

February 2, 2015

Testimony of Daleen McElhaney, NE Portland, OR

Please Vote Yes on SB 411

Injured Victims Shouldn't be Hurt Twice by Insurance Profiteering

Chair Beyer and members of the committee, my name is Daleen McElhaney and I'm urging you to help injured victims get the insurance they've paid for by voting Yes on Senate Bill 411. I teach kindergarten at Prescott Elementary in NE Portland so it's hard to take a day off, but I wanted to share my video with you. I hope it will illustrate how our current motor vehicle insurance law leaves injured insured Oregonians woefully under-served, often leading to financial hardship when medical bills pile up after an accident. This is more detail on my experience:

On October 30th of 2011, I was bringing my two children home from a swim meet in my Chrysler minivan. We were 4 miles outside of Madras heading back to Portland when a teenager driving a Geo Prism on the other side of the 2-lane highway drifted onto the shoulder, then over-corrected and crashed head-on into my car at over 55 miles per hour. The entire front and driver's side was smashed to bits. I thank God my kids, who were 8 and 12 at the time, were sitting in the middle seats and were just banged up. I, however, took the brunt of the impact and was immediately rushed to the hospital in Madras and then transferred to St. Charles in Bend for emergency surgery. I spent 9 nights at St. Charles before being transferred to Good Samaritan in Portland for another 14 days. I'm now bionic, complete with a plate in my left hip, a rod in my left femur and a rod in my right tibia. Add to that the multiple screws to hold it all together and I can assure you I light up like a Christmas tree when going through airport security. It took a total of 10 months of excruciating physical therapy to get me back on my feet again. I spent 4 months in a wheelchair, a short time on a walker, 9 months on crutches and 4 months on a cane, before I was able to walk "freely" again. I once again thank God for my parents who were able to take me and my kids into their home to take care of us. I lost my husband suddenly on Christmas Eve in 2003 and as a single mother working part-time teaching English (at the time of the accident) I was blessed to have the emotional, physical and financial support of my parents to see me and my children through a very devastating ordeal.

No less crushing, was the cold realization that my medical bills had racked up to over \$285,000. I paid \$1,000 out-of-pocket on physical therapy as well. I paid over and above the mandatory minimum of UIM/UM insurance with \$300,000 in coverage. The at-fault driver had \$100,000 in coverage. I assumed, obviously incorrectly, the two policies would combine together and my expenses would be covered. Boy was I wrong! I was shocked to find out that even though I was paying on my \$300,000 policy, I had to deduct the at-fault driver's policy from mine. This left me \$85,000 in the hole. That took my breath away. It was like I was crashed into twice.

Prescott Elementary was kind enough to bump me up to teaching full-time kindergarten as soon as I was mobile again. I'm physically at about 75-80% now, but still limp and have to take stairs one at a time. I believe my recovery progress was hindered by the emotional drain of trying to figure out how to cover all my medical costs. If not for my parents stepping in, I'm not sure what I would have done. The law favors insurance industry profits and deals a blow to injured people when they are most vulnerable and in need of the insurance coverage they have been paying for. I hope you'll help Oregonians, like me, and pass Senate Bill 411. Thank you.