

1 XAVIER BECERRA
 Attorney General of California
 2 KATHLEEN BOERGERS, State Bar No. 213530
 Supervising Deputy Attorney General
 3 KARLI EISENBERG, State Bar No. 281923
 STEPHANIE YU, State Bar No. 294405
 4 NELI N. PALMA, State Bar No. 203374
 Deputy Attorneys General
 5 1300 I Street, Suite 125
 P.O. Box 944255
 6 Sacramento, CA94244-2550
 Telephone: (916) 210-7522
 7 Fax: (916) 322-8288
 E-mail: Neli.Palma@doj.ca.gov
 8 *Attorneys for Plaintiff State of California, by and
 through Attorney General Xavier Becerra*

9
 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12
 13 CITY AND COUNTY OF SAN FRANCISCO,
 14 Plaintiff,
 15 vs.
 16 ALEX M. AZAR II, et al.,
 17 Defendants.

No. C19-02405 WHA
 No. C19-02769 WHA
 No. C 19-02916 WHA

**DECLARATION OF RANDIE C.
 CHANCE, PH.D. IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 SUMMARY JUDGMENT AND IN
 SUPPORT OF THEIR OPPOSITION
 TO DEFENDANTS' MOTION FOR
 SUMMARY JUDGMENT**

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

Date: October 30, 2019
 Time: 8:00 AM
 Courtroom: 12
 Judge: Hon. William H. Alsup
 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, Randie C. Chance, Ph.D., declare:

2 1. I am over the age of eighteen. I have first-hand knowledge of the matters declared
3 to herein, and am competent to testify as to those facts, except as to the matters declared to on the
4 basis of information and belief and, as to those matters, I have a reasonable basis to believe them
5 to be true.

6 2. I am the Director of the new Department of Justice Research Center (the Research
7 Center) within the California Justice Information Services Division of the California Department
8 of Justice (CA DOJ).

9 3. The Research Center provides several functions to improve the work of the CA
10 DOJ. Among other things, the Research Center supports divisions with their mandated reports by
11 providing guidance and expertise on the content and the display of data in these reports; provides
12 empirical research to improve social science research cited in the CA DOJ's litigation, in the
13 development of legislative and policy proposals and in review of our law enforcement practices;
14 and provides research and reports on public policy issues confronting California that affect the
15 work of the CA DOJ.

16 4. I have worked for the CA DOJ since 2014. Prior to my current appointment, I
17 served as the CA DOJ's lead researcher on a wide variety of research topics such as police
18 practices, racial profiling and stop data, and issues related to immigration. I have also been
19 leading a research team working to release criminal justice data for public access, and process
20 data requests in support of the research community. Previously, I was a Senior Associate with a
21 consulting firm examining social issues through services such as program evaluation, statistical
22 consulting, and survey design and research.

23 5. I completed my doctorate in Psychology with a focus on Applied Social
24 Psychology and Diversity Issues at Southern Illinois University Carbondale. I received a
25 master's degree in Experimental Psychology and bachelor's degree in Psychology from the
26 California State University at San Marcos. I have been conducting research on social justice
27 topics for nearly 15 years.

28

1 6. I have reviewed the final rule titled “Protecting Statutory Conscience Rights in
2 Health Care; Delegations of Authority,” issued by the U.S. Department of Health and Human
3 Services. 84 Fed. Reg. 23170 (May 21, 2019). The Rule states that HHS “received 343
4 complaints” “during FY 2018.” *Id.* at 23229, 23245. It also states that HHS received “thirty-four
5 complaints” “between November 2016 and January 2018.” *Id.* at 23229.

6 7. In connection with this Rule, I reviewed the “343 Complaints referenced in the
7 2019 Final Rule, Protecting Statutory Conscience Rights in Health Care; Delegations of Authority
8 (Final Rule), 84 Fed. Reg. 23,170 (May 21, 2019), as listed at 000537745 – 000537752” (Bates
9 numbers 000542017 – 000545608).

10 8. In total, I reviewed 687 files. The review of these files resulted in what we concluded
11 to be 321 unique complaints. Duplicative documents were not counted as unique complaints. A
12 document was considered duplicative if information on or about the document was identical to
13 another document, including the party to which the document was sent and the complaining party.
14 In other words, if one complaining party sent identical letters to multiple different recipients, each
15 letter was counted as a unique complaint. However, if one complaining party sent an identical
16 letter to an identical recipient, only one complaint was counted.

17 9. Complaints reviewed were submitted between April 2017 and September 2019.
18 Eight (8) complaints were from 2017, 300 complaints were from 2018, and 13 complaints had no
19 discernable date submitted. *See* Figures 1 and 2.

Figure 1. Number of Complaints Filed by Month from April 2017 to September 2018

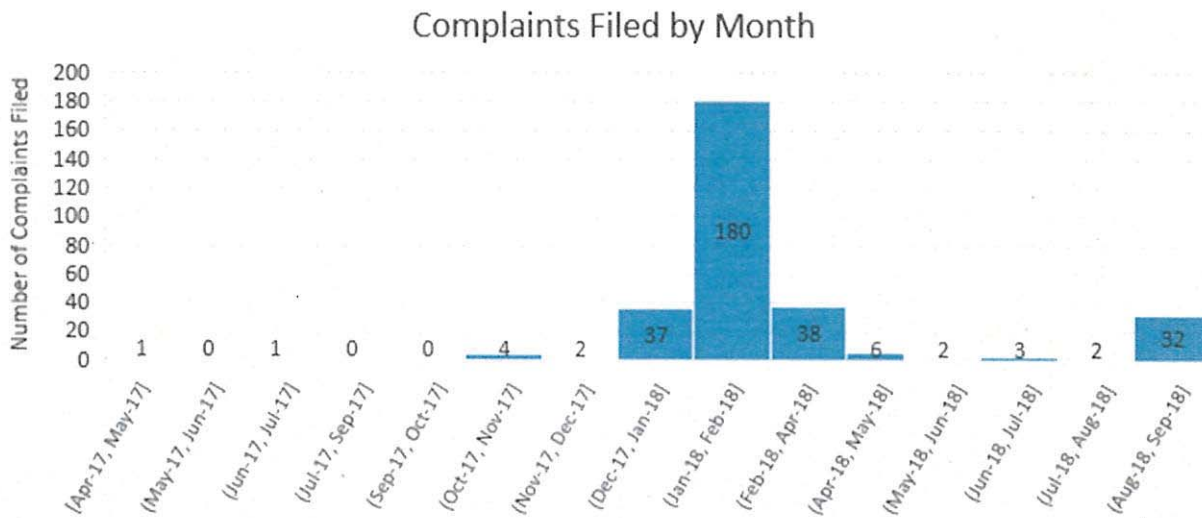
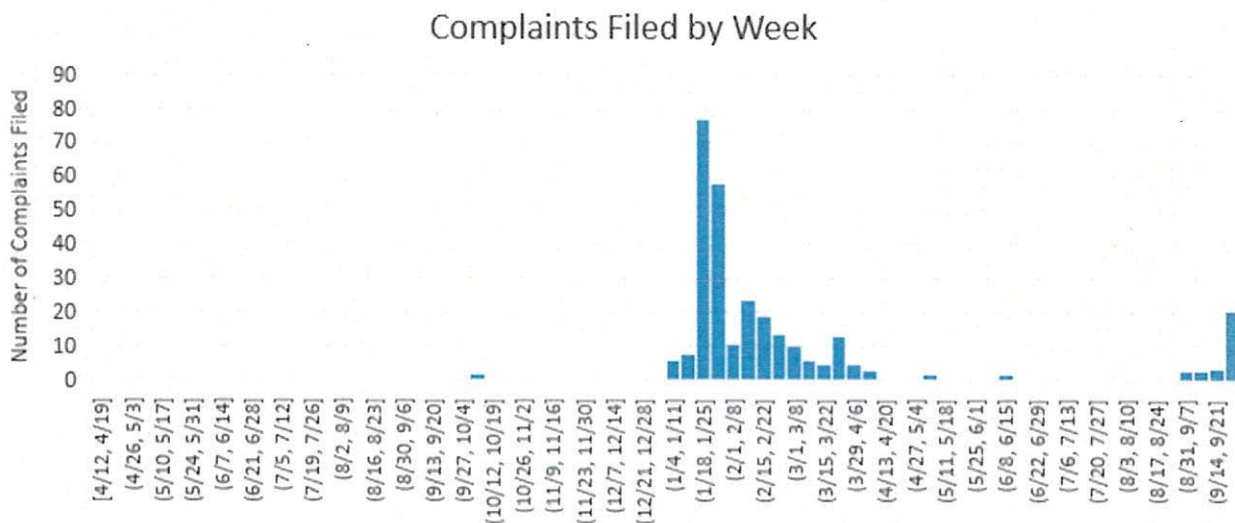


Figure 2. Number of Complaints Filed by Week from April 2017 to September 2018



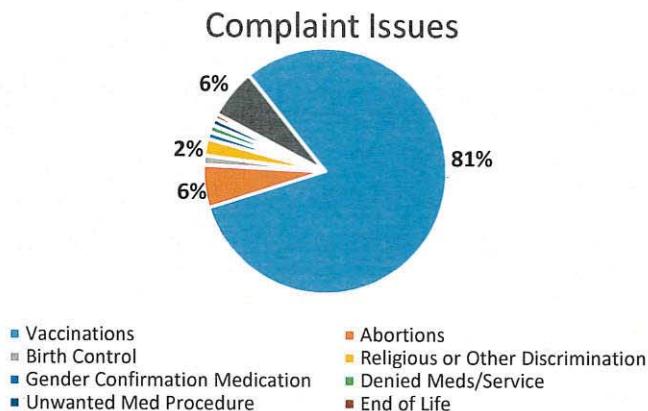
1 10. The type of issues raised in the complaints were coded as either (a) objection to
 2 vaccination, (b) objection to abortion¹, (c) objection to birth control (d) experienced religious or
 3 other forms of discrimination [e.g., racial, disability], (e) objection to gender confirmation
 4 medication, (f) denied requested medication or procedure, (g) received unwanted medical
 5 procedure [other than vaccine], (h) objections to end-of-life services, or (i) other/unknown.

6 11. The large majority of the complaints were regarding objections to vaccinations
 7 (81% of complaints), including state vaccination mandates, based on religious and other reasons.
 8 Objections to abortion made up only 6% of complaints (18 complaints). See Table 1 and Figure
 9 3.

10 *Table 1. Complaint Issue Count and Percentage*

Complaint Issue	Count	%
Vaccinations	260	81%
Abortion	18	6%
Birth Control	4	1%
Religious or Other Discrimination	7	2%
Gender Confirmation Medication	3	1%
Denied Medication/Procedure	3	1%
Unwanted Medical Procedure	3	1%
Objects to End-of-Life Service	2	1%
Other/Unknown	21	6%
Total	321	100%

18 *Figure 3. Complaint Issue Percentage*



26 ¹ Several objectors also filed complaints regarding “abortiofacient contraceptives.” As the federal
 27 defendants have explained, while some individuals may regard certain methods of contraception
 28 as “causing abortion,” “federal law, ‘which define[s] pregnancy as beginning at implantation,
 do[es] not so classify them.’” *Zubik Br.*, 2016 WL 537623, at *19 n.8 (quoting *Burwell v. Hobby
 Lobby, Inc.*, 573 U.S. 682, 698 (2014)). For purposes of my review, I have lumped these
 complaints together with the abortion complaints.

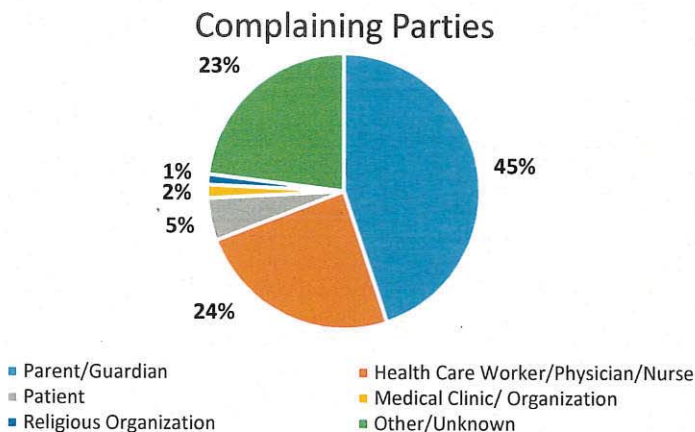
1 12. The identity of the complaining parties were coded as either (a) parent/guardian, (b)
 2 healthcare worker/physician/nurse, (c) patient, (d) medical clinic/organization, (e) religious
 3 organization [non-medical], or (f) other/unknown.

4 13. The majority of the complaints were brought by individual parents and/or guardians.
 5 Forty-five percent (45%) of complaints were made by a parent regarding their child and 24% of
 6 complaints were made by a physician, nurse, pharmacist, or other healthcare worker. See Table 2
 7 and Figure 4.

8 *Table 2. Complaining Parties Count and Percentage*

Complaining Parties	Count	%
Parent/Guardian	144	45%
Healthcare Worker/Physician/ Nurse	78	24%
Patient	16	5%
Medical Clinic/ Organization	5	2%
Religious Organization	4	1%
Other/Unknown	7	23%
Total	321	100%

15 *Figure 4. Complaining Parties Percentage*



25 14. The location of where the events took place were coded as either (a) 'yes' if the
 26 event occurred in California or (b) 'no' if it was not. One-hundred twenty-two (122) complaints
 27 or 39% were regarding events in CA, 163 complaints (52%) were regarding other states, and 29
 28 complaints (9%) did not specify location. Of the CA-specific complaints, 112 (92%) were

1 regarding objection to vaccination and mandatory vaccination laws, 5 (4%) were objections to
2 abortion, and 5 (4%) were regarding other objections (e.g., birth control, end-of-life service,
3 unwanted medical procedure).

4 15. I examined the complaints related to abortion. Eighteen (18) complaints of the 321
5 total complaints were regarding abortion-related topics. Seven (7) of these complaints (39%)
6 were objections to health insurance companies covering abortions, 4 (22%) complaints were
7 objecting having to provide information about abortion or refer patients to other clinics that
8 perform abortion if the patient requested, 4 (22%) complaints were objecting to performing
9 abortions, and 3 (17%) were for other abortion-related issues. Of these 18 complaints, 6 (33%)
10 were made by healthcare workers, 4 (22%) complaints were made on behalf of religious
11 organizations, 3 (17%) were made by pregnancy clinics, and 5 complaints (28%) were made by
12 patients, general members of the public, or other parties.

13
14 I declare under penalty of perjury under the laws of the United States and the State of
15 California that the foregoing is true and correct to the best of my knowledge.

16 Executed on September 4th, 2019, in Sacramento, California.

17
18 

19 _____
20 Randie C. Chance, Ph.D.
21 Director, Research, Analysis, and Data Center
22 California Department of Justice
23
24
25
26
27
28