

**Nation**

» **News Plus:** Gun makers are reaching out to women. **A27**

**City & State**

» **Joe Holley:** The late Larry L. King was pure Texan. **B1**

**Outlook**

» **Editorial:** Here are our nominees for energy chief. **B11**

**Sports**

» **The boys of spring:** With the Astros set to begin spring training Monday, we check in with owner Jim Crane and analyze key position battles, along with the AL West competition and the rest of MLB. **C1, C8-10**

» **NBA All-Star Weekend:** Rockets guard James Harden may be the magnet who lures other stars to Houston. **C1**



Jessica Hill / Associated Press

**Nation**

**Massive storm has Northeast reeling, digging**

Some places like Windsor Locks, Conn., left, had nearly 4 feet of snow, and hundreds of thousands of people were left without power. **A4**

# HOUSTON CHRONICLE

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PATRICIA KILDAY HART

Reporting from Austin

## Is growing Medicaid impossible?

**HC** Gov. Rick Perry compares expanding Medicaid under the Affordable Care Act to inviting more passengers on the Titanic, suggesting the program is sinking under the weight of its costs, even as doctors — underpaid and burdened by red tape — abandon ship in droves.

▲ recent survey by the Texas Medical Association indicated that only a third of its members are willing to accept all new patients covered only  
*Medicaid continues on A23*



PERIL IN THE OIL PATCH *First in a series*

# Deadliest job in Texas

OSHA: Field services and drilling workers faced biggest workplace risk



Houston Chronicle file

A roughneck stacks pipe on a workover rig while a pumpjack pumps oil from the Brookshire Dome oil field.

**SEWAGE LEAKS**

## Properties' inaction doesn't pass smell test

By Ingrid Lobet

**HC** It's the smell, more than anything, imprinted in her memory. But Diana Moten also remembers the toilet paper floating in the yard outside the apartment, used toilet paper floating in sewage, and her young daughter Paige saying their home was stinky; couldn't they move?

When the toilets regularly backed up, the owner did not replace the inadequate plumbing. Instead, maintenance simply removed the sewer access plugs, allowing raw human waste to pour into the apartments' common areas, until a plumber was called to snake the line.

"The repair guys told us the pipes was old, but the apartment managers wouldn't fix it because it needed digging up instead of a patch repair," Moten said.

*Sewage continues on A23*

By Yang Wang and Lise Olsen

**HC** Sergio Rincon kissed his wife goodbye, stowed his sack lunch inside the cab of his Chevy Avalanche and then returned to the house for one long last embrace before setting off for the oil fields on April 14, 2009.

Rincon, fit from his daily workouts at 51, hoisted his sweetheart atop a low step in the living room to even out a 4-inch height

difference and clasped her tightly against his coveralls. "Te amo," he said. "Remember, you are the love of my life."

Then Rincon left for a Nabors drilling rig near his home in Pharr and never returned, falling victim to one of the state's most deadly occupations.

Oil and gas field services and drilling workers were killed on the job in Texas more than those in any other profession, according to a Houston Chronicle

analysis of five years of fatal accidents investigated by the Occupational Safety and Health Administration.

Overall, workplace deaths have declined in Texas — but not in the oil patch where 197 perished on the job, an average of 39 per year, worker fatality statistics from 2007-2011 show. OSHA investigated at least 84 cases; dozens more died in job-related traffic accidents OSHA  
*Death continues on A18*

**By the numbers**

**197** Number of oil patch deaths reported in Texas from 2007-11

**39** Average number of oil patch deaths reported in Texas each year from 2007-11

**3** Number of Texas employers that had three or more deaths from 2007-11

**WaterWall Place**, a high-end apartment complex, shown next to Williams Tower, is under construction, one of the many projects bringing jobs to Houston. The seven-story property will overlook Gerald D. Hines Waterwall Park.



Melissa Phillip / Houston Chronicle

**EMPLOYMENT**

## Houston remains hot on jobs, but other cities start to sizzle

By L.M. Sixel

When it came to creating new jobs, Houston has been the shining star for four of the past five years. But an improving U.S. economy has given the city some competition for those bragging rights.

Phoenix is nipping at our heels, and Seattle and San

Francisco aren't far behind.

"We're settling into the new norm, the new sustainable," said Patrick Jankowski, vice president of research for the Greater Houston Partnership.

"While other economies are in the recovery mode, we're in the expansion mode," he said. "They're still trying to climb out of

that trough."

Over the past year — from December 2011 to December 2012, according to the most recent U.S. Bureau of Labor Statistics data — Houston-area employers added 82,000 jobs on a seasonally adjusted basis. That represents a year-over-year gain of 3.1 percent.

*Job continues on A20*

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**Weather**

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FROM THE COVER

# Sewage leaks can be cause of illnesses

*Sewage from page A1*

The Yale Court Apartments in north Houston, where Moten and her family lived, is but one example of an unpleasant and all-too-common phenomenon in the city — apartment owners who refuse to correct problems and repeatedly leave residents to contend with raw sewage.

Roger Haseman, who heads the Harris County District Attorney's environmental crimes unit, said the problem is such that he has assigned one attorney full time to prosecuting habitually offending apartment owners.

## Hundreds of complaints

In the past 15 months, the city's 311 operators and other agencies have fielded 766 calls from renters about uncontrolled sewage, according to an analysis of records obtained by the Houston Chronicle. That's just within Houston city limits.

Prosecution comes after health and public works inspectors tire of writing violations. Often, managers will say the blockage is in the city's part of the line, and if that's true, the city has to fix it.

But when inspectors find code violations repeatedly on the same property, they run out of tools, Haseman said. That's when uniformed inspectors with the Houston Police Department's envi-

ronmental investigations unit are called in. If that doesn't work, they refer the case to prosecutors.

But even then, said Haseman, they're still basically trying to get the plumbing fixed.

"Cooperation goes a long way with us," he said. "But sometimes it's obvious they're not trying. We have to go to the grand jury to get an indictment. That's what it takes sometimes to get their attention."

Police images and call logs tell the story.

In a photo taken by police at another complex, a mother pushes a stroller alongside a sewage stream.

"There is ankle-deep sewage near the handicapped parking area," a Briar Creek Apartments resident reported last October.

"There is a sewer leaking outside, and there are children playing around with the sewer waste," reported another.

"This is an environmental justice issue," said Pam Paaso, the prosecutor handling the cases for Harris County.

## Many citations

It's also a public health issue. Raw sewage can sicken, even in countries fortunate enough to be free of cholera.

"Gastrointestinal illnesses are very serious," said Latrice Babin, a toxicologist and spokesperson for Harris County Pollution Control Services.



Houston Police Department Environmental Investigations Unit  
The Yale Court Apartments have had a "long-standing problem with raw sewage," according to police records. A former owner said tenants can be the cause of sewer line problems through ignorance or vandalism.

es. "People have actually died from gastroenteric viruses."

At the Yale Court Apartments, by October 2010, police were getting tired of visiting. Environmental crimes inspector Timothy Crowley met inspectors from Public Works and the Health Department at the complex. Winda Creswell had seen them before.

"I would go to report it, and it would take a week or two for them to do anything," said Creswell, who lived at the complex for 11 years in part because her mother was in a care home nearby. "They gave him so many citations it's not even funny."

Police documents support this, noting 5050 Yale's "long-standing problem with raw sewage."

On the October visit, they saw sewage pouring

from the ground outside Building P and flowing toward Little White Oak Bayou.

They took photos, ordered managers in the leasing office to call a plumber as well as a state-approved contractor to properly clean up the soil, and to get back to them to show it had been done.

Three months later, according to court records, police said they had not heard back from the property manager, Centra Partners, or the owner, Shiraz US Yale LLC, registered to Omri Shafran, who also owned a number of other properties in Houston and Galveston.

A grand jury indicted Shafran and Shiraz US Yale for felony water pollution.

"If it's on the ground, it will end up in a storm drain," Paaso said. "Once it's in the storm drain, it's

in the bayou. That leads to the Gulf, and it is a violation of the Texas Water Act."

## Blaming tenants

The case ended in November when the state agreed to drop charges against Shafran personally, while his company pleaded guilty to a misdemeanor and paid \$3,500 in fines plus restitution. Shafran blames his property manager, whom he and 10 of his companies went after for breach of contract, though not over sewage. The parties settled with Centra's insurer paying \$150,000.

Shafran also blamed tenants.

"Residents can be vengeful," he said. "They'll put diapers in the plumbing."

Plumbing problems also can be caused by residents discarding grease

into their sinks, prompting a statewide education effort — "Corral the Grease." City of Houston Public Works and Engineering spokesman said the program appears to be having some effect.

"Sewer overflows have gone down tremendously," he said.

By the time the Yale Court Apartments case was brought against him, Shafran had sold the property. The new owner also has been cited for sewer violations, and just this week also was indicted, indicating it's a problem residents continue to endure.

But not Diana Moten and her two daughters. They have moved to a place she says is much better.

"Oh, yes, Lord," she said. "Yes, Lord."

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# Medicaid growth favored by 58 percent in poll

*Medicaid from page A1*

by Medicaid, the government health insurance program serving mostly poor children and their mothers. The remaining respondents said they would limit the number they would accept.

As the debate rages in Austin over Texas' response to the federal Affordable Care Act, a fundamental question looms in the background: Does Texas have enough doctors, nurses and other health care providers willing to take on an additional 1.1 million Medicaid patients?

For opponents of Medicaid expansion, the answer is no.

It makes little sense to expand a program that is "broken," said Sen. Tommy Williams, R-The Woodlands, chairman of the Senate Finance Committee. "Nobody's happy. Not the people it covers, not the providers, not the taxpayers."

Added Texas Health and Human Services Commissioner Kyle Janek, "We are going to be strained. We are already strained."

## Incentive studied

Ken Janda, CEO of the Houston-based Community Health Choice, called the idea that Texas does not have enough doctors willing to take Medicaid patients "a myth" spread by an inaccurate reading of the TMA survey, in which only 4 percent of the group's 28,000 members responded. Nearly 70 percent of Texas doctors report serving at least one Medicaid patient annually, he said.

Janda oversees a Medicaid managed care network serving some 230,000 low-income Texans through contracts with about 7,000 doctors in Harris and 19 surrounding counties.

"I'm absolutely convinced that if we expand Medicaid through man-

aged care plans, we will not have a problem," he said. "When doctors find out money is available, a fair number will say, 'how do I participate?'"

Janek, concerned that not enough Texas doctors treat Medicaid patients, is studying an incentive idea that would pay medical schools to serve Medicaid patients through their residency programs.

"It could give us the ability to care for a greater population and strengthen our workforce," the former Houston anesthesiologist and state senator said. "We'd be foolish not to explore it."

## Uncompensated care

Advocates of allowing some 1.1 million poor uninsured Texas adults access to Medicaid coverage do not share Janek's urgency. After all, they argue, Texas' 6 million uninsured residents already receive care, via expensive trips to emergency rooms, subsidized by local taxpayers and commercial insurance premiums. Essentially, these patients already are onboard the Titanic.

Expanding Medicaid, they say, would throw a needed lifesaver to the system. Folks would be encouraged to seek medical help before they require hospitalization. The savings, proponents say, could allow the state to increase payments to doctors, and relieve the burden on local property taxpayers supporting hospital districts.

Proponents also point out that Texas, which leads the nation in the number of uninsured residents, is an unattractive place for new doctors to establish a practice.

"If you have a shortage of doctors, it is in part because we are awash in uncompensated care," said Scott McCown, executive director of the Center for Public Policy Priorities. Giving more Texans

health care coverage through Medicaid would increase the revenue stream to physicians, clinics and hospitals, he said.

## 'Skin in the game'

As two more Republican governors last week dropped their opposition to expanding Medicaid, pressure mounted on Gov. Rick Perry to do the same. The Texas Medical Association (with caveats), the Texas Hospital Association, the Texas Catholic Conference and Texas Impact all announced their support for expanding Medicaid. The American Cancer Society Action Network released a poll showing that 58 percent of Texans favor the idea.

In a letter to Perry, House Speaker Joe Straus and Lt. Gov. David Dewhurst, leaders of the Texas Catholic Conference and Texas Impact noted that "cities, counties and hospital districts are spending more than \$2.5 billion a year in local property taxes on health care for low-income members of their local communities, many of whom would be eligible for Medicaid if Texas extends the program to low-income adults."

In addition, an economic analysis prepared for Texas Impact noted that "in 2010 hospital

charity costs reached an additional conservative estimate of \$1.8 billion." To expand Medicaid, the state would have to put up matching funds amounting to "6.7 percent of what local jurisdictions and hospitals already spend on low-income care."

However, TMA President Michael D. Speer, a neonatologist at Houston's Texas Children's Hospital, said his association's survey reflected dissatisfaction with the state's payments to doctors, which, when inflation is factored, have declined about 29 percent over the last decade.

"That's what's driving doctors out of Medicaid," Speer said. "People can't keep their offices open."

Still, the TMA concluded, with some tweaking, it could support an expanded Medicaid program. "Take care of the red tape," Speer suggested, and require a small co-pay so participants "have a little skin in the game."

Texas also should reserve the right to drop out "if conditions change," he said. "That would make (expansion) more acceptable to the governor and his party."

The TMA's position will get close scrutiny by budget writers like Senate Finance chair Williams.

"We can't allow expansion to go forward without significant reforms," said Williams, who said other large states "are all bankrupt, basically, and it's Medicaid that is doing it to them."

Still, he said he was heartened by savings achieved through managed care reforms begun in recent years.

## 'Help fill the gap'

The debate underscores the impact of recent budget cuts on the state's fragile safety net, McCown said. He called the focus on a physician shortage "very ironic since the Legislature has systematically cut graduate medical education, cutting the pipeline of new doctors."

The Legislature also sets rates paid to doctors for serving Medicaid patients.

"We could simply pass a budget that raises (rates). I'd vote for it," said Rep. Garnet Coleman, D-Houston, who also noted that allowing advance practice nurses and physician assistants to see more types of patients would "help fill

the gap."

Tom Banning, CEO of the Texas Academy of Family Physicians, said the Legislature should address the physician shortage in Texas, regardless of other issues.

"Whether we expand or not, we've got a problem either way," he said. "We've not done a good job of strengthening the safety net." Because of neglecting payments to doctors and cutting residency programs, "we've forced providers out of the system," he said.

Rep. John Zerwas, R-Richmond, a member of the House budget-writing committee, opposes expansion unless state lawmakers reform the current Medicaid model. He acknowledged, however, that by expanding Medicaid Texas would gain \$100 billion in federal funds over the next decade for a \$15 billion investment. "There's a pretty compelling argument that (expansion) is a good thing for Texas."

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