



1. I, Ralph A. Yates, D.O., declare and state as follows:

2. I am a 1970 graduate of the U.S. Coast Guard Academy and a 1979 graduate of the Kirksville College of Osteopathic Medicine in Kirksville, Missouri. I am a licensed primary care physician in Oregon and have received the following board certifications: American Osteopathic Board of Family Medicine, 1993; and Certificate of Added Qualifications in Sports Medicine, 1995.

3. I am a clinical assistant professor in the Department of Family Medicine at Oregon Health Sciences University and have served as a consultant to the Oregon Board of Medical Examiners from 2000 to the present. I also serve as a team physician to the Portland Winter Hawks and the University of Portland's athletic teams.

4. I am one of two physicians in partnership in Columbia Family Medical Associates. We own a small building at 5847 NE 122<sup>nd</sup> Avenue in Portland, Oregon where we provide lab services on the first floor and see our patients on the second floor. We also lease space to East Portland Imaging Center for simple radiology services, namely x-rays.

5. I have a good relationship with the Providence Health System and have great respect for many of the physicians and administrators employed by Providence. The great majority of my patient referrals for acute care at a hospital are to Providence Health System facilities.

6. I received the notice from Providence Health Plan regarding the decision to exclude EPIC Imaging-East from Providence PPO panels. Many of my patients have health insurance through these panels. I believe it will be a major loss to me and other primary care physicians in Portland in terms of available diagnostic tools if EPIC Imaging-East is eliminated as an authorized provider to Providence-controlled provider panels effective May 1, 2005.

7. In my opinion and experience, radiology and imaging referrals are among the most important and most common referrals that are made in a primary care physician's practice. I literally make radiology and imaging referrals virtually every hour every day that I am in the office seeing patients.

8. It is my experience that EPIC Imaging-East is head and shoulders above its competition on the east side in terms of state-of-the-art technology, innovation, quality radiology/imaging, top flight service and competitive pricing. With EPIC Imaging-East, you know that you are dealing with an imaging firm that will constantly upgrade its technology to take advantage of the latest advances in medical technology. In addition, where it is necessary and important either to me or the patient, EPIC Imaging-East will always find a way to fit a patient into their schedule within 24 hours.

9. I am aware that Providence presently allows families insured by Providence or covered by its preferred provider panels to send children requiring specialized pediatric care to Legacy Emanuel Hospital, which has established an

outstanding reputation in the Portland metropolitan area for both inpatient and outpatient pediatric care. In my opinion, it takes years to build up the kind of expert capability that Legacy Emanuel's subspeciality in the field of pediatrics provides to this community. I consider the exclusion of EPIC Imaging-East from much of the patient base in Portland to be analogous to Providence excluding Legacy Emanuel from its authorized provider list for pediatric care.

10. A significant component of my medical practice is in the field of sports medicine. Diagnostic imaging is an important part of that practice. In many cases, it is critically important that my sports medicine patients have timely and accurate radiology and imaging work performed in order for me both to quickly diagnose the problem and to develop the type of care regime that promotes the speediest recovery possible. In the sports medicine field, the speed and accuracy of the imaging often plays a key role in the diagnosis and care that may enable a patient to return to a sports team in season or to active physical involvement in recreational sports.

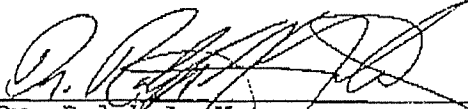
11. Over the last ten years, it is my observation that the Providence Health System on the east side of Portland is not able to provide a level of quality service comparable to that of EPIC Imaging-East in terms of report interpretation and availability of radiology personnel to discuss those reports.

12. If the exclusion of EPIC Imaging-East is made effective on May 1, 2005, it will impose a substantial administrative burden on my medical practice as well as that of

many other primary care physicians in Portland. We will have to elicit significant additional information from incoming patients in order to determine whether their particular insurance coverage will allow a covered referral to EPIC. In addition, in acute care or other situations requiring speedy diagnosis, we will not have available the imaging firm on the east side with the greatest scheduling flexibility and quickest turn around in terms of issuing radiology and imaging reports, which will undermine the quality of care that I expect to be able to provide to such patients.

13. I declare under penalty perjury that the foregoing is true and correct.

DATED this 1<sup>st</sup> day of April, 2005.

  
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Dr. Ralph A. Yates