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

**THE STATE OF CALIFORNIA; THE
STATE OF DELAWARE; THE STATE OF
MARYLAND; THE STATE OF NEW
YORK; THE COMMONWEALTH OF
VIRGINIA,**

Plaintiffs,

v.

**ALEX M. AZAR, II, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF THE U.S.
DEPARTMENT OF HEALTH & HUMAN
SERVICES; U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES; R.
ALEXANDER ACOSTA, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF THE U.S.
DEPARTMENT OF LABOR; U.S.
DEPARTMENT OF LABOR; STEVEN
MNUCHIN, IN HIS OFFICIAL CAPACITY AS
SECRETARY OF THE U.S. DEPARTMENT OF
THE TREASURY; U.S. DEPARTMENT OF
THE TREASURY; DOES 1-100,**

Defendants,

and,

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

Defendant-Intervenors.

4:17-cv-05783-HSG

**DECLARATION OF LAUREN J.
TOBIAS**

1 I, Lauren Tobias declare:

2 1. I am currently the Director of the Division of Family Health in the New York State
3 Department of Health (Department) and have been in this role since 2016. As Director of the
4 Division of Family Health I support and supervise the New York State Title X program,
5 Comprehensive Adolescent Pregnancy prevention program and other areas of work related to
6 sexual and reproductive health. I analyze policy and work to improve programs that aim to
7 reduce mistimed pregnancies to improve health and wellbeing of all New Yorkers and support the
8 ability for all New Yorkers to choose when and if to get pregnant. Prior to this position I worked
9 in leadership roles in other areas of the Department including the Office of Primary Care and
10 Health Systems Management and the Office of Health Insurance Programs. I have also worked in
11 the non-profit sector on areas related to women's health. These roles give me a strong foundation
12 to understand public health programs, health care delivery systems and public insurance options. I
13 have a Master's degree in Public Administration and Policy from Rockefeller College of the State
14 University at Albany. I submit this declaration in support of the Complaint in the above-captioned
15 lawsuit challenging the Defendants' Exemption Rules.
16

17
18 2. The State of New York ensures contraceptive coverage and access through public
19 insurance options, contraceptive equity laws, and a publicly supported state and federal family
20 planning program.
21

22 3. The State of New York's Family Planning Program ("FPP"), which includes NY's Title
23 X program, serves 305,357 unduplicated clients annually which is an increase of over 1% from
24 the year before. Of the clients served, 89.4% are females and 10.6% are males. Teens comprise
25 16.7% of the clients served and women age 20-29 comprise 48%. Clients whose income is below
26 100% of the federal poverty line comprise 65.9% of the clients in 2017. Clients at or under
27 200% of the federal poverty level rose from 80.8% to 84.9% in 2017. Over 76,799 clients use
28

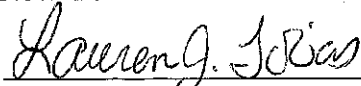
1 private insurance to access their family planning services. In addition to offering and providing
2 methods of birth control, family planning providers offer primary and preventive health services
3 including, cervical cancer screening, clinical breast exams, sexually transmitted disease testing
4 and treatment.

5
6 4. If the final exemption rules are enforced in New York, women who lose access to
7 contraceptives through their employer-sponsored plans will either (a) seek coverage through State
8 programs including the State's FPP, resulting in increased enrollment and therefore increased
9 costs to the State; or (b) forgo coverage and experience an unintended pregnancy, which will
10 increase the lifetime medical costs of both mother and child.

11
12 5. It is my understanding that the federal government suggests that women affected by the
13 Final Rules should seek out services at Title X clinics. In New York State, Title X clinics are the
14 same clinics that provide Family Planning Program services. Accordingly, the broad exemptions
15 created by the Final Rules will result in more women receiving FPP services. As a result, this
16 program will risk being overwhelmed by the increase in patients who previously received
17 contraceptive coverage through their employer-sponsored insurance.

18 I declare under penalty of perjury that the foregoing is true and correct and of my own
19 personal knowledge.

20
21 Executed on December 19, 2018 in New York, New York.

22 
23 _____
24 Lauren J. Tobias
25 Director of Family Health
26 New York State Department of Health
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