



Speaker Therese M. Terlaje <speaker@guamlegislature.org>

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## comments on proposed medical malpractice legislation

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River, Amanda S. <[REDACTED]>

Wed, Apr 21, 2021 at 9:59 AM

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Good day;

Please see the attached a letter regarding the current proposed legislation regarding medical malpractice cases in Guam.

Please let me know if you would like to discuss further. I am happy to discuss.

Thank you for your time and your dedication to the people of Guam.

Sincerely,

**Amanda River**

Amanda River MD, MPH, FACEP, FABLM


Cellular Phone: [REDACTED]

Guam Regional Medical City Emergency Department

Guam Memorial Hospital Emergency Department

Oklahoma University Medical Center Emergency Department

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Greetings;

I write you as a board certified emergency medicine physician who has been practicing in Guam for four years. Currently I work at Guam Regional Medical City and Guam Memorial Hospital in the emergency department. Stateside I trained at and currently work for a large level 1 trauma center, the most advanced and capable hospital system in the United States. Guam has been and continues to be my favorite place to practice, so much so that I adjust my family schedule and have cut down to part time at the university where I practice so I can work in Guam. During the recent pandemic, I have been in Guam roughly half of my time providing emergency services.

The practice conditions in Guam and stateside are very different. I do procedures, make referrals, consult providers, and make decisions differently in Guam and stateside because the resource availability is markedly different. For example, a patient presenting with an ST elevation myocardial infarction stateside will nearly always immediately go for a cardiac catheterization to mechanically open the heart blockage. This service is not consistently available in Guam, so instead we give blood thinning medicine to address the blockage. If someone has a tear of the largest vessel in the chest, stateside a cardiothoracic surgeon would be consulted emergently for repair. There are no cardiothoracic surgeons in Guam, so we manage these patients with medications to minimize the stress on the vessel. These patients often die. Occasionally surgeons on island will attempt to repair the defect for patients despite this not being in their specialty or the traditional standard of care. The only other options available to the patient are death or to be transferred off island, and typically these patients are too unstable to transport.

While in the emergency departments in Guam I repair lacerations and vessel injuries that a specialist in my field would deem to be best cared for by plastic surgery or a vascular surgeon, not an emergency physician. In Guam neither of these services are available. It is impossible for me to meet the standard of care of "a reasonable physician in the same field". I am an expert in my field. If asked about many cases in Guam without intimately understanding the Guam practice environment, I would say they do not meet the stateside standard of care. But they do meet and often exceed the standard of care for what resources we have in Guam. The difference in the standard of care is not because the patients deserve less or because providers care less. It is simply because we do not have the resource pool to draw from that most stateside hospitals do.

In my opinion there is absolutely no way a Magistrate Judge can determine a standard of care for this unique practice environment. If suits are filed and allowed to proceed without an appreciation of the Guam resources and standard of care, the island will lose many physicians. As a physician, any lawsuit I am named in must be declared to every future job and license application for the rest of my career. I adore Guam and adore caring for the people of Guam, but I am not willing to leave my future professional career open to the decision of Magistrate Judge who may or may not understand why I have done what I have done for a patient. Essentially, the passage of this bill will mean I no longer practice in Guam.

Guam is not in a position where it can afford to lose providers. The lack of physicians and other providers is a major contributor to the already resource limited setting we have here. This bill will worsen this situation because it exposes practitioners to litigation without taking into account the unique circumstances of the island. I have been on island for much of the last four years and am committed to providing the best in healthcare to the people of Guam. However, I will not do this at the expense of my career. If the spirit of this bill is to better protect patients, I fully support that desire. If there is concern that practitioners are not meeting their obligations to their patients, then I suggest supporting the medical board in investigating and appropriately remedying these issues.

Please do not expose us to a malpractice environment that makes us have to choose between what we deem to be the best care we can provide to a patient given our resources or being constantly in fear of being named in a lawsuit for doing so. It will make it difficult if not impossible for the majority of highly skilled physicians and care providers to practice in Guam.

Please do not hesitate to contact me with questions or to discuss further.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read "Amanda River". The signature is fluid and cursive, with the first name being more prominent.

Amanda River MD, MPH, FACEP, FABLM