

BILL 112-36 TESTIMONY BY JIM MANSFIELD
TESTIMONY IN SUPPORT OF BILL 112-36
TO: THERESE TERLAJE, COMMITTEE ON HEALTH

Thank you Speaker and Senators for allowing me to give testimony in support of Bill 112-36.

I'm here today to show my sincere support for this long overdue Bill. I call it the Guam health care accountability Bill that will not only finally reform health care on Guam but will save lives in the process and hold health care providers here accountable for once. Let's face it the health care system on Guam is broken because for decades victims like myself have had no legal recourse or right to due process concerning medical negligence. I'm a veteran, a statistic and a case study of this broken and sick health system on Guam. I am not a weed because I want legal justice so I was insulted by the arrogance last week of Maria Chela Mariano who gave testimony. I think she should apologize to all the victims on Guam that were killed or injured by medical negligence. This patient as a weed statement by her last week is an example of a lack of compassion and empathy, and why the people of Guam finally deserve the same rights and protections that the rest of the country take for granted. We will not be intimidated, we will not be threatened by this unethical and unprofessional behavior anymore.

Bill 112 will hold the whole health industry to higher standards here and will reform the entire broken and sick system. This is just a start but a mandatory start in the right direction for the people of Guam. The people have spoken and have demanded Bill 112. We will not compromise on this Bill since the white coats here have had decades to meet us at the table but have stubbornly refused to work on solutions so their boat has sailed. Frankly speaking the people of Guam deserve the safeguards, respect, and dignity that this Bill provides but the actions by these white coats has raised red flags by showing their true self serving privileged interests while the poor injured and killed victims of medical negligence continue to suffer because of systemic medical negligence and a lack of legal rights and protections from the judicial system on Guam.

These individuals have run wild on Guam for decades without any enforcement or oversight so they need to have more accountability and ethics and this Bill will solve that problem. They are not diplomats and should not have diplomatic immunity from legal proceedings, we live in a democracy with a democratic legal system but these white coats here feel like they are above the judicial system and the law. They have a sense of entitlement that is not fair or reasonable in 2021. Guam has been a safe haven and paradise for them for decades and they have exploited the law to their advantage and

bottom line of their cash flow. It is standard business practice to pay for medical insurance everywhere in the country but not here so that is why these individuals came here and set up shop. This is why all these traveling doctors and nurses fly in for a few months to make a quick buck without any legal or moral consequences. The whitecoats have failed to have ethical responsibility and police themselves so this is why this bill is so needed on Guam. The people of Guam should not have to go off island for medical treatment to Hawaii or the Philippines because they are so worried that they have no legal recourse if they are injured or killed. So that is why so many people on Guam, if they had a choice, would prefer to go off island for medical treatment since they know that they are legally protected in cases of medical negligence. The people of Guam have a right to the same protections that people on Hawaii have so we can finally stop the GMH and get me to hawaii talk once and for all.

And to the doctors that are unethically disturbingly threatening to withhold health care because they don't want to pay medical insurance, which I may add is fully tax deductible like every doctor everywhere else pays. Then maybe you should leave and go to hawaii to your other home in hawaii since you have to pay it in hawaii too. The people of Guam will not be held hostage by fear from these unethical doctors anymore. The days of coming to Guam to needlessly pad hospital bills, avoid lawsuits, avoid medical insurance, and medical malpractice settlements are over and maybe then you will all think twice before you do an unneeded medical procedure as Dr. Alessandro Giambartolomei did to me here for the sake of profits over patient care, this doctor who injured me incidentally had a history of medical malpractice in his NPDP report but has been coming to Guam for decades 6 months out of the year because of the medical loophole that Guam has allowed to these health care predators. This Bill will hopefully once and for all drive the bad doctors out and the good doctors that have a vested interest in professional health care here to stay.

And what makes matters worse is the Guam board of medical examiners is dysfunctional and does not even investigate cases due to so called lack of investigation funds so victims like myself have no other legal recourse. I filed a complaint with the medical board of medical examiners with Dr. Berg 18 months ago and it's still sitting on his desk collecting dust with the other 33 cases and not one of them has even been investigated or been found to be negligent of any wrongdoing yet because of conflicts of interest on this board and not following bylaws of board member term limits. I was told that they want to send my case to Hawaii to be investigated but they are still waiting on the money to do it, but in the meantime the Dr. Alessandro Giambartolomei who has a history of medical malpractice in his NPDB report and who almost killed me is free in the meantime to practice and harm other members of the public. Being on this board is good for their business so why would they want to leave the board? And they dont so

the you scratch my back and I scratch your back corrupt nepotism mentality of these elitists continues. And this board is so incompetent that currently victims of medical negligence are now suing them in federal court for justice. The other problem is that they don't have SOP guidelines since they make them up as they go along so this is another example of the dilemmas we face when seeking justice for medical negligence with the Guam Board of Medical Examiners. Their needs to be more neutral members of the public on this board so they have a voting majority since any sessions that this board makes could put the public at risk just when Dr. Alessandro Giambartolomei obtained a license to practice on Guam when they already knew that he had past violations of medical malpractice injury in his NPDB report. This incompetence happens every month and it continues to put the public safety at risk everyday. I recommend you to listen to the monthly board meetings and then you will see that Dr. Bergs continues to approve these Doctors every month regardless if they have past severe medical violations of medical negligence, you will be disturbed and shocked. Listen every month! In fact I never even knew that Dr. Alessandro Giambartolomei had a record of medical negligence injury in New York until I filed a medical board complaint then his history of medical injury was disclosed. Im would suspect that about 50% of the doctors here tonight fall into that same category of him and that's exactly why they came to Guam.

Six months ago I legally served both GRMC and Dr. Alessandro Giambartolomei who injured me with a legal demand for arbitration but Attorney Pat Ceville who represents them has completely ignored it since I'm not rich and cannot afford an attorney so they have continued to ignore me because arbitration is not automatic and has to be filed and granted with the court and since I don't have the thousands of dollars to pay a attorney to file and advocate on my behalf then nothing will happen not even mediation, so the legal departments and risk management teams of these hospitals and doctors take full advantage of these terrible loophole that protects bad doctors that keep doing medical negligence over and over again here and even if I had \$60,000 in the bank for arbitration I cannot find a attorney that wants to touch medical malpractice cases with a ten foot pole due to the cost restrictive arbitration law that completely favors the rich medical providers and is cost prohibitive due to all the up front costs involved.

And how can I afford to fight for justice with Im faced with a medical negligence injury that cost me \$50,000 for a procedure that was never medically needed and no medical evidence to ever show that it was needed to begin with, and now I'm faced with severe life long complications from this medical negligence injury that get worse and more dangerous everyday. This has also affected my Job since I want to work and provide for my family but the disability caused by Dr. Alessandro Giambartolomei and his greed has made our families life and my quality of life a living hell. These are high risk cases for

attorneys here with little return. Im now a disabled Veteran due to this injury of medical negligence and Im dealing with severe medical complications caused by this medical malpractice violator but until this Bill is passed I have no right or legal recourse of due process. For the safety and the protection of all the people of Guam and especially for the children that have died over the years due to medical negligence here we need this Bill now, no more talk and broken promises from these whitecoats since the 80s, we need action now, we need this Bill now. This Bill will save lives and close this terrible Loophole once and for all! And for the record to the Vice Speaker your flip flopping on this critical Bill is a disservice to the people of Guam that you swore an oath to serve, you were part of the committee meetings, you studied them, reviewed them and researched the documents and information that you were provided so for you to publicly change your stance for political gain and clout is shameful.

Sincerely,
Jim Mansfield
July 12th, 2021