

March 5, 2019

To: OR Senate Committee on Judiciary
From: Michelle DuBarry, Portland, OR
Re: Testimony in Support of SB 421

Dear Chair Prozanski, Vice Chair Thatcher, and members of the committee:

My name is Michelle DuBarry and I live in Portland, OR. I am here to ask you to support Senate Bill 421.

In November 2010, my husband and son were struck by a careless driver in a crosswalk near our home. My husband sustained minor injuries, and our son endured two surgeries and a night in intensive care. He died the next day, just two months shy of his second birthday.

Our hospital bills totaled \$180,000, and though most of it was covered by health insurance, we still had thousands of dollars in out-of-pocket medical expenses. My husband needed ongoing care for his injuries. We both required time off work and therapy for post-traumatic stress disorder. During this time, we were without paychecks and our household bills piled up, but we didn't worry too much about money because we knew we were owed a pain and suffering settlement from the at-fault driver's insurance.

We were thousands of dollars in debt when we learned that our health insurance company was entitled to reimbursement out of these funds, effectively reducing our settlement to zero.

If Seamus had lived, he would have been profoundly disabled. I might not have been able to return to work for months, if at all. I think all the time about families who, in the blink of an eye, have to rearrange their lives around the care of a loved one who is injured in an accident, and how financial stress compounds the trauma, forcing families to make wrenching compromises. Pain and suffering settlements are so important. They provide time and ease. So victims can heal. So families can grieve.

The people who need this law the most do not yet know they need it. At a time of immense suffering, they will learn that their auto insurance settlement is not owed to them but to their health insurer. Because Oregon is one of only a few states without a Made Whole statute, devastating accidents will also lead to financial ruin.

You can change that by voting yes on Senate Bill 421. Thank you and I would be happy to answer any questions.