

I support Bill 112 to restore the rights of our people. We cannot make a wrong, right by doing another wrong. Forcefully taking the people's right to a civil trial is wrong especially for a specific claim such as Malpractice.

It discriminates against the vulnerable—the ones we should be advocating to protect the most, to protect their rights and to protect them from malpractice. If Arbitration is really what is good for the people of Guam, should we force arbitration on every claim? That would be wrong.

The civil courts were established for this reason. Guam should have the same rights as every citizen in this nation and not be forced to arbitrate.

It is not right to pressure the legislature to continue forcing a mandate that does harm to the people. Arbitration should only be implemented by consent of both parties. The Triple MA was made for the advantage of a few while it opens the door for people to suffer from repeated errors that never get brought to light.

Forced arbitration leads to no open accountability. What fosters a toxic environment is when bad Healthcare Providers are not held accountable.

For example, back in 2018, two whistleblower doctors who spoke up against the status quo were met with retaliation and even ousted where one of them claimed that a Guam hospital 'was dysfunctional on all levels and being run by a small group of physicians in a regressive and out of date matter'.

The other doctor also stated that 'much progress could be made if we ended a few old practices and inefficiencies' and 'that the bleeding must be stopped before we continue to pour the community's precious blood.'

This is the reality of the politics that go on in the healthcare industry, where doctors who speak up for what is right are instead reprimanded and even bullied out of their practice on island.

We need more doctors who are willing to speak out about the wrong that does goes on. If we do not talk about the bad, or the mistakes or the medical errors, how is there room for improvement? If we continue to hide something as real as malpractice with forced arbitration.

For the past 30 years no actual data can be provided on these cases because they are swept under the rug. It is a roadblock for justice.

Victims and their families often suffer in silence while these medical errors are not being addressed—risking lives and patient safety. For example, CMS finds GMH failures in 2 deaths in Sept 2020 and in May 2018 the Joint Commission cited 40 issues and procedures were found to be out of compliance. My point is that if these things are happening at a public hospital, what more with a private hospital? A private hospital is not publicly held accountable for any of the errors they do when access to recourse is being blocked. You are left helpless.

A recent study released by the New England Journal of Medicine found that only 1% of doctors committed 32% of malpractice in the U.S. The question is, how do we identify the percentage on Guam and protect good doctors. Bill 112 does just that, it does not remove arbitration by giving the patient the right to consent.

Not only that, but this bill is a confidential pre-trial screening bill which still makes it hard for frivolous claims to make it past the screening—which I'd assume they look at the evidence, medical records, documentations and insurance statements first.

So why are the people of Guam and senators being threatened? It is frightening that the healthcare industry has been too comfortable in casting aside actual victims of malpractice just for the luxury of being protected by forced arbitration. This is not about the mass filing of lawsuits; this is about identifying that small percentage, through restoring victims' rights to access the courts.

Heroes are not entitled to special protections especially in the medical field, because what about are heroes working in grocery stores and gas stations. We are all just as essential and we are all held accountable.

To say that Bill 112 will close clinics is not true. In recent news, Latte Cancer Care Clinic announced that they were closing its doors because patients CHOSE to be seen off-island despite having the same services available. Many healthcare insurances cover off-island treatments, something that did not happen 30 years ago.

Healthcare will always be expensive no matter what, and costs will still increase. It is not the Bill that will inevitably close down clinics and prevent doctors from coming here. It is consumer preferences and a small population.

The federal government has even helped a lot with recently increasing the cap of coverage, meaning more people will be covered, and even allowing citizens of FSM access to Medicaid--- These are the consumers we need to protect through just and open accountability and quality treatment.

With no accountability and no access to legal recourse, it opens the likelihood of scam care, indifference, and apathy. How do you expect them to care where they are not held liable?

Forced arbitration results in distrust with your healthcare provider. How am I supposed to trust words that are not held accountable?

Communication with your healthcare provider is key they say, but how can that happen if there's NO trust. Knowing that there is no access to legal recourse for any wrongs that might be done. You cannot expect to gain the trust of patients by forcing mandates on them. It casts a dark shadow of doubt.

Also, I would like to note that 30 years ago, Guam did not have a private hospital. This is a private business that the legislature has no oversight on and where most claims of malpractice have stemmed from based on news reports. A private hospital with no government oversight is concerning because filing a complaint with them is extremely bias and the results are kept hidden. For example, the patient has no right to know the results of that complaint.

Forced arbitration is a quick fix in the access to quality healthcare, the problem is that it does not work, it has not worked for victims of malpractice. There are many innovative ways to improve access to care on island, but it must be done with open accountability. For example, creating programs to tap world class hospitals in Taiwan, St. Luke's in the Philippines, Korea, Japan—neighboring countries to open the door for visiting practice. There's also telemedicine as another source. There is also the

need for a state ombudsman to have oversight over private hospitals. The government can also create scholarships and grants to fund the shortage of specialists, nurses, and other healthcare workers.

Suggestions for ways to improve Bill 112 would perhaps be adding a doctor that has no conflict of interest (locally or from off-island) and a state ombudsman to screen the claims. I do not think a pool of funds to access arbitration is right and sustainable because it burdens the cost to taxpayers to pay for private hearings when the courts do exactly that. Thank you.