

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

AUGUST DEKKER, *et al.*,

Plaintiffs,

v.

JASON WEIDA, *et al.*,

Defendants.

Case No. 4:22-cv-00325-RH-MAF

**PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION
FOR PROTECTIVE ORDER**

Defendants cannot hide Secretary Jason Weida behind the apex doctrine to avoid his giving critical testimony in this case. In fact, the apex doctrine does not apply here at all. Plaintiffs seek to depose now-Secretary Weida about events occurring more than four months before his becoming Interim Secretary. In other words, his now being an agency head is irrelevant while Plaintiffs seek to only depose him about his involvement in the underlying events preceding his appointment. Defendants cannot promote a highly salient witness out of sitting for a deposition.

Moreover, testimony elicited and documents produced in this litigation now clearly indicate that Mr. Weida had perhaps the most prominent role in ACHA's promulgation of Fla. Admin. Code R. 59G-1.035(7)(a) (the "Challenged Exclusion"). Mr. Weida personally chose who would serve as consultants for AHCA's June 2, 2022 report that concluded that gender-affirming care was investigational (the "GAPMS Report") and the rule hearing on July 8, 2022. He had many private conversations with these consultants (and perhaps others) where he shaped the contents of their reports and where they appear to have influenced AHCA's approach to prohibiting gender-affirming care through Medicaid. Indeed, one of AHCA's consultants described Mr. Weida as his "primary contact for th[e] report." (Ex. 1, 153:23-154:3.) Within AHCA, Mr. Weida was the face of the anti-transgender push, controlling the organization's messaging. These circumstances show that now-Secretary Weida has unique, personal information related to Plaintiffs' claims.

This testimony is highly relevant to Plaintiffs' claims. Specifically, Plaintiffs believe that the evidence sought will demonstrate that Defendants engaged in a biased and arbitrary process with a predetermined endpoint to exclude coverage of gender-affirming care. This evidence is relevant to Plaintiffs claims under the Medicaid Act, as it is probative of the fact that the excluded gender-affirming

services are *not* experimental. It is also relevant to Plaintiffs discrimination claims, as it is probative of Defendants' discriminatory animus and pretextual justifications for the Challenged Exclusion.

Finally, no reasonable alternative exists to elicit this information. The Court limited depositions to only ten (10) by each side. Plaintiffs therefore may only use a limited number of depositions and are not seeking to expand on that number. Moreover, after having already deposed three AHCA employees, served thorough written discovery requests, and reviewed tens of thousands of documents, it is now clear that only through Mr. Weida's deposition can Plaintiffs discover this critical information. Engaging with Defendants in further written discovery and deposing more lower-level AHCA witnesses would be inefficient, insufficient, and inadequate for the purposes of this information.

For these reasons, the Court should deny Defendants' Motion.

I. The Apex Doctrine Should Not Apply Here.

Plaintiffs dispute that now-Secretary Weida may invoke the apex doctrine under these circumstances. Mr. Weida did not become Interim Secretary until January 2023. Dkt. 115 at 3. Plaintiffs only seek to depose Mr. Weida about his

personal involvement with the GAPMS Process¹ and the Challenged Exclusion prior to his becoming Interim Secretary. This involvement preceded Mr. Weida's appointment by many months.

The apex doctrine “may be invoked only when the deponent has been noticed for deposition *because of his ... position.*” *Rotstain v. Trustmark Nat'l Bank*, No. 3:09-CV-2384-N-BQ, 2020 WL 12968651, at *6 (N.D. Tex. Mar. 10, 2020) (emphasis added; citing *Simon v. Bridewell*, 950 S.W.2d 439, 442 (Tex. App. 1997) (“For example, if the president of a Fortune 500 corporation personally witnesses a fatal car accident, he cannot avoid a deposition sought in connection with a resulting wrongful death action because of his ‘apex’ status.”))).

Here, Plaintiffs do not seek to depose Mr. Weida based on the fact that he is now AHCA Secretary, nor on his overseeing any agency actions in such capacity. To the contrary, Plaintiffs seek to depose Mr. Weida based on his unique and personal knowledge pre-dating his appointment as AHCA Secretary. As discussed in further detail below, Mr. Weida has special, personal, and unique knowledge of the GAPMS Process and the Challenged Exclusion's promulgation. Because of this

¹ “GAPMS Process” refers to Defendants' process for determining if a treatment is consistent with “Generally Accepted Professional Medical Standards” (GAPMS) pursuant to Fla. Admin. Code R. 59G-1.035.

knowledge and involvement, Plaintiffs would still seek Secretary Mr. Weida's deposition today even if he had never become Secretary or were not employed by AHCA at present. His current job title and associated duties should at most affect the parameters under which the deposition takes place, not whether it goes forward at all. For these reasons, the apex doctrine does not apply, and Defendants have not otherwise shown good cause for avoiding Mr. Weida's deposition.²

² Defendants' contention that Mr. Weida would be shielded from a deposition under the apex doctrine based on his former roles as Chief of Staff or Assistant Deputy Secretary has no merit. For one, Defendants cannot argue that "Plaintiffs could have *attempted* to depose were Cody Farrill (who was then the Agency's Chief of Staff), Tom Wallace (who was and continues to be a Deputy Secretary for the Agency)," but then also argue that Mr. Weida is shielded under the apex doctrine for the same or lesser roles. For another, "[t]he apex doctrine protects only a limited category of government official—those at the 'apex.'" *Florida v. United States*, No. 3:21CV1066/TKW/ZCB, 2022 WL 4021934, at *2 (N.D. Fla. Sept. 2, 2022). "Thus, the threshold question is whether the official seeking to avoid a deposition is sufficiently high-ranking" and "[t]he official bears the burden of making that showing." *Id.* At the relevant time here, Mr. Weida was the Assistant Deputy Secretary for Medicaid Policy and Quality. In that role, he purportedly reported to the Deputy Secretary for Medicaid Policy, Quality, and Operations, who in turn reported to the Secretary for AHCA. (Ex. 2.) The fact that there were layers between Mr. Weida and the AHCA Secretary shows that he was not sufficiently high ranking to be covered by the apex doctrine. *Florida*, 2022 WL 4021934, at *2. In fact, both Tom Wallace and Cody Farrill, who Defendants suggest as alternatives, report directly to the AHCA Secretary and are therefore closer to the pinnacle of the agency than Mr. Weida was during the time in question.

II. Plaintiffs Seek to Discover Unique Information That Is Personal to Mr. Weida.

Even if this Court agrees that the apex doctrine applies here, the circumstances justify taking Mr. Weida's deposition regardless. High ranking government officials may be deposed when the deposition seeks unique, personal knowledge and information. *See, e.g., Karnoski v. Trump*, No. C17-1297 MJP, 2020 WL 5231313, at *6 (W.D. Wash. Sept. 2, 2020) (non-party Secretary of Defense could be deposed regarding improprieties in military transgender ban process when he was personally involved in the process and his fondness towards anti-transgender advocates suggested that animus influenced decision-making); *Nat'l Rifle Ass'n of Am. v. Cuomo*, No. 118CV566TJMCFH, 2019 WL 2918045, at *5 (N.D.N.Y. Mar. 20, 2019) (deposition of agency head required when no other agency person participated in the communications at issue; "Ms. Vullo's specific rationale for her alleged actions is at issue in this case such that her deposition testimony may be the only way to address these 'critical blanks' in the record."); *United States v. City of New York*, No. 07-CV-2067 (NGG) (RLM), 2009 WL 2423307, at *2-3 (E.D.N.Y. Aug. 5, 2009) (authorizing the Mayor's deposition where his congressional testimony "suggest[ed] his direct involvement in the events at issue"); *Am. Broad. Cos. v. U.S. Info. Agency*, 599 F. Supp. 765, 768-69 (D.D.C. 1984) (US Information Agency head

could be deposed in FOIA litigation regarding his causing the subject documents to be created); *D.C. Fed'n of Civic Ass'ns v. Volpe*, 316 F. Supp. 754, 760 nn.12 & 36 (D.D.C. 1970) (deposition and trial testimony required from the Secretary of Transportation when he personally made key decisions for construction project at issue), *rev'd on other grounds sub nom. D.C. Fed'n of Civic Ass'ns v. Volpe*, 459 F.2d 1231 (D.C. Cir. 1971).

Here, Mr. Weida has unique knowledge about how the Challenged Exclusion came to be promulgated. The weight of the evidence indicates that Mr. Weida personally oversaw much of the GAPMS Process. Perhaps most importantly, Mr. Weida appears to have personally selected the GAPMS consultants and served as the consultants' primary contact. For example, Matthew Brackett, as the agency's 30(b)(6) witness, testified that the decision to contract with the consultants to prepare their reports was made solely by Mr. Weida and that the determination that the consultants had the appropriate backgrounds to write the reports was made by Mr. Weida and General Counsel Tamayo. (Ex. 3, at 129:1-14.) In fact, consultant Andre Van Mol, M.D. seems to have shared Mr. Brackett's belief given that Dr. Van Mol reached out directly to Mr. Weida asking to bring on yet another anti-transgender expert. (Ex. 4.) Dr. Van Mol himself was referred to Mr. Weida by Michelle

Cretella, M.D., who Mr. Weida apparently tried to recruit at the beginning of the GAPMS Process. (Ex. 5.)

Beyond selecting the consultants, Secretary Mr. Weida appears to have been personally responsible for wrangling in the consultants' reports and even determining some aspects of their contents. (*Id.* [Andre Van Mol, M.D.: "Once I know what information you need, I can fairly promptly assemble supporting citations."]; Exs. 6 - 7 [Quentin Van Meter, M.D.: "*Does this cover some of what you need from me?*"; "*I wanted to be sure this is the direction you wanted me to go with the document.*"]; Ex. 8 [G. Kevin Donovan, M.D.: "*I hope it meets your needs.*"]; Ex. 9 [Romina Brignardello-Petersen, Ph.D. asks Mr. Weida if she can limit the scope of her report given time constraints, to which Mr. Weida responds by asking for a private call]; Ex. 10 [James Cantor, Ph.D. and Mr. Weida appear to have a phone call to discuss report revisions]; Ex. 11 [Patrick Lappert, M.D.].) For example, Dr. Van Meter testified that Mr. Weida was the "primary contact" for his report, and it was Mr. Weida who instructed Dr. Van Meter "to write a report ... to make criticisms of some of the most standard defenses for using medical, social and surgical affirmation in minors." (Ex. 1, 136:7-17, 153:23-154:2.) Mr. Weida was also who provided Dr. Van Meter with feedback "about the language of [his] report." (*Id.* at 140:10-15.)

Moreover, Mr. Weida participated in private conversations with consultants that appeared to guide the GAPMS Process and the Challenged Exclusion's promulgation. (Ex. 12 [Mr. Weida asks consultant Quentin Van Meter, M.D. for help finding anti-transgender advocates in advance of the July 8 rulemaking hearing]; Ex. 13 [Mr. Weida seeks to re-connect with non-retained consultant Ema Syrulnik regarding AHCA's "next steps" following the GAPMS Report's publication after having already met before its publication]; Ex. 14 [consultant Andre Van Mol, M.D. thanks Mr. Weida for a recent discussion and forwards to Mr. Weida several articles regarding "Financing the [transgender] movement and its tactics"]; Ex. 15 [consultant Miriam Grossman, M.D. admits her lack of research qualifications and solicits Mr. Weida's opinion as to how she can help, and Mr. Weida responds with suggestions]; Ex. 16 [Dr. Grossman asks Mr. Weida if he is interested in the "debate over informed consent," but Mr. Weida instead asks her to opine on written materials he mailed her]; Ex. 17 [Dr. Van Mol discusses with Mr. Weida and Dr. Van Meter the Alliance Defending Freedom's assessment of Dr. Stephen Levine's testimony vis-à-vis Dr. Cantor's testimony].)

Finally, Mr. Weida also possesses unique knowledge about various other aspects of the GAPMS and rulemaking process that justify his deposition. When the Florida Surgeon General published anti-transgender guidance on April 20, 2022, Mr.

Weida was invited to (and may have attended) an upcoming Drug Utilization Board meeting to field questions regarding gender dysphoria. (Ex. 18.) Around this same time, Mr. Weida was personally directing AHCA pharmaceutical staff how to respond to inquiries regarding gender-affirming care. (Ex. 19.) Next, the day after the June 2 GAPMS Report's release, Mr. Weida appears to have attended a meeting with unspecified persons where an array of gender-affirming care procedures were discussed. (Ex. 20.) Moreover, Mr. Weida appears to have unilaterally decided not to send an entire plan transmittal regarding the implementation of the Challenged Exclusion even though the transmittal went through several rounds of drafting. (Ex. 3, at 214:25-215:9, 219:8-11.) Finally, Mr. Weida appears to have personally handled AHCA's response to initial public records requests regarding gender dysphoria during the GAPMS Report's preparation. (Ex. 21.)

This *known* evidence demonstrates that Mr. Weida possesses unique, personal knowledge that no other witness in this matter also possesses. Only Mr. Weida himself can explain his interactions with the GAPMS consultants of which there were at least seven, and his tight control over the GAPMS Process. A deposition

broaching these subjects is likely to elicit unique, personal information from Mr. Weida.³

III. Plaintiffs have a special need to depose Mr. Weida in proving their case.

Defendants argue that Mr. Weida’s testimony should only be allowed if it “essential” to Plaintiffs’ case. Def’s Memo ISO PO at 7. But this is not the correct test in the Eleventh Circuit. Rather, Plaintiffs need only show a “special need” for the information they seek. *In re USA, In re USA*, 624 F.3d 1368, 1381 (11th Cir. 2010). This case presents the Court with, at least, two crucial questions: (1) whether gender-affirming care is experimental, such that it could be appropriately excluded from Medicaid coverage, *Rush v. Parham*, 625 F.2d 1150, 1156 (5th Cir. 1980); *K.G. ex rel. Garrido v. Dudek*, 864 F. Supp. 2d 1314, 1321 (S.D. Fla. 2012), *aff’d in part, rev’d in part sub nom. Garrido v. Dudek*, 731 F.3d 1152 (11th Cir. 2013); and (2) whether the process Florida underwent to exclude coverage of such care in its Medicaid program made “classifications that are ‘arbitrary or irrational’ and that

³ As further evidence of Mr. Weida’s participation in AHCA’s efforts to withdraw coverage of gender-affirming care, the name “Mr. Weida” appears in 912 documents produced in this litigation that are dated between January 1, 2022 and August 21, 2022, the date of the Challenged Exclusion’s enactment. Within this timeframe, Mr. Weida appears as the author on 167 documents. (Gonzalez-Pagan Decl., ¶ 4.)

reflect a ‘bare desire to harm a politically unpopular group,’” *Glenn v. Brumby*, 663 F.3d 1312, 1315 (11th Cir. 2011) (quoting *City of Cleburne v. Cleburne Living Ctr., Inc.*, 473 U.S. 432, 446-47 (1985)). The testimony of Mr. Weida on issues like those discussed above in Section II will answer both of these key questions, and Plaintiffs’ attempts to seek that information through other, less intrusive means have been fruitless.

As to the first question, the parties agree that a fundamental component of their Medicaid Act claims is whether, “based on *current medical knowledge*, the State reasonably determined that certain treatments for gender dysphoria are experimental.”⁴ Dkt. 115 at 8; *see Rush*, 625 F.2d at 1156-57; *K.G.*, 864 F. Supp. at 1320. Defendants accuse Plaintiffs of misreading *Garrido* to stand for the proposition that they would win their Medicaid Act claims by showing that Defendants engaged in “a less-than-perfect process that reached the right reasonable

⁴ Notably, Plaintiffs have brought claims under the EPSDT and comparability requirements of the Medicaid Act, while the decision in *Rush* is based on the reasonable standards provision. *See Rush*, 625 F.2d at 1155-56. Failure to cover a service that was reasonably deemed experimental could run afoul of the comparability provision of the Medicaid Act in certain circumstances. The comparability provision requires states to provide coverage that is equal in amount, duration, and scope to all categorically needy beneficiaries. *See* 42 U.S.C. § 1396a(a)(10)(B). Thus, it does not permit a state to arbitrarily cover the same services for some diagnoses or conditions, but not for others. *See* 42 C.F.R. § 440.230(c).

decision.” Dkt. 115 at 9. This is not Plaintiffs’ position. Rather, the court in *Garrido* construed *Rush* as holding that a state’s use of an “arbitrary, capricious, and unreasonable” process to determine whether or not a service is experimental is *evidence* that the conclusion is equally unreasonable. *K.G.*, 864 F. Supp. 2d at 1322. That interpretation is consistent with *Rush*. 625 F.2d at 1156–57, which emphasized that the appropriate inquiry is “whether [the state’s] determination that transsexual surgery is experimental is reasonable,” according to current medical opinion.⁵

Under *Garrido*, evidence that Mr. Weida caused AHCA to engage in an unreasonable process is probative of the soundness of AHCA’s final conclusion, that gender-affirming care is experimental. As the District Court in *Garrido* reasoned:

No analyst and/or nurse in AHCA ever reviewed any “reliable evidence” about ABA, no one assessed whether ABA was covered by other states’ Medicaid programs, Medicare, or commercial insurance, no one consulted with any physician about ABA, and no memorandum regarding ABA was ever prepared by an analyst and reviewed by AHCA’s management. Instead, [the Medicaid Director] . . . upon a cursory review of [limited] materials, decided that ABA was experimental.

⁵ Further, this issue was not addressed by the Eleventh Circuit on review, so the trial court’s analysis remains valid. *See Garrido v. Dudek*, 731 F.3d 1152, 1153 (11th Cir. 2013) (“This appeal concerns the scope of the permanent injunction and declaratory judgment.”).

K.G., 864 F. Supp. 2d at 1324. The evidence in *Garrido* demonstrated that the Medicaid Director’s determination that ABA was experimental was not reasonable, because she failed to consider the evidence required by the Florida Code, and her determination conflicted with “reliable evidence,” as defined by Florida law, [which] conclusively shows that ABA is not ‘experimental.’” *Id.* at 1326.

Similarly, here, Mr. Weida directed an unreasonable process with a predetermined endpoint to exclude coverage of gender-affirming care. Evidence of this process is probative of Plaintiffs’ contention that the result is not supported by reliable evidence, and ultimately, that the three categories of services at issue are not experimental according to current medical opinion. *See Rush*, 625 F.2d at 1157 n. 13.

As to the second question, whether AHCA’ decision and process to eliminate coverage for gender-affirming care as a “sham and a pretext for discrimination,” is plainly probative of Plaintiffs’ discrimination claims. *Flowers v. Mississippi*, 139 S. Ct. 2228, 2249 (2019) (citations omitted).

Here, Plaintiffs make, among other claims, a facial challenge to the Challenged Exclusion under the Equal Protection Clause of the Fourteenth Amendment. And because the Challenged Exclusion *facially discriminates on the basis of sex and transgender status*, it is Defendants who bear the burden of

providing an “exceedingly persuasive justification” for the Challenged Exclusion. *United States v. Virginia*, 518 U.S. 515, 531 (1996). “The justification must be genuine, not hypothesized or invented *post hoc*” and “it must not rely on overbroad generalizations.” *Id.* at 533.

Thus, the *actual motivations* driving the decision-making surrounding the GAPMS Process and the Challenged Exclusion are highly relevant. And as explained above, it is Mr. Weida who can best provide answers to these questions. Indeed, he is the only person who can answer some of these questions.

Similarly, the Equal Protection Clause does not tolerate policies that are based on “irrational prejudice,” *City of Cleburne, Tex. v. Cleburne Living Ctr.*, 473 U.S. 432, 450 (1985), or that reflect a “desire to harm a politically unpopular group.” *Romer v. Evans*, 517 U.S. 620, 634–35 (1996) (cleaned up). In their opposition to Plaintiffs’ Motion for Preliminary Injunction, Defendants argued:

Other than bald assertions of pretext, Plaintiffs offer no factual allegations (supported by evidence) that the State’s rule is motivated by anything other than genuine concern for the health and safety of its people, including persons suffering from gender dysphoria. And in the absence of any such evidence, the State is entitled to the presumption of good faith. Any unsupported attempt to cast a disagreement over the appropriate treatment for gender dysphoria, as well as the strength of the evidence for so-called “gender-affirming care,” as evidence of discriminatory animus should be rejected.

Dkt.49 at 18 n. 2 (citations omitted). Defendants cannot on the one hand argue that Plaintiffs have failed to establish such a claim because they have not proffered evidence of discriminatory animus against transgender people, while on the other hand attempting to prevent Plaintiffs from discovering exactly the kind of evidence of Defendants' discriminatory animus that they suggest is necessary to make such a claim. Testimony from Dr. Van Meter indicates that when he was given his task by Mr. Weida, the outcome of the GAPMS Report had already been decided. Ex. 1, 137:4-9. The evidence Plaintiffs seek from Mr. Weida is necessary to show that he devised a sham process with a predetermined outcome in order to exclude coverage of necessary health care services, and to establish his discriminatory intent.

For these reasons, Plaintiffs have a special—indeed, essential—need to depose Mr. Weida.

IV. Plaintiffs have reasonably exhausted other means of seeking this information.

In any event, Plaintiffs have tried, and failed, to obtain the testimony they seek from Mr. Weida through other, less intrusive means. Plaintiffs have engaged in significant written discovery to obtain information about the process used to develop the Challenged Exclusion. Plaintiffs have served Special Interrogatories, Requests for Admission, and Requests for Production in addition to serving document

subpoenas. While the discovery process has to date yielded several important documents and elicited valuable testimony, it has also pointed to critical information gaps related to Mr. Weida's participation. As described above in Section II, the evidence suggests that Mr. Weida is perhaps the person at AHCA most responsible for the conduct of the GAPMS Process and AHCA's turning a blind eye to reliable sources of information. Defendants would somehow have Plaintiffs elicit this information through other means.

Plaintiffs are limited to ten depositions total in this litigation, and this limit applies even to depositions of Defendants' bullpen of experts. Dkt. 67 at 2. Defendants designated ten (10) experts pursuant to Rule 26(a)(2) and used at least seven (7) consultants in the GAPMS process. Only three (3) of the Defendants' designated experts overlap with the consultants used during the GAPMS process. Plaintiffs have thus, by necessity, sought to use their depositions in an efficient manner.

By the time Plaintiffs decided that there was a special need for Mr. Weida's testimony, prior to the close of fact discovery, Plaintiffs had already employed substantial written discovery and undertaken fact depositions, including that of AHCA's agency representative, to obtain the information they seek. Even if it were possible for Plaintiffs to obtain equally probative information through other means

or sources, and it is not, there is no telling how many AHCA employees Plaintiffs would have to depose to discover the information that Mr. Weida possesses. In fact, it would have been not just inefficient, but also fruitless to waste the seven then-remaining depositions at the time on a fishing expedition for information that Mr. Weida uniquely possesses. What is more, such an endeavor would have deprived Plaintiffs of an opportunity to depose *some* of Defendants' designated experts, many of whom have never served as an expert pertaining to gender dysphoria or transgender people until now. Now that expert depositions are complete, Plaintiffs have one remaining deposition available to them, that of Mr. Weida, which Plaintiffs noticed for March 10, 2023.

AHCA has provided three employees for depositions to date, none of whom have been either able or willing to speak in detail on Mr. Weida's influence and its effect on the process. Notably, Defendants' designated Rule 30(b)(6) witness Matthew Brackett was unable to give anything other than speculative responses regarding how Mr. Weida chose consultants and caused the GAPMS Report to be prepared. He testified that *the decision to contract with the consultants to prepare their reports was made solely by Mr. Weida* and that the determination that the consultants had the appropriate backgrounds to write the reports was made by Mr. Weida and General Counsel Tamayo. (Ex. 3, 129:1-14.) In addition, as for why Mr.

Weida caused AHCA to withhold a draft notice it planned to send to all plans following the Challenged Exclusion's enactment, Mr. Brackett was unable to articulate an intelligible response. (Ex. 3, 214:25-215:9, 219:8-11 [testifying that Mr. Weida's decision was "pretty self-explanatory"].) In sum, Plaintiffs should not have to keep fishing for this information elsewhere when time is of the essence and a ten-deposition limit exists, especially when AHCA's purportedly most knowledgeable witness testified that Mr. Weida has the answers to some of Plaintiffs' questions.

Relatedly, Defendants now posit that Plaintiffs could obtain this same information from AHCA General Counsel Andrew Sheeran. Plaintiffs once sought to depose Mr. Sheeran with significant hesitation given the difficulties in deposing a lawyer who had given legal advice at certain points to a Defendant-client. Indeed, Defendants' counsel responded by threatening to appeal any order compelling his deposition. (Gonzalez-Pagan Decl., ¶ 5.) Ultimately, Plaintiffs decided that Mr. Weida possessed superior, unique knowledge about many process-related issues, and that his clear involvement in key events made his deposition less objectionable

and more elucidating than Mr. Sheeran's. (*Ibid.*)⁶ Indeed, as evident from Section II, Mr. Sheeran's testimony would have been no substitute the testimony sought from Mr. Weida, which seeks to elicit *unique* information known only to him.

Moreover, as for Defendants' point that written discovery could have mooted⁷ or can now moot the need for this deposition's taking, it is well recognized that written discovery is generally a poor substitute for an apex deposition. *See, e.g., Nat'l Rifle Ass'n of Am. v. Cuomo*, No. 118CV566TJMCFH, 2019 WL 2918045, at *4 (N.D.N.Y. Mar. 20, 2019) ("Were plaintiff to ask through interrogatories the kinds of questions it seeks to ask in a deposition setting, it likely would be met with several routine objections, ultimately resulting in parties returning to the Court to again address the matter of Ms. Vullo's deposition."); *Gibson v. Carmody*, No. 89 CIV. 5358 (LMM), 1991 WL 161087, at *1 (S.D.N.Y. Aug. 14, 1991) ("The

⁶ Defendants also offer the names of Pharmacist Nai Chen and Program Director Devona Pickle. Though Plaintiffs acknowledge that documents suggest these persons had some degree of involvement in the Challenged Exclusion's promulgation, the documents also suggest that it would be wasteful to pursue these depositions given the limited nature of their roles.

⁷ To the extent that Defendants argue that Plaintiffs should have served written discovery on Mr. Weida himself as a party, Mr. Weida became Interim Secretary shortly after the deadline for written discovery had passed in December.

submission of written questions, as suggested by the City, is an inadequate, and perhaps ultimately wasteful, substitute for an oral deposition.”).

In fact, Defendants have already provided follow-up written responses to certain questions asked by Plaintiffs of the Rule 30(b)(6) witness Matthew Brackett during that deposition. Defendants’ follow-up responses were unavailing. For example, when asked who AHCA considered but did not ultimately select as a consultant, AHCA responded: “Agency staff engaged in verbal communications with individuals that were referred by Dr. Michelle Cretella and do not recall the names of those individuals that were consulted.” (Ex. 22, at 2.) Throughout this litigation, Plaintiffs attempts to elicit information from Defendants in writing has been largely futile, further justifying the need to depose Mr. Weida.

In sum, Plaintiffs have diligently pursued discovery and depositions in this matter, the sum of which now indicates that Mr. Weida alone made key decisions about the process to exclude coverage of gender-affirming care from Florida Medicaid.

V. Plaintiffs’ Deposition Notice Was Timely.

The deadline for fact discovery in this matter was March 10, 2023. (Dkt. 107.) On March 8, 2023, after deposing three agency witnesses and extensive review of documents produced by Defendants (the production of which was delayed both by

Defendants' causing needless motion practice and then technical limitations on Defendants' side), it became apparent to Plaintiffs' counsel that it would be both necessary and appropriate to depose Mr. Weida. Plaintiffs noticed the deposition that same day for March 10, 2023 (the factual discovery cut-off) and sent a follow-up email to Defendants clarifying the deposition could take place in the near future when Mr. Weida's schedule could accommodate it. (Exs. 23 - 24.)

This Court indicated at the January 26, 2023 hearing on Plaintiffs' Motion to Compel that it would be acceptable for depositions to be conducted after the deadline had passed. (Ex. 25, 53:15-54:22 ("If you are taking depositions the night before trial, as my mother used to say, No skin off my nose. ... There's some depositions that can be taken after summary judgment motions are in.")) While Plaintiffs could have sought to extend the fact discovery deadline in conjunction with serving the notice, which Defendants almost certainly would have opposed, Plaintiffs considered it more prudent to serve the notice within the bounds of the factual discovery deadline and to then work with Defendants on the date and parameters of the deposition (something Plaintiffs' Counsel has repeatedly offered to do). Given the special need for Mr. Weida's deposition, the fact that the deposition was noticed *before* the factual discovery cut off, and that trial is still six (6) weeks away, the request to depose Mr. Mr. Weida is timely.

VI. CONCLUSION

For the reasons stated above, the Court should deny the instant Motion.

Dated: March 29, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of March 2023, a true copy of the foregoing has been filed with the Court utilizing its CM/ECF system, which will transmit a notice of electronic filing to counsel of record for all parties in this matter registered with the Court for this purpose.

/s/ Omar Gonzalez-Pagan
Attorney for Plaintiffs

CERTIFICATE OF WORD COUNT

As required by Local Rule 7.1(F), I certify that this Opposition contains 4,865 words.

/s/ Omar Gonzalez-Pagan
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**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
Tallahassee Division**

AUGUST DEKKER, et al.,

Plaintiffs,

v.

JASON WEIDA, et al.,

Defendants.

Case No. 4:22-cv-00325-RH-MAF

**DECLARATION OF ATTORNEY OMAR GONZALEZ-PAGAN
IN SUPPORT OF PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR PROTECTIVE ORDER**

I, Omar Gonzalez-Pagan, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over the age of eighteen and make this declaration from my own personal knowledge. If called as a witness, I could and would testify competently to the matters stated herein.

2. I am an attorney with Lambda Legal Defense and Education Fund, Inc., and I have been retained by Plaintiffs as co-counsel in the above-captioned matter.

3. I make this Declaration in support of Plaintiffs' Opposition to Defendants' Motion for Protective Order.

4. On March 29, 2023, I caused a search to be ran in Plaintiffs' document review database in this litigation for the term "Weida." This term appears in 912

documents produced in this litigation that are dated between January 1, 2022 and August 21, 2022, the date of the Challenged Exclusion's enactment. Within this timeframe, Mr. Weida appears as the author on 167 documents.

5. While Plaintiffs' counsel once sought to depose Defendant AHCA's General Counsel Andrew Sheeran, Plaintiffs' counsel ultimately ceased pursuing that deposition. Defendants' counsel Mohammad Jazil communicated to me on February 17 and 21, 2023 that counsel would appeal any order compelling Mr. Sheeran's deposition. As a result, the parties agreed that any should Plaintiffs insist on obtaining testimony from Mr. Sheeran, such testimony would be elicited through written questions and responses. Given the difficulties already involved with deposing a lawyer, the fact that responses to written questions would yield limited information with no opportunity for follow up, and the increasingly apparent nature of Jason Weida's possession of superior, unique knowledge about many process-related issues, Plaintiffs determined that further pursuing written testimony from Mr. Sheeran would not be insufficient and ineffective.

6. Attached as **Exhibit 1** is a true and correct copy of excerpts of the transcript from the deposition of Defendants' designated expert Quentin Van Meter, M.D. on March 17, 2023.

7. Attached as **Exhibits 2, 4-11, 13-14, and 16-21** are true and correct copies of documents produced by Defendants in this litigation.

8. Attached as **Exhibit 3** is a true and correct copy of excerpts of the second volume of the transcript from the deposition of Defendants' Rule 30(b)(6) witness Matthew Brackett on February 8, 2023.

9. Attached as **Exhibit 12** is a true and correct copy of a document produced in this litigation by non-party Dr. Andre Van Mol, M.D.

10. Attached as **Exhibit 15** is a true and correct copy of a document produced in this litigation by non-party Miriam Grossman, M.D.

11. Attached as **Exhibit 22** is a true and correct copy of Defendant AHCA's March 1, 2023 responses to Plaintiffs' written questions.

12. Attached as **Exhibits 23** and **24** are true and correct copies of correspondence between Plaintiffs' and Defendants' counsel in this matter.

13. Attached as **Exhibit 25** is a true and correct transcript of the hearing before this Court on January 26, 2023 on Plaintiffs' Motion to Compel Production.

14. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 29th day of March 2023.

By: /s/ Omar Gonzalez-Pagan
Lambda Legal Defense
and Education Fund, Inc.
120 Wall Street, 19th Floor
New York, NY 10005
(212) 809-8585
ogonzalez-pagan@lambdalegal.org

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA

AUGUST DEKKER, et al.,)
) Case No.
Plaintiffs,)
) 4:22-cv-00325-RH-MAF
vs.)
)
JASON WEIDA, et al.,)
)
Defendants.)

March 17, 2023 10:03 am Zoom
DEPOSITION OF: Dr. Quentin Van Meter
This deposition was taken remotely via Zoom.
Signature of this deposition is reserved.

SHARON F. MCCLAIN
C.C.R. - B-2243
P.O. Box 1036
Gainesville, GA 30503
(770) 718-5145

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1 1 and the agency was asked as well. I can tell you having
 2 2 found the email that is a request to you to help out, but
 3 3 was that request done verbally? Was it by phone?
 4 4 A. I'm not sure I understood your question.
 5 5 Q. You said that the first thing you do when
 6 6 somebody writes to you requesting your testimony or
 7 7 assistance or consulting help is that you send your CV
 8 8 and your fee schedule, is that right?
 9 9 A. That's correct. It is within a period of time
 10 10 depending on if I'm very busy in the office and I've got
 11 11 an immense amount of work to do both in the office and
 12 12 late into the evening related to patient care it might be
 13 13 a day or two delay, but it's the first ...
 14 14 Q. Oh no, yeah. It will be like next week, right?
 15 15 All I mean is that's one of the first things you do once
 16 16 you are contacted?
 17 17 A. Yes, it is.
 18 18 Q. So, you sent your CV and fee schedule on April
 19 19 13, and I don't have an email to you asking you for help
 20 20 before then. So, my question is how did you come in
 21 21 contact with the Agency for Healthcare Administration in
 22 22 Florida?
 23 23 A. I honestly don't recall. I thought it was
 24 24 through email.
 25 25 Q. When were you officially retained as a

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1 1 consultant to the Agency for Healthcare Administration?
 2 2 A. I do not recall that either.
 3 3 Q. The email that we discussed was with Andrew
 4 4 Sheeran. Did you communicate with other people at AHCA?
 5 5 By AHCA I mean A-H-C-A, the Agency for Healthcare
 6 6 Administration?
 7 7 A. I believe I communicated with Mr. Weida, an
 8 8 attorney, and there may have been a second person whose
 9 9 name I do not recall.
 10 10 Q. And you communicated with Matthew Brackett?
 11 11 A. I do not recall.
 12 12 Q. Did you communicate with Cole Gearin?
 13 13 A. With whom? I'm sorry?
 14 14 Q. Cole Gearin.
 15 15 A. I don't recognize that name.
 16 16 Q. Did you communicate with Nai Chan?
 17 17 A. Again, that name does not ring a bell.
 18 18 Q. But you did communicate with Mr. Sheeran and
 19 19 Mr. Weida, is that right?
 20 20 A. Yes.
 21 21 Q. Your communications were both telephonic and by
 22 22 email, is that correct?
 23 23 A. Yes.
 24 24 Q. After April 13, after you sent your CV and your
 25 25 fee schedule, what happened? What was the next step?

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1 1 A. The next step was to review their concerns and
 2 2 what they needed from me, and I then spent time, a number
 3 3 of hours, and I cataloged them in an invoice which I
 4 4 think I can probably find for you doing research,
 5 5 reviewing any publications that they wanted me to review
 6 6 and creating my report.
 7 7 Q. What was the conversation? What were you asked
 8 8 to do?
 9 9 A. I was asked to write a report of essentially
 10 10 the history of transgender health in the United States,
 11 11 the sort of progression of sort of the ideology as it
 12 12 rose to take prominence in the field of transgender
 13 13 health and to make criticisms of some of the most
 14 14 standard defenses for using medical, social and surgical
 15 15 affirmation in minors.
 16 16 Q. Who asked you to do that in your report?
 17 17 A. I believe it was Mr. Weida.
 18 18 Q. And at that point in time had a decision been
 19 19 made that coverage would no longer be provided?
 20 20 A. No, there was going to be a hearing in front of
 21 21 invited people that would be pro or con, the public
 22 22 comments and professional people's comments, and I was
 23 23 invited to that hearing.
 24 24 Q. Understood, but at that point in time when you
 25 25 were given this task, there was a GAPMS report that was

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1 1 going to be issued, right, and your report was going to
 2 2 be in support of that, is that correct?
 3 3 A. That's correct.
 4 4 Q. So, the outcome of the GAPMS report, was that
 5 5 already decided when you were asked to write your
 6 6 attachment?
 7 7 A. I believe it had a purpose of preventing
 8 8 funding for things that had not been based on scientific
 9 9 proof.
 10 10 Q. Thank you. So, there was this phone
 11 11 conversation with Mr. Weida asking you, giving you your
 12 12 task if you will for this assignment. When was that?
 13 13 A. When did this occur?
 14 14 Q. Yes.
 15 15 A. Between April 13 and when I came to the hearing
 16 16 which I think was on the 8th of July.
 17 17 Q. It would have been before you wrote your
 18 18 report, is that right?
 19 19 A. No, the report was already written.
 20 20 Q. Which report was already written?
 21 21 A. Exhibit E.
 22 22 Q. But the assignment -- I'm asking about the call
 23 23 when they asked you to write the report. When did that
 24 24 occur?
 25 25 A. That would have been shortly after they

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1 1 received my CV and decided to use me to write an expert
 2 2 report.
 3 3 Q. How many times between April 13 and June 2 did
 4 4 you speak on the phone with somebody from AHCA?
 5 5 A. Very few times. It was more often an email
 6 6 exchange.
 7 7 Q. Did you speak more than two times with somebody
 8 8 on the phone?
 9 9 A. I may have spoken more than two times.
 10 10 Q. More than five?
 11 11 A. Probably not.
 12 12 Q. So, somewhere between two and five times you
 13 13 spoke on the phone between April 13 and June 2?
 14 14 A. Yes, most of the interactions and
 15 15 communications were written by email.
 16 16 Q. Did you communicate between April 13 and August
 17 17 21 with any counsel at the firm Holtzman and Vogel, and
 18 18 when I ask you this question, I'm very specific. I'm
 19 19 asking about communications up to August 21, 2022. I'm
 20 20 not asking about anything thereafter. Did you
 21 21 communicate with attorneys at Holtzman and Vogel?
 22 22 A. I do not recall when I did, but I can find that
 23 23 information from you with a review of my emails.
 24 24 Q. Did you communicate with Moha Jazil? Is that a
 25 25 name that comes to mind?

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1 1 A. Again, I don't recall that name.
 2 2 Q. Did you communicate with Gary Perko?
 3 3 A. Yes, I did.
 4 4 Q. Did you communicate by phone with Gary Perko?
 5 5 A. Before the 23rd of August, again, I will have
 6 6 to find out when it was that I first was contacted, and
 7 7 it's very likely that if I was contacted by email that I
 8 8 would have had some sort of telephonic communication with
 9 9 Mr. Perko.
 10 10 Q. Just for clarity of the record, I'm only asking
 11 11 you up to August 21st?
 12 12 A. Correct.
 13 13 Q. Did you ever speak with somebody at the
 14 14 Department of Health in relation to the GAPMS project?
 15 15 A. I do not recall any conversation.
 16 16 Q. Did you ever speak with someone at the Florida
 17 17 Governor's office?
 18 18 A. No, I did not.
 19 19 Q. We've been discussing Attachment E which was
 20 20 submitted in support of the GAPMS determination. When
 21 21 did you finish the first draft of your report?
 22 22 A. I would have to go back to emails to determine
 23 23 that.
 24 24 Q. You received feedback on your report, is that
 25 25 right?

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1 1 A. I believe I did.
 2 2 Q. From whom did you receive feedback on your
 3 3 report?
 4 4 A. The one most prevalent was I think Mr. Perko
 5 5 and maybe Mr. ...
 6 6 Q. Did you receive -- go ahead. Sorry.
 7 7 A. Actually this is before the 21st of August, is
 8 8 that correct?
 9 9 Q. Yes, I'm only asking before the 21st of August?
 10 10 A. I don't recall specifically what kind of
 11 11 feedback I got. I got feedback about the language of my
 12 12 report, and I took that and edited it appropriately to
 13 13 clarify certain things that I had originally written. I
 14 14 do not recall the individual. It would likely have been
 15 15 Mr. Weida.
 16 16 Q. I'm going to show you what's been marked as
 17 17 Exhibit 17. Exhibit 17. Do you see the screen?
 18 18 A. Yes.
 19 19 Q. This is an invitation for a Microsoft Team's
 20 20 meeting, is that right?
 21 21 A. Yes.
 22 22 Q. It's for May 2, 2022, is that right?
 23 23 A. That's correct.
 24 24 (Plaintiff's Exhibit No. 17 was
 25 25 marked for identification.)

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1 1 BY MR. GONZALEZ-PAGAN:
 2 2 Q. Subject Florida call and required FMV includes
 3 3 k-i-d-e-n-d-o @comcast.net. Is that right?
 4 4 A. That's correct.
 5 5 Q. That's your email, is that correct?
 6 6 A. That's correct.
 7 7 Q. So, there was a meeting on May 2, 2022, is that
 8 8 right?
 9 9 A. Yes, that would indicate that, yes.
 10 10 Q. And the meeting included yourself, James
 11 11 Cantor, Patrick Lappert, Jason Weida and a number of
 12 12 other folks at AHCA, is that right?
 13 13 A. That's what it says, yes.
 14 14 Q. What was discussed at this meeting on May 2,
 15 15 2022?
 16 16 A. It was an instructional session on the purpose
 17 17 of the report, the design, who would be involved. It was
 18 18 a guidance of what things that should be included in the
 19 19 report and what should be not included in the report that
 20 20 would be somehow viewed as inflammatory or inappropriate.
 21 21 It served as just a guideline. This is what the report
 22 22 is. I believe it was a discussion of what the plan and
 23 23 the goal was overall. It was more instructive than
 24 24 interactive with the participants on the call.
 25 25 Q. Let's break that down a little. You said it

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1 1 what the DeHaynie study showed.
 2 2 A. One of the things it showed.
 3 3 Q. I guess I have a question for you. A, do you
 4 4 know what the rate of suicide would have been absent the
 5 5 care?
 6 6 A. I don't.
 7 7 Q. So, it could have been higher, even higher?
 8 8 A. It could have been.
 9 9 Q. I think there's an assumption built into your
 10 10 critique, and I just want to piece it out that it ignores
 11 11 that you are taking out people out of their context.
 12 12 Like just because somebody is receiving care doesn't mean
 13 13 that they're being taken out of their context in which
 14 14 let's be real being transgender is not the most socially
 15 15 acceptable thing in the world?
 16 16 A. I'm not sure I understand your question or can
 17 17 verify that what you said is indeed valid.
 18 18 Q. I'm just saying that you're comparing
 19 19 transgender people, the rate of suicide rate between
 20 20 transgender people versus the general population, and the
 21 21 stressors in life that transgender people face are just
 22 22 not the same as the general population?
 23 23 A. In the country of Sweden transgenderism and
 24 24 stigma for that is the lowest probably of anywhere in the
 25 25 world. There might still be some residual stigma. The

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1 1 society of in the country of Sweden at large, minority
 2 2 stress theory for them does not apply to any real extent.
 3 3 Q. What literature do you point to to say that
 4 4 minority stressors don't apply in Sweden?
 5 5 A. I can't tell you it doesn't apply in every
 6 6 single case, but in general of anywhere in the world to
 7 7 live as a transgender person the society is reported and
 8 8 referenced in literature to be the most accepting society
 9 9 and country in the world.
 10 10 Q. Again, to what do you cite for that
 11 11 proposition?
 12 12 A. It's mentioned in a number of referenced
 13 13 articles that are in support of or look critically at the
 14 14 issue of minority stress in transgender patients. It's
 15 15 quoted again and again, and again I could find those
 16 16 references for you and provide them if you wish.
 17 17 Q. But that wasn't included in your report, either
 18 18 of them?
 19 19 A. No.
 20 20 Q. Let me ask you this. Even if Sweden were --
 21 21 just an assumption. Let's take it as true for purposes
 22 22 of the conversation that Sweden is the most accepting
 23 23 concentration of people in the world. That doesn't mean
 24 24 that it is accepting of transgender people, right? It
 25 25 just means it's more accepting than other places?

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1 1 A. I suppose you could say that, yes.
 2 2 Q. It doesn't mean that there's no discrimination
 3 3 against transgender people in Sweden?
 4 4 A. I have no reference that I can quote that says
 5 5 that that is not true.
 6 6 Q. Let's turn to the next exhibit, Exhibit 19.
 7 7 Can you see my screen?
 8 8 A. Yes, I can.
 9 9 Q. Is this an invoice like the ones that you were
 10 10 referring to earlier?
 11 11 A. Yes.
 12 12 Q. And it delineates a date of June 13, 2022; this
 13 13 is an invoice that you submitted, is that right?
 14 14 A. That's correct.
 15 15 (Plaintiff's Exhibit No. 19 was
 16 16 marked for identification.)
 17 17 BY MR. GONZALEZ-PAGAN:
 18 18 Q. It delineates that there was a teleconference
 19 19 with AHCA staff that was 45 minutes on May 1 and that you
 20 20 spent one hour writing the initial draft of your report
 21 21 on May 8. Is that all that you spent writing your
 22 22 report, one hour?
 23 23 A. That one day and then continued writing and
 24 24 rewriting the draft report on the subsequent, the 12th of
 25 25 May, the three and a half hours.

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1 1 Q. So, this is what I wanted to ask. Did you
 2 2 receive feedback between the 8th and the 12th, or this
 3 3 was just two days of ...
 4 4 A. I believe I just worked on it on the 8th and
 5 5 the 12th and then sent it in for commentary.
 6 6 Q. That was that email that we saw of May 14th?
 7 7 A. Yes.
 8 8 Q. And then you received commentary, and you spent
 9 9 two and a half hours making revisions, is that right?
 10 10 A. And putting in the references and that revision
 11 11 of draft report writing references, that was the
 12 12 additional two and a half hours. That's a really
 13 13 significant task to go back and look in the references to
 14 14 be sure that they match. There are mismatches that
 15 15 happen when you add a new reference, and the reference
 16 16 numbers in the thing may or may not change forward, and
 17 17 you will have double references or something that
 18 18 accidentally is a reference for another part of the topic
 19 19 that belongs to another part of the report but actually
 20 20 was not aligned, and I try to go through and make sure
 21 21 that does not happen. So, that happens before the final
 22 22 draft is turned in.
 23 23 Q. When you sent your email, you sent them
 24 24 directly to Mr. Weida, right?
 25 25 A. Yes.

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1 1 Q. Was he your primary contact for this report?
 2 2 A. Yes.
 3 3 Q. I'm going to show you what's been marked as
 4 4 Exhibit 20. Can you see my screen?
 5 5 A. Yes, I can.
 6 6 Q. There's a typo there, but it should say AHCA
 7 7 hearing on general Medicaid policy rule July 20, '22. Do
 8 8 you see that?
 9 9 A. I do.
 10 10 Q. There's a Bates stamp says FDOH_000020148. Do
 11 11 you see that?
 12 12 A. I do.
 13 13 (Plaintiff's Exhibit No. 20 was
 14 14 marked for identification.)
 15 15 BY MR. GONZALEZ-PAGAN:
 16 16 Q. And it says that it was updated on July 26,
 17 17 2022. Is that right?
 18 18 A. That's what it says.
 19 19 Q. It states that you were part of a cabinet that
 20 20 reviewed the amendment to Rule 59G-1.050 general Medicaid
 21 21 policy. Do you see that?
 22 22 A. I do.
 23 23 Q. What was your role as part of the cabinet?
 24 24 A. I did not know I was part of a cabinet. So, I
 25 25 can't describe that to you.

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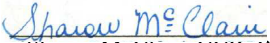
1 1 Q. Did you ever review or receive a draft of the
 2 2 GAPMS report that was published on June 2, 2022, prior to
 3 3 it being published?
 4 4 A. I received another document. Let me see. I
 5 5 had pulled this previously. I thought I had it right
 6 6 here. It was different. It had a different thrust, and
 7 7 I don't think it was -- I can't recall, and I'm not sure
 8 8 why I don't have it right here on my desk, but there was
 9 9 another document that came in in a spiral binder. It
 10 10 looked more like a technical report than the final
 11 11 report, but I don't have it.
 12 12 Q. That was prior to June 2?
 13 13 A. I don't know.
 14 14 Q. Did you provide input to the document that you
 15 15 received?
 16 16 A. Did I provide input?
 17 17 Q. Yes.
 18 18 A. As my Exhibit E is in there. That was my
 19 19 provision of information.
 20 20 Q. Let's turn to the next exhibit, Exhibit 21.
 21 21 Let's share the screen. This is an email thread with you
 22 22 and Devona Pickle, is that correct?
 23 23 A. Correct.
 24 24 Q. At the bottom of the first page it has a Bates
 25 25 stamp of Defendants 000239790, is that right?


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1 1 A. That's correct.
 2 2 Q. And in the middle of the page there's an email
 3 3 that you sent on July 9, 2022, to Devona Pickle that is a
 4 4 bit of like an outline of an invoice if you will, is that
 5 5 right?
 6 6 A. That's correct.
 7 7 Q. And it says that you spent two hours of phone
 8 8 conferences. What were those? Is that right, two hours
 9 9 of phone conferences?
 10 10 A. Two hours of phone conferences.
 11 11 (Plaintiff's Exhibit No. 21 was
 12 12 marked for identification.)
 13 13 BY MR. GONZALEZ-PAGAN:
 14 14 Q. How many phone conferences were there?
 15 15 A. Essentially two, and they were nearly an hour
 16 16 long each one, more than 45 minutes and at least up to an
 17 17 hour.
 18 18 Q. What was discussed at those two one-hour phone
 19 19 conferences?
 20 20 A. I can't recall specifically.
 21 21 Q. Who participated in those two one-hour phone
 22 22 conferences?
 23 23 A. Again, I cannot define. I know I obviously was
 24 24 there. I would assume that Mr. Weida was there, and
 25 25 beyond that I cannot tell you. I do not recall it being

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1 1 with any other individuals than just me and my report.
 2 2 Q. You don't recall what was discussed with Mr.
 3 3 Weida on that phone conference?
 4 4 A. I remember some was about logistics, about
 5 5 arrangements that needed to be made for, you know, what
 6 6 time we should arrive or depart from Tallahassee,
 7 7 descriptions of how the hearing would very likely
 8 8 progress, those kinds of things among others, and then
 9 9 probably talked about my draft report.
 10 10 Q. You didn't discuss logistics for two hours
 11 11 though, right?
 12 12 A. No, not two hours. You asked me everything I
 13 13 could remember. So, I'm just telling you what I
 14 14 remember.
 15 15 Q. No, no, I understand. I just want to make
 16 16 sure, but there's stuff that you cannot remember that was
 17 17 discussed during those two hours?
 18 18 A. That's correct.
 19 19 Q. Let's turn to the next exhibit. This is
 20 20 Exhibit 22. Can you see that?
 21 21 A. Yes.
 22 22 Q. This is an email from you to Andrea Van Mol,
 23 23 Jason Weida, Miriam Grossman, Josefina Tamayo, Moha Jazil
 24 24 at Holtzman Vogel and Gary Perko at Holtzman Vogel, is
 25 25 that right?

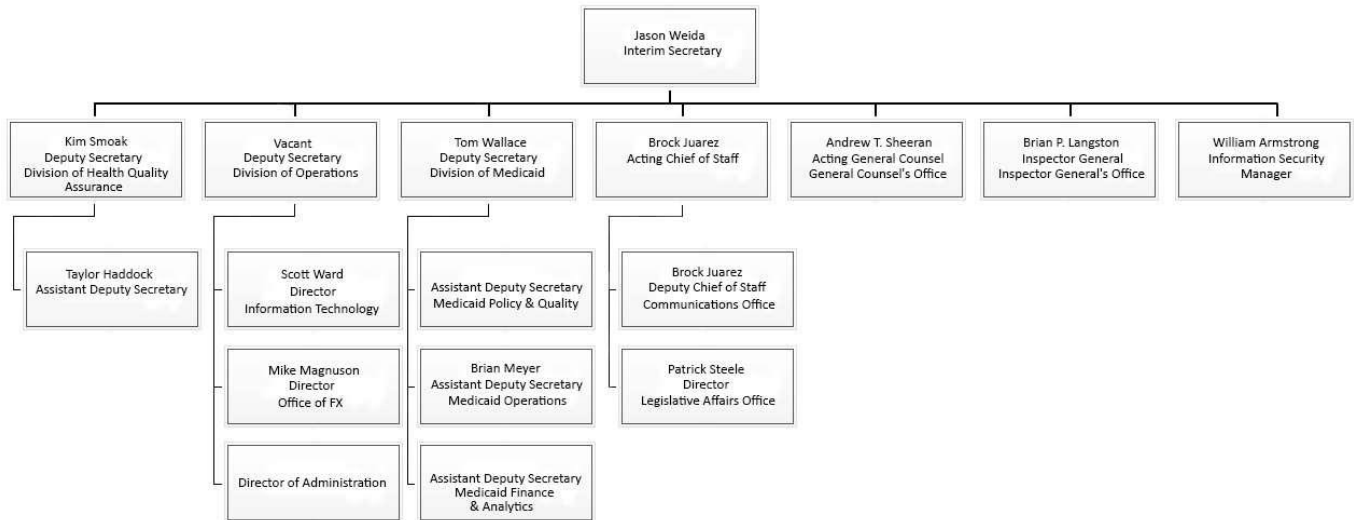
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<p>1 1 to be transgender? 2 2 A. Absolutely. 3 3 MR. GONZALEZ-PAGAN: Let's take a two-minute 4 4 break. I just want to check that I'm done, and if 5 5 not, we're done. 6 6 MR. PRATT: Sounds good. 7 7 COURT REPORTER: We are off the record at 4:40 8 8 pm. 9 9 (Off the record for a short break.) 10 10 (Back on the record.) 11 11 COURT REPORTER: We're back on the record at 12 12 4:42 pm. 13 13 MR. GONZALEZ-PAGAN: Mr. Van Meter, thank you 14 14 for your time today. I appreciate your availability 15 15 and you answering my questions. I'm done with my 16 16 questions for today. I appreciate you being 17 17 available throughout the day. 18 18 DR. VAN METER: Thank you. 19 19 MR. PRATT: Good afternoon, Dr. Van Meter. 20 20 Thank you again for being here this afternoon. We 21 21 appreciate it. 22 22 DR. VAN METER: Thank you very much. 23 23 DIRECT EXAMINATION 24 24 BY MR. PRATT: 25 25 Q. I have just some very, very brief questions for</p>	<p>1 1 MR. PRATT: I have no further questions at this 2 2 time unless Mr. Gonzales-Pagan has any follow-ups. 3 3 MR. GONZALEZ-PAGAN: I do not. Thank you. 4 4 COURT REPORTER: All right, we are off the 5 5 record at 4:44 pm. 6 6 (Whereupon, the deposition in the above- 7 7 entitled matter was concluded at approximately 4:44 8 8 pm.) 9 9 10 10 11 11 12 12 13 13 14 14 15 15 16 16 17 17 18 18 19 19 20 20 21 21 22 22 23 23 24 24 25 25</p>
Page 199	Page 201
<p>1 1 you. How long have you been a practicing physician 2 2 again? 3 3 A. Since 1976. That's 47 years I believe if I'm 4 4 counting up right. 5 5 Q. Over the course of your career how many 6 6 children would you estimate that you have treated? 7 7 A. It would be a wild guess. I honestly don't. 8 8 Numbers of thousands of children, somewhere less than 9 9 100,000 probably. 10 10 Q. And in treating and recommending treatments for 11 11 your patients including any transgender patients, do you 12 12 independently exercise your best medical judgment? 13 13 A. I do. 14 14 Q. Do you generally care for your patient's well- 15 15 being? 16 16 A. That is my whole focus. 17 17 Q. Just switching gears a tiny bit, do you recall 18 18 Mr. Gonzales-Pagan asking you several questions earlier 19 19 regarding that case you were struck from as an expert 20 20 witness? 21 21 A. Yes. 22 22 Q. Is my understanding correct that the reasons 23 23 you were struck from that case are under seal or 24 24 otherwise confidential? 25 25 A. Yes.</p>	<p>1 1 CERTIFICATE 2 2 STATE OF GEORGIA) 3 3 COUNTY OF HALL) 4 4 5 5 I, Sharon F. McClain, do hereby certify 6 6 that I reported the above and foregoing on March 17, 7 7 2023; and it is a true and accurate transcript of the 8 8 testimony captioned herein. 9 9 I further certify that I am neither kin nor 10 10 counsel to any of the parties herein, nor have any 11 11 interest in the cause named herein. 12 12 Any disassembling of this transcript is 13 13 strictly forbidden and nullified certification. 14 14 WITNESS my hand and official seal this the 15 15 20th day of March, 2023. 16 16 17 17 18 18 19 19  20 20 Sharon McClain, CCR, B-2243 21 21 22 22 23 23 24 24 25 25</p>

Page 202	<p>1 1 DISCLOSURE</p> <p>2 2 STATE OF GEORGIA</p> <p>3 3 COUNTY OF HALL</p> <p>4 4 Pursuant to Official Code of Georgia</p> <p>5 5 Annotated 9-11-28, I make the following disclosure:</p> <p>6 6 I, Sharon F. McClain, was hired by</p> <p>7 7 Plaintiff to provide court reporting services for</p> <p>8 8 this proceeding.</p> <p>9 9 Financial arrangements between myself and</p> <p>10 10 the parties to this proceeding are: the usual and</p> <p>11 11 customary fees charged by me for the original and one</p> <p>12 12 copy, copies to the other parties, and any direct</p> <p>13 13 expenses for the production of same. A financial</p> <p>14 14 discount will not be given to any party to this</p> <p>15 15 proceeding.</p> <p>16 16 Further, I have not entered into any</p> <p>17 17 contractual arrangement, financial or otherwise, with</p> <p>18 18 any person or entity in this matter and thereby am</p> <p>19 19 taking this matter in full compliance with O.C.G.A.</p> <p>20 20 Section 15-14-37.</p> <p>21 21 I hereby certify that the above disclosure</p> <p>22 22 statement is true and correct and that copies have</p> <p>23 23 been furnished to all counsel and/or parties.</p> <p>24 24 DATED: March 20, 2023.</p> <p>25 25 </p>	Page 204
Page 203	<p>1 1 WITNESS CERTIFICATION</p> <p>2 2 I hereby certify:</p> <p>3 3 That I have read and examined the contents of</p> <p>4 4 the foregoing testimony as given by me at the time</p> <p>5 5 and place hereon indicated, and;</p> <p>6 6 That to the best of my knowledge and belief, the</p> <p>7 7 foregoing pages are a complete and accurate record of</p> <p>8 8 all the testimony given by me at said time, except as</p> <p>9 9 noted on the attached Errata Sheet hereto.</p> <p>10 10 I have _____ have not _____ made</p> <p>11 11 changes/corrections.</p> <p>12 12 _____</p> <p>13 13 _____</p> <p>14 14 Dr. Quentin Van Meter</p> <p>15 15 _____</p> <p>16 16 Sworn to and subscribed</p> <p>17 17 before me this _____ day</p> <p>18 18 of _____, 2023.</p> <p>19 19 _____</p> <p>20 20 _____</p> <p>21 21 Notary Public</p> <p>22 22 _____</p> <p>23 23 My Commission Expires:</p> <p>24 24 _____</p> <p>25 25 _____ (SEAL)</p>	Page 205



AGENCY FOR HEALTH CARE ADMINISTRATION

Agency for Health Care Administration Organizational Chart



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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA

CASE NO. 4:22-cv-00325-RH-MAF

AUGUST DEKKER, et al.,

Plaintiffs,

vs.

JASON WEIDA, et al.,

Defendants

_____ /

Volume 2, Pgs. 125 - 261

VIDEOTAPED DEPOSITION OF: MATTHEW BRACKETT

AT THE INSTANCE OF: THE PLAINTIFFS

DATE: FEBRUARY 8, 2023

TIME: COMMENCED: 1:30 P.M.

LOCATION: AGENCY FOR HEALTH CARE
ADMINISTRATION
2727 MAHAN DRIVE
TALLAHASSEE, FLORIDA 32308

REPORTED BY: DANA W. REEVES
Court Reporter and
Notary Public in and for
State of Florida at Large

Page 126

1 APPEARANCES:
 2 REPRESENTING THE PLAINTIFF:
 3 KATY DeBRIERE, ESQ.
 Florida Health Justice Project
 4 3900 Richmond Street
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 5
 SIMONE CHRISS, ESQ.
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 16
 17 REPRESENTING THE DEFENDANT:
 18 MOHAMMAD O. JAZIL, ESQ.
 19 GARY V. PERKO, ESQ.
 Holtzman, Vogel, Barantorchinsky & Josefiak
 20 119 S. Monroe Street, Suite 500
 Tallahassee, Florida 32301
 21
 22 ALSO PRESENT:
 23 RL Minnich, Videographer
 24
 25

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1 DEPOSITION
 2 Whereupon,
 3 MATTHEW BRACKETT
 4 was called as a witness, having been previously duly
 5 sworn to speak the truth, the whole truth, and nothing
 6 but the truth, was examined and testified as follows:
 7 VIDEOGRAPHER: This is beginning of video
 8 three. The time is 1:30 p.m. We're on the record.
 9 EXAMINATION
 10 BY MS. DEBRIERE::
 11 Q So prior to break, we were talking a little
 12 bit about Dr. Van Mol and Dr. Grossman's involvement in
 13 the 2022 GAPMS. How did AHCA identify them to
 14 participate in the July 8th rule hearing that was
 15 related to?
 16 A So the -- are we talking about the rule
 17 hearing?
 18 Q Yes, related to the June 2022 GAPMS.
 19 A So since we had already been working with them
 20 in relation to the GAPMS project, because Dr. Grossman
 21 is a psychiatrist, and Dr. Van Mol is a family -- family
 22 practice practitioner, that's based on their backgrounds
 23 and their knowledge of the existing evidence, that was
 24 our basis for selecting them to be on the panel for the
 25 July 8th hearing.

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 20 Exhibit 22 Health and Human Services document 253
 21 Exhibit 23 Treatment of gender dysphoria for 253
 children and adolescents
 22
 23 *Uh-uh is a negative response
 *Uh-huh is a positive response
 24
 25

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1 Q And turning back to the individuals who wrote
 2 reports for the June 2022 GAPMS, who made the decision
 3 to contract with them to prepare those reports?
 4 A So after establishing each one, we wanted
 5 to -- their backgrounds and their suitability to provide
 6 reports, that decision was made by, I think, now
 7 Secretary Weida.
 8 Q And who was involved in determining whether
 9 they had the appropriate backgrounds to write the
 10 reports?
 11 A So I think those individuals who were working
 12 with the experts, I think that was, of course, now
 13 Secretary Weida, I think at our time, General Counsel
 14 Josephina Tamayo.
 15 Q Okay. Anybody else?
 16 A I don't --
 17 Q Were you involved?
 18 A I was not.
 19 Q Was Nai Chen involved?
 20 A He was not.
 21 Q Was Dede Pickle involved?
 22 A She was not.
 23 Q Okay. So now Secretary Weida and Josephina
 24 Tamayo were the two people who decided whether the
 25 consultants who read the reports were qualified to do

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1 so?

2 MR. JAZIL: Object to form.

3 THE WITNESS: So are you asking that whether or

4 not those two only assessed their credentials?

5 BY MS. DEBRIERE::

6 Q Yes.

7 A I mean, yeah. I mean, they assessed their

8 credentials and looked at their background and

9 experience and knowledge.

10 Q Were those the only two people that assessed

11 their credentials before deciding whether to engage

12 them?

13 A In regarding the Agency, I mean, the -- Andrew

14 Sheeran may have been involved. So it's possible a

15 couple others with the principal decision to rely on

16 those experts was theirs.

17 Q Okay. And so just to be clear, you were not

18 involved in that decision?

19 A I was not involved in that decision.

20 Q And Nai Chen was not involved in that

21 decision?

22 A That's correct.

23 Q And Dede Pickle was not involved in that

24 decision?

25 A Correct.

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1 Q When making that decision, did AHCA

2 investigate whether any of the consultants had a stance

3 related to the treatment of gender dysphoria?

4 A We, of course, were looking for those that

5 had -- were knowledgeable about the existing literature

6 of gender dysphoria, and those who would, for the

7 supplemental reports, would take an evidence-based

8 approach.

9 Q Did it -- so those were the only two criteria

10 that you used to determine which consultants you would

11 engage with?

12 A Correct.

13 Q And so opposition to gender-affirming care was

14 not a factor in who you chose?

15 A We were specifically looking -- I think we

16 might be talking semantics on what we consider

17 opposition, but we were looking for individuals who were

18 going to make reports and recommendations based on the

19 existing evidence.

20 Q Okay. Was whether the vendor had experienced

21 treating -- I'm sorry. Was whether the consultant had

22 experienced treating gender dysphoria a factor?

23 A Not so much a factor that would outweigh the

24 knowledge of the existing literature and the evidence,

25 since this was going to be a -- the GAPMS process really

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1 takes into account peer-reviewed literature. It takes

2 into account evidence-based clinical guidelines, et

3 cetera, so those are our primary -- our primary factors

4 in evaluating the experts and their ability to

5 contribute to this report.

6 Q Would people who actually provide treatment in

7 gender dysphoria be most familiar with peer-reviewed

8 literature as it relates to their practice?

9 A Well, that is a complicated question. They

10 don't necessarily have to be. It's possible to -- I

11 mean, it is possible -- I mean, it is hypothetically

12 speaking, someone could engage in treatment of these

13 individuals and run and follow anecdotes.

14 Q So it's not important to AHCA that the

15 consultants with whom you engaged had actual experience

16 treating gender dysphoria?

17 A So based on how the GAPMS rule is written, the

18 needs of the report, we really -- the primary ask was

19 for individuals who were steeped in the evidence.

20 Q But didn't necessarily have actual real life

21 experience treating gender dysphoria?

22 A Right, that wasn't a primary consideration.

23 Q Okay. For -- was AHCA aware that all the

24 consultants with which you engaged took a stance to

25 oppose mainstream medical organizations' stance on

Page 133

1 gender-affirming care?

2 MR. JAZIL: Object to form.

3 THE WITNESS: So are you talking about in

4 opposition or in contradiction?

5 BY MS. DEBRIERE::

6 Q Contradiction.

7 A We -- whether contradiction or alignment

8 really was irrelevant, it really was taking a look and

9 making evidence-based conclusions.

10 Q Speaking to Dr. Brignardello-Petersen -- I'm

11 sorry. I'll start here actually. In deciding on

12 whether to use these consultants, was any input provided

13 from the Alliance Defending Freedom?

14 A No.

15 Q What about the Heritage Foundation?

16 A No.

17 Q Liberty Council?

18 A No.

19 Q Society for Evidence-Based Gender Medicine?

20 A We may have gotten Romina's name from that

21 organization.

22 Q Okay. And what about the Family Christian

23 Coalition?

24 A No.

25 Q Did you get anybody else's name from the

Page 210

1 think they do.
 2 Q Okay. Is there any way you can get
 3 confirmation of that answer?
 4 A I mean, we could obviously pull up a copy of
 5 the final order and see if that information is included.
 6 Q If we had a copy of an AHCA final order, would
 7 that be sufficient to determine, and it did not list it,
 8 would that --
 9 A I'll defer to our attorneys, if that's
 10 sufficient.
 11 MR. JAZIL: That'd be sufficient. If you have
 12 one, you can show it to him.
 13 MS. DEBRIERE: Well, we can pull one up, can't
 14 we?
 15 MS. CHRISS: Just one?
 16 MS. DEBRIERE: Yeah. Yeah. Why not. Yeah, as
 17 long as their name's blocked out, which really
 18 shouldn't matter here because we're dealing with an
 19 AHCA employee.
 20 THE WITNESS: Yeah. I mean, I'm cleared to
 21 review PHI and recipient information. It shouldn't
 22 be a problem.
 23 MS. DEBRIERE: Do you want another one? I can
 24 send you another one. Bear with me one second.
 25 I'm going to forward you this email. And

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1 it's -- I can tell you what the name of the
 2 document is. It's the last document, 23. That
 3 should be the last one. Chelsea's copied on that
 4 one, too.
 5 THE WITNESS: Okay.
 6 MS. DEBRIERE: Okay. Okay. So feel free to
 7 just scroll through it and see if you see any
 8 reference -- oh I'm sorry, it isn't a touchscreen?
 9 THE WITNESS: I don't know where the scroll
 10 bar.
 11 MS. CHRISS: It's just -- just use two fingers
 12 and just go like that.
 13 MS. DEBRIERE: Oh, it's a Mac.
 14 MS. CHRISS: I'm sorry.
 15 THE WITNESS: Okay. There it goes. Yeah.
 16 I pads and iPhones I'm good with, Mac's I never got
 17 comfortable with.
 18 MS. DEBRIERE: The next exhibit I'm going to do
 19 is emails related to the policy transmittal and the
 20 policy transmittal itself, if that helps.
 21 MS. DUNN: Yep.
 22 THE WITNESS: So are we talking about the --
 23 that last paragraph on the final page that's, like,
 24 notice of judicial review?
 25 BY MS. DEBRIERE::

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1 Q Yes. So does that relate to the variance
 2 waiver process?
 3 A I mean, it doesn't point out the variance
 4 processes as described in section -- or Chapter 120. I
 5 think that's more if they want to appeal to the next
 6 level -- next court level. I don't think that's in
 7 response to the variance process. That's a different
 8 process.
 9 Q Okay. Thank you. So it does not mention the
 10 variance waiver process --
 11 MR. JAZIL: Would it be possible just to read
 12 off the --
 13 MS. DEBRIERE: Yes, absolutely. So it says at
 14 the bottom: Notice of a right to judicial review.
 15 A party who is adversely affected by this final
 16 order is entitled to judicial review, shall be
 17 instituted by filing the original notice of appeal
 18 with the Agency clerk of AHCA, and a copy along
 19 with the filing fee prescribed by law with the
 20 District Court of Appeal and appellate district
 21 where the Agency maintains its headquarters or
 22 where a party resides. Review proceedings shall be
 23 conducted in accordance with the Florida appellate
 24 rules. The Notice of Appeal must be filed within
 25 30 days at the rendition of the order to be

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1 reviewed.
 2 THE WITNESS: Our various processes doesn't
 3 involve appellate courts, so it would not be an
 4 appellate case, so it's a different affair.
 5 BY MS. DEBRIERE::
 6 Q Thank you. Okay. Did AHCA work with Florida
 7 Medicaid managed care plans to implement the exclusion
 8 set forth in 59G-1.050(7) in any way?
 9 A No. I mean, the publication's in the Florida
 10 Administrative Register, that was to provide ample
 11 notice -- public notice that the rule's changing, the
 12 managed care plans are responsible for keeping up with
 13 changes to manage -- to AHCA's coverage policies and
 14 administrative policies.
 15 Q What about plan transmittal? Are you maybe
 16 forgetting those?
 17 A We do not do a plan transmittal for this. Are
 18 you referring to a policy transmittal?
 19 Q Yes.
 20 A We did not send out a policy transmittal.
 21 Q Okay. Okay. So we have what's marked as
 22 Exhibit 16 and Exhibit 17. Exhibit 16 is some emails
 23 from Dede Pickle to Jason Weida, cc'ing Ann Dalton. And
 24 those are dated August 22, 2022. I believe that's where
 25 they start. Also involved are you, Matt, and Ashley

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1 Peterson. Also, I just want to note that Exhibit 17 is
 2 an SMMC policy transmittal dated August 22nd, 2022.
 3 (Whereupon, Exhibit Nos. 16 - 17 were marked
 4 for identification.)
 5 BY MS. DEBRIERE::
 6 Q Getting back to the list of questions. So did
 7 AHCA not send the plan policy transmittal out, Exhibit
 8 17?
 9 A We did not send them out.
 10 Q Why?
 11 A Pretty much because all it's doing is
 12 reproducing what was already stated in the rule. The
 13 rules -- the rule -- the policy changes already in rule,
 14 that was announced through the FAR. Policy
 15 transmittal's a little superfluous at this point.
 16 Q Why draft an entire plan transmittal and then
 17 not send it out?
 18 A Which this happens frequently. Sometimes we
 19 will draft something and later decide not to -- not to
 20 use it, or not to utilize that content in favor of
 21 different strategy. So, in this case, since the rule --
 22 since the rule change itself was pretty self-explanatory
 23 and pretty direct, just we later deemed wasn't
 24 necessary.
 25 Q Who made the decision not to send out the

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1 policy transmittal?
 2 A I think that would have been -- that would
 3 have been Secretary Weida.
 4 Q Only Secretary Weida? Is it Weida or Weida?
 5 A Weida. I mean, as Assistant Deputy Secretary,
 6 he would be within his purview to decide whether or not
 7 to send something out -- or to send something out, but
 8 given that the rule itself was self-explanatory, and we
 9 just decided that a policy transmittal wasn't necessary.
 10 Q All right. In the email exchanges -- I think
 11 it's on the second page -- oh, and Jason Weida, at this
 12 time that he made this decision, was not the
 13 Secretary -- AHCA's Secretary, correct? At the time
 14 this was sent, Mr. Weida was not the AHCA Secretary,
 15 correct?
 16 A Right, he was Assistant Deputy Secretary for
 17 Policy and Quality.
 18 Q On the last page, it looks like you were the
 19 person who drafted the first policy transmittal, is that
 20 correct?
 21 A Yes. Yeah, I mean, Dede and I, it was a
 22 collaborative effort between the two of us. We were, of
 23 course, working on each other's language.
 24 Q Why did you think Dede -- why did you and Dede
 25 think it was important to draft a policy transmittal?

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1 A We were asked to.
 2 Q By who?
 3 A I think Ann Dalton asked Dede to work on it.
 4 Q Okay. And later -- well, let's look to --
 5 Ashley Peterson says on August 22, 2022 at 10:35 a.m.:
 6 I added one thing to help clarify that these drugs will
 7 still be provided, just not for gender dysphoria.
 8 Please let me know if you think this is unnecessary or
 9 adds confusion.
 10 So at least Ashley thought there was some
 11 clarity that could be provided to plans on the
 12 implementation of the exclusion.
 13 MR. JAZIL: Object to form.
 14 THE WITNESS: Okay. There's several emails.
 15 Which one are you --
 16 BY MS. DEBRIERE::
 17 Q This one is from Ashley to Dede, copying you.
 18 A August 22nd, 11:04 a.m. That's Dede --
 19 Q 10:35 a.m.
 20 A Okay.
 21 Q It's DEF_0002587.
 22 A Okay. I think it was just a minor, minor
 23 technical catch. I mean, when we worked on this, I
 24 mean, we were just fine tuning the drafts.
 25 Q And further up Ann wants to include the 60-day


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1 language in the alert, which has been later included.
 2 What is the 60-day language?
 3 A That would be the bottom paragraph of the
 4 policy transmittal.
 5 Q Okay. And that you're referring to starts
 6 with: To ensure the safe discontinuation of puberty
 7 blockers or hormone and hormone antagonists for the
 8 treatment of gender dysphoria?
 9 A Uh-huh.
 10 Q Then the managed care plan must notify its
 11 subcontractors, providers, enrollees receiving active
 12 treatment and changes in coverage, and they must honor
 13 any current prior authorization of prescribed outpatient
 14 drugs for the treatment of gender dysphoria through 60
 15 days after the date of this policy transmittal. So that
 16 means that under the 60-day rule for continuity of care,
 17 the managed care plans were to continue coverage of the
 18 prescribed outpatient drugs for the treatment of gender
 19 dysphoria, correct?
 20 A Only for those existing prior authorizations
 21 had already been approved.
 22 Q Okay. So that meant that AHCA was -- or that
 23 Florida Medicaid was covering this drugs?
 24 A Yeah, just for the sake of honoring existing
 25 PA's.

<p style="text-align: right;">Page 218</p> <p>1 Q Was it not important that the plans know that 2 they should maintain continuity of care? 3 A It's actually in the contract. I mean, when 4 you refer to continuity of care, can you clarify what 5 you mean by continuity of care? 6 Q In this instance, I'm talking about the 7 continued coverage for 60 days of those prescribed 8 outpatient drugs for the treatment of gender dysphoria. 9 A As far as the continuity of care went, I mean, 10 there -- as far as medically necessary services, 11 enrollees are always going to have access to those. So 12 when it comes to the continuity of care, whether or -- 13 Q They're not going to have access to services 14 that have been previously covered, but now are excluded, 15 correct? 16 A That'd be correct. 17 Q Okay. So the 60-day continuity of care 18 ensures that after that categorical exclusion is 19 adopted, those individuals continue to access that care 20 for 60 days? 21 A This, of course, was a draft. It was never 22 sent out. 23 Q At some point, AHCA thought that the 60-day 24 period of continuity of care should apply in this 25 situation, correct?</p>	<p style="text-align: right;">Page 220</p> <p>1 of course, the notice of the plans that the coverage for 2 these services has to stop. 3 Q Immediately? 4 A Well, I mean, that's based on what the rules 5 say, yeah. 6 Q Okay. So they -- that means that the plans 7 were not to implement this 60-day period of continuity 8 of care as described in this transmittal? 9 A Right, we didn't provide notice of -- them of 10 this. 11 Q Okay. And it was AHCA's position that 12 Medicaid beneficiaries were not entitled to that? 13 A That's correct. 14 Q Okay. You previously noted how people on 15 hormones may go through withdrawal, there was something 16 as part of your 2022 GAPMS request. Why wasn't that 17 important to communicate to the plans? 18 A Well, because withdrawal is not gender 19 dysphoria. It's a different -- that's a different -- 20 it'd be a different diagnosis altogether. 21 Q But in the decision to no longer cover drugs 22 that may cause withdrawal, was it important to 23 communicate to the plans or providers that they may need 24 to help facilitate transition off those drugs that would 25 no longer be covered?</p>
<p style="text-align: right;">Page 219</p> <p>1 A Since this was a draft and it was not -- not 2 officially sent out, this is not -- since it is draft 3 language, it is not an official transmittal, we sent out 4 to the health plan, so this does not formally represent 5 the views of the Agency. This is a -- this is a draft 6 that we created, deliberated upon and decided not to 7 send out. 8 Q Who decided? 9 A That would, of course, been leadership. That 10 would have been -- would have gone to Assistant Deputy 11 Secretary Weida. 12 Q And he was the only one who was involved in 13 that decision, correct? 14 A I mean, since he oversees the bureau policy, 15 that's -- which means policy transmittal, yes, he had -- 16 is within his -- is within his job description and his 17 responsibilities and rights to veto sending out a policy 18 transmittal. 19 Q Okay. Since the policy transmittal was not 20 sent out, then is it AHCA's position that those who had 21 a current prior authorization at the time that 22 categorical exclusion was adopted, was not entitled to 23 the 60-day continuity of care period -- were not 24 entitled? 25 A So once the rule went into effect, that was,</p>	<p style="text-align: right;">Page 221</p> <p>1 A We were leaving that to the health plans to 2 manage independently, as well as the providers of these 3 services. 4 MS. DEBRIERE: Do we have a document titled 5 Florida Medicaid health alert? You just -- under 6 DEF_000258815. I feel like I've had the same Bates 7 stamp number. So we're marking as Exhibit 18, the 8 Florida Medicaid health care alert sign-off form. 9 (Whereupon, Exhibit No. 18 was marked for 10 identification.) 11 THE WITNESS: I'm familiar with that. I 12 drafted it. 13 BY MS. DEBRIERE:: 14 Q That would definitely have been one of my 15 questions. 16 A No, I'm listed on there as the analyst who 17 drafted it. 18 Q And there's Dede and Ann. 19 A Yeah. 20 Q Okay. Did this healthcare alert go out to all 21 providers? 22 A That provider alert did not go out. 23 Q And the provider alert on the back, it lists 24 that same language to ensure the safe discontinuation of 25 puberty blockers or hormones and hormone antagonists for</p>

Page 258


CERTIFICATE OF OATH

1
2
3
4
5 STATE OF FLORIDA)
6 COUNTY OF LEON)
7
8
9 I, the undersigned authority, certify that the
10 above-named witness personally appeared before me and
11 was duly sworn.
12
13 WITNESS my hand and official seal this 21st
14 day of February, 2023.
15
16
17
18


 19 DANA W. REEVES
 20 NOTARY PUBLIC
 21 COMMISSION #GG970595
 22 EXPIRES MARCH 22, 2024
 23
 24
 25

Page 259

CERTIFICATE OF REPORTER

1
2 STATE OF FLORIDA)
3 COUNTY OF LEON)
4
5 I, DANA W. REEVES, Professional Court
6 Reporter, certify that the foregoing proceedings were
7 taken before me at the time and place therein
8 designated; that my shorthand notes were thereafter
9 translated under my supervision; and the foregoing
10 pages, numbered 128 through 257, are a true and correct
11 record of the aforesaid proceedings.
12 I further certify that I am not a relative,
13 employee, attorney or counsel of any of the parties, nor
14 am I a relative or employee of any of the parties'
15 attorney or counsel connected with the action, nor am I
16 financially interested in the action.
17 DATED this 21st day of February, 2023.
18
19


 20 DANA W. REEVES
 21 NOTARY PUBLIC
 22 COMMISSION #GG970595
 23 EXPIRES MARCH 22, 2024
 24
 25

Page 260

1 Gary V. Perko, Esq.
gperko@holtzmanvogel.com
2
3 February 21, 2023
4
5 RE: August Dekker, et al. vs. Jason Weida, et al.
6 February 8, 2023/Matthew Brackett/5696545
7
8 The above-referenced transcript is available for review.
9 The witness should read the testimony to verify its
10 accuracy. If there are any changes, the witness should
11 note those with the reason on the attached Errata Sheet.
12 The witness should, please, date and sign the Errata
13 Sheet and email to the deposing attorney as well as to
14 Veritext at Transcripts-fl@veritext.com and copies will
15 be emailed to all ordering parties. It is suggested
16 that the completed errata be returned 30 days from
17 receipt of testimony, as considered reasonable under
18 Federal rules*, however, there is no Florida statute to
19 this regard. If the witness fail(s) to do so, the
20 transcript may be used as if signed.
21
22 Yours,
23 Veritext Legal Solutions
24 *Federal Civil Procedure Rule 30(e)/Florida Civil
25 Procedure Rule 1.310(e).

Page 261

1 August Dekker, et al. vs. Jason Weida, et al.
2 February 8, 2023/Matthew Brackett
3 E R R A T A S H E E T
4 PAGE____ LINE____ CHANGE_____
5 _____
6 REASON_____
7 PAGE____ LINE____ CHANGE_____
8 _____
9 REASON_____
10 PAGE____ LINE____ CHANGE_____
11 _____
12 REASON_____
13 PAGE____ LINE____ CHANGE_____
14 _____
15 REASON_____
16 PAGE____ LINE____ CHANGE_____
17 _____
18 REASON_____
19 Under penalties of perjury, I declare that I have read
20 the foregoing document and that the facts stated in it
21 are true.
22 _____
23 Matthew Brackett DATE
24
25

From: Andre Van Mol
Sent: Tuesday, June 14, 2022 10:33 AM EDT
To: Jason Weida
Subject: Fwd: Florida item

Hi, Jason.

A friend of mine, a pediatrician in Florida with good knowledge on the subject (see his message below), wishes to testify on behalf of the policy. Do I put him in contact with you, or this Patrick Hunter gentleman who contacted me that he is organizing testimony?

Thanks,
Andre
Sent from my iPhone

Begin forwarded message:

From: Dale Volquartsen <dalevolquartsen@yahoo.com>
Date: June 14, 2022 at 7:02:46 AM PDT
To: Andre Van Mol <95andrev@gmail.com>
Subject: Re: Florida item

Yes, Andre, I am interested in supporting this. I will still need to coordinate with the clinic/work so can't commit at this time but please send my contact to the right people. Will you be in the area long?
Dale

On Sunday, June 12, 2022, 11:49:07 PM CDT, Andre Van Mol <95andrev@gmail.com> wrote:

Hi, Dale.

Andre here. Florida is holding a hearing July 5 in Tallahassee on the proposed Medicaid prohibition on funding gender affirming therapy due to its unproven and experimental nature. I have been working with a team of attorneys at Florida Medicaid for the past several week coming up with the support document for that upcoming policy, start to finish. Copy attached. My name is not on it, but I was one of two consultants on the whole thing. I'll be there July 5 with the Florida Dept of Medicaid to answer issues as they arise, clarify things, counter false narratives, etc.

They are looking for Florida doctors to come briefly testify in favor of the policy. And you know the pro-transitioners will be there en masse. If you think you came come that day, let me know and I'll put you in touch with the right people. Thanks.

Andre

From: Andre Van Mol <95andrev@gmail.com>
Subject: Re: TIME SENSITIVE Re: Florida Contract [Priv/Conf/Atty WP]
Sent: 2022-04-26T03:53:08Z
To: "\"Weida\"", "\" Jason" <Jason.Weida@ahca.myflorida.com>, Andrew.Sheeran@ahca.myflorida.com
[CA SB 923 GENDER-AFFIRMING CARE.Van Mol.docx](#)
[MO HB 2649 SAFE Act.Van Mol.docx](#)

Good evening, Jason and Andrew.

We'll try again tomorrow to connect. My cell is 530-604-9370. My work days are a bit full, but we'll make this work.

Please find attached my latest testimony submitted to my home state of CA opposing the efforts to mandate gender affirming care indoctrination for all medical professionals and insurance sales people. The other is my recent testimony in support of the MO SAFE Act, which I was a consultant for. The two have similarities and difference according to the issues at hand. My point here is that the salient facts can be made reasonably concisely.

Once I know what information you need, I can fairly promptly assemble supporting citations.

Thank you,
Andre

> On Apr 25, 2022, at 8:24 AM, Weida, Jason <Jason.Weida@ahca.myflorida.com> wrote:

>

> Dr. Van Mol,

>

> Do you have time for a brief introductory phone call today or tomorrow?

>

> Thanks,

> Jason

>

>

> Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

> AHCA Bldg 3 Room 2413 - DIVISION OF MEDICAID

> +1 850-412-4118 (Office) - Jason.Weida@ahca.myflorida.com

> <mailto:Jason.Weida@ahca.myflorida.com>

> <<https://apps.ahca.myflorida.com/mpi-complaintform/>>

>

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>

> From: Michelle Cretella <drmcretella@gmail.com>

> Sent: Monday, April 25, 2022 12:32 PM

> To: Collins, Trey <Trey.Collins@ahca.myflorida.com>; Weida, Jason

> <Jason.Weida@ahca.myflorida.com>

> Cc: Andre Van Mol <95andrev@gmail.com>

> Subject: TIME SENSITIVE Re: Florida Contract [Priv/Conf/Atty WP]

>

> Dear Jason and Trey,

> Due to two unforeseen family crises, I must decline serving as a consultant for the State of FL at this

time. My well-credentialed and equally expert in GD colleague, Dr. Andre Van Mol, has agreed to take my place so I am introducing him to you in this email.

>

> Dr. Van Mol is a practicing Family Medicine physician in CA. In addition to being published on matters of medical ethics and childhood GD, he is Chair of the Adolescent Sexuality Committee of the American College of Pediatricians and a spokesperson for the Christian Medical and Dental Associations. He will be an outstanding consultant for your team in terms of provision of and analysis of studies. He has catalogued the literature as long as I have.

> Sincerely,

> Michelle

>

> On Sat, Apr 23, 2022 at 1:33 PM Michelle Cretella <drmcretella@gmail.com

<mailto:drmcretella@gmail.com>> wrote:

> Good morning. Unfortunately, I was not able to get to this until after hours. I have now tried today as well (Saturday). When I enter all info for the "New Vendor Registration" page thru to the end of the Main Contact page and then press "Enter" to save and continue, I get this message:

>

> "We could not complete this action. Please contact the MFMP Help Desk at 866-FLA-EPRO (866-352-3776) for assistance."

>

> I will call the Help Desk at 9am Monday morning to hopefully get this resolved.

> Best,

> Dr. Cretella

>

>

> On Fri, Apr 22, 2022 at 8:36 PM Michelle Cretella <drmcretella@gmail.com

<mailto:drmcretella@gmail.com>> wrote:

> I have tried several times and "step 1" will not save -- a screen pops up saying it can't be done.

> It may just be my exhaustion -- two of my kids are facing significant medical issues as of this week. I will try this again in the morning when I am fresh and if I get the same result, I'll call the helpline.

>

> On Fri, Apr 22, 2022 at 2:33 PM Michelle Cretella <drmcretella@gmail.com

<mailto:drmcretella@gmail.com>> wrote:

> Received. Will work on this today.

>

> On Fri, Apr 22, 2022 at 10:31 AM <drmcretella@gmail.com <mailto:drmcretella@gmail.com>> wrote:

> Wonderful. TY!

>

> Sent from my iPhone

>

>

> On Apr 22, 2022, at 12:16 PM, Collins, Trey <Trey.Collins@ahca.myflorida.com

<mailto:Trey.Collins@ahca.myflorida.com>> wrote:

>

>

> Dr. Cretella,

>

> Attached are two documents that explain the steps you will need to take to begin doing business with the State and to register in MyFloridaMarketPlace (MFMP), which is a statutory requirement.

>

> If you have registration questions, feel free to reach out to the MFMP Customer Service Team at 1-866-352-3776 or vendorhelp@myfloridamarketplace.com <mailto:vendorhelp@myfloridamarketplace.com>. If you are not able to get the assistance that you need from MFMP Customer Service, feel free to reach out to me, and my team will do all that we can to assist.

>

> Thank you,

>
> Trey Collins
> Bureau Chief
> Bureau of Purchasing and Contract Administration
> Agency for Health Care Administration
> 850.412.3896 (office)| Trey.Collins@ahca.myflorida.com <mailto:Trey.Collins@ahca.myflorida.com>
>
> From: Weida, Jason <Jason.Weida@ahca.myflorida.com <mailto:Jason.Weida@ahca.myflorida.com>>
> Sent: Thursday, April 21, 2022 6:13 PM
> To: drmcretella@gmail.com <mailto:drmcretella@gmail.com>
> Cc: Collins, Trey <Trey.Collins@ahca.myflorida.com <mailto:Trey.Collins@ahca.myflorida.com>>;
> Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com
> <mailto:Andrew.Sheeran@ahca.myflorida.com>>
> Subject: Florida Contract [Priv/Conf/Atty WP]
>
> Dr. Cretella,
>
> It was nice speaking with you. As discussed, we would like to retain you, based on your subject-matter
> expertise, to assist the Florida Medicaid program with the evaluation we discussed.
>
> I would like to connect you with my team as early as next week for a preliminary discussion. But we
> need to complete the paperwork first. The first step in this process is getting you registered with Florida's
> vendor system – MyFloridaMarketPlace. To assist you in this process, I am copying our director of
> procurement, Trey Collins. He or someone on his team will reach out to you tomorrow morning to
> facilitate your registration. Please make every effort to complete this process as soon as possible.
>
> Thanks,
> Jason
>
>
> Jason Weida - ADS FOR MEDICAID POLICY & QUALITY
> Bldg 3 Room 2413 - DIVISION OF MEDICAID
> 2727 MAHAN DR., TALLAHASSEE, FL. 32308
> +1 850-412-4118 (Office) - (Fax)
> Jason.Weida@ahca.myflorida.com <mailto:Jason.Weida@ahca.myflorida.com> >
> <https://apps.ahca.myflorida.com/mpi-complaintform/>
> <https://apps.ahca.myflorida.com/mpi-complaintform/>
> <https://apps.ahca.myflorida.com/mpi-complaintform/>
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> delete it immediately. <https://apps.ahca.myflorida.com/mpi-complaintform/>

Good evening, Jason and Andrew.

We'll try again tomorrow to connect. My cell is 530-604-9370. My work days are a bit full, but we'll make this work.

Please find attached my latest testimony submitted to my home state of CA opposing the efforts to mandate gender affirming care indoctrination for all medical professionals and insurance sales people. The other is my recent testimony in support of the MO SAFE Act, which I was a consultant for. The two have similarities and difference according to the issues at hand. My point

here is that the salient facts can be made reasonably concisely.

From: QUENTIN VAN METER
Sent: Monday, May 9, 2022 9:19 PM EDT
To: Jason.Weida@ahca.myflorida.com; jason.weida@ahca.myflorida.com
Subject: my draft declaration
Attachments: Declaration draft Florida.docx

Does this cover some of what you need from me?

Quentin

From: QUENTIN VAN METER
Sent: Saturday, May 14, 2022 11:16 AM EDT
To: jason.weida@ahca.myflorida.com
Subject: new draft version of statement by Van Meter
Attachments: Declaration draft Florida.docx

Jason- attached is a rewritten document. references are not yet supplied, adjusted or cleaned up because I wanted to be sure this is the direction you wanted me to go with the document. Please let me know as soon as possible if this is what you need and if not, what can be improved and once I am sure I have provided such, I will clean up and add the necessary references.

Quentin

From: Weida, Jason
Sent: Tuesday, May 10, 2022 4:29 PM EDT
To: "\\Pickle\\" Devona; "\\Brackett\\" Matt; "\\Chen\\" Nai; Matt.Brackett@ahca.myflorida.com; Devona.Pickle@ahca.myflorida.com; Nai.Chen@ahca.myflorida.com
CC: Sheeran, Andrew
Subject: Fwd: Florida Medicaid Project
Attachments: Florida Medicaid Project Draft 1.docx

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From: G Kevin Donovan <G.Kevin.Donovan@georgetown.edu>
Sent: Tuesday, May 10, 2022 3:59:46 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Cc: Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com>
Subject: Florida Medicaid Project

Dear Jason,

Here is my first draft for the requested consultation. I hope it meets your needs. Please tell me if you would need more, or would like any section expanded. Also distribute it as you see fit, including to any other consultants.

Thanks,

G. Kevin Donovan, MD, MA
Pellegrino Center for Clinical Bioethics
Professor Emeritus, Georgetown University Medical Center
...and gladly would he learn, and gladly teach
Chaucer

From: Weida, Jason
Sent: Wednesday, April 27, 2022 9:42 AM EDT
To: Romina Brignardello Petersen
CC: Sheeran, Andrew
Subject: RE: Academic CV [ATTORNEY WORK PRODUCT]

Time for a quick call today? My direct dial is 850-412-4118. Please call at your convenience.

Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

AHCA Bldg 3 Room 2413 - DIVISION OF MEDICAID
+1 850-412-4118 (Office) - Jason.Weida@ahca.myflorida.com



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From: Romina Brignardello Petersen <rominabp@gmail.com>
Sent: Tuesday, April 26, 2022 12:28 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Cc: Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com>
Subject: Re: Academic CV [ATTORNEY WORK PRODUCT]

Hi Jason,

Just putting this at the top of your inbox

Thanks!

Romina

From: "rominabp@gmail.com" <rominabp@gmail.com>
Date: Monday, April 25, 2022 at 2:48 PM
To: "Weida, Jason" <Jason.Weida@ahca.myflorida.com>
Cc: "Sheeran, Andrew" <Andrew.Sheeran@ahca.myflorida.com>
Subject: Re: Academic CV [ATTORNEY WORK PRODUCT]

Hi Jason,

Just following up on this. Does the second person need to register separately?

Also, after doing the searches and some screening of articles this weekend, I wanted to check with you that it is OK to focus on the major gender-affirming surgeries (phalloplasty, vaginoplasty, chest surgery) and leave out other surgical procedures like surgeries to change the pitch of the voice, hair transplants,

and plastic surgery of the face and hands. Considering the time constraints, it would be very difficult to include those.

Thank you

Romina

From: "Weida, Jason" <Jason.Weida@ahca.myflorida.com>
Date: Friday, April 22, 2022 at 12:49 PM
To: "rominabp@gmail.com" <rominabp@gmail.com>
Cc: "Sheeran, Andrew" <Andrew.Sheeran@ahca.myflorida.com>
Subject: RE: Academic CV [ATTORNEY WORK PRODUCT]

Romina,

I spoke too soon. We may not have to have the second person register separately. Let me double check and get back to you. Either way – it's OK. It's just a matter of whether that second person has to register or not. I'll back with you ASAP.

Jason

Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

AHCA Bldg 3 Room 2413 - DIVISION OF MEDICAID
+1 850-412-4118 (Office) - Jason.Weida@ahca.myflorida.com



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From: Weida, Jason
Sent: Friday, April 22, 2022 12:44 PM
To: Romina Brignardello Petersen <rominabp@gmail.com>
Cc: Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com>
Subject: RE: Academic CV [ATTORNEY WORK PRODUCT]

Hi Romina,

Yes, two people would be fine. Each would need to go through the registration and contracting process. As long as that is OK, the answer is yes! I agree that having the highest methodological standards is important, so I fully support this approach.

Thanks,
Jason

Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

AHCA Bldg 3 Room 2413 - DIVISION OF MEDICAID
+1 850-412-4118 (Office) - Jason.Weida@ahca.myflorida.com



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From: Romina Brignardello Petersen <rominabp@gmail.com>
Sent: Friday, April 22, 2022 12:41 PM
To: Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com>
Cc: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: Re: Academic CV [ATTORNEY WORK PRODUCT]

Thank you for this information, Jason and Andrew

One last question. I am thinking that I would like to approach this report using the highest possible methodological standards. This requires that- even with a pragmatic approach- some of the stages of evidence evaluation are done by 2 independent people. Would it be possible for me to get help from a second person for some specific tasks and include their hourly fees? If not, that is ok too, but it does decrease the trustworthiness of the process and I would acknowledge this explicitly in the report.

Best,

Romina

From: "Sheeran, Andrew" <Andrew.Sheeran@ahca.myflorida.com>
Date: Friday, April 22, 2022 at 10:37 AM
To: "rominabp@gmail.com" <rominabp@gmail.com>
Cc: "Weida, Jason" <Jason.Weida@ahca.myflorida.com>
Subject: RE: Academic CV [ATTORNEY WORK PRODUCT]

On a related point, I noted below that the agency is still exploring the best mechanism for retaining experts. One of the options the agency is looking at is using a purchase order rather than a traditional bilateral contract. This method would require the experts to register as vendors in the MyFloridaMarketplace online system (MFMP).

The current MFMP purchase order Terms and Conditions are attached. These are currently being updated, but the update will only add a few new clauses and will not be a substantial overhaul.

In addition, I have attached a vendor information document that AHCA attaches to purchase orders. This provides helpful links and other information.

Thanks,

Andrew T. Sheeran
Chief Litigation Counsel
Agency for Health Care Administration
Office of the General Counsel
2727 Mahan Drive, Building 3, MS #3
Tallahassee, FL 32308
Telephone: (850) 412-3670
Fax: (850) 922-6484
Email: Andrew.Sheeran@ahca.myflorida.com

From: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Sent: Friday, April 22, 2022 10:15 AM
To: Romina Brignardello Petersen <rominabp@gmail.com>
Cc: Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com>
Subject: RE: Academic CV [ATTORNEY WORK PRODUCT]

Hi Romina,

I can respond to that question. It's up to you to set an hourly rate. For purpose of this project, we'd like to keep each expert below \$35,000 US for budgetary purposes. Happy to discuss in further detail.

Jason

Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

AHCA Bldg 3 Room 2413 - DIVISION OF MEDICAID
+1 850-412-4118 (Office) - Jason.Weida@ahca.myflorida.com



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From: Romina Brignardello Petersen <rominabp@gmail.com>
Sent: Friday, April 22, 2022 9:50 AM
To: Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com>
Cc: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: Re: Academic CV [ATTORNEY WORK PRODUCT]

Thank you for sending this, Andrew

May I ask how much experts are paid? I remember Jason mentioned that there was some sort of regulation around that

Best,

Romina

From: "Sheeran, Andrew" <Andrew.Sheeran@ahca.myflorida.com>
Date: Thursday, April 21, 2022 at 6:05 PM
To: "rominabp@gmail.com" <rominabp@gmail.com>
Cc: "Weida, Jason" <Jason.Weida@ahca.myflorida.com>
Subject: RE: Academic CV [ATTORNEY WORK PRODUCT]

Romina,

It was a pleasure speaking with you this morning. Attached is a sample expert declaration that was used in another case which might serve as a model for reports in our matter.

We are still exploring the best mechanism for retaining experts, but we hope to have either contract or purchase order language for your review in the next few days.

Thanks,

Andrew T. Sheeran
Chief Litigation Counsel
Agency for Health Care Administration
Office of the General Counsel
2727 Mahan Drive, Building 3, MS #3
Tallahassee, FL 32308
Telephone: (850) 412-3670
Fax: (850) 922-6484
Email: Andrew.Sheeran@ahca.myflorida.com

From: Sheeran, Andrew
Sent: Tuesday, April 19, 2022 11:25 AM
To: 'Romina Brignardello Petersen' <rominabp@gmail.com>
Cc: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: RE: Academic CV [ATTORNEY WORK PRODUCT]

Let's do Thursday at 9 AM. I will send a meeting invite.

From: Romina Brignardello Petersen <rominabp@gmail.com>
Sent: Tuesday, April 19, 2022 9:16 AM
To: Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com>
Cc: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: Re: Academic CV [ATTORNEY WORK PRODUCT]

Hi Andrew,

Would Thursday or Friday at 9 am EST work for you?

Thank you,

Romina

From: "Sheeran, Andrew" <Andrew.Sheeran@ahca.myflorida.com>
Date: Monday, April 18, 2022 at 5:12 PM
To: "rominabp@gmail.com" <rominabp@gmail.com>
Cc: "Weida, Jason" <Jason.Weida@ahca.myflorida.com>
Subject: RE: Academic CV [ATTORNEY WORK PRODUCT]

Good afternoon Dr. Brignardello Petersen,

It was a pleasure speaking with you today. I am copying Jason Weida, AHCA's Assistant Deputy Secretary for Medicaid Policy and Quality.

AHCA's rule regarding the determination of generally accepted professional medical standards (GAPMS) is attached.

What is your availability this week for a call with me and Jason to discuss the role you could play in the GAPMS process?

Thanks,

Andrew T. Sheeran
Chief Litigation Counsel
Agency for Health Care Administration
Office of the General Counsel
2727 Mahan Drive, Building 3, MS #3
Tallahassee, FL 32308
Telephone: (850) 412-3670
Fax: (850) 922-6484
Email: Andrew.Sheeran@ahca.myflorida.com

From: Romina Brignardello Petersen <rominabp@gmail.com>
Sent: Monday, April 18, 2022 3:45 PM
To: Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com>
Subject: Academic CV

Hi Andrew,

It was nice meeting you. Thank you for taking the time to provide more details about this.

Please find attached my academic CV. The sections that may be more relevant to you are Degrees, Publications, and Clinical Practice Guidelines

Best,

Romina

From: Weida, Jason
Sent: Tuesday, May 17, 2022 11:48 AM EDT
To: \"Pickle\", \" Devona; \" Brackett\", \" Matt; \" Chen\", \" Nai; Matt.Brackett@ahca.myflorida.com; Devona.Pickle@ahca.myflorida.com; Nai.Chen@ahca.myflorida.com
CC: Sheeran, Andrew
Subject: Fwd: Florida
Attachments: Cantor Report for Florida (final).pdf

Revised and attached.

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From: Dr. James Cantor <jamescantorphd@gmail.com>

Sent: Tuesday, May 17, 2022 11:30:58 AM

To: Weida, Jason <Jason.Weida@ahca.myflorida.com>

Subject: Re: Florida

I apologize in advance, if the attachment doesn't come through!
- James

On Mon, May 16, 2022 at 11:29 PM Dr. James Cantor <jamescantorphd@gmail.com> wrote:
416-831-4541

On Mon, May 16, 2022 at 11:15 PM Weida, Jason <Jason.Weida@ahca.myflorida.com> wrote:
Great, thanks. I'll call you then. Best number?

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From: James Cantor <jamescantorphd@gmail.com>

Sent: Monday, May 16, 2022 10:53:40 PM

To: Weida, Jason <Jason.Weida@ahca.myflorida.com>

Subject: Re: Florida

Yes, I am work?

From: Weida, Jason <Jason.Weida@ahca.myflorida.com>

Date: Monday, May 16, 2022 at 10:48 PM

To: James Cantor <jamescantorphd@gmail.com>

Subject: Re: Florida

Dr Cantor, I just have a couple minor proposed changes. Can we discuss briefly on the phone? Then we can put in final. I'm hoping to have a final version tomorrow (Tuesday).

Thanks!

Jason

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From: James Cantor <jamescantorphd@gmail.com>
Sent: Monday, May 16, 2022 2:13:52 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>; Ashley Hoffman Lukis <ashley.lukis@gray-robinson.com>
Subject: Re: Florida

Whew!

From: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Date: Monday, May 16, 2022 at 2:09 PM
To: Dr. James Cantor <jamescantorphd@gmail.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>, Ashley Hoffman Lukis <ashley.lukis@gray-robinson.com>
Subject: RE: Florida

Received. Thank you!

Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

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agent, the
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distribution or
copying of this
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prohibited. If
you have
received this
in error,
please reply
to the sender
and delete it
immediately.

From: Dr. James Cantor <jamescantorphd@gmail.com>
Sent: Monday, May 16, 2022 1:44 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>; Ashley Hoffman Lukis
<ashley.lukis@gray-robinson.com>
Subject: Re: Florida

I'm now by passing Outlook altogether and sending this from gmail directly. Any success?

On Mon, May 16, 2022 at 1:40 PM Weida, Jason
<Jason.Weida@ahca.myflorida.com> wrote:

I don't see an attachment on this email either, sadly.

Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

AHCA Bldg 3 Room 2413 - DIVISION OF MEDICAID
+1 850-412-4118 (Office) - Jason.Weida@ahca.myflorida.com

-

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-

From: James Cantor <jamescantorphd@gmail.com>
Sent: Monday, May 16, 2022 1:40 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>; Ashley Hoffman Lukis <ashley.lukis@gray-robinson.com>
Subject: Re: Florida

-

Sorry: Microsoft has recently decided not to send everything I tell it to...And it only took a month for me to realize I wasn't the one making the mistake.

-

Let me know if this one doesn't work...

-

- James

-

-

From: James Cantor <jamescantorpd@gmail.com>
Date: Monday, May 16, 2022 at 1:36 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>
Subject: Re: Florida

Hi, Jason.

-

Attached is my report and its 3 appendices. Let me know if anything doesn't come through!

-

- James Cantor

-

-

-

From: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Date: Thursday, May 12, 2022 at 10:42 AM
To: James Cantor <jamescantorpd@gmail.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>
Subject: RE: Florida

Excellent. DD will coordinate a date/time and send you a link. Let's shoot for Tuesday, if possible. Thanks all.

-

-
[Jason Weida - ADS FOR MEDICAID POLICY & QUALITY](#)

[AHCA Bldg 3 Room 2413 - DIVISION OF MEDICAID](#)
[+1 850-412-4118 \(Office\) - Jason.Weida@ahca.myflorida.com](#)

-
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[From: James Cantor <jamescantorphd@gmail.com>](#)
[Sent: Thursday, May 12, 2022 10:41 AM](#)
[To: Weida, Jason <Jason.Weida@ahca.myflorida.com>](#)
[Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>](#)
[Subject: Re: Florida](#)

-
Yes, I'm happy to.

From: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Date: Thursday, May 12, 2022 at 10:37 AM
To: James Cantor <jamescantorphd@gmail.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>
Subject: Florida

Hi Dr. Cantor,

-
Quick question for you. Once you are done with the heavy lifting on your report, would you be amenable to doing a short (2-3 minute) recording where you introduce yourself and provide a summary of your opinions? The recording would be posted on the Agency's website along with a copy of the Agency's GAPMS report and other resources on this topic. If you are amenable to that, we can schedule a Teams meeting where someone from our tech team will record you (no camera crews or anything like that). Please let me know your thoughts when you have time.

-
Thanks!

-
Jason

Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

Bldg 3 Room 2413 - DIVISION OF MEDICAID
2727 MAHAN DR., TALLAHASSEE, FL. 32308
+1 850-412-4118 (Office) - (Fax)
Jason.Weida@ahca.myflorida.com

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and delete it
immediately.

-

From: Weida, Jason
Sent: Monday, May 16, 2022 11:25 PM EDT
To: \"Pickle\" Devona; \"Brackett\" Matt; \"Chen\" Nai; Matt.Brackett@ahca.myflorida.com; Devona.Pickle@ahca.myflorida.com; Nai.Chen@ahca.myflorida.com
CC: Sheeran, Andrew
Subject: Fwd: Lappert Expert Report Initial Draft
Attachments: FloridaDraft2.0.docx

Get [Outlook for iOS](#)

From: patrick Lappert <patrick@lappertplasticsurgery.com>
Sent: Monday, May 16, 2022 11:23:32 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: Fwd: Lappert Expert Report Initial Draft

----- Original Message -----

From: patrick Lappert <patrick@lappertplasticsurgery.com>
To: "Jason Weida, JD" <jason.weida@ahca.myflorida.com>
Date: May 13, 2022 10:17 PM
Subject: Lappert Expert Report Initial Draft

Jason,

Sorry this is going out late in the day. It has been a frenzied two weeks.

I have attached the initial draft so that your team can have a crack at it. I have the citations, and will supplement those as you see the need.

Best,

Patrick W. Lappert, MD

Lappert Skin Care

2941 Point Mallard Parkway, Suite-G

Decatur, AL 35603

Patrick W. Lappert, MD

Lappert Skin Care

2941 Point Mallard Parkway, Suite-G

Decatur, AL 35603

iMessage

Tue, Apr 26, 5:16 PM

Free now

Sun, May 1, 4:31 PM

Happy weekend, Jason. I sent you the requested document earlier today. See you on Friday.
Andre

Text Message

Fri, May 6, 9:01 AM

Financing the movement and its tactics:

- Jennifer Bilek, *The Billionaires Behind the LGBT Movement*, [firththings.com](https://www.firstthings.com/web-exclusives/2020/01/the-billionaires-behind-the-lgbt-movement), Jan. 21, 2020. <https://www.firstthings.com/web-exclusives/2020/01/the-billionaires-behind-the-lgbt-movement>
- Jennifer Bilek, "Who Are the Rich, White Men Institutionalizing Transgender Ideology?" *the federalist.com*, Feb. 20, 2018. <https://thefederalist.com/2018/02/20/rich-white-men-institutionalizing-transgender-ideology/>
- James Kirkup details a handbook attributed to the Dentons law firm, Thomas Reuters Foundation, and the International Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Youth & Student Organisation (IGLYO), outlining the tactics by which trans lobbies influenced public bodies, politicians, officials, education and even police forces so fast and well. "The document that reveals the remarkable tactics of trans lobbyists," [blogs.spectator.co.uk](https://blogs.spectator.co.uk/2019/12/the-document-that-reveals-the-remarkable-tactics-of-trans-lobbyists/), 2 Dec 2019. <https://blogs.spectator.co.uk/2019/12/the-document-that-reveals-the-remarkable-tactics-of-trans-lobbyists/>. The Dentons.Reuters.IGLYO document: https://www.iglyo.com/wp-content/uploads/2019/11/IGLYO_v3-1.pdf



Not Delivered

iMessage

Jason, I sent that only to you to minimize scatter risk. If you prefer it be sent by e-mail, I'll do that on request. And thanks for allowing me to help Florida with this effort. Good time with you all today.

Got it. Thank you!

Great talk. Thanks again for your time and help.

Glad to help. Thanks.

Sat, May 21, 10:40 AM

Ohio House Families, Aging and Human Services Committee - 5-19-2022 | Ohio House of Representatives

ohiohouse.gov



My testimony starts at 3:52:14 and goes to 4:24:07 due to all the Q&A time.

Thanks!

Really good witnesses before and after, I'm just leading you to mine. Other witnesses: a minor burned by GAT, lesbian-identified mom who lost her child for refusing GAT for her, trans-ident'd adults who concur this is not for kids, leaders of parent group of those whose kids got railroaded into GAT, retired endocrinologist who was top of the GLBT list for docs in his part of Ohio who quit doing GAT at all due to obvious harms and no helps of underlying problems, Matt Sharp of ADF, and me. I had had it with Rep. Dr. Lifton's boloney activist ad hominem, gaslighting and jamming tactics of the witnesses (along with another rep who tried it too but in a more silly manner), so when she offered the first question and with the usual crap, I let her have it, then told the committee what I really thought.

When you have time, would you help us find some folks that are Florida based? Looking for similar folks — people who regret GAT, docs who don't do it anymore, etc.... I'm just not sure how to begin finding this propel in Florida.

Those people*

Any assistance would be appreciated. And you can bill for your time, as you have been.

I think I might know someone who can help. I'll check it out. Also, I sent a prelim on charges to you, just asking if I did it right and need to know to whom to submit them, unless you

right and need to know to whom to submit them, unless you agree with the charges and can pass them along. Thirdly, my updated Microsoft suite seems to have been corrupted by the North Koreans or something and won't let me save or alter docs, so I'm having fun with that. We'll get there.

Sat, May 21, 6:57 PM

OK, that was a fail. They sent me the names of the doctors you already know. I'll check some more.

OK, more info maybe coming Monday.

Tue, Jun 7, 10:49 AM

DD is going to email you to schedule a call for Friday.

Ok

I wanted to plant a seed in your brain. We may be having a rule hearing in Tallahassee on Tuesday, July 5. I'd ask you to think about possibly coming to that. We can talk about it on Friday, but I just wanted you to think about it. Obviously we would pay for your time and travel expenses.

Noted.

Fri, Jun 10, 7:02 AM

Paul. (314) 566-3467

Thanks

Tue, Jun 14, 7:40 AM

Let's discuss your email over the phone. Please call whenever you have time. Thanks.

Thu, Jun 16, 12:48 PM

Hearing is set for Friday July 8 from 3:00 to 5:00 PM.

I will ask DD to reach out to you regarding logistics

Ok

Tue, Jun 28, 11:30 AM

Greetings, mighty Jason. Will there be somebody from the department contacting me about travel and lodging arrangements in the near future ? FYI, I live in Redding California, local airport served by United and Alaska air. United gives access to San Francisco and LAX, so hopeful that makes connections easy.

Sat, Jul 9, 3:52 PM

Hi, Jason. Happy vacation. I have some thoughts in follow up and future prep regarding eventualities. Should I make this an e-mail labelled privileged and confidential for you to distribute or is phone better ? If phone, it can surely wait for your return to work. Andre

Hi Andre, yes let's do over the phone. Just me and you ? Or should we included anyone else from the team ?

Next week would be better if that's ok

Outstanding. Enjoy your vacation and we'll talk to you the week after.
Stay clear of the hazardous marine life. :-)

Haha. I'll try.

Thanks again for making the trek out. Appreciate all of your efforts.

Pleased to be a part.

Tue, Jul 19, 6:20 PM

Hi, Jason. Andre here. Regarding the email, do you prefer comments on a separate document, or tagged in comments on the one you sent ? I imagine the separate document is messier but that a tagged PDF might be easier to use ? Or not ? My first comment is over a page long.

Wed, Jul 20, 5:39 AM

Sorry for delay

Whatever is easiest for you

Separate document. 11 pages. It's in your email. :-)

Awesome

Thanks so much!

Thu, Jul 28, 8:36 AM

J-man, might you send me the link the public can use to access the GAPMS report? Looking forward to the same for the rule when available. I have lectures to update and be given in the US and abroad in the coming few months and blogs to write. 😊 Many thanks. Andre

Thu, Aug 25, 3:16 PM

Jason, Andre here. Regarding the AAP's letter criticizing the GAPMS report, that is available to the public on the Florida Medicaid website, isn't it?

Yale is public

Not sure about aap

Will check with team in AM

Thanks

Need me to send it to someone? We could probably do that. But let's discuss over the phone tomorrow.

No, with the AAP busily hanging themselves in Wall Street Journal, ACPeds and some others would like to have the link to the AAP Florida Medicaid protest letter to go along with links they have to the AAP policy in press releases they are making.

Fri, Aug 26, 8:24 AM

Good morning, Jason. Would we have any word yet on whether or not the AAP letter to Florida Medicaid is fair game and available for electronic forwarding?

Thanks,
Andre

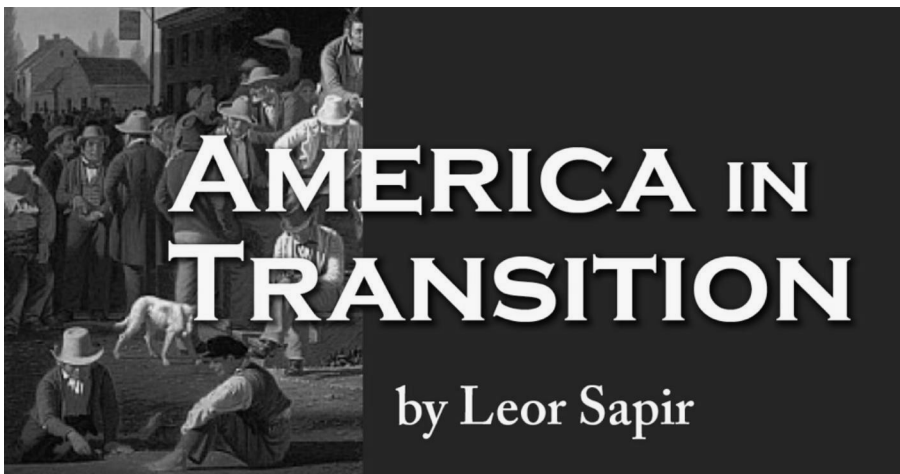
Fri, Aug 26, 12:31 PM

Jason, don't worry about the press release. It is going out now and says nothing about Florida. Do however be concerned about WSJ submissions. That is what we intend. Thanks.

Just tried you

Sat, Aug 27, 10:54 AM

And here is a piece from Dr. Sapir, the co-author of the WSJ piece slamming the Amer Acad of Peds about a week ago. It nicely explains a lot about why Northern Europe is leading the charge against gender alteration interventions ("GAT" (t for therapy), or my preference of TAT, as it affirms transition and not gender) while the USA flounders politically on it. The hole in the argument is that Canada is parliamentary too, and it looks worse than the USA on this issue, not better. Overall, great article.



Trans Extremism and the Weak American State
genspect.org

Wed, Sep 7, 3:53 PM

Understood

Sun, Sep 11, 12:50 PM

Happy Sunday, Jason. I am preparing a set of lectures I will be giving in a European nation next month. One of the topics is international movement on the subject at hand. Is

Time for a call to discuss ?

Yes

Mon, Sep 12, 12:24 PM

Have not succeeded in carving out the time to call you today. Will try again tomorrow.

Wed, Sep 14, 8:57 AM

That much mention of my other qualifications.



Lawsuit Suggests Zealotry Disguised as Medicine Led to Denial of Medicaid Coverage for Trans Treatments
miaminewtimes.com

Mon, Oct 31, 6:50 PM

It's yours now.

OK,. Tomorrow.

Sun, Nov 6, 2:22 PM

Happy Sunday Jason Just messaging to say I am making

Happy Sunday Jason. Just messaging to say I am making word of Florida Medicaid and board of medicine victories in my lectures, a big international one recently in Budapest, and soon, if I understand this correctly, before the European Parliament in December. Again, it's a downer to not have testified for the board of medicine, but I think it was very wise of you and therefore the board to have taken my advice that you wanted to have specialists doing the testifying rather than a family physician. It worked out very well and continues to. Being part of the team pushing forward with the right cause is what counts, not polishing my ego. :). Glad to play my part.

Fri, Jan 27, 11:03 AM



Pediatric Group Ordered To Provide Florida Docs On Why It Supports Sex Changes For Kids

[dailycaller.com](https://www.dailycaller.com)

In a related story: Florida runs up tab in Medicaid transgender case - CBS Miami ([cbsnews.com](https://www.cbsnews.com/miami/news/florida-runs-up-tab-in-medicaid-transgender-case/))
<https://www.cbsnews.com/miami/news/florida-runs-up-tab-in-medicaid-transgender-case/>

Delivered

From: Weida, Jason
Subject: RE: Followup thoughts
To: Ema Syrulnik
Cc: Sheeran, Andrew
Sent: June 29, 2022 3:40 PM (UTC-04:00)
Attached: Attachments Double.pdf

Ema,

So sorry for the delay. Please see attached. Andrew is out sadly but if you have time to connect still, that would be great. Anything work tomorrow, Friday, or Tuesday?

Thanks,
Jason

From: Ema Syrulnik <emasyrulnik@gmail.com>
Sent: Sunday, June 26, 2022 11:16 AM
To: Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com>
Cc: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: Re: Followup thoughts

Andrew, Jason, do you have a copy of the FL expert reports in the PDF format that is readable? The PDFs available on the website appears to have a version that treats it as an image, making it unsearchable if you are looking for a word or phrase. If this is the form you got it from Romina in, it would be great to ask her to resend in the "regular" PDF format.

Please let me know if you'd still like to meet.

E

On Tue, Jun 14, 2022 at 6:36 AM Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com> wrote:

Hi Ema,

How about Wednesday at 2 PM (EST)?

Andrew T. Sheeran
Acting Deputy General Counsel
Chief Litigation Counsel
Agency for Health Care Administration
Office of the General Counsel
2727 Mahan Drive, Building 3, MS #3
Tallahassee, FL 32308
Telephone: (850) 412-3670
Fax: (850) 922-6484
Email: Andrew.Sheeran@ahca.myflorida.com

From: Ema Syrulnik <emasyrulnik@gmail.com>
Sent: Monday, June 13, 2022 11:25 AM
To: Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com>
Cc: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: Re: Followup thoughts

Would be happy to discuss. I have availability on W, Thursday, Friday: what works for you?

E

On Mon, Jun 13, 2022 at 3:35 PM Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com> wrote:

Hi Ema,

You may be aware that the Agency published its [report](#) on June 2. We would like to get your thoughts on next steps. Do you have any availability over the next few days to discuss?

Thanks,

Andrew T. Sheeran
Acting Deputy General Counsel
Chief Litigation Counsel
Agency for Health Care Administration
Office of the General Counsel
2727 Mahan Drive, Building 3, MS #3
Tallahassee, FL 32308
Telephone: (850) 412-3670
Fax: (850) 922-6484
Email: Andrew.Sheeran@ahca.myflorida.com

From: Google Calendar <calendar-notification@google.com> **On Behalf Of** emasyrulnik@gmail.com

Sent: Tuesday, May 17, 2022 10:57 PM

To: Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com>; Weida, Jason

<Jason.Weida@ahca.myflorida.com>; zhenyapdx@gmail.com; malone.will@gmail.com; emasyrulnik@gmail.com

Subject: Followup thoughts

Congratulations again on taking a though and well-reasoned approach. I wanted to run one more thought by you. As this decision comes under attack, please consider this:

To date, activists insisted on "eminence-based medicine", as in "AMA, AAP, APA, etc recommend this intervention. What you are doing is reminding everyone that rather than practicing "eminence-based medicine," one should strive to practice "evidence-based medicine".

This distinction may help lay people understand that FL is not going "rogue" - rather, relying on "eminence" over "evidence" is the rogue move.

This blog by Cochrane (the gold standard in evidence evaluation in the world) may provide some helpful language for your PR departments, as you need to anticipate the critique that you are going "rogue".

<https://s4be.cochrane.org/blog/2016/01/12/eminence-based-medicine-vs-evidence-based-medicine/#:~:text=What%20is%20eminence%2Dbased%20medicine.appraisal%20of%20scientific%20evidence%20available.>

RE: Introductions. <https://zoom.us/j/7237728939>

When Tue May 17, 2022 10am – 11am Pacific Time - Los Angeles

Where <https://zoom.us/j/7237728939> (map)

Who

- emasyrulnik@gmail.com - organizer
- andrew.sheeran@ahca.myflorida.com
- jason.weida@ahca.myflorida.com
- zhenyapdx@gmail.com

Hi Ema,

How about Tuesday, May 17 at 1 PM (EST)? (Sorry, I can't remember which time zone you are in)

Andrew T. Sheeran

Chief Litigation Counsel

Agency for Health Care Administration
Office of the General Counsel
2727 Mahan Drive, Building 3, MS #3
Tallahassee, FL 32308
Telephone: (850) 412-3670
Fax: (850) 922-6484

Email: Andrew.Sheeran@ahca.myflorida.com

From: Ema Syrulnik
Sent: Friday, May 13, 2022 12:15 AM
To: Sheeran, Andrew
Cc: Weida, Jason
Subject: Re: Introductions

Hi Andrew, sure thing.

I have time Friday and early next week. Please suggest a time that works for you.

ema

On Thu, May 12, 2022 at 8:55 AM Sheeran, Andrew wrote:

Hi...

From: Weida, Jason
Sent: Friday, May 6, 2022 12:15 PM EDT
To: \"Pickle\" Devona; \"Brackett\" Matt; \"Chen\" Nai; Matt.Brackett@ahca.myflorida.com; Devona.Pickle@ahca.myflorida.com; Nai.Chen@ahca.myflorida.com
CC: Sheeran, Andrew
Subject: FW: Pharma info

Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

AHCA Bldg 3 Room 2413 - DIVISION OF MEDICAID
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From: Andre Van Mol <95andrev@gmail.com>
Sent: Friday, May 6, 2022 12:07 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: Pharma info

Hi, Jason.

Thanks for allowing me to help with this project. I enjoyed our team time this morning. Here are the articles I spoke of today.

Financing the movement and its tactics:

- Jennifer Bilek, **The Billionaires Behind the LGBT Movement**, [firthings.com](https://www.firthings.com), Jan. 21, 2020. <https://www.firthings.com/web-exclusives/2020/01/the-billionaires-behind-the-lgbt-movement>
- Jennifer Bilek, **“Who Are the Rich, White Men Institutionalizing Transgender Ideology?”** the [federalist.com](https://thefederalist.com), Feb. 20, 2018. <https://thefederalist.com/2018/02/20/rich-white-men-institutionalizing-transgender-ideology/>
- **James Kirkup** details a **handbook** attributed to the **Dentons law firm**, **Thomas Reuters Foundation**, and the International Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Youth & Student Organisation (**IGLYO**), outlining the tactics by which trans lobbies influenced public bodies, politicians, officials, education and even police forces so fast and well. “The document that reveals the remarkable tactics of trans lobbyists,” blogs.spectator.co.uk, 2 Dec 2019. <https://blogs.spectator.co.uk/2019/12/the-document-that-reveals-the-remarkable-tactics-of-trans-lobbyists/> **The Dentons.Reuters.IGLYO document:** https://www.iglyo.com/wp-content/uploads/2019/11/IGLYO_v3-1.pdf

Andre

Re: Report

miriam grossman <[REDACTED]>

Thu 5/12/2022 12:40 PM

To: Weida, Jason <Jason.Weida@ahca.myflorida.com>

Ok sounds good see you tomorrow.

Sent from my iPad

> On May 12, 2022, at 12:35 PM, Weida, Jason <Jason.Weida@ahca.myflorida.com> wrote:

>

> Hi Dr. Grossman,

>

> I did not have anything particular in mind, other than your thoughts for how we might interpret the report in the broader context of our own report. Perhaps, on Friday, we might talk about some basic take aways from the report. One topic might be the ramifications of covering/encouraging such treatments based on the findings in the report regarding the quality of the evidence relied upon for such treatments.

>

> Also, for Friday, if there is anything else you think we should learn or be aware of, we would be happy to listen to what you have to say.

>

> Happy to discuss if you have any additional questions.

>

> Jason

>

>

>

> Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

>

> AHCA Bldg 3 Room 2413 - DIVISION OF MEDICAID

> +1 850-412-4118 (Office) -

> Jason.Weida@ahca.myflorida.com

>

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> -----Original Message-----

> From: miriam grossman <[REDACTED]>

> Sent: Thursday, May 12, 2022 12:29 PM

> To: Weida, Jason <Jason.Weida@ahca.myflorida.com>

> Subject: Report

>

> Hi Jason,

> I got the report from the two doctors. Please let me know what you'd like exactly. I am a clinician not a

GROSSMAN0064

researcher or epidemiologist, so have little expertise in analyzing studies as they do. In fact if anything I am weaker in those areas and depend on experts like them. What are your specific questions about this report for me?

>

> Thanks

> Miriam

> Sent from my iPad

From: Pickle, Devona
Sent: Tuesday, May 10, 2022 1:21 PM EDT
To: miriam grossman
CC: Weida, Jason
Subject: RE: Canceling today's lecture

Hi, Dr. Grossman,

I mailed the first document on Friday, so I expect it should reach your P.O. box by today. I mailed the second document today, so I expect it should reach your P.O. box by Thursday or Friday. Both were sent USPS.

D.D. Pickle
(office) 850-412-4646

From: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Sent: Tuesday, May 10, 2022 1:09 PM
To: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>
Cc: miriam grossman <miriamgrossmanmd@hotmail.com>
Subject: FW: Canceling today's lecture

DD,

Can you please let Dr. Grossman know. Thanks.

Jason

Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

AHCA Bldg 3 Room 2413 - DIVISION OF MEDICAID
+1 850-412-4118 (Office) - Jason.Weida@ahca.myflorida.com



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From: miriam grossman <miriamgrossmanmd@hotmail.com>
Sent: Tuesday, May 10, 2022 1:02 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: Re: Canceling today's lecture

Jason, how were the documents sent? Do you think they've arrived already? If so I will check my PO Box.

Sent from my iPad

On May 10, 2022, at 11:31 AM, Weida, Jason <Jason.Weida@ahca.myflorida.com> wrote:

Hi Dr. Grossman,

Sounds good. I think the debate over informed consent is important, but I would prefer to focus our next session on (1) your thoughts on the materials we sent you, and (2) treatment options that you believe are appropriate. Does that work for you?

Thanks,
Jason

Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

AHCA Bldg 3 Room 2413 - DIVISION OF MEDICAID
+1 850-412-4118 (Office) - Jason.Weida@ahca.myflorida.com



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From: miriam grossman <miriamgrossmanmd@hotmail.com>
Sent: Tuesday, May 10, 2022 12:26 AM
To: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>
Cc: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: Canceling today's lecture

Hi Jason and Devona,

This is to let you know I must cancel today's lecture. I apologize for the inconvenience. I will see you Friday at noon. Jason, does the debate over informed consent for transgender medical interventions interest you?

Devona, thanks for the info about my registration, I will call you to clarify some things.

Miriam Grossman

Sent from my iPad

On May 9, 2022, at 1:25 PM, Pickle, Devona <Devona.Pickle@ahca.myflorida.com> wrote:

Hi, Dr. Grossman,

In entering your contract into our system, I found that you have two registrations (SHUKTAN and Miriam Grossman) for MyFloridaMarketPlace. You will need to complete one of them in order for us to process your contract. Luckily it is the same solution to resolve either registration: submit your W-9. You can submit your W-9 at <https://flvendor.myfloridacfo.com/>

For Corporations

For **SHUKTAN**, you will need to submit an Federal Employer Identification Number (FEIN). You must use a Federal Employer Identification Number (FEIN). If you do not have an FEIN, you can apply online at <https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online?msclkid=a41376accfb611ecb0cfaa347971d8fa>.

For Sole Practitioners

For **Miriam Grossman**, you will need to submit your social security number or an FEIN. If you do not want to use your social security number but do not have an FEIN, you can apply online at <https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online?msclkid=a41376accfb611ecb0cfaa347971d8fa>.

Please let me know if I can be of further help.

D.D. Pickle, Program Director
Canadian Prescription Drug Importation Program
Agency for Health Care Administration
Office - **850-412-4646**
Medicaid Helpline - **1-877-254-1055**

From: Andre Van Mol
Subject: Re: Yale (Privileged & Confidential)
To: Weida Jason
Cc: Van Meter Quentin
Sent: July 20, 2022 12:52 AM (UTC-04:00)
Attached: Levine2021_ReflectionsOnTheClinicianSRole copy.pdf, 2022.02.23 Levine W. Va. Expert Report.pdf

Jason,

Additionally, if your team has not seen these two items, they are fairly top shelf, both from Prof. Stephen Levine, one a peer-review commentary and the other a district court expert testimony. ADF rates the court one better than Cantor's (the GAPMS attachment of his came largely from his testimony in an ADF team court case).

From: Peterson, Ashley
Sent: Thursday, April 28, 2022 4:01 PM EDT
To: "\\Weida\\"; Jason; Jason.Weida@ahca.myflorida.com
CC: Dalton, Ann
Subject: DUR/PT

Jason, due to the recent inquiries regarding gender dysphoria I ask if you could please attend our DUR Board meeting to field any questions. Kim Kellum is routinely invited to this meeting but is not always able to attend. Please let me know if you'd like to discuss.

Ashley Peterson - AGENCY FOR HEALTH CARE ADMINISTRATOR-SES



Bldg 3 Room 2314B - BUREAU OF MEDICAID POLICY
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+1 850-412-4235 (Office) - (Fax)
Ashley.Peterson@ahca.myflorida.com



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From: Weida, Jason
Sent: Friday, April 29, 2022 12:59 PM EDT
To: \"\"Peterson\"\"; \"\" Ashley; Ashley.Peterson@ahca.myflorida.com
Subject: RE: Gender Dysphoria
Attachments: image001.png

Ashley, please have Susan or Kelly provide the below response to Dr. Smith:

Dr. Smith,

The Agency is evaluating how the new official guidance issued by the Florida Department of health affects our program and will get back to you with any updates.

[Susan/Kelly]

Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

AHCA Bldg 3 Room 2413 - DIVISION OF MEDICAID
+1 850-412-4118 (Office) - Jason.Weida@ahca.myflorida.com



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From: Peterson, Ashley <Ashley.Peterson@ahca.myflorida.com>
Sent: Thursday, April 28, 2022 8:06 AM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Cc: Dalton, Ann <Ann.Dalton@ahca.myflorida.com>
Subject: FW: Gender Dysphoria

Hi Jason, this a committee member of our Pharmaceutical and Therapeutics committee.

AP

From: Smith, Deborah A <deborah_a_smith@uhc.com>
Sent: Wednesday, April 27, 2022 5:30 PM
To: Williams, Susan C. <Susan.Williams@ahca.myflorida.com>; Rubin, Kelly <Kelly.Rubin@ahca.myflorida.com>
Subject: Gender Dysphoria

Good Evening,

Is the Agency providing an update on recommendation for gender dysphoria?

Deborah A. Smith, PharmD, FAPP, CPh
Director of Pharmacy- FL

UnitedHealthcare
Government Pharmacy Programs
O: 763-283-2864 | C: 813-576-9554



Inspire Participant

Center for Clinician Advancement

[Center for Clinician Advancement](#)

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From: Peterson, Ashley
Sent: Friday, June 3, 2022 12:50 PM EDT
To: "\\Weida\\"; Jason; Jason.Weida@ahca.myflorida.com
CC: Dalton, Ann
Subject: Materials
Attachments: Gender Dysphoria Prescribed Therapies.pdf

These are being printed for in person attendees at 1PM.

Ashley Peterson - AGENCY FOR HEALTH CARE ADMINISTRATOR-SES



Bldg 3 Room 2314B - BUREAU OF MEDICAID POLICY
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GD DRUG CLASS	TRANSITION STATUS	PREFERRED DRUG STATUS	DRUG	ROUT OF ADMINISTRATION	COMMENTS	MECHANISM OF ACTION
ESTROGENS	MTF	GENERIC PREFERRED FOR BOTH SEXES	ESTRADIOL	ORAL TRANSDERMAL	MIN AGE 12	Increases estrogen and progesterone in the body, leading to feminization of the patient while also reducing some testosterone in the body.
			ESTRADIOL VALERATE	SUBCUTANEOUS INTRAMUSCULAR		
			PROGESTERONE	ORAL		
			MEDROXYPROGESTERONE	TRANSDERMAL		
GONADOTROPIN RELEASING HORMONE (GnRH) AGONIST	MTF	AUTO-PA - LOOKS FOR VARIOUS DIAGNOSIS. GENDER DYSPHORIA IS NOT A DIAGNOSIS AND CLAIM WILL DENY. DOCTOR WILL HAVE TO USE OFF-LABEL CRITERIA AND PROVIDE DOCUMENTATION.	LEUPROLIDE	INTRAMUSCULAR	MIN AGE 18	Reduces testosterone release – slows puberty and visible secondary sex characteristics such as enlarged breasts and widened hips of females, facial hair and Adam's apples on males, and pubic hair on both.
			LUPRON	INTRAMUSCULAR	MIN AGE 18	
			LUPRON DEPOT	INTRAMUSCULAR	MIN AGE 18	
			LUPANETA PACK	INTRAMUSCULAR	MIN AGE 18	
			TRIPTODUR	INJECTABLE	MIN AGE 2 YEARS MAX AGE 12 YEARS	
			ZOLADEX	IMPLANT	MIN AGE 18	
			VIADUR	IMPLANT	MIN AGE 18	
SYNAREL	NASAL SPRAY					
ANTIHYPERTENSIVE	MTF	GENERIC PREFERRED FOR BOTH SEXES	SPIRONOLACTONE	ORAL		Directly inhibits testosterone secretion and androgen binding to the androgen receptor
5-ALPHA REDUCTASE INHIBITOR	MTF	GENERIC PREFERRED FOR BOTH SEXES	FINASTERIDE	ORAL		Blocks the conversion of testosterone to its active agent which affects scalp hair loss and body hair growth.
TESTOSTERONES	FTM	THE ONLY TESTOSTERONES THAT CAN BE RECEIVED WITHOUT A PA ARE INJECTABLES. THE REMAINING PRODUCTS REQUIRE A CLINICAL PA WITH A REQUIREMENT OF MALE AND DIAGNOSIS OF PRIMARY OR SECONDARY HYPOGONADISM AND THE PATIENT DOES NOT HAVE A HISTORY OF PROSTATE CARCINOMA OR MALE BREAST CARCINOMA. IF A DOCTOR IS WANTING TO USE THE DRUG FOR GD, THE OFF-LABEL CRITERIA WOULD HAVE TO BE USED AND DOCUMENTATION PROVIDED.	TESTOSTERONE UNDECANOATE	ORAL	MIN AGE 18	Increases testosterone in the body to suppress feminine characteristics and increase male characteristics such as a deeper voice, facial hair, etc. while also decreasing some estrogen in the body.
			TESTOPEL	IMPLANT	MIN AGE 18	
			TESTOSTERONE GEL	TRANSDERMAL	MIN AGE 18	
			TESTOSTERONE PATCH	TRANSDERMAL	MIN AGE 18	

CODE	PREFERRED DRUG STATUS	HCPCS/FMMIS DESCRIPTION	*	QRG DESCRIPTION	HIC3	REVIEW CLASS NAME	MAX QTY	COMMENTS
J1071	GENERIC PREFERRED	TESTOSTERONE CYPIONATE 1MG		TESTOSTERONE CYPIONATE 1MG	F1A	ANDROGENIC AGENTS	400	
J3121	GENERIC PREFERRED	TESTOSTERONE ENANTHATE 1MG		TESTOSTERONE ENANTHATE 1MG	F1A	ANDROGENIC AGENTS	400	
J9217	BRAND PREFERRED	LEUPROLIDE ACETATE FOR DEPOT		LEUPROLIDE ACETATE FOR DEPOT SUSPENSION 7.5MG (LUPRON DEPOT)	V10	ANTINEOPLASTIC; PITUITARY SUPPRESSIVE AGENTS, LHRH	6	
J9218	GENERIC PREFERRED	LEUPROLIDE ACETATE 1MG		LEUPROLIDE ACETATE 1MG	V10	ANTINEOPLASTIC; PITUITARY SUPPRESSIVE AGENTS, LHRH	1	
J1050	GENERIC PREFERRED	MEDROXYPROGESTERONE ACETATE 1MG		MEDROXYPROGESTERONE ACETATE 1MG	G8C	CONTRACEPTIVES	1000	MIN AGE 12 YEARS
J1000	NON-PREFERRED	DEPO-ESTRADIOL CYPIONATE UP TO 5MG		DEPO-ESTRADIOL CYPIONATE UP TO 5MG	G1A	ESTROGEN AGENTS, INJECTABLE	1	
J1380	GENERIC PREFERRED	ESTRADIOL VALERATE UP TO 10MG		ESTRADIOL VALERATE UP TO 10MG	G1A	ESTROGEN AGENTS, INJECTABLE	4	
J1950	BRAND PREFERRED	LEUPROLIDE ACETATE PER 3.75MG DEPOT		LEUPROLIDE ACETATE PER 3.75MG DEPOT SUSPENSION (LUPANETA, LUPRON DEPOT)	P1M	PITUITARY SUPPRESSIVE AGENTS, LHRH	12	MIN AGE 18 YEARS
J3316	BRAND PREFERRED	TRIPTORELIN XR 3.75MG		TRIPTORELIN XR 3.75MG (TRIPDUR)	P1P	PITUITARY SUPPRESSIVE AGENTS, LHRH	6	MIN AGE 2 YEARS
J9202	BRAND PREFERRED	GOSERELIN ACETATE IMPLANT PER 3.6MG		GOSERELIN ACETATE IMPLANT PER 3.6MG (ZOLADEX)	V10	PITUITARY SUPPRESSIVE AGENTS, LHRH	3	MIN AGE 18 YEARS
J9225	NON-PREFERRED	HISTRELIN IMPLANT (VANTAS) 50MG		HISTRELIN IMPLANT (VANTAS) 50MG	V10	PITUITARY SUPPRESSIVE AGENTS, LHRH	1	DX: C61-C61; MIN AGE 18
J9226	NON-PREFERRED	HISTRELIN (SUPPRELIN LA) IMPLANT 50MG		HISTRELIN (SUPPRELIN LA) IMPLANT 50MG	P1P	PITUITARY SUPPRESSIVE AGENTS, LHRH	1	MIN AGE 2 YEARS

Def_002873413

From: Campbell, LeKieva
Sent: Friday, May 13, 2022 1:25 PM EDT
To: \\\"Gavins\\\"; \\\"Alexandra; Alexandra.Gavins@ahca.myflorida.com
Subject: RE: 348451 Status request
Attachments: RE 348451 Status request.eml, image001.png, image002.png, image003.jpg

Hello, there are no new updates. This morning ADS Jason Weida stated he is working with legal and at this time there is no further action required from Policy.

LeKieva J. Campbell Program Administrator
Bureau of Medicaid Policy
850-412-4210 (Office)
LeKieva.Campbell@ahca.myflorida.com

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From: Gavins, Alexandra <Alexandra.Gavins@ahca.myflorida.com>
Sent: Friday, May 13, 2022 1:06 PM
To: Campbell, LeKieva <LeKieva.Campbell@ahca.myflorida.com>
Subject: RE: 348451 Status request

Hey there,
The requestor has reached out again for this one. Any update?

From: Campbell, LeKieva <LeKieva.Campbell@ahca.myflorida.com>
Sent: Thursday, May 12, 2022 3:22 PM
To: Britt-Hightower, Sabrina <Britt-Hightower@ahca.myflorida.com>
Cc: Gavins, Alexandra <Alexandra.Gavins@ahca.myflorida.com>; Shinhoster, Nicole <Nicole.Shinhoster@ahca.myflorida.com>
Subject: FW: 348451 Status request
Importance: High

Good afternoon, I spoke with the supervisor Jesse Bottcher and he stated that our ADS Jason Weida is handling this request. I forwarded your status request to Jason and will let you know once I hear back from him, thanks.

LeKieva J. Campbell Program Administrator
Bureau of Medicaid Policy
850-412-4210 (Office)
LeKieva.Campbell@ahca.myflorida.com

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From: Campbell, LeKieva
Sent: Thursday, May 12, 2022 3:13 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Cc: Dalton, Ann <Ann.Dalton@ahca.myflorida.com>; Bottcher, Jesse <Jesse.Bottcher@ahca.myflorida.com>; Shinhoster, Nicole <Nicole.Shinhoster@ahca.myflorida.com>
Subject: FW: 348451 Status request
Importance: High

Good afternoon Jason, the requestor for the public records request on the GAPMS for treatment of gender dysphoria (see attached) has reached out twice since sending the request asking for a status update. Jesse suggested that I forward this email to you since you are handling this request. Thanks and please let me know if there is anything else I need to do.

LeKieva J. Campbell Program Administrator
Bureau of Medicaid Policy
850-412-4210 (Office)
LeKieva.Campbell@ahca.myflorida.com

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From: Britt-Hightower, Sabrina <Sabrina.Britt-Hightower@ahca.myflorida.com>
Sent: Thursday, May 12, 2022 2:07 PM
To: Campbell, LeKieva <LeKieva.Campbell@ahca.myflorida.com>; Shinhoster, Nicole <Nicole.Shinhoster@ahca.myflorida.com>
Cc: Gavins, Alexandra <Alexandra.Gavins@ahca.myflorida.com>
Subject: 348451 Status request
Importance: High

Good afternoon,

Please see the 2nd status request regarding this assignment and advise.

5.7.0 [britts] MAIN - View Folder 348451

All Notes Attachments Assignments

All items
 Open only

ASSIGNMENT - NOTE
Due: 05/23/22 Past due: 0
Assigned: 05/10/22 Status: ASSIGNED
Assignor: gavinsa (LEGAL-GC)
Privacy: No Restriction
ASSIGNEE Expected to Mark Complete
Action: Produce Public Records

Note 1 for assignment 2
Subject: status
Written by: gavinsa
on: 05/10/22
Updated by: N/A
on: N/A

I know you just recieved this one today but the requestor has asked for an update. They believe there are very few responsive documents.

X! Britt-Hightower, Sabrina
N! Campbell, LeKieva
S! Shinhoster, Nicole

! = Urgent : = FYI
A = Auto-Reply R = Read
N/E = New/Email S = In-Process
P = Proxy X = History

New... Reply Forward... Action... View... Clig... Close

The screenshot shows a software window titled "5.7.0 [britts] MAIN - View Folder 348451". On the left is a folder tree with items like "Original Folder Cover Sheet", "Folder 348451 submitted.", "incoming email", "Produce Public Records", "Request for reassign", "Produce Public Records", "Re: Re: status", "Re: status", "status", "Produce Public Records", and "Assign to". The "Re: Re: status" folder is selected. On the right, there are radio buttons for "All", "Notes", "Attachments", and "Assignments". Below these are sub-radio buttons for "All items" and "Open only". An "ASSIGNMENT - NOTE" section contains the following text: "Due: 05/23/22 Past due: 0", "Assigned: 05/10/22 Status: ASSIGNED", "Assignor: gavinsa (LEGAL-GC)", "Privacy: No Restriction", "ASSIGNEE Expected to Mark Complete", and "Action: Produce Public Records". Below this is a "Note 3 for assignment 2" section with fields for "Subject: Re: Re: status", "Written by: gavinsa", "on: 05/12/22", "Updated by: N/A", and "on: N/A". To the right of the note is a text box containing the question: "The requestor has reached out again for this one. Is there anything I can let them know?". At the bottom, there is a list of names: "R ! Britt-Hightower, Sabrina", "N ! Campbell, LeKieva", and "E ! Shinhoster, Nicole". To the right of the names is a legend: "!= Urgent", ":= FYI", "A = Auto-Reply", "R = Read", "N/E = New/Email", "S = In-Process", "P = Proxy", and "X = History". At the very bottom are buttons for "New...", "Reply", "Forward...", "Action...", "View...", "Clip...", and "Close".

Thanks,
Sabrina Britt-Hightower
Agency for Health Care Administration
Human Services Program Specialist
Medicaid Director s Office
Bldg. 3 Room 2408 A
Tallahassee, FL 32308
(850) 412-4014
Sabrina.Britt-Hightower@ahca.myflorida.com



Agency Responses to Plaintiffs' Questions: March 1, 2023

Plaintiffs' Question: Please provide a complete list of the diagnostic codes (ICD-10 codes) programmed in FMMIS for the following drugs (listed by generic name): estradiol (all formulations and combinations listed in the PDL); testosterone (all formulations listed in the PDL); testosterone cypionate (all formulations listed in the PDL); testosterone enanthate (all formulations listed in the PDL); triptorelin pamoate (both the kit and the vial); leuprolide acetate (all formulations listed in the PDL); Metformin HCL (all formulations listed in the PDL).

Agency Response: The diagnosis codes for drugs subject to an automatic prior authorization or bypass are located at

https://ahca.myflorida.com/medicaid/Prescribed_Drug/drug_criteria_pdf/Automated_PA.pdf.

This list includes those established for triptorelin pamoate and leuprolide acetate. For prescription drugs that are not on that list and do not require a prior authorization, the Agency does not verify the diagnosis code prior to paying the claim.

Plaintiffs' Question: Please answer whether the prescribed drug criteria listed at https://ahca.myflorida.com/medicaid/prescribed_drug/drug_criteria.shtml is an exhaustive list of the criteria relied upon by AHCA in reviewing whether a prescribed drug is medically necessary. If the above is not an exhaustive list, please provide documents indicating all other criteria on which AHCA relies in determining whether a prescribed drug is medically necessary for a particular patient, either during the prior authorization process, or after a claim has been paid (as described by Mr. Brackett).

Agency Response: Yes, this is an exhaustive list.

Plaintiffs' Question: Please answer whether Florida's Medicaid managed care plans are required to cover all drugs included in the PDL and, if so, whether the plans must follow the prior authorization requirements as indicated in the PDL.

Agency Response: Yes, health plans participating in the Statewide Medicaid Managed Care program must cover all drugs on the Preferred Drug List and cannot be more restrictive when covering drugs that have a specific criteria.

Plaintiffs' Question: Please identify the person who made edits to the GAPMS report on cross-sex hormone therapy dated May 20, 2022 as well as all individuals who accessed the document.

Agency Response: The Agency identified the employee as Shantrice Greene, who worked as a senior pharmacist. She is no longer with the Agency.

Plaintiffs' Question: Please provide the number of individuals who received Medicaid coverage for puberty suppression medications to treat gender dysphoria from January 1, 2015 to August 21, 2022.

Agency Response: Please refer to the data file that was completed on March 1, 2023.

Plaintiffs' Question: Please provide the number of grievances and the number of appeals filed with Florida Medicaid managed care plans regarding services excluded pursuant to Fla. Admin. Code R. 59G-1.050(7).

Agency Response: The Agency found one complaint regarding the coverage of services under the challenged exclusion.

Plaintiffs' Question: *Please state whether, and if so, how many, Medicaid fair hearings have resulted in a reversal of a decision to deny coverage for any of the services listed at 59G-1.050(7), prior to the effective date of the Challenged Exclusion.*

Agency Response: The Agency identified zero fair hearings that were prior to the challenged exclusion.

Plaintiffs' Question: *Please provide the number of Medicaid fair hearings regarding a request for coverage of services listed at 59G-1.050(7) since August 21, 2022 including information about the adverse action being appealed and the final outcome.*

Agency Response: The Agency identified zero fair hearings that occurred after the implementation of the challenged exclusion.

Plaintiffs' Question: *Please identify the Florida Department of Health employee(s) who provided the name "Michelle Cretella" or the name of any other consultant who AHCA relied upon or consulted with in the drafting of the 2022 GAPMS Memo.*

Agency Response: All communication that occurred between the Agency and the Department of Health occurred through verbal conversations. Agency staff that participated in these discussions do not recall the specific Department of Health employee who provided the name.

Plaintiffs' Question: *Please identify all individuals who AHCA considered but decided not to use for assistance with drafting the June 2022 GAPMS report on treatment for gender dysphoria.*

Agency Response: Agency staff engaged in verbal communications with individuals that were referred by Dr. Michelle Cretella and do not recall the names of those individuals that were consulted.

Plaintiffs' Question: *Regarding the emails between AHCA and Magellan dated April 20, 2022 to June 3, 2022 (Def_000145166 to Def 000145169), please answer the following:*

- **Question:** *What does CCM mean?*
- **Agency Response:** Change Control Memo
- **Question:** *What does "gender code = B (Both)" mean?*
- **Agency Response:** That a covered outpatient prescription drug can be prescribed to both males and females.
- **Question:** *What is the "internal Gender Dysphoria criteria?"*
- **Agency Response:** The criteria provided to Magellan to utilize when reviewing prior authorization requests for GnRH antagonists.
- **Question:** *What is meaning of the following paragraph: "This internal document serves for GnRH analog use to delay puberty in adolescents with Gender Dysphoria, but it does not speak to the use of hormone therapy (i.e. anastrozole, etc.). This document was provided by the Agency due to a fair hearing request received for Lupron for a recipient with this diagnosis. All requests*

required vetting by AHCA before a final determination is made, and MMA will continue to do so as instructed.”

- **Agency Response:** This paragraph specifically references the internal prior authorization review criteria for GnRH antagonists and requires Magellan only to review requests for that one drug category and not any that involve hormones such as testosterone or estrogen.

From: Little, Joe
Sent: Wednesday, March 8, 2023 2:30 PM
To: Mohammad O. Jazil; Gary V. Perko; Michael Beato; John Cycon
Cc: Altman, Jennifer; Rivaux, Shani; Miller, William C.; Shaw, Gary J.; Garcia, Soraya M.; Omar Gonzalez-Pagan; Carl Charles; Chelsea Dunn; Simone Chriss; Katy DeBriere; Abbi Coursolle; Catherine McKee
Subject: RE: Plaintiffs' Notice of Deposition of Jason Weida

Counsel, to follow-up, please note that we are willing to meet and confer about the deposition occurring on a later date, which Judge Hinkle has indicated is allowable.

Thank you,

Joe

Joe Little | Associate

Pillsbury Winthrop Shaw Pittman LLP
500 Capitol Mall, Suite 1800 | Sacramento, CA 95814-4741
t +1.916.329.4731 | m +1.916.704.4853
joe.little@pillsburylaw.com | website bio

From: Little, Joe
Sent: Wednesday, March 8, 2023 2:21 PM
To: Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Michael Beato <mbeato@HoltzmanVogel.com>; 'John Cycon' <jcycon@HoltzmanVogel.com>
Cc: Altman, Jennifer <jennifer.altman@pillsburylaw.com>; Rivaux, Shani <shani.rivaux@pillsburylaw.com>; Miller, William C. <william.c.miller@pillsburylaw.com>; Shaw, Gary J. <gary.shaw@pillsburylaw.com>; Garcia, Soraya M. <soraya.garcia@pillsburylaw.com>; Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>; 'Carl Charles' <CCharles@lambdalegal.org>; 'Chelsea Dunn' <chelsea.dunn@southernlegal.org>; Simone Chriss <simone.chriss@southernlegal.org>; 'Katy DeBriere' <debriere@floridahealthjustice.org>; Abbi Coursolle <coursolle@healthlaw.org>; 'Catherine McKee' <mckee@healthlaw.org>
Subject: Plaintiffs' Notice of Deposition of Jason Weida

Counsel,

Please see the attached Notice of Deposition.

Thank you,

Joe

From: Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>
Sent: Wednesday, March 8, 2023 3:56 PM
To: Mohammad O. Jazil; Little, Joe; Gary V. Perko; Michael Beato; John Cycon
Cc: Altman, Jennifer; Rivaux, Shani; Miller, William C.; Shaw, Gary J.; Garcia, Soraya M.; Carl Charles; Chelsea Dunn; Simone Chriss; Katy DeBriere; Abigail Coursolle; Catherine McKee
Subject: RE: Plaintiffs' Notice of Deposition of Jason Weida

Mo,

Thank you for the email below.

First, we are happy and willing to meet and confer regarding the timing, while we noticed the deposition for Friday given the timing of the discovery deadlines. Judge Hinkle expressed his approval during the MTC hearing for some depositions to occur past that deadline if needed. In short, as to timing, we are willing to confer to find a time that works for all parties.

Second, as to the apex doctrine, we do not believe it is applicable. Mr. Weida was not the agency head during the relevant time period. Indeed, he became AHCA Secretary *months after* the initiation of this case and almost half a year after the promulgation of the challenged exclusion. In other words, Mr. Weida is a fact witness *regardless of his current role*. We do not intend to ask questions about actions undertaken as head of an agency but rather about his firsthand knowledge of actions he personally took relating to the Challenged Exclusion prior to his becoming secretary.

I am currently on a flight and not able to connect by phone for the next 4 hours. But remain available via email during that time.

Omar

Omar Gonzalez-Pagan
[Pronouns](#): He/Him/His
Lambda Legal
Email: ogonzalez-pagan@lambdalegal.org | Mobile: (617) 686-3464

Lambda Legal: Making the case for equality

From: Mohammad O. Jazil <mjazil@holtzmanvogel.com>
Sent: Wednesday, March 8, 2023 5:54 PM
To: Little, Joe <joe.little@pillsburylaw.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Michael Beato <mbeato@HoltzmanVogel.com>; John Cycon <jcycon@HoltzmanVogel.com>
Cc: Altman, Jennifer <jennifer.altman@pillsburylaw.com>; Rivaux, Shani <shani.rivaux@pillsburylaw.com>; Miller, William C. <william.c.miller@pillsburylaw.com>; Shaw, Gary J. <gary.shaw@pillsburylaw.com>; Garcia, Soraya M. <soraya.garcia@pillsburylaw.com>; Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>; Carl Charles <CCharles@lambdalegal.org>; Chelsea Dunn <chelsea.dunn@southernlegal.org>; Simone Chriss <simone.chriss@southernlegal.org>; Katy DeBriere <debriere@floridahealthjustice.org>; Abigail Coursolle <coursolle@healthlaw.org>; Catherine McKee <mckee@healthlaw.org>
Subject: RE: Plaintiffs' Notice of Deposition of Jason Weida

Dear friends—

I'm having difficulty seeing how this notice provides reasonable notice for purposes of Rule 30 when the deponent is an agency head who must attend to his usual duties and, given the ongoing legislative session, secure a budget for his agency, etc.

Also, I don't see how or for what reason the apex doctrine has been overcome here. If there's some deficiency in Rule 30(b)(6) deponent's testimony, the bulk of that testimony happened almost a month ago. We supplemented that testimony with written responses and another 30(b)(6) session today. If there's some other piece of information that's missing, we can talk about that, but that's separate from setting a sitting agency head for a deposition two days before the close of fact discovery.

I welcome your thoughts on this surprise notice.

-Mo

From: Little, Joe <joe.little@pillsburylaw.com>
Sent: Wednesday, March 8, 2023 5:21 PM
To: Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Michael Beato <mbeato@HoltzmanVogel.com>; John Cycon <jcycon@HoltzmanVogel.com>
Cc: Altman, Jennifer <jennifer.altman@pillsburylaw.com>; Rivaux, Shani <shani.rivaux@pillsburylaw.com>; Miller, William C. <william.c.miller@pillsburylaw.com>; Shaw, Gary J. <gary.shaw@pillsburylaw.com>; Garcia, Soraya M. <soraya.garcia@pillsburylaw.com>; Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>; Carl Charles <CCharles@lambdalegal.org>; Chelsea Dunn <chelsea.dunn@southernlegal.org>; Simone Chriss <simone.chriss@southernlegal.org>; Katy DeBriere <debriere@floridahealthjustice.org>; Abbi Coursolle <coursolle@healthlaw.org>; Catherine McKee <mckee@healthlaw.org>
Subject: Plaintiffs' Notice of Deposition of Jason Weida

Counsel,

Please see the attached Notice of Deposition.

Thank you,

Joe

Joe Little | Associate

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SILICON VALLEY TAIPEI TOKYO WASHINGTON, DC



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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

AUGUST DEKKER, et al.,)	
)	
Plaintiffs,)	Case No: 4:22cv325
)	
v.)	Tallahassee, Florida
)	January 26, 2023
JASON WEIDA, et al.,)	
)	10:35 AM
Defendants.)	
)	

**TRANSCRIPT OF TELEPHONIC MOTION PROCEEDINGS
BEFORE THE HONORABLE ROBERT L. HINKLE
UNITED STATES CHIEF DISTRICT JUDGE
(Pages 1 through 62)**

Court Reporter: MEGAN A. HAGUE, RPR, FCRR, CSR
111 North Adams Street
Tallahassee, Florida 32301
megan.a.hague@gmail.com

*Proceedings reported by stenotype reporter.
Transcript produced by Computer-Aided Transcription.*

1 depending on the Court's ruling, as it appears that there will
2 be potentially be additional documents forthcoming from
3 defendants -- we wanted to raise the current scheduling order
4 and the -- you know, the near -- very near-looming fact
5 discovery deadline of February 7th.

6 We would be comfortable if -- we would ask the Court
7 for an extension on that fact discovery deadline and would be
8 comfortable making fact discovery coextensive with the beginning
9 of expert discovery in order to ensure that we are able to
10 obtain these documents and have some time to review them before
11 scheduling our final agency depositions.

12 THE COURT: Yeah. Before I get Mr. Jazil's response
13 and find out a particular date, let me give you my usual
14 approach.

15 Discovery deadlines are really more for the benefit of
16 the lawyers than for my benefit. What I care about is I've got
17 the case set for trial and I plan to try it when it's set. I
18 can give you a long explanation for that, but, look, that's --
19 it's just better all the way around if we have firm trial dates
20 and keep them.

21 If you are taking depositions the night before trial,
22 as my mother used to say, No skin off my nose. You can work as
23 hard as you want, but it's just better if you are not doing
24 that. It's better if you have a good clean period before the
25 trial just to prepare for trial.

1 I take the rule seriously. And ordinarily it provides
2 that the party's conduct that necessitated the motion pays the
3 fees. So I'll give it some thought, and you'll know what I
4 think when I get the order out.

5 MR. JAZIL: Thank you.

6 THE COURT: Anything else on the defense side?

7 MR. JAZIL: No, Your Honor. Thank you.

8 THE COURT: Ms. Dunn, anything else on the plaintiffs'
9 side?

10 MS. DUNN: No. Thank you, Your Honor.

11 THE COURT: All right. Thank you all.

12 We are adjourned.

13 (Proceedings concluded at 12:37 PM on Thursday, January 26,
14 2023.)

15 * * * * *

16 I certify that the foregoing is a correct transcript
17 from the record of proceedings in the above-entitled matter.
18 Any redaction of personal data identifiers pursuant to the
19 Judicial Conference Policy on Privacy is noted within the
20 transcript.

20 /s/ Megan A. Hague

2/28/2023

21 Megan A. Hague, RPR, FCRR, CSR
22 Official U.S. Court Reporter

Date

23
24
25