

Greg Trubowitsch, M.D.
David C. Metrikin, M.D.
Jeremy R. Cuthbertson, M.D.
Dinesh Bahl, M.D.

Diplomates, American Board
of Ophthalmology

Isela Flores
Practice Administrator

1700 Curie Drive • Suite 3800
El Paso, Texas 79902-2985
915 / 532.3912

11331 James Watt
Bldg. 400
El Paso, Texas 79936-6408
915 / 592.3397

3900 E. Lohman, Suite A
Las Cruces, New Mexico
88011-8268
575 / 522.4774

Toll-free 800 / 227-1426

www.swretina.com



September 1, 2015

Mr. Jon Opelt
Executive Director
Texas Alliance For Patient Access
2301 South Capital of Texas Highway
Suite J-101
Austin, TX 78746

Dear Jon:

My group of Retina-Vitreous specialists, Southwest Retina Consultants, PA, has been providing specialty care to El Paso and southern New Mexico for over 30 years.

We are the *sole provider* of vitreo-retinal services in the area. The next closest surgeons are located in Tucson, Albuquerque and Lubbock. That means ANYONE in southern New Mexico with retinal detachments, cataract surgery complications, diabetic eye complications, age related macular degeneration must see us or travel over three hours. We save people from blindness. In most cases, time is of the essence and delay in finding care means blindness.

We have provided a satellite location in Las Cruces for the convenience of elderly patients in southern New Mexico.

After learning the details of the *Frezza* case, our group is seriously discussing closing our office in Las Cruces and reconsidering providing any care to New Mexicans under any circumstances. We are very busy and certainly do not need the business for our own survival, we have tried to be good neighbors to our border state. For years, our legal counsel has warned us against practicing in New Mexico because of the hostile legal climate.

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The insurance payers uniformly reward us less for the same services as we would make in Texas. We pay taxes to New Mexico on our income that was generated in New Mexico.

Do you ever wonder why New Mexico is losing physicians in droves and why new ones are not moving to your state? It is one of the most physician unfriendly states in the US.

The appellate courts must recognize the likely public health consequences for New Mexico if the Frezza decision is not overturned.

Thank you for your consideration,

A handwritten signature in black ink, appearing to be "Greg Trubowitsch", is written over a faint, circular watermark or stamp.

Greg Trubowitsch, M.D.
President, Southwest Retina Consultants, PA