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March 9, 2011

Dr. James Black
Southwest Emergency Physicians, P.C
1913 Palmyra Road
Albany, GA 31701

Re: The Corporate Practice of Emergency Medicine in Georgia and the Implications for Members of Southwest Emergency Physicians, P.C.

Dear Dr. Black,

Pursuant to a request from your group we are providing this letter regarding the above matter. The American Academy of Emergency Medicine is a national professional society representing over 6,500 specialists in emergency medicine. We have been asked to comment on the implications for the emergency physicians if the exclusive contract for emergency services is awarded to a corporate entity. Our only interest in this matter is ensuring that our members are not risking their licensure by participating in an unlawful arrangement.

To this end we would like to point out that under Georgia statutory law a physician may be disciplined or refused a license if they knowingly aid an unlicensed person or entity in practicing medicine.⁽¹⁾ Additionally, the courts have indicated that Georgia Code still does not allow a corporation to employ a professional to perform his or her profession on behalf of the corporation.⁽²⁾

It is our understanding that potential recipients of these contracts include EmCare, Inc. and Team Health. It should be clear that these are corporations. EmCare's parent company Emergency Medical Services (NYSE: EMS) was recently sold to the private equity firm of Clayton, Dubelier & Rice for around \$3 Billion.⁽³⁾ Team Health was partially spun off in an IPO by the Blackstone Group in 2010.⁽⁴⁾

It is the belief of the American Academy of Emergency Medicine that a locally based emergency physician group structured as a true physician partnership offers several advantages. Such emergency physicians typically become a strong part of the fabric of the hospital and medical staff making strong contributions to each. As partners with a direct stake in the success of the practice, the physicians in such groups strive to serve their patients, the medical staff and the hospital in the best manner possible. Their professional success is directly tied to creating a friendly, efficient service in the emergency department. Employed physicians, while providing competent care, have less direct motivation to seek excellence in all aspects of the operation of the ED.

American Academy of Emergency Medicine

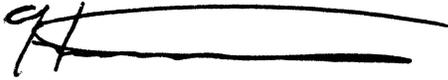
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We hope that this letter has provided some guidance to your group; however, it cannot substitute for local legal advice regarding this matter. Please consult with your attorney regarding this matter.

Feel free to contact us if we can be of further assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'H Blumstein', with a long horizontal line extending to the right.

Howard Blumstein, MD, FAAEM
President
American Academy of Emergency Medicine

References:

1. Ga. Code § C24 43-34-37(a)(9)
2. *Clower v. Orthalliance, Inc.*, 337 F. Supp. 2d 1322, 1330 (N.D. Ga.2004)
3. <http://www.businesswire.com/news/home/20110214005707/en/Clayton-Dubilier-Rice-Acquire-Emergency-Medical-Services>
4. <http://dealbook.nytimes.com/2009/10/07/blackstone-seeks-100-million-for-team-health-ipo/>