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 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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13 CITY AND COUNTY OF SAN FRANCISCO,
 14 Plaintiff,
 15 vs.
 16 ALEX M. AZAR II, et al.,
 17 Defendants.

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

18 STATE OF CALIFORNIA, by and through
 ATTORNEY GENERAL XAVIER BECERRA,
 19 Plaintiff,
 20 vs.

**DECLARATION OF DR. BRAD
 BUCHMAN 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**

21 ALEX M. AZAR, et al.,
 22 Defendants.

Date: October 30, 2019
 Time: 8:00 AM
 Dept: 12
 Judge: Hon. William H. Alsup
 Trial Date: None Set
 Action Filed: 5/2/2019

23 COUNTY OF SANTA CLARA et al,
 24 Plaintiffs,
 25 vs.

26 U.S. DEPARTMENT OF HEALTH AND
 HUMAN SERVICES, et al.,
 27 Defendants.

1 I, Dr. Brad Buchman, declare:

2 1. I am a resident of the State of California. I am over the age of 18 and have personal
3 knowledge of all the facts stated herein. If called as a witness, I could and would testify
4 competently to all the matters set forth below.

5 2. I earned my medical degree at the University of California, San Diego. I also
6 completed my residency in Family Medicine and a fellowship in Sports Medicine there. I am
7 licensed to practice medicine in the State of California and I am Board-certified by the American
8 Board of Family Medicine.

9 3. Since 2016, I have worked for UC Health as Chief Medical Officer for Student
10 Health and Counseling and Chief Medical Officer for the Student Health Insurance Plan (UC
11 SHIP). Before joining UC Health, I served as Chief of Family Medicine at UC San Diego
12 Health's Department of Family Medicine and as Associate Medical Director of the UC San Diego
13 Medical Group. I subsequently held positions as Medical Director at UC San Diego's Student
14 Health Services and at UC Berkeley's University Health Services.

15 4. All ten University of California campuses also have a student health center, available
16 to all UC students regardless of their health insurance carrier. Medical services at the Student
17 Health and Counseling Services (SHCS) facilities include: Primary Care, Urgent Care, Pharmacy,
18 Laboratory, Radiology, Physical Therapy, Immunizations, Social Services, Optometry, and
19 various specialty services. Drop-in urgent care services are available at most campuses for
20 sudden, serious, and unexpected illnesses, injuries or conditions which require immediate medical
21 attention. Additionally, all campuses provide access to a nurse advice and mental health crisis
22 lines twenty-four hours a day, seven days per week.

23 5. Many students elect to enroll in UC SHIP, a student health plan that provides
24 additional coverage for campus-based services, as well as coverage for referral to local network-
25 based specialty care and facilities if needed. UC SHIP also provides seamless referral and claims
26 processing assistance coordinated by insurance personnel located at the campus health centers.
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1 Also, telemedicine access to physician services is available to all students, and insurance
2 coverage for these services is included for UC SHIP enrollees.

3 6. During academic year 2017-18, the UC Counseling and Psychological Services
4 (CAPS) centers provided over 132,000 individual counseling visits to over 35,000 unique
5 students, which is approximately 13% of total student enrollment at UC. CAPS also provided
6 outreach to over 63,000 students via a variety of campus programs, and, separately, over 2,800
7 counseling group visits in 2017-18. CAPS additionally provided over 12,000 consultations during
8 the past academic year to faculty, staff, or students to assess mental health concerns relayed about
9 other students or campus community members. During the academic year 2017-18, UC SHCS
10 centers provided over 30,000 psychiatry visits system-wide, representing a 17% increase in visit
11 volume over the past two academic years. Of note, the centers provide a full range of women's
12 health services, including, but not limited to, STI prevention and testing, contraception, referrals
13 for medical or surgical abortion. UC also has an immunization policy in place for the past three
14 years, which requires all incoming students to have received vaccination or demonstrate
15 immunity to a number of aerosol transmissible diseases.

16 7. I am familiar with the rule "Protecting Statutory Conscience Rights in Health Care;
17 Delegations of Authority," RIN 0945-AA10, issued by the U.S. Department of Health and Human
18 Services (the Rule), published in the Federal Register on May 21, 2019.

19 8. The Rule creates a broad exemption to opt out of any healthcare service based on a
20 moral or religious ground (right granted to medical provider but also to anyone with an articulable
21 connection to the provision of that service, including helping to make arrangements for that
22 service). Specific potentially relevant scenarios are included in the Rule: abortion, certain
23 vaccinations if there is an "aborted fetal tissue" connection (rubella, polio, Hepatitis A,
24 chickenpox, small pox), contraception, and gender transition/gender dysphoria (counseling,
25 administering hormone prescriptions, etc.), tubal ligations, hysterectomies, and assisted suicide.
26 There does not appear to be any exception provided for emergency situations under the Rule.
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9. For SHCS centers, the Rule’s biggest impact would arise with respect to women’s health providers to the extent that providers might object to a core set of services that make up the bulk of one’s job description. Because demand for women’s health services is consistently high, re-scheduling providers or other staff who object to a large portion of these services may create unequal workloads, patient awkwardness and inconvenience, and – for providers who are solely involved in the provision of women’s services – potentially difficult HR scenarios where women’s health providers may not be able to fulfill significant portions of their job responsibilities.

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10. The SHCS centers include services such as immunization/vaccinations, family planning, STD/STI screening, transgender care, and referrals for these and follow-up services where appropriate. The Rule appears to target many of these services for potential refusal which could hinder the provision of these services to students. The Rule could also hinder the provision of services to LGBTQ students, including counseling services that members of this community could seek out.

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11. The elimination of federal funding to UC would be devastating for the system. If federal support for student financial aid were removed, this could have a large impact on the UC SHIP insurance program, decreasing student enrollment, thus reducing the funding of the plan and increasing the potential for rate instability, as well as decreasing an important revenue source for the Student Health and Counseling centers via a loss of UC SHIP billing for services.

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I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct to the best of my knowledge.

Executed on this 11th day of September, 2019 in Oakland, California.



Brad Buchman, MD
Chief Medical Officer
UC Student Health and Counseling
University of California Office of the President