



July 5th, 2020

Honorable Therese M. Terlaje  
Chairperson, Committee on Health  
36th Guam Legislature, 173 Aspinall Avenue, Suite 207, Hagatna, GU 96910  
Email: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)

RE: WRITTEN TESTIMONY ON BILL 112-36 FROM THE GUAM DENTAL SOCIETY

Dear Speaker Terlaje and Senators of the 36th Guam Legislature,

On behalf of the Guam Dental Society and dental providers on Guam, this written testimony outlines our collective and vehement opposition to Bill 112-36 and to the repeal of the Medical Malpractice Mandatory Arbitration Act (MMMAA).

The problem is that bill 112, in its attempt to address the cost of arbitration, DID NOT consult the medical, dental, and healthcare community at large. Instead, it throws out the entire MMMAA to address one negative aspect, the cost to arbitrate. Its' changes are poorly thought out and will take our island to another extreme by completely exposing our fragile healthcare system to frivolous lawsuits.

To be clear, frivolous lawsuits are not just bad for doctors, they are bad for EVERYONE. Frivolous lawsuits allowed to occur unchecked create detrimental ripple effects, and this is proven. A high risk and litigious environment in healthcare changes everything. We will lose specialists, which means EVERYONE loses access to care. The healthcare community will limit their scope of practice and their risk, and will still be burdened with the costs of skyrocketing malpractice insurance premiums and legal defense fees. EVERYONE will see an increase in the cost of our healthcare. We will set Guam back in time, and the poor and unhealthy will suffer for it.

We have very unique circumstances on Guam, and this is also a fact that can't be ignored. Dental providers here on island have ZERO access whatsoever to malpractice liability insurance, and already feel the weight of a high exposure to risk. Should this bill pass, we have no protection, and will see even more limited practices with fewer dental specialists coming here. All in all in both dental and medical, losing access to care is a monumental harm to the community.

Overall the MMMAA has been a major success at protecting our island against the dangers of frivolous lawsuits, with one major downside: the legal cost to arbitrate. If the cost of arbitration is the problem, why not focus efforts on addressing the cost? If justice and accountability is desired, why not allocate resources to our professional boards to aid in that? It makes no sense to remove protections of the MMMAA to solve this problem, when there are many potential solutions to address the cost and access for legitimate claims. We can have it both ways, if our communities work together on a solution. We do not have to sacrifice one protection to gain another! Our goals should be the same, a better Guam.

As healthcare providers, we care deeply for our patients and our island. Bill 112-36 is bad for EVERYONE, and will lead to poorer outcomes for all. Dogmatic support for this bill is not the answer when we can support solutions that address arbitration concerns without decimating our healthcare environment. We welcome contributing to these discussions from the dental perspective in the future.

Thank you sincerely for your consideration,

Sarah L. Clegg, DDS  
President, Guam Dental Society