



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

Opposition to Bill 112-36

Andrew Graves [REDACTED]
To: speaker@guamlegislature.org

Mon, May 3, 2021 at 9:25 AM

Dear Speaker Therese M. Terlaje,

I am writing this email to express strong opposition to Bill 112-36, and express my deep concern for its expected negative impact on Guam's healthcare and people. Any effort or measure that replaces arbitration with medical malpractice litigation or creates pathways to easily bypass arbitration in favor of medical malpractice litigation is a bad idea for a number of reasons and welcomes greater problems and challenges as a result.

Medical malpractice litigation creates a hostile workenvironment. This is most evident in the states which have the most liberal laws regarding medical malpractice. At one point, Nevada was so litigious that it drove OB/GYN physicians across the state line into California to the detriment of its residents. Guam's healthcare system has always struggled with deficits in medical specialist and various specialty medical services. Removing or creating pathways that bypass arbitration willnegatively impact healthcare provider recruiting and stifle Guam's healthcare progress. Additionally, healthcare providers without direct ties to the island or region will likely move on to less medically hostile environments to practice. This is unfortunate as many would likely become more permanent fixtures within the medical community in the absence of such legislation.

Medical malpractice is known for driving up healthcare costswhile negatively impacting quality. Increases in malpractice insurance costs will be passed on to the patient/consumer. This will result in added financial strain to individuals and companies already shouldering the burden of the current pandemic. It is well know that medical malpractice drives defensive medicine in an effort to mitigate risk of litigation. This directly translates to costly unnecessary work-ups, consultations, exams, and tests. Fear of litigation will infect all levels of care to the detriment of both patients and providers.

Arbitration is a good system that allows for the evaluation of the merits and details of a case by individuals knowledgeable about the subject matter. This ensures fair treatment of the cases and shields against emotional appeals or misrepresentation of the facts. Lay jurors and judges are susceptible to these manipulations. No system is without flaws. If issues exist within the arbitration system, let's have conversations about these issues and potential solutions rather than completely doing away with the system.

Guam is different and unique in so many ways. Its system of arbitration is different from most of the state's approach to seeking resolution, and that is a good thing. It has served Guam well in fostering an environment where healthcare can grow and is not burdened by the hostile costly system of medical malpractice litigation. It has fostered an environment where healthcare is affordable for patients, malpractice insurance is affordable for healthcare institutions and the practice environment is welcoming to outside providers and practitioners. I strongly urge you to NOT abandon arbitration for the toxic practice of medical malpractice. A vote against Bill 112-36 is a vote in favor of a healthy growing healthcare system in Guam.

Respectfully,

Andrew Graves
Resident of Tamuning