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10 *Attorneys for Plaintiff*
 CITY AND COUNTY OF SAN FRANCISCO

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

14 CITY AND COUNTY OF SAN FRANCISCO,
 15 Plaintiff,
 16 vs.
 17 ALEX M. AZAR II, et al.,
 18 Defendants.

No. C 19-02405 WHA
Related to
 No. C 19-02769 WHA
 No. C 19-02916 WHA

**DECLARATION OF DR. BARRY ZEVIN
 IN SUPPORT OF PLAINTIFFS’
 MOTION FOR SUMMARY JUDGMENT
 AND IN SUPPORT OF THEIR
 OPPOSITION TO DEFENDANTS’
 MOTION TO DISMISS OR, IN THE
 ALTERNATIVE, FOR SUMMARY
 JUDGMENT**

19 STATE OF CALIFORNIA, by and through
 ATTORNEY GENERAL XAVIER BECERRA,
 20 Plaintiff,
 21 vs.
 22 ALEX M. AZAR, et al.,
 23 Defendants.

Date: October 30, 2019
 Time: 8:00 AM
 Courtroom: 12
 Judge: Hon. William H. Alsup
 Action Filed: 5/2/2019

24 COUNTY OF SANTA CLARA et al,
 25 Plaintiffs,
 26 vs.
 27 U.S. DEPARTMENT OF HEALTH AND
 HUMAN SERVICES, et al.,
 28 Defendants.

1 I, Dr. Barry Zevin, declare as follows:

2 1. I have personal knowledge of the facts set forth in this declaration and, if called as
3 a witness, could and would testify competently to the matters set forth below.

4 2. I am the Medical Director of Gender Health SF in the San Francisco Department
5 of Public Health (“SFPDH”). Previously, I served as Medical Director of the Tom Waddell
6 Health Center where I collaborated in starting Transgender Tuesdays, the first transgender
7 primary care clinic in the country focused on homeless and other severely underserved
8 individuals who identify as transgender. I am also an Assistant Clinical Professor of Medicine at
9 University of California, San Francisco Medical School.

10 3. SFPDH provides a range of health services to transgender residents including
11 primary and transition-related care. The transition-related services provided by SFPDH includes
12 hormone therapy, counseling, and surgery. Several transition-related surgeries—such as
13 mammoplasty, orchiectomy, mastectomy, and hysterectomy—are performed at Zuckerberg San
14 Francisco General Hospital.

15 4. In addition, Gender Health SF provides uninsured transgender adult residents
16 access to transgender surgeries and related education and preparation services. Gender Health SF
17 staff help clients navigate the transition process, leading to better health outcomes.

18 5. The transgender community is a highly vulnerable population. Transgender
19 individuals face unique stressors, including the stress experienced when their gender identity is
20 not affirmed. Transgender people also experience higher rates of discrimination and harassment
21 than their cisgender counterparts and, as a result, experience poorer health and mental health
22 outcomes. They are also at a significantly greater risk for suicide.

23 6. If front-line staff, such as receptionists and call operators, refuse to direct
24 transgender patients seeking transition-related services to the appropriate department or to
25 schedule appointments for them, we need to be able to transfer those individuals—involuntarily if
26 necessary—to another position. If those individuals cannot be transferred, vulnerable individuals
27 will be deterred from accessing safe transition-related health care. In such circumstances, I have
28 seen individuals turn to dangerous alternatives like black market hormones and industrial grade

1 silicone injections, which can have dire health consequences. For example, industrial grade
2 silicone injected into the body may cause respiratory embolism, infections, scleroderma, toxic
3 shock syndrome, granuloma, neuropathy, lymphadenopathy, rheumatic symptoms, severe
4 autoimmune and connective tissue disorders, and even death.

5 7. In addition, when transgender individuals are prevented from accessing transition-
6 related care, their risk of suicide is greatly increased.

7 8. In my professional experience as a doctor, the phrase “assist in the performance” is
8 a term of art. “Assist in the performance” is generally used only in the context of a surgical or
9 non-surgical procedure, or an exam, and refers to a doctor, nurse, medical assistant or other
10 medical professional who physically helps the treating doctor, either by physically handling
11 necessary instruments or by physically handling the patient. Generally, in a surgical context, only
12 those who had “scrubbed in” to the sterile environment could be viewed as “assisting in the
13 performance” of a surgical procedure.

14 9. An example of someone who could be said to “assist in the performance of a
15 procedure” would be a medical assistant who physically ensures that a patient stays in the correct
16 position for a doctor to perform a lumbar puncture.

17 10. In my experience as a doctor, in generally accepted medical parlance, the phrase
18 “assist in the performance” would not include, for example, an individual without medical
19 training, such as a receptionist or scheduler. Nor would it include someone who merely sterilizes
20 instruments or prepares a room for a procedure.

21

22 I declare under penalty of perjury that the foregoing is true and correct and that this
23 declaration was executed on September 9, at San Francisco, California.

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Barry Zevin, M.D.

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