA and its members understand what the loss of a loved one means to their families and how that loss effects the entire care team. The OMA continues to advocate for a balanced approach that provides remedies for patients but also ensures that Oregon continues to recruit and retain providers to serve all patients, including those in rural Oregon or those with high risk conditions.

HB 2014 seeks to create unlimited liability for physicians for non-economic damages in medical injury cases. Economic and non-economic damages in injury cases are different and the difference is critical. In general, patients injured due to negligence in our health care system may recover unlimited economic damages; the OMA fully supports making patients whole through economic damages.

The Oregon Supreme Court has spoken clearly and thoughtfully about giving the Oregon Legislature the tools it needs to ensure that our health care liability system is predictable and financially sound. Maintaining a reasonable cap on non-economic damages, while allowing for unlimited economic damages, ensures that health care spending is appropriated to patients and not expended on unpredictable jury decisions or in the form of significantly higher liability premiums.

The OMA asks that the Legislature consider the financial challenges to our entire health care system and use the tools it has been given to safeguard the system.

When considering moving to our state, health care providers will seek out states that practice less defensive medicine and have lower insurance premium costs. Oregon already faces a disproportionate shortage of physicians and health care professionals, especially in the more rural parts of our state. Those shortages do affect care. Patients must travel further away from home to receive needed care or may delay care due to the need to travel great distances.

For the reasons above, the OMA respectfully opposes the elimination of the cap on non-economic damages for personal injury cases. Thank you for the opportunity to address the committee.