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Testimony of Arthur Towers

OTLA Political Director

## **In Opposition to Sections 14 and 16 HB 4081**

Before the House Committee on Behavioral Health and Health Care

February 6, 2024

Chair Nosse, Vice Chairs Nelson and Goodwin. Thank you for the opportunity to testify in opposition to two specific provisions in HB 4081.

These provisions significantly reduce transparency and accountability for consumers of emergency medical services in Oregon. Families whose loved ones are harmed by the negligent activities of emergency medical services deserve to learn what happened to their family member.

Section 14 specifically says that **“All data, including written reports, notes, records and recommendations, received or compiled by the Emergency Medical Services Advisory Board or a regional emergency medical services advisory board... are confidential, privileged, inadmissible, and undiscoverable.”**

This means an entity that engaged in or tolerated egregious behavior may be able to hide a great deal of evidence by simply turning it over to the advisory board.

Section 14 would have likely impacted this case of sex assault by an employee of an ambulance service:

From the *Oregonian*

“The jury found Portland-based AMR Northwest and its parent company AMR negligent for failing to act to keep Mr. Haszard [the EMT] from escorting Ms. Herring [the patient] to the hospital in December 2007. Three women had complained to the ambulance company or police in the two years leading up to Herring's abuse.”

[https://www.oregonlive.com/news/2009/09/jury\\_awards\\_victim\\_of\\_amr\\_para.html](https://www.oregonlive.com/news/2009/09/jury_awards_victim_of_amr_para.html)

Written reports, notes, records, and recommendations regarding the company's knowledge of a pattern of behavior quite probably would have been unavailable to the assault victim.

Section 16 opens a loophole by shielding people who act in accordance with approved emergency medical services plans. People can negligently harm others or breach the applicable standard of care while still acting in accordance with approved emergency medical services plans.

We see the value in HB 4081 and know that the intent is to help the community receive reliable, high-quality emergency medical services. However, Sections 14 and 16 fall short in protecting Oregonians who are harmed when the system fails.

We urge these sections be removed from the bill.