



Office Visit: Patients, doctors, hospitals fight back

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By David Holden, Guest Columnist

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It's been several months now since Obamacare went from an idea to law. As I have mentioned in past columns, this legislation limits the growth and expansion of physician-owned hospitals, which account for eight of the top 10 hospitals in the state of Oklahoma, according to Consumer Reports. This, of course, has led to limiting consumers' options and the choice to seek the personalized care many Oklahomans desire and need.

Patients and physicians are now fighting back. In a preview of what I believe is to come across the country, earlier this month Physician Hospitals of America (PHA) and Texas Spine & Joint Hospital filed suit in U.S. Federal Court, Eastern District of Texas, challenging the constitutionality of the Patient Protection and Affordable Health Care Act that prohibits physician-owned Medicare hospitals from expanding after March 23, 2010, and bans any new physician-owned Medicare hospitals that are not certified as Medicare providers prior to Dec. 31, 2010.

This legislation applies only to hospitals owned by physicians and does not impact any other type of hospital. This legislation is exclusionary and unconstitutional, eliminating competition for nonphysician-owned hospitals, and will ultimately have a negative impact on patient choice and medical care affordability.

The legislation is retroactive, arbitrary, vague and contradictory and fails to provide due process and equal protection. Accompanying the lawsuit is a motion for a preliminary injunction that would allow TSJH to proceed with plans to expand its facility, which has already won local zoning approval for an additional 20 Medicare beds.

There is no justifiable reason for physician-owned hospitals to be singled out in this federal legislation. Physician-owned hospitals provide a valued service to our patients and the community. If physician-owned hospitals are prevented from expanding, patients will have fewer choices and health care costs will ultimately rise.

There are about 265 physician-owned hospitals in 34 states that employ more than 75,000 full-and part-time employees and have an average annual payroll of \$13 million per hospital, with \$3.4 billion in cumulative annual payroll nationally.

Of the estimated 265 existing physician-owned hospitals, 29 are scheduled to open and receive their Medicare certification by Dec. 31, 2010. An additional 45 hospitals are currently under development and are not expected to be open or Medicare-certified by Dec. 31, 2010. Furthermore, there are 39 hospitals that were previously under development and are currently not continuing the development process due to legislation. Failure to overturn the legislation will jeopardize these economic development projects and the more than 25,000 quality jobs they create.

It's truly unfortunate the government is touting an increase of access to care while stopping the growth of hospitals that provide that quality care. Our country needs more access, not less, and if this legislation is not overturned, it will be the patients who lose and end up paying more in health care costs.

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