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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO/OAKLAND DIVISION**

10 THE STATE OF CALIFORNIA *et al.*,

11 Plaintiffs,

12 v.

13 DONALD J. TRUMP, *et al.*,

14 Defendants.

NO. 4:17-cv-05895

SECOND DECLARATION OF PAM
MACEWAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE WHY
A PRELIMINARY INJUNCTION
SHOULD NOT ISSUE

15 I, Pam MacEwan, declare as follows:

16 1. I am over the age of 18 years of age, have personal knowledge of all facts and
17 matters herein, and am competent to testify to the matters below.

18 2. I am the chief executive officer of the Washington Health Benefit Exchange
19 (WAHBE or the Exchange). I have held this position since 2015, before which I was chief of
20 staff. I have 24 years of experience in the healthcare management.

21 3. WAHBE is Washington State's health insurance exchange, or insurance
22 marketplace. WAHBE was established in 2011 under the Patient Protection and Affordable Care
23 Act (ACA) and state legislation, Wash. Rev. Code § 43.71. WAHBE is a self-sustaining,
24 public-private partnership governed by an 11-member bipartisan board. WAHBE serves more
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1 than 1.7 million Medicaid and commercial insurance customers through its website,
2 www.wahealthplanfinder.org.

3 4. I am submitting this second declaration in support of the State of Washington's
4 request for declaratory and injunctive relief following the federal Administration's action on
5 October 12, 2017 to terminate cost sharing reduction (CSR) payments.
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7 5. As described in my first declaration, the Washington State Insurance
8 Commissioner determined that once federal CSR payments cease, the silver plan rates in the
9 Exchange were to be adjusted to pre-approved, higher rates that take into account the financial
10 impact on carriers. First MacEwan Decl., ¶ 10. In order to prepare for open enrollment on
11 November 1, 2017, the Exchange loaded premium rates into its information system on October
12 17, 2017. Loading the rates is necessary in order to perform certain pre-enrollment eligibility
13 verification in advance of November 1 open enrollment. The rates that were loaded into the
14 system this week are the pre-approved higher rates that reflect the Insurance Commissioner's
15 directive to switch to the higher rates, based on the Administration's October 12, 2017 decision
16 to cease CSR payments.
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18 6. If, however, an injunction were entered by this Court ordering the Administration
19 to continue to make CSR payments as required by the Affordable Care Act, 42 U.S.C.
20 § 18082(a)(3), and the Washington Insurance Commissioner directed carriers to revert back to
21 the lower rates, the Exchange will be able to re-load its information system to reflect the lower
22 rates. The Exchange would welcome the opportunity to offer qualified health plans with lower
23 premium rates to promote stability and affordability in our individual insurance marketplace.
24 The Exchange will make every effort to make such plans available to Washington State
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1 consumers during the open enrollment period for the 2018 plan year.

2 I declare under penalty of perjury that the foregoing is true and correct to the best of my
3 knowledge and belief.

4 DATED this 20th day of October 2017, at Olympia, Washington.

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7 PAM MACEWAN
8 Chief Executive Officer
9 Washington Health Benefit Exchange

