

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

CITY OF COLUMBUS, et al.,

Plaintiffs,

v.

No. 18-cv-2364-DKC

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

Defendants.

DECLARATION OF PAULA BOGGS MUETHING

I, Paula Boggs Muething, 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 am employed by the City of Cincinnati, Ohio as the Interim City Manager. In this position, I am the chief executive and administrative officer of the City of Cincinnati.

3. Plaintiff the City of Cincinnati is a municipal corporation organized under Ohio law. *See* Ohio Const. art. XVIII. Cincinnati has all the powers of local self-government and home rule under the constitution and laws of the state of Ohio, which are exercised in the manner prescribed by the Charter of the City of Cincinnati.¹

¹ *See Municipal Code*, City of Cincinnati, <https://www.cincinnati-oh.gov/council/references-resources/municipal-code/>; O.R.C. § 715.01.

4. Cincinnati, located in Hamilton County, is the third largest city in Ohio and the sixty-fourth largest city in the United States, with a population of over 300,000, according to 2019 Census estimates.²

5. 2019 Census estimates for the proportion of Cincinnati's population without health insurance are unavailable. According to 2018 Census estimates, 8.7% of Cincinnati's population under the age of 65 lacks health insurance.³

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

7. "Since 1826, the Cincinnati Health Department ... has been committed to protecting and improving the health of the people of Cincinnati." The Department is "a nationally recognized leader in public health" that "advocates for responsive health and human services that promote healthy living environments and social well-being, as well as works to reduce health inequities such as poverty and unemployment."⁴ The Department has a budget of approximately \$53.5 million for Fiscal Year 2021, and is currently staffed by 462 employees.

8. The Cincinnati Health Department has several health centers that will face greater demand as the rate of uninsured and underinsured individuals increases. These centers have an annual budget of approximately \$34 million.

a. In Fiscal Year 2018, these centers saw 37,525 patients, 13,463 of whom were uninsured, with 146,623 individual visits.

² *QuickFacts*, U.S. Census Bureau, <https://www.census.gov/quickfacts/fact/table/philadelphiacitypennsylvania,baltimorecitymaryland,chicagocityillinois,cincinnati-cityohio,columbuscityohio,US/PST045219>.

³ *Id.*

⁴ *About the Cincinnati Health Department*, City of Cincinnati, <https://www.cincinnati-oh.gov/health/about-the-cincinnati-health-department/>.

b. In Fiscal Year 2019, these centers saw 37,947 patients, 15,091 of whom were uninsured, with 149,056 individual visits.

c. In Fiscal Year 2020, these centers saw 36,902 patients, 14,955 of whom were uninsured, with 132,010 individual visits.

9. Most importantly, the Cincinnati Health Department operates seven freestanding primary-care centers, which provide a full range of general medical services to Cincinnati's uninsured residents. Cincinnati also operates ten dental centers, including one combined vision and dental center. The Department's centers operate on a sliding-fee scale basis, where uninsured residents pay based on their income. Thus, an increase in the uninsured and underinsured rate will mean that Cincinnati must pay more to provide care to its residents.

10. Aside from its free-standing health clinics, the Cincinnati Health Department operates thirteen School Based Health Centers, serving 10,000 students, out of Cincinnati public schools, which provide "physicals, asthma management, immunizations, prescription medications, sick and injury care, and health education to children and families."⁵ These centers are available to uninsured students, and will likewise see greater demand if those students and their families lack health insurance coverage.

11. The Cincinnati Health Department also operates several other programs designed to improve the health of city residents. For example, it operates a Men's Health Initiative that "specializes in providing health education and linking services to men who have been historically underserved";⁶ and a Community Health Nursing Program that provides

⁵ *School & Adolescent Health*, City of Cincinnati, <https://www.cincinnati-oh.gov/health/cincinnati-health-department-divisions1/school-adolescent-health/>.

⁶ *Men's Health*, City of Cincinnati, <https://www.cincinnati-oh.gov/health/cincinnati-health-department-divisions1/men-s-health1/>.

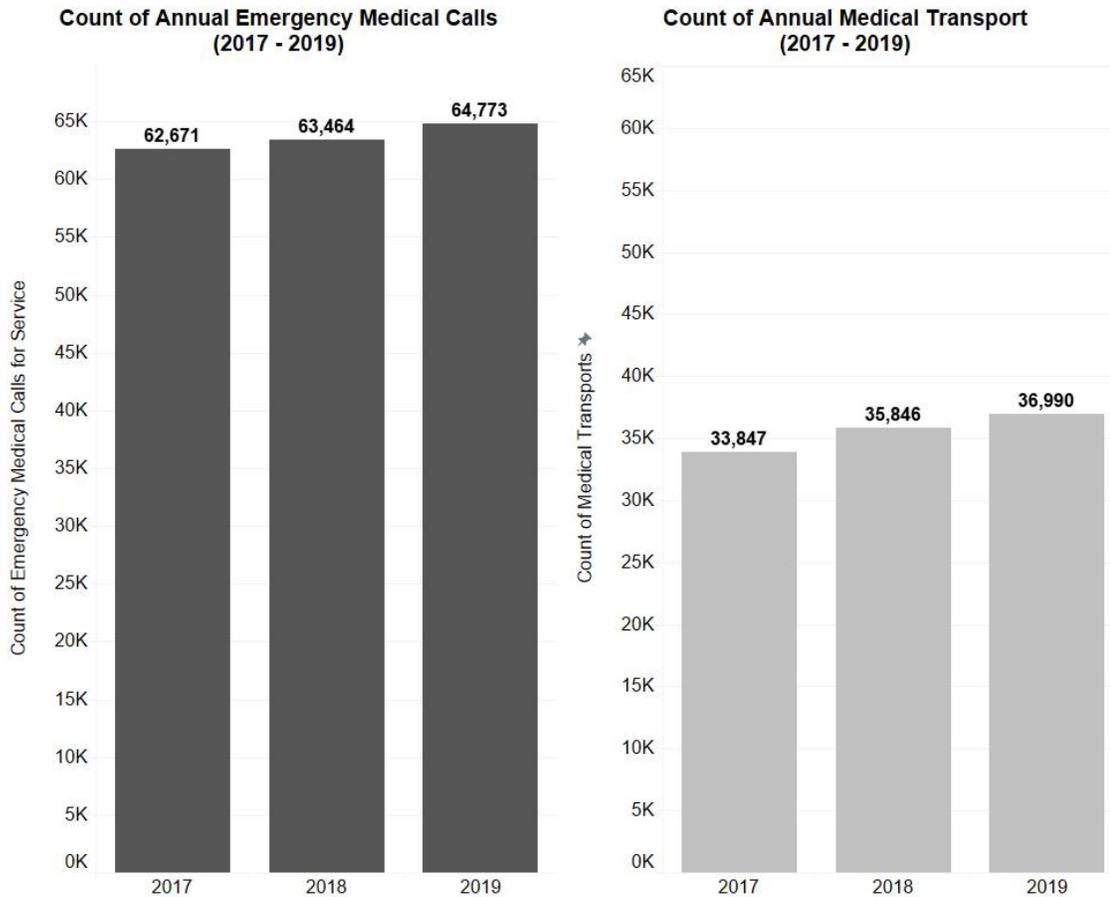
“comprehensive nursing services” on a sliding-scale basis because “when coverage stops, we don’t.”⁷ Safe Place Cincy which allows those struggling with addiction to walk into City of Cincinnati Health Centers during business hours and be connected to treatment with one of three partners. In addition, CHD programs such as Environmental Health, Live-Work-Play Cincinnati, Health Equity, Lead Poisoning Prevention, Maternal & Infant Health, Men’s Health, Nursing Services, Public Health Preparedness, School & Adolescent Health, Reproductive Health & Wellness & WIC Program will cost more to run as the rate of the uninsured and underinsured goes up.

12. Cincinnati also maintains an emergency medical services system, operated by the Cincinnati Fire Department.⁸ That system dispatches ambulances to meet urgent health needs, regardless of whether the call comes from an individual who has health insurance or is otherwise able to pay for the call. The Cincinnati Fire Department has a budget of over \$121 million for Fiscal Year 2021.

13. The following chart shows how many emergency medical calls the Cincinnati Fire Department received in a given fiscal year, as well as how many calls resulted in an emergency medical transport.

⁷ *Nursing Services*, City of Cincinnati, <https://www.cincinnati-oh.gov/health/cincinnati-health-department-divisions1/nursing-services/>.

⁸ *EMS Operations*, City of Cincinnati, <https://www.cincinnati-oh.gov/fire/operations/ems-operations/>.



14. In calendar years 2017, 2018, and 2019, the percentages of emergency medical transports that were provided to uninsured individuals were 12%, 9.98%, and 10.77%, respectively.

15. As of July 20, 2020, there have been 33,763 emergency medical calls in 2020. The total number of emergency medical transports in 2020 so far is 20,094. The percentage of transports for uninsured patients from January 2020 to date is 12.63 percent.

16. If a transported patient lacks insurance, Cincinnati will attempt to recoup its costs from the patient directly. However, while Cincinnati recoups between 93 percent and 94 percent of its billed costs from private insurers (based on rates negotiated by the city), it recoups less than 3 percent of its costs from uninsured individuals. From 2017 to 2019, for example, Cincinnati billed uninsured patients \$16,209,046.63, but only recovered \$285,834.26—roughly

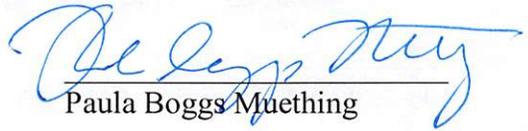
1.7%. Thus, an increase in the number of uninsured or underinsured individuals will result in more transports for which Cincinnati receives little reimbursement and thus must make up for the shortfall in its budget.

17. Setting aside these budgetary impacts, Cincinnati—a city of over 300,000 people, with an economy of over \$130 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.

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

Dated: August 12th, 2020

Cincinnati, Ohio


Paula Boggs Muething