

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

I am writing this letter to express my opposition to Bill 112-36.

My name is Alexandra Leon Guerrero. I am Chamorro, raised in Guam, a physician, and a surgeon. In 2019, I moved home after being away for 18 years. During my time away, I dedicated myself to the lengthy, difficult, brutal, and often thankless training required to become the General Surgeon I am today. And when I was done with that, I spent an additional year of my life training to be a specialist - an Advanced Laparoscopic and Minimally Invasive Surgeon. That means I can do advanced and complex surgical procedures through very small incisions. Patients have less pain, shorter recovery times, shorter hospital stays, and more cosmetically appealing scars.

As so many others have already stated, Guam is nationally recognized as a medically underserved area with low medical resources and a low number of providers and specialists per patient population.

With my training, I could have lived anywhere, but I made the choice to move home. I wanted to make a difference in a community that I cared about, and in one that cared about me. I feel strongly that the people of Guam deserve to have a surgeon, like myself, who can provide the same level of care available to a patient living in California, or Hawaii, or New York City.

While some of my mentors applauded my efforts, throughout my training there were numerous detractors and skeptics. They told me I would not be challenged in Guam because I would not be doing enough cases. This is true. They said I would not have access to the latest technologies in my field. This is true. They said I would not have other specialists in my field to mentor me or assist me with difficult cases. This is true. They told me I would spend a significant portion of time doing general surgery procedures instead of those within my specialty. This is ALL true.

Still, I ignored them and I moved home, and I am glad I did. In the past year and a half, I performed THE FIRST laparoscopic adrenal gland resection ever on Guam. I also performed THE FIRST laparoscopic antireflux surgery, THE FIRST laparoscopic inguinal hernia repair in a pediatric patient, THE FIRST laparoscopic colon resection at GMHA, THE FIRST laparoscopic repair of a perforated duodenal ulcer, and THE FIRST laparoscopic hepaticojejunostomy with roux-en-y reconstruction, which is a complex surgery of the bile ducts. In the short time I have been home, I have already raised the level of surgery available in Guam. I have lost track of how many times my colleagues and patients have thanked me for coming home. And while what I am doing may seem innovative for Guam, many of these procedures have been standard of care in the mainland and Hawaii for over a decade. This is the reality of the challenge we face recruiting specialists to Guam.

As a surgeon, I am trained to assess a patient from head to toe, and identify the most acute, life-threatening problem. I believe that the problem we are debating is whether we prioritize the

health and access to specialty care of the community at the expense of the individual, OR do we prioritize the individuals' access to due process at the expense of the community. There needs to be a balance, and I am all for working together to find a more balanced solution, but Bill 112-36 is NOT the answer.

Bill 112-36 goes against the national trend of having some sort of pre-trial alternative dispute resolution and screening panels in medical liability or malpractice cases. This trend towards tort reform is due to the inevitable exodus of specialists and limiting of healthcare services that occurs when litigation is more accessible. Healthcare, afterall, is a business.

It is a fact that Bill 112-36 will force generalists and specialists to limit services. In Guam, we often practice beyond our scope. What does that mean? It means that even though I am not a fellowship trained pediatric surgeon, I have sufficient knowledge and the skillset to safely and successfully perform a wide range of procedures on children. However, if this bill passes, I will no longer perform elective surgery on pediatric patients. It's not because I don't know how, or that I'm not good at it. It's because malpractice insurance will not cover me to care for pediatric patients because I am not a pediatric surgeon. Oftentimes, practicing beyond our scope is the only way to help a patient who has no means to go off island for specialist care. While I want to and am capable of helping these patients, I am not willing to expose myself, my family, my staff, and all my other patients, to the risk that comes with doing that.

Another way generalists and specialists will limit services is offering care only to insured patients. Currently, I care for anyone who walks through my door, regardless of ability to pay. This essentially amounts to the provision of free care to countless members of our island community, whether they are of low socioeconomic status, or just between jobs and temporarily without health insurance. I do this because I believe in universal access to healthcare. More pragmatically, however, I am ABLE to do this because the Mandatory Medical Malpractice Arbitration Act shields me from the exorbitant costs of malpractice insurance and frivolous litigation, making it financially feasible for me to absorb the losses incurred by caring for the medically indigent.

I wholeheartedly agree that there needs to be a way to increase legal access for members of our community who have experienced a bad outcome as a result of medical malpractice. BUT this should not be done at the expense of our current healthcare infrastructure that has allowed hundreds and thousands of Guamanians to get the services they require here at home. NOT in Manila. NOT in Hawaii. NOT in the mainland. But HERE, in Guam, our home, where we are surrounded by our support systems, where we have the option to continue to work while getting treatment, where we as parents do not have to choose between taking our sick child off-island for medical care or staying home with our other children. Senators, for the sake of our community, please choose to preserve the health infrastructure we have. Say NO to Bill 112-36 and instead let us work together to find a way to make arbitration more affordable and accessible.

Thank you and Si Yu'os Ma'ase!