



Date: October 6, 2015

RE: Amicus Brief - *Montaño v. Frezza*

To: Whom it may concern

From: G. Randy Marshall, Executive Director

New Mexico always has and probably always will depend on patients receiving care across state-lines. With the state's rural and frontier population being 34% and limited health resources (32 of 33 counties qualified as HPSAs), referrals and practice patterns depend on availability of regional, out-of-state care in larger population centers.

The ageing and medically fragile population, those who find it most difficult to travel long distances, require more specialty care. With the expense and difficulty of travel, those patients prefer to seek care by the most qualified provider, in the well-equipped facility, closest to their home. Sometimes this travel takes them to Albuquerque, Las Graces, or Santa Fe but, in the southern or eastern part of the state, it requires travel to Lubbock, Amarillo, and El Paso. Patients needing specialty care in Rheumatology, Oncology, Orthopedic-Surgery, Neurology, Urology, Endocrinology, OB/GYN, Dermatology, Pain Management, Neurosurgery, and General Surgery, for example, generally cannot receive this care in their small hometowns and must travel to a population center, many times across stateliness. This includes not only specialty services such as organ transplants and joint replacements but also basic health care needs for diabetes, arthritis, deliveries, and preventive screenings and procedures.

In the sparsely populated rural and frontier areas of the state, Managed Care Plans cannot meet the legal requirement for patient/geographic area ratios and find themselves contracting with physicians in border states. This includes Dr. Eldo Frezza who was contracted to provide Bariatric Surgery for patients insured by both Presbyterian and Lovelace Health Plans and who is at the center of the *Montaño v. Frezza* case being considered by the Court.

Adequate patient care is dependent upon access to and availability of services. In a perfect world all New Mexicans would have access to primary and specialty care in their home towns, thus avoiding the expense, time and inconvenience to both the patient and their families as they transport and care for their loved ones outside of their home community. But with the uneven distribution of both population and health care providers in the state, this will never be. Limiting patients to physicians and facilities in New Mexico greatly, and negatively, impacts patient's access to basic and specialty care needs. Permitting patients' access to physicians and facilities in the closest population center with requisite medical services, whether it be in or out of state, allows the safest, most timely, and affordable care for New Mexicans.