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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**THE STATE OF CALIFORNIA; THE  
STATE OF DELAWARE; THE STATE OF  
MARYLAND; THE STATE OF NEW  
YORK; THE COMMONWEALTH OF  
VIRGINIA.**

Plaintiffs,

10

ALEX M. AZAR, II, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; R. ALEXANDER ACOSTA, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE U.S. DEPARTMENT OF LABOR; U.S. DEPARTMENT OF LABOR; STEVEN MNUCHIN, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE U.S. DEPARTMENT OF THE TREASURY; U.S. DEPARTMENT OF THE TREASURY; DOES 1-100.

**Defendants,**

and,

# THE LITTLE SISTERS OF THE POOR, JEANNE JUGAN RESIDENCE; MARCH FOR LIFE EDUCATION AND DEFENSE FUND.

### Defendant-Intervenors

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1 I, Nicole Alexander-Scott, MD, MPH, declare under penalty of perjury that the following is true  
2 and correct and of my own personal knowledge.

3 1. I have served as the Director of the Rhode Island Department of Health since 2015.  
4 As the Director, I have established the following three leading priorities for the Rhode Island  
5 Department of Health: (1) addressing the socioeconomic and environmental determinants of  
6 health; (2) eliminating disparities of health and promoting health equity; and (3) ensuring access  
7 to quality health services for all Rhode Islanders, including the state's vulnerable populations.  
8 Preventing unintended pregnancies falls under each one of these priorities.

9 2. The State of Rhode Island provides publicly funded contraceptive coverage through  
10 its state Medicaid Program and the Title X Family Planning Program. There are about 222,000  
11 women in need of contraceptive services in Rhode Island. Rhode Island's Title X Family  
12 Planning Program serves about 26,000 patients each year. Rhode Island's Medicaid Program  
13 provides extended family planning benefits for two years post-partum.

14 3. Rhode Island does not have a state law that matches the federal guarantees provided by  
15 the Affordable Care Act (Public Health Service Act 2713(c)). For example, although Rhode  
16 Island's statute covers prescription contraceptive methods, it does not prohibit cost sharing.  
17 Women in Rhode Island are at risk of losing Affordable Care Act required contraceptive coverage  
18 under the final regulations issued by the federal government. Forty-four (44%) of pregnancies in  
19 Rhode Island are unintended. 71,320 women are in need of publicly funded contraceptive services  
20 in Rhode Island. The percentage of need met by Title X clinics and publicly supported providers  
21 in Rhode Island is currently only 35%.

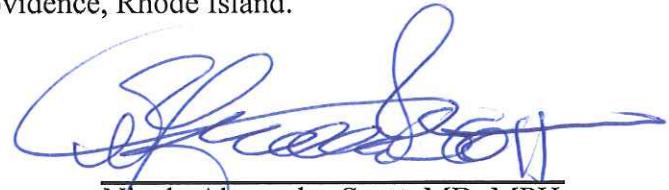
22 As a result of these rules, Rhode Island women will either (a) utilize and seek coverage  
23 through the Title X Family Planning Program or (b) they will forgo coverage and experience an  
24 unintended pregnancy. In both scenarios, the State will suffer increased costs and its residents  
25 will be harmed.

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1 Executed on December 18, 2018, in Providence, Rhode Island.



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4 Nicole Alexander-Scott, MD, MPH  
5 Director of Health  
6 Rhode Island Department of Health  
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