

1 XAVIER BECERRA, State Bar No. 118517
 Attorney General of California
 2 KATHLEEN BOERGERS, State Bar No. 213530
 Supervising Deputy Attorney General
 3 NELI N. PALMA, State Bar No. 203374
 KARLI EISENBERG, State Bar No. 281923
 4 Deputy Attorneys General
 1300 I Street, Suite 125
 5 Sacramento, CA 94244-2550
 Telephone: (916) 210-7913
 6 Fax: (916) 324-5567
 E-mail: Karli.Eisenberg@doj.ca.gov
 7 *Attorneys for Plaintiff the State of California*

8
 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11

12 **THE STATE OF CALIFORNIA; THE**
 13 **STATE OF DELAWARE; THE STATE OF**
 14 **MARYLAND; THE STATE OF NEW**
 15 **YORK; THE COMMONWEALTH OF**
 16 **VIRGINIA,**

4:17-cv-05783-HSG

DECLARATION OF ROBERT POMALES

Plaintiffs,

v.

17 **ALEX M. AZAR, II, IN HIS OFFICIAL**
 18 **CAPACITY AS SECRETARY OF THE U.S.**
 19 **DEPARTMENT OF HEALTH & HUMAN**
 20 **SERVICES; U.S. DEPARTMENT OF**
 21 **HEALTH AND HUMAN SERVICES; R.**
 22 **ALEXANDER ACOSTA, IN HIS OFFICIAL**
 23 **CAPACITY AS SECRETARY OF THE U.S.**
 24 **DEPARTMENT OF LABOR; U.S.**
 25 **DEPARTMENT OF LABOR; STEVEN**
 26 **MNUCHIN, IN HIS OFFICIAL CAPACITY AS**
 27 **SECRETARY OF THE U.S. DEPARTMENT OF**
 28 **THE TREASURY; U.S. DEPARTMENT OF**
THE TREASURY; DOES 1-100,

Defendants,

and,

25 **THE LITTLE SISTERS OF THE POOR,**
 26 **JEANNE JUGAN RESIDENCE; MARCH**
 27 **FOR LIFE EDUCATION AND DEFENSE**
 28 **FUND,**

Defendant-Intervenors.

1 I, Robert Pomaes, declare:

2 1. I am the Executive Director of University of Massachusetts Boston's ("UMass
3 Boston") University Health Services ("UHS").

4 2. I began working at UMass Boston in 2015 in my current role as an Executive
5 Director. In my current position, I am responsible for managing the UMass Boston UHS and
6 administration of all health and prevention services provided on campus to students of UMass
7 Boston. I have personal knowledge of the services of and requirements governing the UMass
8 Boston UHS.

9 3. UMass Boston UHS is committed to providing quality physical and mental health
10 services to our students to promote and enhance the well-being of our campus community.

11 4. UMass Boston UHS services are designed to increase awareness of health related
12 issues, assist students with making responsible decisions relative to health promotion and disease
13 prevention, and provide quality health care to the UMass Boston students.

14 5. To support UMass Boston's commitment to student health, among other things,
15 UHS makes available to student clinic visits for contraceptive medication management.

16 6. Some UMass Boston students obtain health insurance under UMass Boston's student
17 health insurance plan, some through their or someone else's employer-sponsored insurance.
18 Others are insured through MassHealth, Massachusetts's Medicaid program, or other public
19 insurance programs, and some students are uninsured.

20 7. UHS bills students' health insurance for the clinic visits related to contraceptive
21 medication management.

22 8. In Fiscal Year 2017, UHS conducted 126 clinic visits for 92 unique patients for the
23 purpose of contraceptive medication management. Eighteen of those patients had insurance other
24 than through UMass Boston's student health insurance plan and accounted for 27 of the clinic
25 visits, resulting in total charges of \$2,025 by UHS to those outside insurance plans.

26 9. Approximately 14,000 UMass Boston students have health insurance coverage
27 through their or someone else's employer-sponsored insurance. Some of these students receive
28

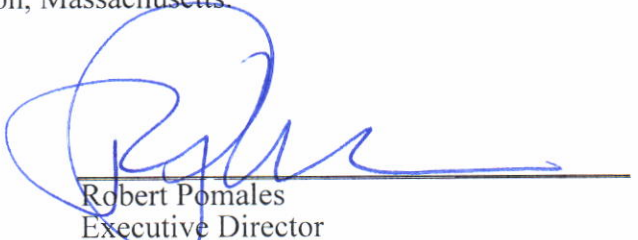
1 coverage from parents and/or employers that are located in states other than Massachusetts. In
2 some instances, the insured resides in a second state and the employer is located in a third state.

3 10. An increase in the prevalence of employer-sponsored insurance that does not provide
4 coverage for contraceptive coverage would result in an increase in the number of UHS clinic
5 visits that would not be eligible for reimbursement by students' health insurance carrier.

6 11. An increase in the prevalence of services provided by UHS and not covered by
7 students' health insurance would financially harm UMass Boston through absorbing the cost of
8 providing such services without reimbursement and/or the administrative burden of seeking
9 reimbursement directly from students.

10
11 I declare under penalty of perjury that the foregoing is true and correct and of my own
12 personal knowledge.

13 Executed on December 17, 2018, in Boston, Massachusetts.

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17 Robert Pomales
18 Executive Director
19 University Health Services
20 University of Massachusetts Boston