

# Testimony in Support of Bill 112

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Most of Guam's medical practitioners are good at what they do. I know that from personal experience. I had several chronic health issues that went misdiagnosed for more than 30 years by the best and brightest doctors in Hawaii, California, Nevada, and Georgia. They conditions were successfully diagnosed and treated here on Guam, dramatically improving my personal quality of life.

Medicine is a business. The owners of the medical business, like the owners of any business, are in business to make profit.

That point was driven home to me in 2014, when my doctor scheduled me for an elective surgery to address a chronic health condition. When I went to his office for the pre-op exam, the office manager wanted me to pay upfront for the procedure because I lost my health insurance, and the policy was for cash patients to pay in full upfront for any procedure. I met with the doctor to discuss the possibility of making payments for the operation; and the doctor told me and I quote: "This is a business, not a charity."

In 2020, when I had medical coverage again I met with another doctor to discuss having the procedure I was originally scheduled for in 2014; only to have my new doctor disagree with doing the procedure, telling me that if I went through with the procedure, I would have to wear a diaper the rest of my life; a fact my previous doctor neglected – or forgot – to tell me.

Had I gone ahead and had that surgery in 2014, I would be sitting here before you wearing a diaper because I could not then afford, nor can I now afford the estimated \$40,000 to \$50,000 of expenses that it would have taken me to pursue a claim through the arbitration process.

Just like everyone of you sitting on the this panel; I have heard a number of similar stories from friends of mine, who unfortunately have suffered a severe reduction in their quality of life from a medical mistake they can't afford to

pursue for recourse. Family members of mine have had similar experiences that have dramatically altered their quality of life for the worse, and dramatically increased their medical expenses dealing with the new problems.

Doctors are human and sometimes they may make mistakes. But when a doctor makes a mistake, the patient is the one who suffers a loss in their quality of life – or life; not the doctor.

I have read Bill 112, and see that it accomplishes a major policy goal that benefits the community: eliminating the high cost of the mandatory medical arbitration process that stops most patients from seeking recourse for medical mistakes that dramatically impact their quality of life.

There is a huge difference between the medical business and any other business on the island, and that difference is easy access to justifiable legal recourse. If I go to a mechanic and he makes a mistake or error that results in the destruction of my motor; I have easy access to legally justifiable recourse. If I go to a doctor that makes a mistake or error that destroys my quality of life, or my life, I or my survivors have no easy access to justifiable legal recourse.

I like that in the proposed law claimants will have to go before a judge to determine if any case has merit before it can move to the litigation process. That step should screen out most of the frivolous and ambiguous claims, without harming the reputation of the practitioner.

I like that the proposed law does not eliminate Arbitration, just eliminates it as a mandatory first step in an legal process, leaving open the possibility of arbitration with consent of both parties, along with giving parties to the complaint an option for a mediation as well.

My suggestion is that the language in section §10105 and other areas of the bill be changed from using the using the words “STANDARD OF CARE” changing the language to something like “preliminary evidence presented with the claim bears further exploration thru the open trial process” to eliminate claims we are hearing from medical practitioners that pre-screening claims somehow changes the

standard of medical care on our island, when nothing could be further from the truth.

As I said in my opening remarks, I believe that most of the doctors on this island are good doctors, and like in any group of humans, there will probably be a few doctors who are not so good. But without an accessible recourse system in place, where legal responsibility is assigned and people held legal accountable for their errors and mistakes, we as patients have no way of knowing which doctors are good doctors and which doctors aren't.

Some people claim the real medical problem on this island is the shortage of healthcare providers, when the real problem we face on this island is a shortage of people able to pay for medical services on this island due to low wages and lack of healthcare benefits for many of Guam's families.

There has been a lot of talk about how passage of this bill will cause an exodus of doctors and medical practitioners from Guam. The reality is that if anything will cause an exodus of doctors and medical practitioners from Guam it will be the continued slow collapse of the local economy, the keeps people unemployed, and forces companies to cut healthcare benefit programs in a cost cutting effort to keep their doors open; making it difficult for a great majority of the people on island to be able to pay for medical services.

Pass a Universal Healthcare Bill that covers all people on the island, and the will be a flood of doctors on to the island, solving the shortage of provider problem.

This bill in not going to cost doctors a single penny, as the cost of their malpractice insurance is a cost they will pass on through to their patients like they do the cost of the offices, supplies, staff and salaries.

The only thing the existing mandatory medical malpractice arbitration system does in make it possible for doctors who are unable or unwilling to purchase malpractice insurance is to continue practicing "no-fault" medicine where the only people who pay will those who will be forced to suffer in silence for the mistakes that robbed them of their quality of life, or ended prematurely the life of a family member.

This is a good bill because Medicine is a business, and like any other business, the regulatory processes and laws need to be fair to both the service provider and the customer.

This bill protects patients. It also protects good doctors.

I encourage you to vote to bring Guam's medical patient protection options in line with the rest of the country.