

Submitter: Theresa Cummings  
On Behalf Of:  
Committee: Senate Committee On Judiciary  
Measure: SB974

March 20, 2023

Dear Honorable Chair Senator Prozanski and fellow Judiciary Committee members, I come before you as a former West Linn City Councilor, and a retired Family Birth RN to urge you to please do everything you can to pass SB974 as an emergency measure this year.

In 2020 I learned that the Oregon Medical Board rescinded Dr. Farley's license to practice in West Linn in 2020 due to multiple complaints of sexual abuse via fraudulent consent, and thought that meant Dr. Farley would go to jail. This year I was appalled to learn that the 100+ alleged victims who were brave enough to seek justice were dismissed by Judge Wentworth's interpretation of the law.

Imagine my outrage, as a registered nurse who was legally mandated to report sexual abuse in my workplace and my community and who often cared for victims of sexual abuse. Could sexual abuse of patients under false pretenses for consent actually be legal in Oregon? Does Oregon have a form of qualified immunity for health practitioners?

If so, patients who are routinely informed of their right to informed consent also ought be informed that Oregon does not have a law against sexual abuse via fraudulent consent.

SB974 will reinforce ORS 163.315 incapacity for consent by providing clear language and criteria for swift and sure justice for victims of sexual abuse by fraudulent consent.

(ORS 163.315 states, "A person is incapable of appraising the nature of the person's conduct if: the person is unable to understand the nature of the conduct; the person is unable to understand the right to choose whether and how to engage in conduct, including the right to revoke a prior decision to engage in conduct; or the person is unable to communicate a decision to engage in conduct.")

It is not reasonable to expect that anyone without an equal level of professional qualifications as their practitioner could be capable of discerning whether an act or procedure meets medical standards. Health practitioners who violate the sacred trust of their patients in this manner should be prosecuted.

If you happen to encounter any opposition to SB974, please bear in mind that protecting unethical practitioners only serves to erode the sacred trust that medical practitioners depend on to stay in business.

The astonishing miscarriage of justice that Dr. Farley's victims experience on a daily basis must come to an end. This is why it is necessary to schedule SB974 for a work session.

Senator Prozanski and fellow Justice Committee members, thank you for your consideration of this matter and your dedicated service to the people of Oregon. I

hope to have a chance to meet you someday. Meanwhile, please let me know if there is anything I can do to help get this passed.

Best regards, Teri Cummings

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