

To the Senate Judicial Committee,

I'm grateful for the opportunity to present my testimony, this past Wednesday, in support of your passage of SB233.

The essential question, it seems, turns on the time it should take for an Oregonian to be able to seek recovery for negligence under Oregon's Statute of Ultimate Repose (SOUR), which is currently five years.

Five years is not enough time for injured individuals to prepare and make their medical negligence claims. With your support of SB233, parity with the other negligence time limits up to ten years, will be ensured.

Beginning with my 2018 surgery, when I was injured, I knew it right away, but my PCP, who I trusted and relied on to care for me, dismissed my complaints of pain, over years, saying "17% of these surgeries result in some nerve damage and I would have to live with it." My trust in his advice has cost me dearly.

He didn't consult with the surgeon who removed the mesh nor did he make time to review the surgical reports for clues. Had he done so, I would have known the truth well within the SOUR limits. He didn't actually care for me and that was negligence, for which I have no recourse, because of SOUR.

Once I was able to bring my concerns to the surgeon who had captured a bundle of nerves in sutures that would not dissolve and negligently caused me years of avoidable, relentless pain and sleepless nights, she injected me with cortisone over a month's time, "to help with the pain."

The surgeon, on hearing of my pain, didn't immediately go to her records to refresh her memory as part of her diagnosis of care for me. She injected me with cortisone. Nearly one month later she acknowledged her negligence and urged removal of the sutures as soon as possible, just in time for the SOUR to toll.

During testimony, Sen. Prozanski reminded the medical lobbyists that numerous attorneys declined to take my case because of the SOUR. Those outreaches of emails and phone calls and conversations seeking help took precious time carrying me further past the five year deadline.

Until one attorney volunteered, "If you want to move this forward, you'll have to change the law," which brings me here to you.

Please don't let a scrum of well paid lobbyists pull you off the road into the weeds telling you to disbelieve what's clear and simple for you to see. Oregon's current SOUR can be adjusted to have parity with all the other current negligence laws, with your vote to move SB233 out of Committee to give the full Senate the opportunity to pass this legislation in this session.

This is truly bi-partisan, will not require cost to the State and is the right cause to support because it only does good and is balanced and fair, for all Oregonians.

Jim Evangelista
March 20, 2025

