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The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

C.P., by and through his parents, Patricia
Pritchard and Nolle Pritchard; and
PATRICIA PRITCHARD,

Plaintiffs,

v.

BLUE CROSS BLUE SHIELD OF ILLINOIS,

Defendant.

NO. 3:20-cv-06145-RJB

DECLARATION OF EMMETT JONES

I, Emmett Jones, declare under penalty of perjury and in accordance with the laws of the State of Washington and the United States that:

1. I am over the age of 18 and competent to testify to all matters stated herein.

All statements are made upon my personal knowledge.

2. I receive my health coverage through the Catholic Health Initiatives Medical Plan (“CHI Plan”), in which I am enrolled through my wife’s employer, Catholic Health Initiatives (CHI), also known as CommonSpirit Health.

3. My coverage is administered by Blue Cross Blue Shield of Illinois (BCBSIL). I am enrolled in the Catholic Health Initiatives: Integrated Basic Plan.

1 4. I was told that the Integrated Basic Plan contains an exclusion of coverage
2 related to gender-affirming surgical care, during a conversation with a Blue Cross Blue
3 Shield of Illinois customer service representative. My understanding has been
4 confirmed by my review of the issues in this case.

5 5. I have been diagnosed with gender dysphoria. I socially transitioned years
6 ago. My drivers license, social security and insurance coverage all reflect my male
7 identity.

8 6. As part of my treatment for gender dysphoria, my health care providers
9 recommended that I receive chest surgery and reconstruction as a form of gender-
10 affirming care. My treating team, including a mental health counselor, primary care
11 provider and surgeon, all confirmed that chest surgery was medically necessary to treat
12 my gender dysphoria.

13 7. In advance of the surgery, I contacted BCBSIL where a representative told
14 me that the Plan "does not cover transgender surgery."

15 8. I received medically necessary chest surgery on May 25, 2023. I paid for
16 the surgery in advance, out of pocket, which was a significant hardship for my family
17 and me. I did so because I had been told by a BCBSIL customer service representative
18 that there is no coverage for gender affirming surgery on my CHI Plan.

19 9. On or about June 5, 2023, I submitted to BCBSIL an online claim for
20 reimbursement for the surgical procedure and associated services (e.g., anesthesia). As
21 part of submitting the claim, I submitted extensive supporting documentation that
22 demonstrated that I met the clinical requirements utilized by BCBSIL for gender-
23 affirming chest surgery.

24 10. I received a letter from BCBSIL dated June 27, 2023 that denied my claim
25 for coverage of chest surgery. The letter was unlike other Explanations of Benefits I have
26

1 received. It was addressed to my surgical provider and stated that BCBSIL had paid me
2 \$0 for the claim I submitted. The letter did not give BCBSIL's reason for not paying the
3 claim, nor did it disclose any appeal rights to me.

4 11. My wife and I also received an Explanation of Benefits (EOB) in the mail.
5 The EOB addressed services billed by my surgical team for services provided on
6 3/24/2023, 4/13/2023, and 5/08/2023. The EOB indicated that the "Health Plan
7 Responsibility" was \$0.00.

8 12. I am uncertain if the reason for the non-payment was due to my deductible,
9 a need for additional information or the application of the Exclusion in my health plan
10 for gender affirming care. I plan on appealing the denial.

11 13. I may require additional gender-affirming care and surgery in the future.
12 I want to have coverage for such treatment in the future if it is recommended as
13 medically necessary by my treating providers.

14 14. I am familiar with the duties and responsibilities of being a named
15 plaintiff/class representative. I have read the class definition as it was proposed by the
16 Plaintiffs and amended by the Court in an Order issued on November 9, 2022, listed as
17 Dkt. No. 113 and . I am willing to be class representative on behalf of other persons in
18 the class similarly situated to myself. If appointed, I will diligently look out for the
19 interests of all class members. I am not aware of any conflict I may have with any
20 proposed class members.

21 15. I am willing to be a named plaintiff/class representative in this litigation if
22 it would be helpful to the Plaintiff Class.

23 DATED this 20th day of September, 2023, at Tacoma, Washington.

24 DocuSigned by:

25 *Emmett Jones*

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Emmett Jones