



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåban

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

September 15, 2019

Transmitted via electronic mail

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Håfa Adai Ms. Terlaje and Guam Bar Association Members,

As Chairperson of the Legislature's Committee on Health, I invite you and your members to participate in a series of informational hearings as part of the committee's efforts to examine Guam's Medical Malpractice Mandatory Arbitration Act:

<http://www.guamcourts.org/CompilerofLaws/GCA/10gca/10gc010.PDF>

The goal of the first hearing on September 19, 2019 at 2:00 p.m., is to present senators and the public with a basic background of the malpractice law, and prior cases interpreting said law. I have invited the Attorney General of Guam to briefly discuss and distinguish the law governing claims against the government and the government health professionals. I have invited Attorney Mitch Thompson, who represents several providers, including the Seventh Day Adventist Clinic, to present an overview of Guam's Medical Malpractice Mandatory Arbitration Act and a few of the relevant past cases. To accommodate for any differing interpretation or caution regarding the law or the cases, I am also inviting input from those lawyers who affirmatively responded to the Guam Bar Association's call out for lawyers interested in assisting the Legislature with examination of Guam's Medical Malpractice Mandatory Arbitration Act. Senators will be allowed to ask questions of the panel following the presentation or any testimony. Following the information from the lawyers, there will be an opportunity at the first hearing for a limited number of patients or the general public to comment.

All health professionals are invited to a second hearing on October 3, 2019 at 5:00 p.m., to focus on the impacts of the current law on their practice, on whether the law ensures the appropriate standard of care on Guam, and the impacts of the law on the availability of qualified health professionals. I have invited the heads of the Guam Medical Association and the Guam Medical Society to lead the health professional's panel. The second hearing will also allow limited testimony from patients and the general public.

Following the second hearing, I would invite each of you to submit suggestions for reform or arguments against reform, which will be more fully considered at a third hearing on November 7, 2019 at 2:00 p.m. The Committee is particularly interested in your input as to whether the law can be improved to better protect patients and to ensure an appropriate standard of care. These hearings are for informational

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purposes only, to allow senators to hear suggestions and make inquiry towards formulation of legislation. The third hearing will also allow testimony from patients and the general public.

We ask that all testimony be submitted in writing in advance, to be distributed to all Senators, and that oral testimony be limited to five minutes.

Note that as of today, no bill has been introduced during this legislative term to revise the current Medical Malpractice Arbitration Act. A separate public hearing on any bill that might be introduced to specifically amend to the law is required. The above-described schedule is subject to change if a bill is introduced or if legislative session is scheduled during these times.

Thank you for your assistance and I look forward to your presence and participation.

Sincerely,

Therese M. Terlaje