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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MONTANA MEDICAL  
ASSOCIATION, et al.,

Plaintiffs,

and

MONTANA NURSES  
ASSOCIATION,

Plaintiff-Intervenors,

v.

AUSTIN KNUDSEN, et al.,

Defendants.

CV 21-108-M-DWM

SECOND DECLARATION OF  
KIRK BODLOVIC

I, Kirk Bodlovic, declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing is true and correct:

1. I am the Chief Operating Officer for Providence Health & Services — MT (“Providence”). The facts set forth in this Declaration are known to me due to my position with Providence.

2. Providence operates multiple licensed healthcare facilities, as defined by MCA § 50-5-101(26).

3. Providence St. Joseph Assisted Living Facility (“St. Joseph Assisted Living”) shares staff with Providence St. Joseph Hospital (“St. Joseph Hospital”). These facilities are located in Polson, Montana.

4. Some of St. Joseph Hospital’s CNAs, RNs, physicians, environmental services employees, security employees, and facility department employees also perform work in St. Joseph Assisted Living.

5. St. Joseph Hospital providers do limited rounding at St. Joseph Assisted Living Facility.

6. Patients from St. Joseph Assisted Living Facility receive treatment at St. Joseph Hospital.

7. St. Joseph Hospital has private physicians’ offices in the same physical facility as the Hospital.

8. Providence St. Patrick’s Hospital (“St. Patrick’s Hospital”) has private physician offices that are located in and interspersed throughout the same physical facility as St. Patrick’s Hospital.

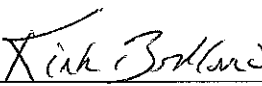
9. Providence's OSHA COVID-19 Plan did not include a COVID-19 vaccination requirement because, at the time it was created in August 2020, vaccinations for COVID-19 were not yet available.

10. Prior to House Bill 702, Providence required potential employees to provide documented proof influenza vaccination. Nonvaccinated employees were required to wear a mask during flu season or if there was a flu outbreak. Vaccinated employees wore stickers to determine who was required to mask.

11. In May of 2021, Providence stopped requiring physical temperature checks to enter the premises based upon an in-depth review related to patient safety, CMS and CDC guidelines, and community prevalence. Visitors, patients, were still asked if they had any symptoms of COVID-19, including whether they had a fever. Additionally, employees were asked to sign an attestation before each shift, reporting whether they were free of COVID-19 symptoms, including fever.

12. Providence had an employee ask whether Providence could guarantee the other Providence staff with whom this individual worked were all vaccinated. When Providence indicated they could not provide that guarantee because of House Bill 702, that employee quit.

DATED this 16<sup>th</sup> day of September, 2022.

  
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Kirk Bodlovic