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SUPPORT OF BILL 112-36 MEDICAL MALPRACTICE REFORM

1 message

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Dear Senator,

I support Bill 112-36.

Silence is not golden unless you are a Guam doctor. I arrived initially on Guam in 1974. On Guam, I have worked at Project Help, Sanctuary, Child Protective Services, Adult Protective Services, Guma Mami, Goodwill Industries, Individual, Marriage and Family Therapist, with the VA part time and as a School Psychologist with GDOE. I was a licensed social work, a certified rehabilitation counselor, a licensed marriage and family therapist etc. I am a proud UOG graduate.

Why am I telling you this, you may be wondering? My whole life I have worked with the most disadvantaged individuals of all ages with disabilities, economic hardships, severe emotional or developmental limitations, children with behavioral issues and educational issues etc. This is what separates me from everyone else giving testimony supporting keeping the status quo. I have advocated for others my whole life even over my personal or financial needs to help people get what they need to succeed and most importantly to have a voice to be heard on Guam or for me to be their voice. I never thought that I would be here advocating again for the voiceless, including my son.

We have heard it over and over from doctor's testimony and written submissions in the past as to how much they have spent on medical school. This is what separates the people I speak for and those who make this about their financial needs or what they have spent. The people I speak of

and whom I am here for, struggle to just get by on a daily basis. Their struggles are real and much more important than anyone who discusses medical school or how much they must spend on malpractice insurance.

Living on Guam and working with the people on Guam as I have done, especially the manamko, I have culturally and in every other way, learned that people are too embarrassed to come forth to meetings or to write testimony or even challenge doctors when a loved one dies from alleged medical negligence. Family members and friends will even tell the victims or family members not to speak up, to just drop it. Do not embarrass us or doctors are always right, victims or family members are told. Do not make us mamahlae.

It is a Guam historical and cultural perspective that I have learned long ago, even when investigating child abuse or other problems on Guam, families do not want it public. This is a big part of the reason it took 30 years to get this issue of the prejudice caused by the MMMAA to be brought to light. It has been 30 years of silencing of those who have been killed or injured by medical negligence.

Silence is golden for medical personnel who have benefitted from the current law financially. The mother of Baby Faith, who died from alleged medical negligence at GRMC, a horrible story, told me she wants to speak out at meetings, but has been advised to not do so by family members. It's exceedingly difficult to talk about a child or loved one who has died in any case then to be told to stay silent is heartbreaking.

I am here to speak for victims like Baby Faith, Wakyn, Charles, Aiden, Asher, Mr. Lagrimas, and hundreds of others or even thousands that have been injured or killed by medical negligence on Guam over the years with no recourse to have their cases heard. Silence is not golden today for these people, many being children, as I speak their names and I hope that you hear them.

There is also a petition of about 3300 people who have asked to change the MMMA law or repeal it.

Look at those who are writing testimony to keep the discriminatory MMMAA silencing law and look at the majority who have given testimony in the past to keep the status quo. They have voices, loud and clear, but we must remember and even prioritize those who do not have voices who feel a lack of power to speak up.

Bill 112 is about giving all the people of Guam a voice and protecting doctors from frivolous lawsuits at the same time. The sad reality is that the resistance against Bill 112 is about the bottom line of Physicians, not Guam health care or for sure not about patients' rights or not about identifying doctors who repeatedly even have committed alleged medical negligence.

Dr. Blount, addressing the Guam Medical Society in a recent communication, told them it will impact us financially and we may end up with a negative mark on our national data base.

Dr. Underwood in the last information hearings we had during the 35th legislature spent her whole testimony discussing her bottom line and how it's hard to get paid on Guam or make money.

Interesting, neither doctor discussed patient rights or what to do about medical negligence as if they do not care and their financial needs are put first. This is where apathy becomes obvious.

Those that have spoken the loudest against this Bill and you know who they are, are those who stand to lose financially the most. Please senators, look at those who have come to your office, wrote to you, or called, some more than once and ask yourself, why are they really here?

In all of the testimony and comments that I have heard or read, it's rare to see anyone discussing how to protect Guam patients from medical negligence or to make doctors accountable. As one person in the legal community told me, its greed vs protection.

With all of that said, let's be clear BILL 112 is NOT about malpractice and it's not about economically disadvantaged people who cannot afford arbitration and for sure it's NOT about ASHER my son. It is about a fair system for all medical consumers on Guam, like everywhere else in the country, to be able to have their claims heard, to protect their rights, improve medical care and at the same time to protect the medical community against frivolous lawsuits.

Let's be honest, medical negligence is statistically said to be the third leading cause of death in the USA. Statistically, its estimated that 10 die per month on Guam due to medical negligence. It's the silent killer that Guam doctors want to keep silent. It's also stated that 1 percent of doctors commit 32 percent of medical malpractice. These doctors are not identified on Guam due to the current MMMAA law. A doctor on Guam can kill your child thru negligence before lunch and be back to work after he eats his sandwich, and no one knows or will ever know as he goes off to your child or the next loved one. Malpractice is a serial event.

Bill 112 will help to identify these doctors once and for all to improve medical care while protecting the people of Guam. Bill 112, in essence, initiates a check and balance system of accountability aimed at protecting all stakeholders.

The sad part, doctors untrue talking point, is that we keep hearing that Guam will not be able to get doctors if we have Bill 112 into law. This is absolutely not true. No one has shown statistics or recruiting issues that will back this up. What is true is that doctors come here now with histories of medical negligence or sexual misconduct as they know they can work here without malpractice concerns and cannot work easily anywhere else in the states. Its easy to get hired and licensed on Guam even with negative histories.

The Guam Board of Medical Examiners continues to license people with such histories as per the meetings I have listened to. I made a FOIA

request to get numbers from them, as to how many they have brought here with histories of medical negligence or other charges, but they refused to provide it. Do we want doctors from off island to come here and hurt or kill us or sexual misconduct who have the same histories elsewhere? That is exactly what we have now under the MMMAA.

Bill 112 will protect the people of Guam by identifying these doctors, rather than hiding them as is now. It will protect all of us and give a voice to the most disadvantaged on Guam. Let's finally tell the community, that silence is NOT GOLDEN, and they have a voice.

Thank you,
David Lubofsky