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 through Attorney General Xavier Becerra*

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.

19
 20 **ALEX AZAR, IN HIS OFFICIAL CAPACITY AS**
SECRETARY OF THE U.S. DEPARTMENT OF
 21 **HEALTH & HUMAN SERVICES; U.S.**
 22 **DEPARTMENT OF HEALTH AND**
HUMAN SERVICES; DOES 1-100,

23
 24 Defendants.

**DECLARATION OF LOUISE
 MCCARTHY 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, Louise McCarthy, declare and state as follows:

2 1. I am the President and Chief Executive Officer of Community Clinic Association
3 of Los Angeles County (“CCALAC”). I declare that I have personal knowledge of the facts
4 stated herein and, if called as a witness, I would testify competently thereto.

5 2. CCALAC provides services including policy advocacy, education, peer support,
6 and technical assistance to its members, which comprise non-profit community clinics and health
7 centers in Los Angeles County. CCALAC’s 20 members, comprising 65 clinics or health centers
8 provide primary health care—including medical, dental, and mental health services—to the
9 uninsured, underinsured, working poor, high-risk, and vulnerable populations. They serve all,
10 regardless of ability to pay.

11 3. Our member clinics’ patient population is 65 percent Hispanic, 10 percent African
12 American, and 27 percent other non-white. Thirty-one percent of our members’ patient
13 population is below the age of 19 and 61 percent is female. CCALAC member clinics serve 52
14 percent of Los Angeles County’s low-income population. Eighty-one percent of our members’
15 patient population has an income below 100 percent of the federal poverty level. Sixty-four
16 percent use Medi-Cal or Medicare and 29 percent are uninsured.

17 4. CCALAC has 20 members which receive Title X funding through Plaintiff
18 Essential Access Health. Most of these clinics are federally qualified health centers and thus are
19 required to provide a minimum standard of women’s health services. In 2017 CCALAC health
20 centers served about 1.6 million patients, 242,635 of which received services through the use of
21 Title X funds. In Los Angeles, county-wide, public and private health centers received a total of
22 \$5,006,316 in Title X funding in 2017.

23 5. CCALAC clinics use Title X funding to improve patient access and quality of
24 care, including through outreach and community engagement, health education, training, and
25 salary and benefits for clinicians. Title X funding is critical to the provision of family planning
26 services to Los Angeles’s low-income population. Without the education and outreach that Title
27 X funds, many individuals in our patient population would not know where to go for family
28 planning services, and thus would not access them at all.

1 6. If the new Title X rule promulgated by the Department of Health and Human
2 Services (“HHS”) goes into effect, many of the CCALAC clinics will be unable to participate in
3 the Title X program because the regulations are too burdensome to comply with. The CCALAC
4 patient population will be left with reduced or lower quality family planning services.

5 7. Many patients in CCALAC’s network first access general health services through
6 their interaction with family planning clinics. Reduced access to family planning clinics will
7 impact the overall health of our patient population.

8 8. The new Title X rules interfere with the provider-patient relationship by restricting
9 referrals for abortions and effectively restricting counseling on abortion. This restriction conflicts
10 with medical providers’ ethical obligations to provide comprehensive counseling regarding
11 patients’ healthcare options. If a medical provider is unable to provide a referral for abortion,
12 even when a patient specifically asks for one, I believe that provider is not meeting the standard
13 for comprehensive care.

14 9. In addition, the new rule’s physical and financial separation requirements would
15 incur costs too great for many of CCALAC’s member clinics to bear. Under the new Title X
16 rules, health centers that provide non-directive options counseling and referrals for abortion
17 services will be forced to discontinue these activities or continue them in separate clinics with
18 entirely separate financial systems and personnel. Many of CCALAC’s member clinics do not
19 have the resources to set up separate facilities, so they will forego Title X funds.
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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct and that this declaration was executed on March²⁰, 2019 in Los Angeles,
3 California.

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6 LOUISE MCCARTHY
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