



PHYSICIANS CARING FOR TEXANS

December 14, 2005

David J. Ballard, M.D., Ph.D., F.A.C.P.
Senior Vice President and Chief Quality Officer
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Dear Dr. Ballard,

Michael Basco, M.D., appeared at Texas Medical Association's (TMA's) Patient-Physician Advocacy Committee several months ago, advised the Committee about his loss of privileges at Baylor Grapevine, the ongoing lawsuit against Baylor Grapevine, and his desire that his privileges at that hospital be restored. He asked that TMA help in any way possible to facilitate resolution of the dispute and his return to practicing medicine as an obstetrician. As you may know, TMA filed an *amicus curiae* letter brief in the Texas Supreme Court supporting Dr. Basco's position that Baylor Grapevine's retained counsel in the lawsuit should be disqualified due to a conflict of interest. I've attached that brief.

Additionally, in an effort to evaluate the level of medical care rendered by Dr. Basco, at the request of the Committee, a panel of three obstetricians read the transcript of the January 24, 2001, peer review proceeding, the resulting National Practitioner Data Bank entry against him, and the Agreed Order entered against him by the former Texas State Board of Medical Examiners. The panel agreed with the Board that insufficient evidence supports Baylor Grapevine's determination that Dr. Basco improperly used Cytotec without his patient's consent and reported its findings and recommendations to the full Committee.

The Committee has asked me to communicate its concerns and offer to be of assistance in an effort to help resolve this matter. It is this Committee's hope that Baylor Grapevine will reconsider the evidence presented at that peer review hearing and its decision to terminate Dr. Basco's hospital privileges, and notify the National Practitioner Data Bank accordingly. We sincerely wish a speedy reconciliation of the dispute between the hospital and Dr. Basco and stand ready to help in any that we can.

Best regards,

A handwritten signature in black ink, appearing to read "Robert V. Carr".

Robert V. Carr, M.D., Acting Chair
Texas Medical Association Patient-Physician Advocacy Committee

Attachments:

- 1) Letter brief to Texas Supreme Court
- 2) Dr. Basco's petition in his suit against Baylor Grapevine
- 3) Texas State Board of Medical Examiners disciplinary order entered against Dr. Basco
- 4) National Practitioner Data Bank entry made by Baylor Grapevine concerning Dr. Basco

cc: ✓Michael Basco, M.D.
David Townend, J.D.
Rocky Wilcox, J.D.
Ken Braxton, J.D.
Brad Gahm, J.D.