

12 July 2021

To: The Honorable Therese Terlaje
Speaker of the House
Thirty-sixth Guam Legislature

From: Franklin R. Perez
Consumer of Medical Services

Subject: Testimony in Support of Bill 112-36

Bill 112-36 has been a contentious bill pitting medical professionals against consumers who rely on their professional expertise and skill to ensure that they survive any medical procedure. When going into surgery I must decide if I should sign an informed consent form about the procedure and that my doctor will be harmless from litigation. I would ask at this moment “what if I refuse, will my doctor decide not to continue with the procedure?” That puts both the doctor and I in an untenable dilemma. Nevertheless, I sign it anyway, because I truly believe that the doctor is the Good Lord’s instrument, and no matter the outcome, His will be done.

I support Bill 112-36 because it brings “**common sense**” into the equation of removing conflict, forcing doctors to support or not support their colleagues when such a bill like this is before the

legislature and the people of Guam. **Common sense and logical reasoning** goes against this arbitration law as it stands now. Any person, indigent or not, must come up with \$40-60,000.00 to even present their case to a panel of “doctors!” Really? This bill will eliminate this well-established conflict by securing a completely neutral body in the form of a magistrate who, with judicial experience, reviewing of established precedents, and judicial wisdom, ensure that equitable determination as to whether a litigant has standing. At the same time, this magistrate, thoroughly studying the evidence, ensures doctors under scrutiny do not suffer from frivolous suits. It is for this reason, and for removing the burdensome financial requirement that; as it stands, penalizes the consumer, preventing pursuing redress for a real or perceived injury. This burden, Mr. David Lubofsky carried, with the death of his son. Thank the Good Lord for using Mr. David Lubofsky as an instrument of His mercy, giving Mr. Lubofsky the persistence, bravery, and fortitude to continue his quest resulting in the drafting of Bill 112-36. Thank the Good Lord that

enlightened Senators who drafted and supported this bill, with the only intent of seeking to not only improve the standard of care that our people so richly deserve, but to also allow for equitable redress. They do not deserve the vitriolic public tarring and feathering by the medical profession. It is imperative that this legislative body under the leadership of Speaker Terlaje, medical professionals, legal community, insurance companies, and all who have a stake in passage of this bill, find common ground based on common sense without conflict, to work out a solution for the betterment of all involved.

Respectfully submitted



Franklin R. Perez
Tamuning, Guam

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