

June 23, 2021

Dear Speaker Therese Terlaje and Members of the 36th Legislature of Guam,

I am submitting a written testimony in **opposition** to Bill 112-36.

I am a local physician born and raised on Guam. I left Guam in 1991 for college, medical school and eventually residency training in Family Medicine. I understood the great need for healthcare providers on the island and had plans to return to be a part of this group. I came home in 2002 and began helping to serve my community at the Seventh-day Adventist Guam Clinic. I am one of many healthcare workers that has provided and continues to provide services and care to the people who also call Guam 'home'. We have chosen a profession that carries joy at the birth of a baby or the recovery of a patient from an ailment. On the flip side, the profession also comes with sadness at the persistent poor health and even death of patients. There is daily stress in helping each patient manage their healthcare needs. The inherent reality of medicine is that there are "bad outcomes" – outcomes that result in morbidity or mortality. Not all "bad outcomes", however, are the result of negligence of the healthcare provider. Providers may do their best in the care for a patient and the patient may still wind up with an unwanted result. We live in a world that is rampant with disease and illness that 'medicine' can't always fix. The COVID pandemic has highlighted this and exacerbated medical care on an island that already has limitations.

The SDA clinic became a Tier 2 health facility under the emergency declaration of the Governor. We opened our doors to see patients with various forms of ailments without focusing on their insurance or how we would be reimbursed. We saw patients who we had no record of their medical conditions or had never been seen by a medical provider in years. In doing so, we took on extra liability risks with the goal of serving our community at a time of great need. We have done this in the past when we have seen patients especially in our urgent care with varying degrees of acuity to alleviate strain on our hospitals. This was significantly evident during the years when there was only one hospital, Guam Memorial Hospital. In removing or repealing Bill 112-36, we can continue with our mission of providing high quality healthcare and education with confidence.

In 2013, I began working part time for the Department of Public Health and Social Services at the Southern Regional Community Health Center. As a Government of Guam entity, it should be of no surprise the struggle that the Community Health Centers have in providing medical care to the underserved and indigent population. Recruitment has been difficult and there is an ever-persistent need for providers. I often have had to manage complex cases especially for the Southern clinic as there had not been a consistent adult provider, let alone, an internal medicine provider for the past few years. There are even less specialists available to assist in managing these patients. There was a time when many of the specialists would not see patients who had certain insurances like MIP and this added to the stress of trying to manage patients as a primary care provider. Although Government of Guam has a capitated award for malpractice, I don't want to have to worry about a frivolous lawsuit which the current Malpractice protects me against. If Bill 112-36 is voted forward, I may not have plans to leave island, but I would limit the patients I am willing to manage.

I can only imagine the depth of anguish from the loss of a child or parent or sibling. I can understand the desire of those who are trying to repeal the Mandatory Arbitration Act as one way to deal with their loss. However, this bill doesn't ultimately help anyone in the long run and believe it will only cause harm to the greater population who will struggle even more with trying to get medical care on Guam. This bill will impact negatively the ability for providers to maintain malpractice insurance. They will be an easy target for folks to seek compensation if they *do* have insurance coverage. The struggle for those *without* insurance to get insurance will only worsen. There may be better options out there that will help those that may suffer from legitimate malpractice, but this is not one of them.

The Bill is neither a fair nor a balanced solution. I am concerned that although Guam law still allows for a maximum amount of award that can be provided to a claimant against the Government of Guam, this does not apply to other private entities. In addition, I am worried that a Magistrate judge may not have experience in medical malpractice cases and feel that mandatory arbitration better allows for a "fair and balanced solution for all parties involved". It seems to be that it is the *cost* of arbitration and not the *process* that is the underlying problem.

I humbly request your reconsideration of this bill and recognize the ultimate negative impact it will have on our medical community and community of Guam as a whole.

Sincerely,
Lisa Flores, MD
Family Medicine