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

15 **STATE OF CALIFORNIA, BY AND THROUGH**
 16 **ATTORNEY GENERAL XAVIER BECERRA,**

17 Plaintiff,

18 v.

20 **ALEX AZAR, IN HIS OFFICIAL CAPACITY AS**
 21 **SECRETARY OF THE U.S. DEPARTMENT OF**
 22 **HEALTH & HUMAN SERVICES; U.S.**
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; DOES 1-100,

24 Defendants.

**DECLARATION OF KAYLA WILBURN
 IN SUPPORT OF A MOTION FOR A
 PRELIMINARY INJUNCTION**

Date: April 18, 2019
 Time: 12:30 p.m.
 Dept: Courtroom 5, 17th Floor
 Judge: The Honorable Edward M.
 Chen
 Trial Date: Not set
 Action Filed: March 4, 2019

1 I, Kayla Wilburn, declare and state as follows:

2 1. I am a Clinic Director at the Community Action Partnership of San Luis Obispo
3 County (“CAPSLO”) in charge of the Center for Health and Prevention. I have served in my
4 capacity as Clinic Director for 10 years.

5 2. I make this declaration in support of Plaintiffs’ Motion for a Preliminary
6 Injunction in the above-captioned matter. I have personal knowledge of the facts stated herein
7 and, if called as a witness, I would testify competently thereto.

8 3. CAPSLO is dedicated to eliminating the causes of poverty and assisting low-
9 income individuals and families to become economically stable, self-sufficient, and self-
10 determined. As part of this effort, the agency established the Health and Prevention Division in
11 1972.

12 4. The Health and Prevention Division provides a range of programs for women,
13 men, and teens, including comprehensive reproductive health clinics, which offer teen peer-
14 provided programs, menopausal services, mobile health screening for un/under-insured adults,
15 age-appropriate sexual health education in schools countywide, and removal of antisocial and/or
16 gang-related tattoos.

17 5. The Health and Prevention Division has been a California family planning
18 program provider since 1972 and operates one of the five original teen peer-provided clinic
19 programs initiated in California in 1996.

20 6. The Health and Prevention Division’s clinics have been federally funded through
21 Title X for over 20 years. In 2018, CAPSLO received \$230,785 in Title X funding.

22 7. The Health and Prevention Division has two full-time locations: one in the City of
23 San Luis Obispo and one in the City of Arroyo Grande, as well as satellite sites at Cuesta
24 Community College, Allan Hancock Community College, and Grizzly Youth Academy. Each
25 location offers confidential, comprehensive reproductive and sexual health services.

26 8. About 28% of CAPSLO’s patient population is under the age of 19. Seventy-five
27 percent of patients are women and about 30% are Hispanic or Latino. Eighty-five percent of
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1 CAPSLO's patients are uninsured and 15% use Medi-Cal and Medicare. CAPSLO does not
2 accept private insurance to ensure that it serves those most in need.

3 9. CAPSLO clinics provide pregnancy testing, comprehensive options counseling
4 including appropriate referrals and all forms of contraceptives. The centers also provide
5 reproductive health exams, including pelvic, breast, and testicular exams; referrals for
6 mammography; education & counseling; colposcopies; testing and treatment for STIs; and
7 testing, counseling, and referrals for HIV and Hepatitis C. The clinicians who provide these Title
8 X funded services also provide their patients with menopausal services, Pap tests, and hormone
9 replacement therapy (HRT) using other funding sources.

10 10. In 1996, CAPSLO's Health and Prevention Division was selected as one of five
11 sites in California to participate in the California Wellness Foundation's Peer Provider Teen
12 Pregnancy Prevention Program. Through this program, teen clinics create a unique environment
13 in which adolescent patients feel more comfortable asking questions. College graduates conduct
14 street outreach and cross-age peer health education, and participate in community events. Youth-
15 friendly special events (movie nights, music and art contests, etc.) are also sponsored by the
16 program to offer a fun, healthy outlet for teens. Innovative marketing strategies are designed by
17 Teen Wellness Program staff (radio ads, PSAs, flyers, print ads, etc.) to let the community know
18 about our program.

19 11. CAPSLO partners with Grizzly Academy, a charter and boot camp school for
20 teens at risk of being expelled from school or incarcerated, to provide family planning services on
21 campus. This partnership is the only partnership of its kind in California. Enrollment is voluntary
22 and offered to students who are interested in turning their life around. CAPSLO provides sexual
23 and reproductive health education to 300 cadets twice a year.

24 12. CAPSLO also provides services on campus at Cuesta Community College and
25 Hancock Community College. Hancock Community College is located in the Santa Maria
26 community in northern Santa Barbara county, which has some of the highest teen pregnancy and
27 STI rates in California.

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1 13. Our outreach and education is often our patient’s first connection to family
2 planning and other health care services. At participating school sites, our clinic provides
3 afterschool workshops on sexual and reproductive health education, with topics including the
4 prevention of STDs/STIs and HIV, and the importance of cultivating healthy relationships.
5 Through our staff’s outreach efforts, CAPSLO ensures that teens are not only informed of and
6 linked to available services, but that they also continue to seek care at our clinics.

7 14. Title X funds the majority of my salary, the entire salary of one Outreach and
8 Enrollment specialist, and the partial salary of one data entry specialist. Our Outreach and
9 Enrollment specialist works to bring patients into CAPSLO clinics and educate them about health
10 care services and coverage options. Our data entry specialist enters de-identified patient data and
11 assists with data reporting for the Family Planning Annual Report (FPAR) required by the
12 Department of Health and Human Services. Title X funds also cover the cost of consumable
13 medical supplies which are necessary to operate our clinics.

14 15. CAPSLO will not accept Title X funding if the Department of Health and Human
15 Services implements the new Title X rules. In particular, the new Title X rules would prevent
16 CAPSLO providers from offering non-directive counseling on the full range of reproductive
17 options available to pregnant patients. Additionally, the provisions requiring physical separation
18 from the administration of services related to abortion is cost-prohibitive for CAPSLO clinics.

19 16. Title X funds are crucial for CAPSLO. Loss of Title X funds, would require
20 CAPSLO to cut back significantly on the services it provides. Title X funds cover the salary costs
21 of essential personnel and the costs of medical supplies, which allows us to use other sources of
22 funding for expanded services and programs, described below. If the new rules are implemented
23 and CAPSLO declines Title X funds, those expanded services and programs would have to be
24 eliminated or greatly reduced in order to provide basic family planning services.

25 17. Loss of Title X funds would mean CAPSLO would have to lay off the staff
26 member in charge of outreach and enrollment. CAPSLO’s reproductive health clinics would
27 likely have to reduce our hours of operation, and CAPSLO would likely have to eliminate our
28 successful teen program entirely. As a result, teens in our service area would no longer have a

1 safe environment to learn about sexual and reproductive health, get treatment for STIs/STDs, and
2 receive advice on how to avoid unintended pregnancies. Additionally, the clinicians who provide
3 Title X funded services may also be laid off, which would reduce the volume of non-Title X
4 funded services CAPSLO provides.

5 18. With Title X funds covering the cost medical supplies and personnel salaries,
6 CAPSLO currently has the available resources to provide free Hepatitis C testing—a service not
7 covered by California’s Family Planning, Access, Care, and Treatment (Family PACT) Program.
8 Without Title X funds, this service would have to be eliminated because CAPSLO would have to
9 redistribute its funds to cover the cost of basic medical supplies and personnel.

10 19. Similarly, because of the availability of Title X funds to cover the cost of medical
11 supplies and personnel salaries, CAPSLO has been able to use its other sources of funding to
12 expand its STI prevention program. In our community, there is a strong need for HIV treatment
13 and prevention. Recently, the local HIV support program approached CAPSLO to become
14 eligible to provide Truvada for PreP (pre-exposure prophylaxis), the anti-HIV medication that
15 prevents HIV infection. We have begun the process of becoming a Truvada provider, investing
16 time and resources towards that goal. However, any loss of Title X funds that currently cover
17 critical family planning services, would require us to delay the development of this important
18 program.


19 20. Further, seventy percent of CAPSLO services are provided by physicians and mid-
20 level clinicians such as midwives and nurses. The rest of our services are provided by medical
21 assistants. Still, all of our staff is trained to provide both comprehensive referrals and non-
22 directive options counseling that includes information about prenatal care and delivery, adoption
23 and abortion. The new rules’ requirement that pregnancy counseling and referrals be limited to
24 physicians and advanced practice providers would significantly hinder the capacity and workflow
25 of our clinics. If every patient must see a physician or nurse to receive referral and counseling
26 services, patient wait times will increase significantly and we will drastically reduce the number
27 of patients we are able to see daily.

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1 21. The loss of Title X funds will be nearly fatal to CAPSLO's Health and Prevention
2 Division and will in turn result in reduced healthcare services for CAPSLO's entire patient
3 population.
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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on March 20 2019 in San Luis Obispo, California.


KAYLA WILBURN