



El Paso Heart Center, P.A.

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August 28, 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:

I am a non-interventional cardiologist working in a group practice with El Paso Heart Center. Our four cardiologists have staff privileges at Las Palmas Medical Center, Providence Memorial Hospital and Sierra Medical Center in El Paso. Roughly 20-25% of our patient load consists of New Mexico residents who seek our care on an elective and emergency basis.

I have practiced medicine in El Paso for the past 12 years. Over the years, the doctors in southeast New Mexico have developed confidence in my work in the detection and treatment of heart disease. Their confidence has led to a strong referral pattern from Sunland Park, Santa Teresa, Anthony, Las Cruces and the many small towns in Dona Ana County. Many of my patients are referred to me by La Clinica de Familia in Las Cruces, County Medical Services in Chaparral, as well as Country Club Medical Clinic in Santa Teresa.

The case before the New Mexico Supreme Court in *Montano v. Frezza* has certainly caught my attention and that of hundreds of my colleagues on both sides of the New Mexico/ Texas border.

In fact, I expressed my concerns about this case in a guest column I wrote published in the August 8 edition of the *Las Cruces Sun- News*. The headline of that article, "Court ruling could hamper medical services in State", highlights my concerns.

As my column states, physicians in El Paso routinely provide care to patients who are residents of New Mexico. Their care involves emergency and elective care and procedures in El Paso outpatient clinics and hospitals.

El Paso's University Medical Center, for example, as a Level 1 trauma center, routinely accepts patients from Las Cruces and as far away as Deming.

Our group practice sees lots of sick, high-risk patients. If the appellate court's decision stands, our practice will be discouraged from seeing high-liability risk patients from New Mexico. That is not my desire but it is a decision that may be forced upon us. Yes, we will continue to treat all emergency patients be they from New Mexico, Texas or elsewhere. However, if the court's ruling stands we will need to reconsider whether we continue to participate in New Mexico health plans. Apparently, our willingness to be named on the health plan of Molina and New Mexico Medicaid in itself, would put our practice at a greater liability risk.

Doctors in Las Cruces routinely refer or transfer Jehovah's Witness patients needing heart bypass surgery to El Paso doctors and hospitals. They do this because, as a matter of faith, followers of Jehovah's Witness refuse blood transfusions making them higher risk patients. Las Cruces heart surgeons are unwilling to accept the risk, whereas some of our more experienced heart surgeons in El Paso are willing to perform such surgery. That will likely change if the lower court's ruling stands in the *Frezza* case.

As the immediate past president of the El Paso County Medical Society, I urge the court to weigh the access to care ramifications of your decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Juan Escobar', with a large, stylized initial 'J' and a long horizontal flourish extending to the right.

Juan Escobar, M.D.