

Thank you Senator Prozanski and each of the members of the Judiciary Committee for bringing this legislation up for a hearing today.

I am grateful to Senator James Manning for sponsoring SB233 with the goal of passage in this 2025 session. It is a particular honor to have the opportunity to be part of helping so many other Oregonians, from all over our State, to have our equal access returned to the time required to adequately prepare and make our claims for recovery for negligence ensuring parity with all other current SOUR laws.

My own medical nightmare began when bad hernia mesh was implanted in me that had been recalled from the market and needed to be removed. After the explantation surgery in 2018, I experienced intermittent, shooting pain and growing numbness that spread across my groin and down my thigh. At first, my PCP told me it would subside as I healed, but that didn't happen. When I brought my concerns back to him, my physician told me this was an "understandable consequence" after mesh removal. "17% of patients who have these surgeries have long term nerve damage," and he explained, "I would need to live with the pain."

Even to this day, I have the persisting feeling like duct tape is being ripped from my groin over and over. I was regularly woken throughout the night by shooting pain that persisted much of the week, every week. Soon I began experiencing electrical shocks that jolted me awake nightly and continued throughout my day. Work became increasingly difficult to focus on and manage as the more extreme pain would subside, only to increase without warning during the day.

Without adequate support from my PCP, I began self-medicating using Aleve, alcohol and cannabis which was not sustainable. Because I depended on him, his lack of care has cost me dearly. When a medical professional fails to diagnose a medical condition in a reasonable and timely manner, a delayed diagnosis occurs, increasing the trauma and impacts on the injured individual. Often, these errors themselves constitute medical malpractice.

My wife has stood close beside me and we have endured this experience together. Throughout COVID, my wife and I cared for my aging Mom in our home until her passing and we kept our nonprofit organization managed. My ongoing sleeplessness from being jolted awake constantly deepened my depression and the anxiety and helplessness I felt. Ironically, it seemed my life had become an endless nightmare that I could never wake up from nor escape.

One day, at work I experienced what seemed like a “small stroke” and my wife rushed me to the hospital Emergency Room seeking help for my spiking blood pressure. I assumed this pain and my sleeplessness and stress were the major cause but I needed confirmation and care. While the tests did not find that I had a stroke, it was clear that my heart was being impacted by my sleeplessness and pain, which prompted the ER Doctor to encourage me to schedule a visit with the surgeon who had removed the bad mesh suggesting that “she might have a piece for my puzzle” that would help me to find an answer, and possible relief. I am grateful I was pointed in the direction of the truth.

I scheduled and met with the surgeon and explained all I had been going through, asking for her advice and any possible answers she could offer. After a few visits and multiple cortisone shots to ease the pain, on the third visit, the surgeon finally shared that she had made a life-changing mistake when she chose to use sutures that did not dissolve over time, as is common practice. A bundle of nerves was caught up in those sutures and they had become very angry over the previous five years. Despite the availability of numerous peer reviewed journals showing studies establishing that these should not be used, the choice had been made. The surgeon urged the removal of those sutures as soon as possible and it was scheduled. Even after removal, those nerves remain damaged, and my terrible pain persists.

Once I found out what had been causing this crippling pain, I also learned that Oregon's Statute of Ultimate Repose is limited to five years for medical negligence claims and tolled at the same time I discovered the use of the permanent sutures was the cause. The five year SOUR limit would prevent me from seeking any remedy and I would lose the opportunity to recover some of what I had lost over the previous years, as well as the funds I would need to seek therapies or alternative care that would not be covered by the Oregon Health Plan.

The deep trauma I have continued to experience throughout these years since the original surgery in 2018 include: memory lapses where I struggle to remember what I am doing or where I am going, a distorted sense of self and personal well being, ongoing instances of inability to control my emotions (uncontrollable sobbing and overwhelming sadness and despondency), eating irregularities, pervasive and extreme sleep disturbances, inexplicable reluctance and avoidance of previously comfortable situations and circumstances (public gatherings, once familiar work places or personal friend's homes, etc), substance misuse and abuse (alcohol, cannabis, over the counter medications to excess), overwhelming sense of low self-esteem and negative personal attitudes and self-perception, emotional outbursts of anger and rage (often focused on the surgeon who, I believed, caused this nightmare and at the medical system that has failed me numerous times), self injurious thoughts (waking many mornings to the urge to pound my head against a wall) and unsubstantiated fears and paranoias.

For the present, I have sought to rebuild a medical support team who I could trust and have confidence in while seeking therapies and wellness. After waiting for long scheduling delays and rebooking, I have found a new Primary Care Physician, I've spoken with a few different counselors and psychiatrists and recently began visiting a pain management specialist in hopes of building a plan for maintenance and recovery.

Among the medications I have been prescribed and taken out of desperation to get some relief from the pain and, hopefully get a night's sleep have been: Gabapentin, Amitriptyline, Guanfacine, Prozac, Lyrica and other drugs that I can not take any longer because of the negative side effects and overwhelming dopiness and mood altering consequences. I attempted to take these, but recognized that I don't want to take pharmaceuticals that mask or complicate my symptoms without getting to the heart of the issue and accomplish genuine healing for the nerve damage I've sustained. I don't believe taking a "happy pill" is appropriate when I have the right to be upset and angered by the fact I have sustained this level of injury and impact on my life.

Currently, I am only taking my blood pressure medicine, Lisinopril and occasional small dosages of CBD/THC combinations for intensely painful nights, in an attempt to determine and understand my present baseline of pain and how my body is responding to the nerve damage I have sustained. My pain is in the extreme many days and most nights I only achieve sleep from sheer exhaustion.

At this point, I am worn out and there isn't any snap left in my rubber band.

This medical injury has significantly impacted my work as Co-Founder/ Executive Director of a nonprofit organization ([www.realitykitchen.org](http://www.realitykitchen.org)), and the many staff (37 individuals) and diverse revenue streams State licensed job skills training program/wholesale bakery and retail café) and other programming I am responsible to manage. This year I had to return \$130,000.00 to ODHS from a \$300,000.00 grant I wrote and secured because I had to accept and acknowledge that I couldn't continue to meet the obligations of this funding agreement because my physical and emotional well being feels shattered and I'm not able to rise to the occasion or the commitments I've made, as I'm used to doing, to complete my vision, goals, responsibilities and work.

Traditionally, I have benefited from a steady upwelling of passion and skill for my work, informed by many years of professional experiences and a deep personal commitment to my community, relying on the tools and resources I have always been able to draw on to accomplish the work of our nonprofit organization.

Increasingly, I have found the well appears to be run dry and I feel empty and hollowed out, which is frightening for me to accept, but I often must acknowledge not having the will to go on with how I spend my life and work. My joy and zeal for tackling challenges is replaced by sadness and anger because this was error that was made was avoidable. I have been hobbled.

SB233 has given me a measure of hope and willingness to push through my own darkness in an attempt to bring some light into the lives of other Oregonians, who, like myself, desperately need and deserve the time required to prepare and make our claims for recovery supported by laws that are based on parity, equality and fairness.

I'm sure you will agree that Oregon consumers of medical services have the right to expect more from our health care professionals and should be protected by effective options for legal remedy when medical negligence occurs. Often, the time it takes to recognize, process, seek professional and experienced medical and legal advice, as well as gain a deeper sense of the impact that one's medical negligence claim might be, exceeds the five year limits currently in place.

This is why many Oregonians ask for your support of Senate Bill 233.

The SOUR (Statute Of Ultimate Repose) currently on the books for Claims of legal negligence and for manufacturing, construction and product liability claims, etc, provides Oregon consumers ten years from the date of the operative event to file a claim. This establishes a precedent that should be the same for Oregonians who, like me, are the victims of medical negligence.

From my perspective, passing this legislation is truly a bi-partisan cause and support and passage of SB233 brings renewed hope and time to residents of Harney, Josephine, Malheur, Bend and Linn, Lake, Coos and Keiser and folks all across Oregon, regardless of cultural, economic, political or social status and, as a person of deep faith and belief in justice, my heart tells me that this is the right cause to support at this moment in time because it only does good and is balanced and fair.

I have not yet seen a new Fiscal Impact statement, but I am confident that this will not require any appreciable cost increase to our State budget, nor will it take away precious resources from another deserving line item as a consequence of passage. This makes good sense because it seeks to protect and ensure Oregonians a future of productivity and the well being of individuals who might become a tax burden on the State when we may require additional services and other economic supports because we were denied the opportunity to make claims for our injuries.

With so much polarization in our daily discourse to process, I hope you'll agree that this is a worthy opportunity to make common cause in passing legislation that makes common sense and is good for all Oregonians.

Thank you for your patience and thoughtful consideration of my story and request. My hope is that you choose this opportunity to stand for equity and parity and support the passage of SB233.

Jim Evangelista

[Jim.evangelista@realitykitchen.org](mailto:Jim.evangelista@realitykitchen.org)

541.337.1323