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October 5, 2015

**R.E. Letter of Concern from a New Mexico Provider in Support of Amicus Curiae Brief to the New Mexico Supreme Court**

Dear State of New Mexico Supreme Court,

I am writing this letter as a concerned New Mexico eye care provider. I want to take a few moments to give you my perspective on the potential ramifications of the court ruling on the *Montaño vs Frezza* case.

I currently serve New Mexico residents living in the rural Southwestern corner of the state. I work at a busy ophthalmology/optometry co-management clinic. My current patient load consists of 25-35 patient encounters each day and my schedule is filled for the next two months. I practice to the extent of my license to treat glaucoma, ocular infections, post surgical patients, and often accept patients from the local emergency departments. Many of these patients have little money and often travel up to two hours to seek my care.

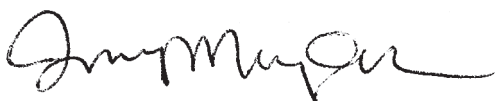
As a primary care provider, I send several patients each year to specialists, and I must rely on the ability to make timely and necessary referrals to serve these patients. It is well known that specialists primarily work and live in larger cities. From the locations where I provide services, the closest city (by far) is El Paso, TX (about 45 minutes to 1.5 hour drive). The only city with specialists that can treat a wide range of ocular conditions in NM is Albuquerque, which is a 3+ hour drive from our clinics. Many of my patients do not have the means to travel that far for care. Because of this, I have come to rely heavily on specialists in Texas.

I understand that the *Montaño* decision would apply NM law to claims by NM residents against TX doctors and hospitals who provide elective care in TX. I am aware that some TX providers are now discussing liability issues in light of the *Montaño* ruling when deciding whether to accept referrals from NM. I am concerned that if this court decision stands, it may adversely affect the willingness of TX doctors to continue to accept NM patients. Effectively, this could restrict my ability to refer to corneal, pediatric or retinal specialists located in El Paso, TX.

In some cases, urgent/same-day referrals and treatment are necessary to prevent permanent blindness by preventing or restoring vision with surgical repair. If my patients are denied access in El Paso, they may not get the care they need in time. This could go as far as to decrease economic production as the patient could likely become blind and disabled.

I encourage you to seek a resolution in the *Montaño* case that takes these concerns into account. Clearly, this decrease in access to care would be a detriment for many NM residents.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer Murray', written in a cursive style.

Jennifer Murray, OD