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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.

V.

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, Judy Mohr Peterson, declare:

2 1. I declare under penalty of perjury that the foregoing is true and correct and of my own
3 personal knowledge.

4 2. I serve as the Medicaid Director for the State of Hawaii. I have been in this role since
5 July 2015. Prior to that, I served as the Medicaid Director for the Oregon Health Authority in the
6 State of Oregon (2009-June 2015).

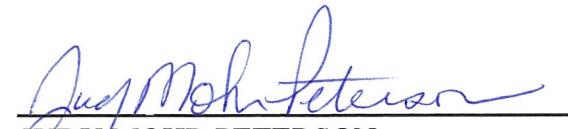
7 3. The State of Hawaii Medicaid program, Med-QUEST, provides coverage for family
8 planning services, maternity and newborn care, pregnancy-related services, and contraceptives.
9 Med-QUEST covers adults up to 133% of the federal poverty level, pregnant women up to 191%
10 of the federal poverty level, and children up to 305% of the federal poverty level.

11 4. The State of Hawaii has a law that mandates employer group accident and health or
12 sickness plans to provide contraceptive services or supplies. Unlike the federal law (Public
13 Health Service Act 2713), Hawaii law permits an insurer to collect copayments on contraceptive
14 supplies so long as they are not unusual. Hawaii law provides that coverage shall include
15 reimbursement to a health care provider or dispensing entity for prescription contraceptive
16 supplies intended to last up to a twelve-month period for an insured and that coverage of
17 contraceptive services shall extend to any dependent of the subscriber who is covered under the
18 policy. The State of Hawaii law does not cover women and covered dependents who have
19 coverage through an employer that uses a self-insured plan. Hawaii has 30.5 percent of its
20 workforce in a self-insured plan.

21 5. Med-QUEST covers and pays for nearly a third of all births in the state.

22 6. As a result of these rules, women will either (a) utilize and seek coverage through Med-
23 QUEST resulting in increased enrollment, or (b) they will forgo coverage and experience
24 unintended pregnancies. In both scenarios, the State will suffer increased costs.

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2 Executed on December 18, 2018, in HONOLULU, HAWAII.
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JUDY MOHR PETERSON
Administrator, Med-QUEST Division
Department of Human Services
State of Hawaii