



*New Mexico  
American College of  
Emergency Physicians*

Date: October 28, 2015  
RE: Amicus Brief - *Montaño v. Frezza*  
To: Whom it may concern  
From: Eric Ketcham, MD, FACEP, FACHE, President

The New Mexico Chapter of the American College of Emergency Physicians (ACEP) is in complete support of, and agreement with, the amicus curiae brief filed by the New Mexico Medical Society (along with numerous other medical societies, physician groups, and other patient advocacy groups).

If the appellate court decision in *Montaño v. Frezza* is not overturned, many thousands of New Mexicans will lose access to very important medical care. The incorrect conclusions of the district and appellate courts have set in motion a process which, if not overturned, will result in the steady loss of access to vital specialist medical care in western Texas for the citizens of eastern and southern New Mexico. This concern is well described by the numerous letters already posted on the website of the Texas Alliance for Patient Access, ([www.montanovfrezzaibrief.info](http://www.montanovfrezzaibrief.info)).

If the appellate court decision in *Montaño v. Frezza* is not overturned, the resulting chain of events will be catastrophic. Access to specialists in Texas for routine and urgent patient care will become scarcer. Gradually, it will become more difficult to transfer a patient to a center in Texas for even immediate, time-sensitive, life, limb, and vision-threatening emergencies. West Texas medical centers will adjust to the decreased volume of patients coming from New Mexico for routine referrals. Gradually they will adjust their staffing, such that there will be fewer physician specialists on call available to accept an emergent patient transfer.

As other physicians practicing in eastern and southern New Mexico have attested, when the access to specialists for referral becomes more difficult, primary care and emergency physicians become very frustrated and dissatisfied in their work. Thus, if the appellate court decision in *Montaño v. Frezza* is not overturned, emergency physicians will begin to move away from the communities in eastern and southern New Mexico, further decreasing access for New Mexicans to qualified, residency-trained emergency physicians for all emergencies.

We implore the New Mexico Supreme Court to consider the harm to patients that the appellate court's decision in *Montaño v. Frezza* has set in motion, and to put a halt to this travesty.

Respectfully,

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