

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

CITY OF COLUMBUS, et al.,

*Plaintiffs,*

v.

DONALD J. TRUMP, in his official capacity  
as President of the United States of  
America, et al.,

*Defendants.*

No. 18-cv-2364-DKC

**DECLARATION OF JULIA HINCKLEY**

I, Julia Hinckley, declare under penalty of perjury as prescribed in 28 U.S.C. § 1746:

1. The facts contained in this declaration are known personally to me and, if called as a witness, I could and would testify competently thereto under oath. I submit this sworn declaration in support of Plaintiffs' motion for summary judgment.

2. I currently serve as the Policy Director for the City of Philadelphia Health and Human Services Cabinet, which includes the Department of Public Health. I have expertise in health policy, including the Affordable Care Act, and previously served at the Centers for Medicare and Medicaid Services.

3. Plaintiff the City of Philadelphia is a municipal corporation organized pursuant to the laws of the Commonwealth of Pennsylvania. The City is a political subdivision of the Commonwealth with powers derived from the Pennsylvania Constitution, Commonwealth law, and the City's Home Rule Charter.

4. Philadelphia, located in Philadelphia County, is the largest city in Pennsylvania and the sixth largest city in the United States, with a population of around 1.6 million, according to 2019 Census estimates.<sup>1</sup>

5. 2019 Census estimates for the proportion of Philadelphia's population without health insurance are unavailable. According to 2018 Census estimates, 10.3% of Philadelphia's population under the age of 65 lacks health insurance.<sup>2</sup>

6. Philadelphia provides a wide range of services on behalf of its residents, including health services, public assistance, and emergency medical care.

7. The City of Philadelphia was the first American city to provide free hospital care to its poorest residents.<sup>3</sup> The City continued that tradition by creating the Department of Public Health in 1919.<sup>4</sup> The Department's mission is to "protect and promote the health of all Philadelphians and to provide a safety net for the most vulnerable."<sup>5</sup> The Department has a total budget of \$175 million for Fiscal Year 2020 and a budgeted staff of over 1,000 employees.<sup>6</sup>

8. The Department of Public Health operates eight public community health centers throughout Philadelphia that will face greater demand from uninsured and underinsured individuals who cannot obtain health care elsewhere.

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<sup>1</sup> *QuickFacts*, U.S. Census Bureau, <https://www.census.gov/quickfacts/fact/table/philadelphiacitypennsylvania,baltimorecitymaryland,chicagocityillinois,cincinnati-cityohio,columbuscityohio,US/PST045219>.

<sup>2</sup> *Id.*

<sup>3</sup> *Department of Public Health*, City of Philadelphia, <https://www.phila.gov/departments/department-of-public-health/about-us/>.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Mayor's FY 2020 Operating Budget Detail*, City of Philadelphia § 43, at 4-5, <https://www.phila.gov/finance/pdfs/budgetdetail/Mayor's%20FY%202020%20Operating%20Budget%20Detail%20-%20Book%20II.pdf>.

9. These public health centers diagnose and treat chronic and acute illnesses, provide medical checkups and medications for enrolled patients, prenatal care, family planning and pregnancy options counseling, breastfeeding support services, comprehensive pediatric care, immunizations, children's developmental assessments, nutrition counseling, flu shots, HIV/STD/STI testing, HIV Pre-Exposure Prophylaxis, dental care, lab tests, referrals, and social work support.<sup>7</sup>

10. Philadelphia's health centers served 82,169 patients in 2019.<sup>8</sup> The City's data reflects that patient visits to health centers increased from Philadelphia's fiscal year 2015 to fiscal year 2019 by over 60,000, from 290,358 visits to 350,948 visits. To serve this growing population, the health centers had a budget of \$70.2 million for Fiscal Year 2019.<sup>9</sup>

11. The City subsidizes the health centers with \$51 million in public funds, more than \$20 million of which is unreimbursed costs that are borne by the City's General Fund.<sup>10</sup> Much of that funding goes to providing care to uninsured and underinsured individuals: in fiscal year 2019, for example, over 41 percent of the more than 82,000 patients seen were uninsured.<sup>11</sup> These uninsured patients are charged a sliding fee scale based on income for these services. Many are unable to pay anything, yet still receive services.

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<sup>7</sup> *City Health Centers*, City of Philadelphia, <https://www.phila.gov/services/mental-physical-health/city-health-centers/>.

<sup>8</sup> *HRSA Health Center Program Data*, <https://data.hrsa.gov/tools/data-reporting/program-data?type=AWARDEE#titleId>; *2017 Pennsylvania Health Center Data*, Health Resources & Servs. Admin., <https://bphc.hrsa.gov/uds/lookalikes.aspx?q=&bid=03E00360&state=PA&year=2017>.

<sup>9</sup> *Mayor's FY 2020 Operating Budget Detail*, § 43, at 4, 34, and 40.

<sup>10</sup> *Id.*

<sup>11</sup> *See About Philadelphia Health Centers*, City of Philadelphia, <https://www.phila.gov/services/mental-physical-health/city-health-centers/>.

12. The financial effect of an increased number of uninsured people on the City's health centers is substantial. Past experience has shown that the City's health centers suffer fewer unrecouped costs as more of the City's residents have health insurance: after Pennsylvania expanded Medicaid in 2015, increasing the number of insured individuals in the state and in the City, revenue for the City's health centers grew over 15 percent from \$27.1 million in 2014 to \$31.4 million in 2015.

13. If the rate of uninsured or underinsured individuals increases, then these health centers will necessarily see even more uninsured patients, and Philadelphia will either have to provide them with additional funding or let them decrease the range of services they are able to provide.

14. Philadelphia also maintains one of the busiest Emergency Medical Services divisions in the country through the Philadelphia Fire Department.<sup>12</sup> The Fire Department dispatches EMS in all cases where there are emergency health needs, regardless of whether the person in need has health insurance or can pay for EMS services. In 2019, EMS responded to approximately 274,000 total incidents. Of the calls resulting in EMS transports (the only calls for which insurance information is tracked), 26,111, or approximately 13 percent, were from uninsured individuals.

15. The budget for EMS in Philadelphia is approximately \$75 million. In 2019, the City was able to recoup 55% percent of costs for services from insured individuals. However, the City was only able to recoup approximately .4% of costs for services from uninsured individuals.

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<sup>12</sup> *Philadelphia Fire Department*, City of Philadelphia, <https://www.phila.gov/departments/philadelphia-fire-department/>.

In FY2019, \$25,665,282 was not recouped from EMS services provided to uninsured individuals.

16. An increase in the number of uninsured or underinsured individuals will result in more ambulance calls for which the City does not receive reimbursement. The City will have to make up for these increased costs in its budget. Past experience has demonstrated this relationship: in 2013, before the individual mandate went into effect, the number of EMS transports for uninsured individuals was 41,913, while in 2014, those transports were down to 37,722, a decrease of 11 percent. As the uninsured rate goes up, Philadelphia can expect to provide additional unreimbursed transports, which will be paid for directly by the City.

17. Aside from these direct budgetary impacts, Philadelphia—a city of around 1.6 million people, with an economy of nearly \$400 billion—is harmed by the need to care for a population that is increasingly uninsured. When individuals cannot seek medical treatment, they are necessarily less healthy, less productive, and less able to participate in city life. That has ripple effects throughout the City’s programs and the community.

18. Since March 2020, the City has been operating under an emergency disaster declaration in the Commonwealth of Pennsylvania<sup>13</sup> and a City of Philadelphia declaration of emergency<sup>14</sup> in response to the novel coronavirus COVID-19.

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<sup>13</sup> *Gov. Wolf Signs COVID-19 Disaster Declaration to Provide Increased Support for State Response*, Governor Tom Wolf (Mar. 6, 2020), <https://www.governor.pa.gov/newsroom/gov-wolf-signs-covid-19-disaster-declaration-to-provide-increased-support-for-state-response/>.

<sup>14</sup> *Mayor’s Declaration of Emergency Related to the Known and Potential Presence of the Novel Coronavirus COVID-19 in Philadelphia*, City of Philadelphia (June 11, 2020), <https://www.phila.gov/media/20200612133932/Mayors-Declaration-6-11.pdf>.

19. Philadelphia's programs face even more strain as a result of the novel coronavirus pandemic. In response to the pandemic, Philadelphia has mounted a comprehensive effort to connect city residents to necessary health, food, housing, financial, and other resources.<sup>15</sup>

20. Specifically, Philadelphia has directed its uninsured and underinsured residents to its clinics and other community health centers to receive necessary health services during the pandemic.<sup>16</sup> Where in-person services are not possible or are unnecessary, Philadelphia is committed to using telemedicine and technology to continue the health services it provides directly to its residents (*e.g.*, federally qualified health center clinic visits, mental health services).

21. Philadelphia also works with 56 coronavirus testing sites within the City, operated by the City and other health care organizations, and which are available to symptomatic residents, asymptomatic residents with known exposure to the novel coronavirus, and individuals who have traveled to an area with high numbers of recent transmission.<sup>17</sup>

22. Even though Philadelphia provides certain forms of care to its uninsured and underinsured residents, Philadelphia is concerned that those residents may be less likely to obtain necessary testing and treatment for the novel coronavirus. In the City's experience, uninsured and underinsured individuals are more likely to skip or postpone needed care due to cost.

23. Such individuals may also wait until their conditions become more severe and then use ambulance services to receive necessary care. If those individuals are uninsured or

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<sup>15</sup> *Coronavirus Disease 2019 (COVID-19)*, City of Philadelphia, <https://www.phila.gov/programs/coronavirus-disease-2019-covid-19/>.

<sup>16</sup> *Frequently Asked Questions*, City of Philadelphia, <https://www.phila.gov/programs/coronavirus-disease-2019-covid-19/guidance/faq/>.

<sup>17</sup> *COVID-19 Testing Sites*, City of Philadelphia, <https://www.phila.gov/covid-testing-sites/#/>.

underinsured, the City will provide transport but, for the reasons explained above, is unlikely to receive reimbursement for the expense.

24. Amidst the current pandemic, it is an absolute necessity that Philadelphia residents be able to obtain care, including testing and treatment for the novel coronavirus. The more uninsured and underinsured individuals that do not seek care, the more the novel coronavirus will spread, further harming the City, its budget, its economy, and its well-being.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 13, 2020

Philadelphia, Pennsylvania



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Julia Hinckley