

# SWAT Surgical Associates, L.L.P.

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September 4, 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:

SWAT Surgical Associates, LLP (SWAT) is aware of the appellate court ruling in the *Montano* case and we are concerned about how the final disposition of this matter could affect our patients and our practice.

SWAT is a large multi-specialty group practice specializing in general surgery, trauma surgery, breast surgery, hand surgery, and weight-loss surgery. Although located in Lubbock, Texas, our practice is a major provider of specialty and tertiary care for residents of Eastern New Mexico. Collectively, our nine board-certified surgeons provide roughly 40% of all trauma surgery for Covenant Health System for general surgery and hand surgery.

Our physicians perform a wide range of surgical procedures including: breast, colon, hand and gallbladder surgery. Additionally, our doctors perform hernia surgery, weight loss surgery, large hepato-biliary cases, and the surgical management of tumors, especially cancerous tumors. Many of these modalities are currently unavailable in Eastern New Mexico.

Most of our New Mexico patients seek our services for elective surgery. The sickest and most injured are transferred to us in an emergent condition. Our surgeons provide a higher level of care than is often available in Clovis, Portales, Roswell, Hobbs or Lovington, New Mexico.

SWAT is a member of almost all insurance networks in Eastern New Mexico. Among these insurance programs are: Blue Cross/ Blue Shield of New Mexico, Presbyterian Health Plan, Lovelace Health Plan, Amerigroup Community Care, and New Mexico Medicaid, to name a few.

Additionally, we are members of the Tri-Care West Plan which covers veterans, as well as airmen and their families stationed at Cannon Air Force Base in Clovis, New Mexico.

If the *Montano* ruling stands we will need to reassess the patients we see and the circumstances under which we see them. Liability concerns will move to the forefront, and for that reason, we will also need to reconsider the practicality of treating New Mexico patients on an elective basis. Our doctors will need to consider the unpleasant issue of terminating our contracts and relationships from all New Mexico health care plans and whether or not we will continue to see New Mexico citizens for elective procedures.

Of course, we will continue to treat all New Mexico patients in an emergent situation as required if we are on call for trauma call or emergency room call. However, if we are not contracted providers of any New Mexico health care plans then every New Mexico patient we treat (emergent or otherwise) will be considered out-of-network by their insurance carrier and ultimately they will pay more for the care they receive. The stark reality is this: an adverse ruling in the *Montano* case will limit access to care for thousands of residents living in Eastern New Mexico.

A handwritten signature in black ink, appearing to read 'Chad Southard', with a large, stylized flourish at the end.

Chad Southard, FACHE, FHFMA, CALM, CASC, CMPE, LNFA  
Administrator