

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES;  
ALEX M. AZAR, in his official capacity as  
the Secretary of the United States  
Department of Health and Human Services,

Defendants.

NO. 2:20-cv-01105

DECLARATION OF  
JASON MCGILL

I, Jason McGill, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

1. I am over the age of 18 and competent to testify in this matter.
2. I am the Division Directory for Medicaid Program Operations and Integrity at the Washington State Health Care Authority (HCA), responsible for oversight of this program.
3. Prior to joining HCA, I worked as an attorney in private practice, then with the Washington State Attorney General’s Office as an Assistant Attorney General;

1 later with the state Department of Labor & Industries, the state’s worker’s  
2 compensation program, as Medical Administrator; and most recently with the  
3 Office of the Governor as Health Policy Advisor.

4 4. I hold degrees in Business and Law from Seattle University respectively.

5 5. HCA purchases health care for Washington residents through Apple Health  
6 (Medicaid), the Public Employee Benefits Board (PEBB) Program, the School Employee  
7 Benefits Board (SEBB) Program, and the Contract of Free Association (COFA) Islander Health  
8 Care Program. More than 2.5 Washingtonians receive health care services through programs  
9 financed and administered by HCA, making HCA the largest health care purchaser in  
10 Washington.

11 6. I am familiar with the rule of the Department of Health and Human Services  
12 entitled “Nondiscrimination in Health and Health Education Programs or Activities, Delegation  
13 of Authority,” 81 Fed. Reg. 31375-473 (the “Final Rule”), which was published in the Federal  
14 Register on June 19, 2020.

15 7. It is my understanding the Final Rule removes previous requirements that covered  
16 health care programs or activities provide participants with a notice of nondiscrimination policies  
17 and taglines informing individuals that foreign language assistance or translation services are  
18 available when they obtain health care.

19 8. In 2013, HCA provided spoken interpreter and American Sign Language services  
20 to 47,150 individuals, who made a total of 149,826 claims.

21 9. In 2014, HCA provided spoken interpreter and American Sign Language services  
22 to 64,939 individuals, who made a total of 233,099 claims.

23 10. In 2015, HCA provided spoken interpreter and American Sign Language services  
24 to 77,701 individuals, who made a total of 285,646 claims.

25 11. In 2016, HCA provided spoken interpreter and American Sign Language services  
26 to 84,042 individuals, who made a total of 325,061 claims.

1           12.     In 2017, HCA provided spoken interpreter and American Sign Language services  
2 to 91,125 individuals, who made a total of 367,996 claims.

3           13.     In 2018, HCA provided spoken interpreter and American Sign Language services  
4 to 93,171 individuals, who made a total of 385,327 claims.

5           14.     In 2019, HCA provided spoken interpreter and American Sign Language services  
6 to 96,574 individuals, who made a total of 409,851 claims.

7           15.     HCA's data shows a continued and growing demand in Washington for spoken  
8 interpreter and American Sign Language services for individuals who seek access to health care.

9           16.     I believe effective communication between health care providers and Limited  
10 English Proficiency individuals for purposes of diagnosis, treatment options, proper use of  
11 medication, obtaining informed consent, and insurance coverage is critical to avoid adverse  
12 health consequences.

13           17.     The Rule's previous requirement that covered entities must include taglines in the  
14 top 15 non-English languages in Washington plays a vital role in ensuring meaningful access to  
15 healthcare and healthcare related programs.

16           18.     I believe elimination of the tagline requirement will adversely impact those  
17 individuals who currently access HCA's spoken interpreter and American Sign Language  
18 services.

19  
20 EXECUTED on this 13<sup>th</sup> day of July, 2020 in Olympia, Washington.

21  
22   
23 \_\_\_\_\_  
24 JASON MCGILL