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8 IN THE UNITED STATES DISTRICT COURT
9
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 **THE STATE OF CALIFORNIA; THE
STATE OF CONNECTICUT; THE STATE
OF DELAWARE; THE DISTRICT OF
COLUMBIA; THE STATE OF HAWAII;
THE STATE OF ILLINOIS; THE STATE
OF MARYLAND; THE STATE OF
MINNESOTA, BY AND THROUGH ITS
DEPARTMENT OF HUMAN SERVICES;
THE STATE OF NEW YORK; THE
STATE OF NORTH CAROLINA; THE
STATE OF RHODE ISLAND; THE STATE
OF VERMONT; THE COMMONWEALTH
OF VIRGINIA; THE STATE OF
WASHINGTON,**

17 Plaintiffs,

18 **v.**
19 **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.
20 ALEXANDER ACOSTA, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF THE U.S.
DEPARTMENT OF LABOR; U.S.
21 DEPARTMENT OF LABOR; STEVEN
MNUCHIN, IN HIS OFFICIAL CAPACITY AS
22 SECRETARY OF THE U.S. DEPARTMENT OF
THE TREASURY; U.S. DEPARTMENT OF
23 THE TREASURY; DOES 1-100,**

24 Defendants,

25 and,

26 **THE LITTLE SISTERS OF THE POOR,
JEANNE JUGAN RESIDENCE; MARCH
27 FOR LIFE EDUCATION AND DEFENSE
FUND,**

28 Defendant-Intervenors.

4:17-cv-05783-HSG

**DECLARATION OF NATHAN
MORACCO**

1 I, Nathan Moracco, declare:

2 1. I am the Assistant Commissioner for the Health Care Administration at the Minnesota
3 Department of Human Services. The Health Care Administration is responsible for administering
4 the Minnesota Family Planning Program and Minnesota's Medicaid program, both described
5 below.

6 2. The Minnesota Department of Human Services administers the Medical Assistance
7 program ("MA"), which is Minnesota's Medicaid program for people with low income. In fiscal
8 year 2017, MA provided coverage to a monthly average of 1.1 million Minnesotans. MA covers
9 comprehensive family planning services. The cost of family planning services is paid for with State
10 and Federal funds with the federal government generally covering 90 percent and the State of
11 Minnesota covering 10 percent, respectively.

12 3. The Minnesota Department of Human Services also administers the Minnesota Family
13 Planning Program ("MFPP"). This program provides access to family planning services for low-
14 income Minnesotans who are not enrolled in MA subject to certain eligibility requirements. The
15 family planning services covered by MFPP include, for example, family planning office visits,
16 education, various birth control methods, and transportation to and from a provider of family
17 planning services. In 2017, the program served a total of more than 20,000 people, with a monthly
18 average enrollment of approximately 11,000. Total spending for the program was about \$8.6
19 million. The cost of MFPP services is paid for with State and Federal funds with the federal
20 government generally covering 90 percent and the State of Minnesota covering 10 percent,
21 respectively.

22 4. I understand that the U.S. Health and Human Services Department, in conjunction with
23 the U.S. Department of Labor and U.S. Department of Treasury recently issued two final rules that
24 would allow certain employers to cease providing contraceptive coverage to their employees based
25 on a religious or moral objection. Minnesota women who lose contraceptive coverage as a result
26 of these rules may seek coverage through MA or MFPP. If additional individuals enroll in MA or
27 MFPP due to these final rules, it will increase the administrative and financial burden on the
28 Department of Human Services.

1 5. Women who lose coverage may also choose to forgo seeking contraception and related
2 services if they do not have the means to pay for it, thereby risking unintended pregnancy and other
3 poor health outcomes related to reproductive care. Because Minnesota and its Department of
4 Human Services pay for child delivery for women on MA, the state and the Department of Human
5 Services may bear a financial risk when women lose contraceptive coverage. Minnesota and its
6 Department of Human Services are also obligated to pay for newborn care, which can be expensive
7 if there are complications, for children born to certain low income women or families.

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9 I declare under penalty of perjury that the foregoing is true and correct and of my own
10 personal knowledge.

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 Executed on December 19, 2018, in Saint Paul, Minnesota.

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NATHAN MORACCO
Assistant Commissioner
Minnesota Department of Human Services