

**From:** Pino, Lisa (HHS/OCR) /O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=90674352C007441B96F0F199CDD550C2-PINO, LISA <Lisa.Pino@hhs.gov>

**To:** Seeger, Rachel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3090ef9b170d45969add4ff475a95583-Rachel Seeg <Rachel.Seeger@hhs.gov>;  
Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>

(b) (b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bdec12ad0974eacababe032f2b37c91 (b)(6)  
(b)(6)

**CC:** Barron, Pamela (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d55f83440f074842ac94e1f27f11fa9e-Barron, Pam <Pamela.Barron@hhs.gov>;  
Huggins, Michael (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9597596b8c4d4b8d9faf4922101a611b-Huggins, Mi <Michael.Huggins@hhs.gov>

**Subject:** Re: Texas Tribune: Families of trans children sue to halt Texas child-abuse policy

**Date:** 2022/06/10 11:29:10

**Priority:** Normal

**Type:** Note

Thank you Rachel.

Get Outlook for iOS

**From:** Seeger, Rachel (HHS/OCR) <Rachel.Seeger@hhs.gov>

**Sent:** Friday, June 10, 2022 11:05:56 AM

**To:** Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>

**Cc:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; Huggins, Michael (HHS/OCR) <Michael.Huggins@hhs.gov>

**Subject:** Texas Tribune: Families of trans children sue to halt Texas child-abuse policy

Updated to include statement from Secretary

<https://www.dallasnews.com/news/politics/2022/06/08/families-of-trans-children-file-new-lawsuit-against-texas-child-abuse-policy/>

“States’ attacks on our trans and gender non-conforming youth and their families are dangerous and negligent. It is interference in people’s medical decisions and jeopardizes potentially life-saving care,” Becerra said in a statement provided to *The Dallas Morning News*. “To anyone who feels targeted or alone in these times, you are not—we see you, and are standing with you.”

A copy of the article is attached.

**From:** Eng, Adrian (HHS/ASPA) <Adrian.Eng@hhs.gov>

**Sent:** Friday, June 10, 2022 10:56 AM

**To:** Langford, Kelly (HHS/ASPA) <Kelly.Langford@hhs.gov>; Kelly, Krista (HHS/ASPA) <Krista.Kelly@hhs.gov>; Jones, Kamara (HHS/ASPA) <Kamara.Jones@hhs.gov>; Burns, Samira (ACF) <Samira.Burns@acf.hhs.gov>; Seeger, Rachel (HHS/OCR) <Rachel.Seeger@hhs.gov>  
**Subject:** Fwd: Families of trans children sue to halt Texas child-abuse policy

Hi friends,

(b)(5)

“States’ attacks on our trans and gender non-conforming youth and their families are dangerous and negligent. It is interference in people’s medical decisions and jeopardizes potentially life-saving care.

“We must support our youth by ensuring they receive, when appropriate, the gender-affirming care and mental health support they need. We know that when just one adult accepts our LGBTQI+ youth, the risk of suicide is decreased by 40%. We must do better by our kids.

“To anyone who feels targeted or alone in these times, you are not — we see you, and are standing with you.”

<https://www.dallasnews.com/news/politics/2022/06/08/families-of-trans-children-file-new-lawsuit-against-texas-child-abuse-policy/>

Adrian Eng-Gastelum  
Human Services Press Secretary  
HHS

---

**From:** Sibori, Gabriela (HHS/ASPA) <Gabriela.Sibori@hhs.gov>  
**Sent:** Friday, June 10, 2022 10:51:19 AM  
**To:** Eng, Adrian (HHS/ASPA) <Adrian.Eng@hhs.gov>  
**Subject:** Families of trans children sue to halt Texas child-abuse policy

### **Families of trans children sue to halt Texas child-abuse policy**

By Lauren McGaughy  
3:04 PM on Jun 8, 2022 CDT

**Updated June 10, 2022 at 9:38 a.m.** to include a statement from U.S. Department of Health and Human Services Secretary Xavier Becerra.

AUSTIN — Three more families with transgender children are suing to block abuse investigations the state has opened against them, adding to the litigation Texas faces after deeming certain gender-affirming medical treatments child abuse earlier this year.

The lawsuit, filed Wednesday in Travis County, asks the court to block the three investigations and any others into families with transgender children who are members of the nonprofit advocacy group for families and allies of LGBTQ people known as PFLAG.

The lawsuit is being led by Lambda Legal and the ACLU of Texas. Along with the families, PFLAG is also a plaintiff.

“Loving and affirming your child and empowering them to be themselves is the highest calling of any parent, no matter your child’s gender,” Brian K. Bond, executive director of PFLAG National, said in a statement. “If it takes a court ruling to ensure that the law protects families who lead with love in support of transgender Texans, so be it.”

This is the second lawsuit targeting the state’s February decision to begin investigating certain gender-affirming care as child abuse. That decision was based on a nonbinding opinion from Attorney General Ken Paxton, who said using puberty blockers and hormone therapy to treat gender dysphoria in minors is abuse, and a directive from Gov. Greg Abbott to investigate reports of Texans under age 18 receiving such care.

Lambda Legal and the ACLU filed the first lawsuit in March on behalf of a family whose teen daughter was receiving such care. Last month, the Texas Supreme Court temporarily halted the probe into that family, which has remained anonymous, while the litigation is ongoing. The court also ruled that the governor did not have the authority to force DFPS to undertake such investigations.

Days later, however, DFPS restarted several other investigations into families with transgender children. As of March, they had opened at least nine cases.

The lawsuit filed Wednesday seeks to halt at least three of them.

This latest legal challenge prompted another reaction from the Biden administration, which on Friday again urged LGBT Americans who believe they are the target of discrimination to reach out to the federal government for help.

### **The Voe and Roe families**

Adam and Amber Briggie, who have a transgender son and have been one of the few families to publicly comment on the investigation into their family, are parties to the suit, as are the parents of two other transgender minors who go by the pseudonym Mirabel Voe and Wanda Roe in the lawsuit.

The lawsuit laid out the Voe family’s story: Mirabel Voe’s transgender son — given the pseudonym Antonio in the lawsuit — started hormone therapy in January and the treatment was improving his mood and anxiety. But the same day Abbott issued his directive, Antonio attempted to commit suicide by ingesting a bottle of aspirin. He was admitted to the hospital.

“Antonio said that the political environment, including Abbott’s letter, and being misgendered at school, led him to take these actions,” the lawsuit says.

On March 11, the Voe family was visited by Child Protective Services. Mirabel Voe thought that visit might be due to the suicide attempt, the lawsuit states, but she was instead told it was because she was an “alleged perpetrator” of abuse because her transgender son was allowed to access gender-affirming medical treatments.

“The investigator told her that the report of ‘child abuse’ originated from the outpatient psychiatric facility where Antonio had been seeking help,” the lawsuit states.

Wanda's transgender son, called Tommy in the suit, was pulled out of class after Abbott's directive and questioned by a CPS investigator, according to the lawsuit.

"After the interview, Tommy was shaking and upset," the suit stated. "He had missed close to half an hour of class time and did not know what to tell others about why he had been called to the office."

Later that day, the CPS investigator came to the Roe home and asked Tommy's mother and stepfather whether they had ever abused him, forced him to transition or to accept medical treatments associated with his transition. They said no.

The lawsuit stated that Tommy's grades have deteriorated since the interview.

The Briggles family has long been open about their son's transition, attending legislative hearings and political rallies supporting the rights of transgender Texans. In an attempt to breach the political gap, they even had Paxton to dinner in 2016. But the state's new abuse policy has caused them to become fearful for their family's safety.

"For the first time, they have installed cameras outside of their home," the lawsuit reads. "They have been followed in their car, and yelled at by a person in another vehicle."

### **Trans kids and politics**

Age-appropriate and individualized medical treatments for trans youths, including the ones Ken Paxton has called abuse, are supported by the state and nation's largest physicians groups including the American and Texas Medical Associations.

These groups have opposed the state's abuse investigations and other efforts to block or alter gender-affirming care for minors.

Texas' Republican politicians have placed more and more attention on medical treatments for transgender youths in recent months. Last year, state lawmakers debated bills to crack down on gender-affirming health care for minors but failed to pass anything into law.

Then, in November, the first and largest medical program for transgender children in North Texas stopped accepting new patients for treatments like puberty blockers and hormone therapy. A doctor who has sued to successfully resume these treatments while the decision was litigated said it was made under political pressure.

Paxton is seeking to intervene in that lawsuit on behalf of the state.

Paxton's opinion and Abbott's directive were issued a few months later, just weeks before the most competitive GOP primary election season in a decade. Both are seeking reelection, and at the time faced GOP primary challengers who pressured them to target gender-affirming care more aggressively.

Abbott and Paxton easily beat their primary challengers. Both face Democratic opponents in November.

Earlier this year, the transgender investigations prompted the White House to offer help to Texans and other Americans who believed they were being targeted by anti-LGBT policies at the state level. U.S. Health and Human Services Secretary Xavier Becerra reiterated this offer Friday, urging those

discriminated by state agencies receiving federal funds to file complaints with his agency's civil rights office.

"States' attacks on our trans and gender non-conforming youth and their families are dangerous and negligent. It is interference in people's medical decisions and jeopardizes potentially life-saving care," Becerra said in a statement provided to *The Dallas Morning News*. "To anyone who feels targeted or alone in these times, you are not—we see you, and are standing with you."

The Briggles told *The News* last month that they believe the child-abuse investigations are motivated by election-year politics.

"This has been political since day one," said Amber Briggie, who recently welcomed Abbott's Democratic challenger, Beto O'Rourke, to dinner. "They're not going to close [our case] unless they're forced to by the courts."

**Gabriela Sibori** (she/her)  
Press Assistant | ASPA  
Department of Health and Human Services  
(202) 961-8224 | [Gabriela.Sibori@hhs.gov](mailto:Gabriela.Sibori@hhs.gov)

**Sender:** Pino, Lisa (HHS/OCR) /O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=90674352C007441B96F0F199CDD550C2-PINO, LISA <Lisa.Pino@hhs.gov>  
Seeger, Rachel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3090ef9b170d45969add4ff475a95583-Rachel Seeg <Rachel.Seeger@hhs.gov>;  
Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>;  
**Recipient:** (b) (6) (b) (6) (b) (6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bdec12ad0974eacababe032f2b37c91 (b) (6)  
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Barron, Pamela (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d55f83440f074842ac94e1f27f11fa9e-Barron, Pam <Pamela.Barron@hhs.gov>;  
Huggins, Michael (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9597596b8c4d4b8d9faf922101a611b-Huggins, Mi <Michael.Huggins@hhs.gov>

**Sent Date:** 2022/06/10 11:29:08  
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**From:** Barron, Pamela (HHS/OCR)  
**Sent:** Thu, 14 Jul 2022 18:04:30 +0000  
**To:** Jee, Lauren (HHS/OCR)  
**Cc:** Carter, Carla (HHS/OCR)  
**Subject:** FW: [FOR YOUR REVIEW AND DECISION] (b)(5)

(b)(5)

Hi Lauren,

(b)(5)

Many thanks,

Pam

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**From:** Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>  
**Sent:** Thursday, July 7, 2022 8:32 PM  
**To:** Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>  
**Cc:** Moulton, Shayla (OS/OCR) <Shayla.Moulton-atkins@hhs.gov>; Brock, Ebony (HHS/OCR) <Ebony.Brock@hhs.gov>  
**Subject:** RE: [FOR YOUR REVIEW AND DECISION] (b)(5)

(b)(5)

Thank you Pam and good news. I'm adding Ebony and Shayla here to help with these questions as they are all hiring related.

Since you are on leave might be best to revisit upon your return but let's give ORD a chance to catch up and see how they advise.

Lisa

---

**From:** Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>  
**Sent:** Thursday, July 7, 2022 6:02 PM  
**To:** Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>  
**Subject:** [FOR YOUR REVIEW AND DECISION] CRD Recommendation for Selection of GS-15 Environmental Justice Section Chief

Hi Lisa,

Welcome back! I hope you had a good break!

(b)(5)

I am happy to discuss further –

All the best,

Pam

**Pamela O. Barron, J.D. (she/her) | Deputy Director**

Civil Rights Division

Office for Civil Rights

U.S. Department of Health and Human Services

200 Independence Ave. S.W.

Washington, D.C. 20201

Cell: (b)(6)

Email: [pamela.barron@hhs.gov](mailto:pamela.barron@hhs.gov)

**To:** Melanie Fontes Rainer, Acting OCR Director  
**From:** Pam Barron, Deputy Director, Civil Rights Division, OCR  
**Date:** August 8, 2022  
**Subject:** Overview of Civil Rights Division Work – INFORMATION

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**To:** Wiggins, Audrey (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ba0233584cf046d892c27f25674ff982-Wiggins, Au <Audrey.Wiggins@hhs.gov>

Pino, Lisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=90674352c007441b96f0f199cdd550c2-Pino, Lisa <Lisa.Pino@hhs.gov>;

Akpa, Stephanie (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c984ba53af54d46b78d185808aee48c-Akpa, Steph <Stephanie.Akpa@hhs.gov>;

**CC:** Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>;

Jee, Lauren (HHS/ASL) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a7771eca5c9448a8bb1f8860affd22c0-Jee, Lauren <Lauren.Jee@hhs.gov>;

Smith, Marisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user200ad5a8 <Marisa.Smith@HHS.GOV>

**Subject:** RE: TX - hospitals recap

**Date:** 2022/03/08 17:12:53

**Priority:** Normal

**Type:** Note

Hi Aaron,

(b)(5)



(b)(5)

Best,

(b)(6)

(b)(6) (b)(6) (b)(6) Esq., MSW (she/her)

Phone: (b)(6) (b)(6)

Email: (b)(6)

---

**From:** Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>

**Sent:** Sunday, March 6, 2022 9:40 AM

**To:** Smith, Marisa (HHS/OCR) <Marisa.Smith@HHS.GOV>; (b)(6) (b)(6) (HHS/OCR)

(b)(6) Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>; Nwigwe, Vaniecy (OS/OCR) <Vaniecy.Nwigwe@hhs.gov>

**Cc:** Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Novy, Steve (OS/OCR) <Steve.Novy@hhs.gov>; Gant, Nigel (HHS/OGC) <Nigel.Gant@HHS.GOV>; Barry, Daniel J (HHS/OGC) <daniel.barry@hhs.gov>

**Subject:** RE: TX - hospitals recap

(b)(5)

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**From:** Smith, Marisa (HHS/OCR) <Marisa.Smith@HHS.GOV>

**Sent:** Saturday, March 5, 2022 6:55 PM

**To:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>; Nwigwe, Vaniecy (OS/OCR) <Vaniecy.Nwigwe@hhs.gov>  
**Cc:** Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Novy, Steve (OS/OCR) <Steve.Novy@hhs.gov>; Gant, Nigel (HHS/OGC) <Nigel.Gant@HHS.GOV>  
**Subject:** RE: TX - hospitals recap

Thank you for this update.

(b)(5)

My initial thoughts.

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**From:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Sent:** Saturday, March 5, 2022 2:54 PM

**To:** Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>; Smith, Marisa (HHS/OCR) <Marisa.Smith@HHS.GOV>; Nwigwe, Vaniecy

{OS/OCR} <Vaniecy.Nwigwe@hhs.gov>

**Cc:** Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>;  
Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>

**Subject:** TX - hospitals recap

Hi everyone,

(b)(5)

If I left anything out, please feel free to chime in! Also, please let us know if you have any questions.

Best,

(b)(6)

(b)(6) (b)(6) (b)(6) Esq., MSW (she/her) | Section Chief

Office for Civil Rights

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Schuham, Aaron (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group  
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Wiggins, Audrey (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group  
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<Audrey.Wiggins@hhs.gov>;  
**Recipient:** Pino, Lisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group  
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<Lisa.Pino@hhs.gov>;  
Akpa, Stephanie (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=3c984ba53af54d46b78d185808aee48c-Akpa, Steph  
<Stephanie.Akpa@hhs.gov>;  
Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group

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Jee, Lauren (HHS/ASL) /o=ExchangeLabs/ou=Exchange Administrative Group  
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<Lauren.Jee@hhs.gov>;  
Smith, Marisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=user200ad5a8 <Marisa.Smith@HHS.GOV>

**Sent Date:** 2022/03/08 17:12:57

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Ladjevardian, Sima (HHS/IEA) /o=ExchangeLabs/ou=Exchange Administrative Group  
**To:** (FYDIBOHF23SPDLT)/cn=Recipients/cn=95f7e5f6b87f4544ba86a70c9ce17791-Ladjevardin  
<Sima.Ladjevardian@hhs.gov>

**Subject:** RE: Houston Chronicle

**Date:** 2022/03/21 10:11:35

**Priority:** Normal

**Type:** Note

Thanks, Sima. And a belated nowruz Mubarak!

(b)(6) (b)(6) (b)(6) Esq., MSW (she/her)  
Phone: (b)(6) (b)(6)  
Email: (b)(6)

**From:** Ladjevardian, Sima (HHS/IEA) <Sima.Ladjevardian@hhs.gov>

**Sent:** Monday, March 21, 2022 9:54 AM

**To:** Pugh, Carrie (OS/IEA) <Carrie.Pugh@hhs.gov>; Rainer, Melanie Fontes (OS/IOS)

<Melanie.Rainer@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Subject:** Houston Chronicle

Families of Trans kids are living in fear of CPS investigation, some leaving TX altogether

Sima Ladjevardian, J.D.

She/Her

Regional Director, Region VI: AR, LA, NM, OK, TX

Office of the Secretary

US Department of Health and Human Services

Cell: (b)(6)

---

**From:** Sima Ladjevardian (b)(6)

**Sent:** Monday, March 21, 2022 6:48 AM

**To:** Ladjevardian, Sima (HHS/IEA) <Sima.Ladjevardian@hhs.gov>

**Subject:** TX

Earlier this week, a Houston-area mother of a 17-year-old transgender boy panicked when she heard a knock at her door.

She made sure her children were upstairs, then answered cautiously, fearful the woman outside could be an investigator with the state's child welfare agency. Republican Gov. Greg Abbott ordered the agency last month to investigate parents who help their children transition as potential child abusers.

"It was just like this elderly neighbor who wanted to ask what kind of tree we had in the front yard," said the mother, who asked not to be named out of fear of being targeted. "But my immediate reaction was fight-or-flight mode. Because that's what we're living in right now."

It's moments like these that have convinced her it's time to move her family out of Texas.

"We are at this point moving as soon as we can get our house sold," she said.

Families with transgender children across the state are weighing similar steps after months of increasing political attacks.

RELATED: [Family of trans Texas teen sues Abbott, DFPS as state begins identifying gender-affirming care as child abuse](#)

Some feel they have been left with an impossible choice: support their children's gender identity and risk losing them to the state, or deny them treatments that the country's largest physicians groups agree is medically necessary and in many cases lifesaving.

Katie Laird, a Houston-area woman who has a 15-year-old transgender son, has been consumed as her "trans mom" support group text thread blew up in recent weeks — first over Texas Attorney General Ken Paxton's assertion that gender-affirming care can be abuse, then over Abbott's directive to Child Protective Services.

"This is now the rest of our year," Laird recalled thinking. She is looking to move her family to Colorado and hopes to return if Democrats can unseat Abbott in November.

National civil rights groups have sued to block the abuse investigations and won a temporary injunction. Paxton says the state is not bound by the ruling while it appeals.

Paxton and other Republicans argue that children are being stripped of their constitutional right to procreate, and that even providing gender-affirming medications may constitute abuse. The Legislature has considered bills to prohibit helping children transition in the last four legislative sessions, but none passed.

“If I think of what it takes to be a loving, supportive parent of a transgender child, to me, everything about it is rooted in listening in love and acceptance, which is the opposite of child abuse,” Laird said.

Her son, who asked to remain anonymous to protect his privacy, said it feels like “my entire world is being ripped away from me.”

“I feel like after quarantine, especially, that I had a really hard time finding my people and those who actually love me and care for me and seemingly need me to still be alive,” he wrote in an email. “And leaving it all for potentially forever makes me cry and overthink and want to curl up in a ball.”

Most prominent medical organizations support evidence-based care for treatment of gender dysphoria, which is defined by the American Psychiatric Association as psychological distress and anxiety due to a mismatch between a person’s sense of their gender and their assigned sex at birth.

Fights over transgender rights erupted in Texas in 2017 when Republican lawmakers proposed a bill that would compel people to use bathrooms that match their sex assigned at birth.

The bill failed under pushback from LGBT advocates and businesses, but the number of anti-LGBT measures has since ballooned, with more than 70 bills in 2021, adding to a record high in state legislatures across the country, according to bill trackers from the American Civil Liberties Union and LGBT advocacy group Equality Texas.

## A breaking point

### **NEWSLETTERS**

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The 17-year-old's mother said she became more involved with advocacy after her son came out as transgender in 2017. Two years later, they met lawmakers at the Capitol during an event hosted by LGBT rights groups.

She was hopeful then, she said, and believed that if more people could just meet and hear from transgender children, they would “think a little bit harder about the impact of these kinds of bills.”

But that optimism quickly died. Some Republican lawmakers told her privately that they did not support bills attacking transgender families, but if one came to the floor, they would be under political pressure to vote for it.

“It felt like it didn’t matter what we did,” the mother said. “Even if they fully understood the harm they were doing.”

As fourth-generation Texans and native Houstonians, she and her husband are reluctant to move, but on top of the threat of an abuse investigation, they’ve now also found it difficult to obtain prescriptions for their son in the wake of Abbott’s directive.

Some providers, including the state’s largest pediatric hospital, Texas Children’s, have paused services, and the ones that have continued have long waitlists.

“This idea of ‘you should just move,’ I kind of hate feeding into that,” the mother said, noting that not everyone can. “Shouldn’t we all be equally safe in any part of the country we live in?” she said.

For her family and others, it was the 2021 legislative session that pushed them to their breaking point. After initial resistance, Republicans leaders passed House Bill 25, which prevents transgender athletes from playing on the team that aligns with their gender identity.

Texas Take: Get political headlines from across the state sent directly to your inbox

Ricardo Martinez, CEO of Equality Texas, said families of trans children are feeling the effects of “compounded trauma” after that bill took effect in January and Abbott came out with his directive in February.

“We all have moments in time that we remember as pivotal moments that changed us, that made us feel less than,” he said. “Transgender kids have had that for 2½ years. What worries me is how much it’s going to take for them to undo this damage as adults.”

Martinez has been flooded with questions from parents over whether they should pull their kids out of traditional schooling, whether it’s safe to go to a doctor’s appointment, and whether it’s time to leave the state. On leaving, he says he tells them he understands they have to do what they feel is best.

There is a sense of relief on the horizon for the mother of the 17-year-old. She has a friend with a transgender child who already fled the state and looks with awe at the photos she posts online from her new home.

“‘Here’s us at the park with some friends’ or ‘Look, today we went to the Children’s Museum,’” she said, describing the captions. “Just normal life pictures, instead of: ‘I had to hold my kid all night because he was crying.’ I don’t even know if I ever saw her smile when she lived in Texas. Now I don’t see any pictures where she isn’t. I hope that can be us. I hope that can be us soon.”

[taylor.goldenstein@chron.com](mailto:taylor.goldenstein@chron.com)

## Featured Texas Politics Stories

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- CPS is targeting 9 Texas families of transgender kids, but a judge could halt investigations Friday

Sent from my iPhone

**Recipient:** Ladjevardian, Sima (HHS/IEA) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=95f7e5f6b87f4544ba86a70c9ce17791-Ladjevardin <Sima.Ladjevardian@hhs.gov>

**Sent Date:** 2022/03/21 10:11:37

**Delivered Date:** 2022/03/21 10:11:35

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Durso, Laura (HHS/OCR) (CTR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2c28ea748a394755ab47b20b85a43f5f-7a1f26c0-21 <Laura.Durso@hhs.gov>;

**To:** Richards, Jacob (OS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Richards, Jacob <Jacob.Richards@hhs.gov>; Martinez, Steven (HRSA) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b39aa204f154c0ea9e56c1b5d4c7186-steven.mart <SMartinez@hhs.gov>

**CC:** Shipps, Ian (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c2fa90a6ba94947afdf8defa37032d8-Shipps, Ian <Ian.Shipps@hhs.gov>

**Subject:** RE: THE HILL: Judge orders Florida health agency to hand over documents on gender-affirming care

**Date:** 2023/02/02 10:51:47

**Priority:** Normal

**Type:** Note

Thanks, Laura (and Ian for sharing)!

(b)(5)

Jacob

(b)(6) (b)(6) (b) (b)(6) Esq., MSW (she/her)

Senior Advisor to the Director

Phone: (b)(6) (b)(6)

Email: (b)(6)

**From:** Durso, Laura (HHS/OCR) (CTR) <Laura.Durso@hhs.gov>

**Sent:** Thursday, February 2, 2023 10:47 AM

**To:** Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>; Martinez, Steven (HRSA) <SMartinez@hhs.gov>

**Cc:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Shipps, Ian (HHS/OCR) <Ian.Shipps@hhs.gov>

**Subject:** FW: THE HILL: Judge orders Florida health agency to hand over documents on gender-affirming care

(b)(5)

Thank you, Ian!

---

**From:** Shipps, Ian (HHS/OCR) <Ian.Shipps@hhs.gov>

**Sent:** Thursday, February 2, 2023 10:39 AM

**To:** Section 1557 (OCR) <Section1557OCR@HHS.GOV.onmicrosoft.com>

**Subject:** RE: THE HILL: Judge orders Florida health agency to hand over documents on gender-affirming care

(b)(5)



(b)(5)



Ian Shipps, J.D. (he/him)  
Deputy Regional Manager  
Rocky Mountain Region  
Office for Civil Rights  
U.S. Department of Health and Human Services  
Phone: (303)-910-2027  
Fax: (303)-844-2025

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From: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)

Sent: Thursday, February 2, 2023 6:42 AM

To: Section 1557 (OCR) <Section1557OCR@HHS.GOV.onmicrosoft.com>

Subject: THE HILL: Judge orders Florida health agency to hand over documents on gender-affirming care

(b)(5)

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthehill.com%2Fpolicy%2Fhealthcare%2F3840161-judge-orders-florida-health-agency-to-hand-over-documents-on-gender-affirming-care%2F&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fc380f6d4b144fd64c608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=np59iyo%2FfhrPQMcsqmyyTi29uubGYxS48AF8s43RY18%3D&reserved=0>  
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<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthehill.com%2Fauthor%2Fbrooke-migdon%2F&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fc380f6d4b144fd64c608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=wKQD37c2Rg5jcMmyq9YIslaLPUYL88J4Rkwx2leWm9Xs%3D&reserved=0>  
0 - 02/01/23 5:48 PM ET

Florida judge has ordered the state's Agency for Health Care Administration (AHCA) to produce documents related to its determination that gender-affirming health care cannot be covered under Medicaid because treatments are "experimental and investigational."

Attorneys for the AHCA — the agency that controls most of the state's Medicaid program — will have until Feb. 14 to hand over documents it has previously argued are protected under attorney-client privilege and work-product privilege.

Those include exchanges between agency officials and "any person" involved in the creation of a June AHCA report that determined available medical literature provides "insufficient evidence" that puberty blockers, hormones and gender-affirming surgeries are safe and effective treatments for gender dysphoria.

The report has been used to bar an estimated 9,000 transgender Floridians from using Medicaid to help pay for gender-affirming health care and was cited during a November meeting between the state's medical boards that

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthehill.com%2Fblogs%2Fblog-briefing-room%2Fnews%2F3720315-florida-medical-boards-vote-to-ban-gender-affirming-care-for-transgender-youth%2F&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fc380f6d4b144fd64c608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=MZbbjtFL3X7Gr1N%2Ffkt3eWCKhbxWiiOaktww0PRyigk%3D&reserved=0>  
<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthehill.com%2Fblogs%2Fblog-briefing-room%2Fnews%2F3720315-florida-medical-boards-vote-to-ban-gender-affirming-care-for-transgender-youth%2F&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fc380f6d4b144fd64c608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=MZbbjtFL3X7Gr1N%2Ffkt3eWCKhbxWiiOaktww0PRyigk%3D&reserved=0>



Judge orders Florida health agency to hand over documents on gender-affirming care

A Florida judge has ordered the state's Agency for Health Care Administration (AHCA) to produce documents related to its determination that gender-affirming health care cannot be covered under Medicaid because treatments are "experimental and investigational."

Read in The Hill:

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Durso, Laura (HHS/OCR) (CTR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2c28ea748a394755ab47b20b85a43f5f-7a1f26c0-21 <Laura.Durso@hhs.gov>;

Richards, Jacob (OS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Richards, Jacob <Jacob.Richards@hhs.gov>;

**Recipient:** Martinez, Steven (HRSA) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b39aa204f154c0ea9e56c1b5d4c7186-steven.mart <SMartinez@hrsa.gov>;

Shipps, Ian (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c2fa90a6ba94947afdf8defa37032d8-Shipps, Ian <Ian.Shipps@hhs.gov>

**Sent Date:** 2023/02/02 10:51:50

**Delivered Date:** 2023/02/02 10:51:47

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**From:** Wiggins, Audrey (HHS/OGC) /O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA0233584CF046D892C27F25674FF982-WIGGINS, AU <Audrey.Wiggins@hhs.gov>

(b) (b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bdec12ad0974eacababe032f2b37c91 (b)(6)

**To:** (b)(6)  
Schuham, Aaron (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c4b426dc641841c0b8fc53bcc4f4b5a2-Schuham, Aa <Aaron.Schuham@hhs.gov>

Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>;

**CC:** (b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e90ef156ed05483f959d8c4039d9b90a (b)(6)  
(b)(6)

**Subject:** RE: State Medicaid case - heads up

**Date:** 2022/09/27 07:22:06

**Priority:** Normal

**Type:** Note

Aloha, (b)(6) Thanks for the heads up! We will take a look when the draft is ready for our review. Thanks!

---

**From:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Sent:** Monday, September 26, 2022 4:32 PM

**To:** Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

**Cc:** Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; (b)(6) (b)(6) (HHS/OCR)

(b)(6)

**Subject:** State Medicaid case - heads up

Hi Aaron and Audrey,

(b)(5)

Thank you,

(b)(6)

(b)(6) (b)(6) (b) (b)(6) Esq., MSW (she/her) | Senior Advisor to the Director

Office for Civil Rights

U.S. Department of Health & Human Services

200 Independence Ave. S.W., Room 523E

Washington, D.C. 20201

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(b)(6)

**Sender:** Wiggins, Audrey (HHS/OGC) /O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA0233584CF046D892C27F25674FF982-WIGGINS, AU <Audrey.Wiggins@hhs.gov>

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**Recipient:** Schuham, Aaron (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c4b426dc641841c0b8fc53bcc4f4b5a2-Schuham, Aa <Aaron.Schuham@hhs.gov>;

Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>;

(b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e90ef156ed05483f959d8c4039d9b906 (b)(6)

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**Sent Date:** 2022/09/27 07:22:03

**Delivered Date:** 2022/09/27 07:22:06



Schuham, Aaron (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c4b426dc641841c0b8fc53bcc4f4b5a2-Schuham, Aa <Aaron.Schuham@hhs.gov>;

Smith, Marisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user200ad5a8 <Marisa.Smith@HHS.GOV>;

**To:** Wiggins, Audrey (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ba0233584cf046d892c27f25674ff982-Wiggins, Au <Audrey.Wiggins@hhs.gov>;

Nwigwe, Vaniecy (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e86afaa08e5841708e59ff1cbd452fd2-Nwigwe, Van <Vaniecy.Nwigwe@hhs.gov>

Pino, Lisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=90674352c007441b96f0f199cdd550c2-Pino, Lisa <Lisa.Pino@hhs.gov>;

Akpa, Stephanie (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c984ba53af54d46b78d185808aee48c-Akpa, Steph <Stephanie.Akpa@hhs.gov>;

**CC:** Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>;

Novy, Steve (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=caf595a22bcb42b5b1dbc055a1a52b65-Novy, Steve <Steve.Novy@hhs.gov>;

Gant, Nigel (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usera64a5143 <Nigel.Gant@HHS.GOV>

**Subject:** RE: TX - hospitals recap

**Date:** 2022/03/06 10:29:10

**Priority:** Normal

**Type:** Note

{Removing Dan Barry}

(b)(5)

(b)(6) (b)(6) (b) (b)(6) Esq., MSW (she/her)

Phone: (202) (b)(6)

Email: (b)(6)

---

**From:** Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>

**Sent:** Sunday, March 6, 2022 9:40 AM

**To:** Smith, Marisa (HHS/OCR) <Marisa.Smith@HHS.GOV>; (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>; Nwigwe, Vaniecy (OS/OCR) <Vaniecy.Nwigwe@hhs.gov>  
**Cc:** Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Novy, Steve (OS/OCR) <Steve.Novy@hhs.gov>; Gant, Nigel (HHS/OGC) <Nigel.Gant@HHS.GOV>; Barry, Daniel J (HHS/OGC) <daniel.barry@hhs.gov>  
**Subject:** RE: TX - hospitals recap

(b)(5)

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**From:** Smith, Marisa (HHS/OCR) <Marisa.Smith@HHS.GOV>  
**Sent:** Saturday, March 5, 2022 6:55 PM  
**To:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>; Nwigwe, Vaniecy (OS/OCR) <Vaniecy.Nwigwe@hhs.gov>  
**Cc:** Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Novy, Steve (OS/OCR) <Steve.Novy@hhs.gov>; Gant, Nigel (HHS/OGC) <Nigel.Gant@HHS.GOV>  
**Subject:** RE: TX - hospitals recap

Thank you for this update.

(b)(5)

(b)(5)

My initial thoughts.

---

**From:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Sent:** Saturday, March 5, 2022 2:54 PM

**To:** Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>; Smith, Marisa (HHS/OCR) <Marisa.Smith@HHS.GOV>; Nwigwe, Vaniecy (OS/OCR) <Vaniecy.Nwigwe@hhs.gov>

**Cc:** Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>

**Subject:** TX - hospitals recap

Hi everyone,

(b)(5)

If I left anything out, please feel free to chime in! Also, please let us know if you have and questions.

Best,

(b)(6)

(b)(6) (b)(6) (b) (b)(6) Esq., MSW (she/her) | Section Chief

Office for Civil Rights

U.S. Department of Health & Human Services

200 Independence Ave. S.W.

Washington, D.C. 20201

Phone: (b)(6) (b)(6)

Email: (b)(6)

Schuham, Aaron (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c4b426dc641841c0b8fc53bcc4f4b5a2-Schuham, Aa <Aaron.Schuham@hhs.gov>;  
Smith, Marisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user200ad5a8 <Marisa.Smith@HHS.GOV>;  
Wiggins, Audrey (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ba0233584cf046d892c27f25674ff982-Wiggins, Au <Audrey.Wiggins@hhs.gov>;  
Nwigwe, Vaniecy (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e86afaa08e5841708e59ff1cbd452fd2-Nwigwe, Van <Vaniecy.Nwigwe@hhs.gov>;  
**Recipient:** Pino, Lisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=90674352c007441b96f0f199cdd550c2-Pino, Lisa <Lisa.Pino@hhs.gov>;  
Akpa, Stephanie (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c984ba53af54d46b78d185808aee48c-Akpa, Steph <Stephanie.Akpa@hhs.gov>;  
Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>;  
Novy, Steve (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=caf595a22bcb42b5b1dbc055a1a52b65-Novy, Steve <Steve.Novy@hhs.gov>;  
Gant, Nigel (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usera64a5143 <Nigel.Gant@HHS.GOV>

**Sent Date:** 2022/03/06 10:29:12

**Delivered Date:** 2022/03/06 10:29:10

**Message Flags:** Unread Unsent

Stampul, Barbara (HHS/OCR) /O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ABA3E5FC28844F3399581D12FBEC4FCB-STAMPUL, BA <Barbara.Stampul@hhs.gov>

Romero-Escobar, Beatriz (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user8a7a5326 <Beatriz.Romero@HHS.GOV>;

Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>;

(b) (b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bdec12ad0974eacababe032f2b37c91-(b)(6)  
(b)(6)

**Subject:** RE: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

**Date:** 2023/03/22 16:38:35

**Priority:** Normal

**Type:** Note

Thank you Beatriz!

---

**From:** Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>

**Sent:** Wednesday, March 22, 2023 4:31 PM

**To:** Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; (b) (b)(6) (b)(6) (HHS/OCR)

(b)(6)

**Cc:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>

**Subject:** RE: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

(b)(5)

Thank you all.

---

**From:** Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>

**Sent:** Wednesday, March 22, 2023 4:13 PM

**To:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>

**Cc:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>

**Subject:** RE: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

Thank you!

---

**From:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Sent:** Wednesday, March 22, 2023 4:10 PM

**To:** Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>

**Cc:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>

**Subject:** RE: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

(b)(5)

(b)(6) (b)(6) (b)(6) Esq., MSW (she/her)

Senior Advisor to the Director

Office for Civil Rights | U.S. Department of Health & Human Services

Phone: (b)(6) (b)(6)

---

**From:** Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>

**Sent:** Wednesday, March 22, 2023 4:08 PM

**To:** (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6) Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>

**Cc:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>

**Subject:** RE: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

Hi all –

Thanks for your thoughts (b)(6) (b)(5)

(b)(5)

---

**From:** (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Sent:** Wednesday, March 22, 2023 4:01 PM

**To:** Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>

**Cc:** Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>

**Subject:** RE: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

Thanks, Beatriz. (b)(5)

(b)(5)

(b)(5)

(b)(6) (b)(6) (b)(6) Esq., MSW (she/her)

Senior Advisor to the Director

Office for Civil Rights | U.S. Department of Health & Human Services

Phone: (b)(6) (b)(6)

---

**From:** Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>

**Sent:** Wednesday, March 22, 2023 3:50 PM

**To:** (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Cc:** Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Stampul, Barbara (HHS/OCR)

<Barbara.Stampul@hhs.gov>

**Subject:** FW: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

(b)(6)

(b)(5)

(b)(5)

Thanks.

---

**From:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>

**Sent:** Wednesday, March 15, 2023 2:35 PM

**To:** Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>

**Cc:** Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>

**Subject:** FW: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

Hi Carla,

(b)(5)

Thanks!

---

**From:** Stampul, Barbara (HHS/OCR)

**Sent:** Wednesday, February 22, 2023 9:25 AM

**To:** Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>

**Subject:** RE: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

(b)(5)

---

**From:** Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>

**Sent:** Wednesday, February 22, 2023 9:22 AM

**To:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>

**Subject:** FW: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

(b)(5)

(b)(5)

Thanks.

---

**From:** Romero-Escobar, Beatriz (HHS/OCR)

**Sent:** Tuesday, January 31, 2023 2:25 PM

**To:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>

**Subject:** FW: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

Your reminder to follow up with (b)(6) on this case.

---

**From:** Romero-Escobar, Beatriz (HHS/OCR)

**Sent:** Thursday, January 26, 2023 9:48 AM

**To:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>

**Subject:** RE: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

Yes, I forgot about that. Ok. I will add to next week's calendar. Thanks.

---

**From:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>

**Sent:** Thursday, January 26, 2023 9:48 AM

**To:** Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>

**Subject:** RE: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services



Yes. But she's out for a (b)(6) so I would say to follow up next Wed as well.

---

**From:** Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>  
**Sent:** Thursday, January 26, 2023 9:42 AM  
**To:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>  
**Cc:** Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>  
**Subject:** FW: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

Should I do a follow up with (b)(6) about this case?

---

**From:** Romero-Escobar, Beatriz (HHS/OCR)  
**Sent:** Wednesday, January 11, 2023 10:51 AM  
**To:** (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6) Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>  
**Subject:** RE: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

Here it is.

<< File: Allegation Description\_2022-12-18 - GA DFCS Douglas County - Civil Rights Complaint\_1 (1).pdf  
>> << File: CR\_28142799\_2022-12-18\_976817.pdf >>

---

**From:** (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)  
**Sent:** Wednesday, January 11, 2023 10:05 AM  
**To:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>  
**Cc:** Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>  
**Subject:** RE: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

Thanks for flagging, Barbara. Can you please send me the initiating complaint, as well?

(b)(6) (b)(6) (b)(6) Esq., MSW (she/her)  
Senior Advisor to the Director  
Phone: (b)(6) (b)(6)  
Email: (b)(6)

---

**From:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>  
**Sent:** Wednesday, January 11, 2023 10:00 AM  
**To:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)  
**Cc:** Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>  
**Subject:** FW: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

Hi (b)(6)

(b)(5)

(b)(5)

Thanks!

---

**From:** Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>  
**Sent:** Monday, January 9, 2023 10:51 AM  
**To:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>  
**Subject:** FW: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

Barb,

Let me know when we can discuss. Thanks.

---

**From:** Griffin, Chris (HHS/OGC) <Chris.Griffin@HHS.GOV>  
**Sent:** Monday, January 9, 2023 10:43 AM  
**To:** Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>  
**Cc:** Kossally, Constance (HHS/OGC) <Constance.Kossally@hhs.gov>; Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>  
**Subject:** RE: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

Hi Beatriz,

(b)(5)

(b)(5)

I do not know if this Manual is still used by OCR << File: Civil Rights Investigation Case Resolution Manual.doc >> . Feel free to contact me if you have more questions.

Chris Griffin  
Assistant Regional Counsel  
HHS, Office of General Counsel, Region IV Atlanta, GA

(b)(6)

---

**From:** Romero-Escobar, Beatriz (HHS/OCR) <[Beatriz.Romero@HHS.GOV](mailto:Beatriz.Romero@HHS.GOV)>  
**Sent:** Friday, January 6, 2023 4:26 PM  
**To:** Griffin, Chris (HHS/OGC) <[Chris.Griffin@HHS.GOV](mailto:Chris.Griffin@HHS.GOV)>  
**Cc:** Kossally, Constance (HHS/OGC) <[Constance.Kossally@hhs.gov](mailto:Constance.Kossally@hhs.gov)>; Stampul, Barbara (HHS/OCR) <[Barbara.Stampul@hhs.gov](mailto:Barbara.Stampul@hhs.gov)>  
**Subject:** RE:04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services

Good afternoon Chris,

(b)(5)

Regards,

<< File: Allegation Description\_2022-12-18 - GA DFCS Douglas County - Civil Rights Complaint\_1.pdf >>

**Beatriz C. Romero-Escobar**

Senior Investigator

Office for Civil Rights-DHHS

(404)562-4680 (Direct)

(404)562-7881 (Fax)

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**English** – If you speak a non-English language, call 1-800-368-1019 (TTY: 1-800-537-7697), and you will be connected to an interpreter who will assist you with this document at no cost.

**Español** – Spanish – Si usted habla español marque 1800 368-1019 ( o a la línea de teléfono por texto TTY 1800-537-7697 ) y su llamada será conectada con un intérprete que le asistirá con este documento sin costo alguno.

**中文** – Chinese – 如果你讲中文，请拨打1-800-368-1019（打手电话：1-800-537-7697），你将被连接到一位讲同样语言的翻译员为你提供免费服务。

**Tiếng Việt** – Vietnamese – Nếu bạn nói tiếng Việt, xin gọi 1 800 368 1019 (TTY: 1 800 537 7697), và bạn sẽ được kết nối với một thông dịch viên, người này sẽ hỗ trợ bạn với tài liệu này miễn phí.

**한국어** – Korean – 한국어를 하시면 1-800-368-1019 (정각 장애용: 1-800-537-7697) 로 연락 주세요. 통역관과 연결해서 당신의 서류를 무료로 도와 드리겠습니다.

**Tagalog (Filipino)** – Kung ikaw ay nagsasalita nang Tagalog, tumawag sa 1-800-369-1019 (TTY:1-800-537-7697) para makonek sa tagapagsalin na tutulong sa iyo sa dokumentong ito na walang bayad.

**Русский** – Russian – Если вы говорите по-русски, наберите 1-800-368-1019. Для клиентов с ограниченными слуховыми и речевыми возможностями: 1-800-537-7697), и вас соединят с русскоговорящим переводчиком, который вам поможет с этим документом безвозмездно.

---

**Sender:** Stampul, Barbara (HHS/OCR) /O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ABA3E5FC28844F3399581D12FBEC4FCB-STAMPUL, BA <Barbara.Stampul@hhs.gov>

Romero-Escobar, Beatriz (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user8a7a5326 <Beatriz.Romero@HHS.GOV>;  
**Recipient:** Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>;  
(b) (b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bdec12ad0974eacababe032f2b37c91 (b)(6)  
(b)(6)

**Sent Date:** 2023/03/22 16:38:33

**Delivered Date:** 2023/03/22 16:38:35

**Message Flags:** Unread

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information Act

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information Act

Withheld pursuant to exemption

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of the Freedom of Information Act



Withheld pursuant to exemption

(b)(5)

of the Freedom of Information Act

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information Act

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information Act

**From:** (b)(6) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b)(6)>

**To:** Martinez, Steven (HRSA) <SMartinez@hrsa.gov>

**Subject:** RE: THE HILL: Judge orders Florida health agency to hand over documents on gender-affirming care

**Date:** 2023/02/02 11:12:00

**Priority:** Normal

**Type:** Note

Excellent!

(b)(6) (b)(6) (b)(6) Esq., MSW (she/her)

Senior Advisor to the Director

Phone: (202) (b)(6)

Email: (b)(6)

---

**From:** Martinez, Steven (HRSA) <SMartinez@hrsa.gov>

**Sent:** Thursday, February 2, 2023 11:12 AM

**To:** (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Subject:** RE: THE HILL: Judge orders Florida health agency to hand over documents on gender-affirming care

Hey (b)(6) – Yes, I got these from Ian.

---

**From:** (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Sent:** Thursday, February 2, 2023 10:51 AM

**To:** Martinez, Steven (HRSA) <SMartinez@hrsa.gov>

**Subject:** RE: THE HILL: Judge orders Florida health agency to hand over documents on gender-affirming care

I added you to our team listserv this am – can you confirm that you also received this directly from Ian (or not!). Thanks!

(b)(6) (b)(6) (b)(6) Esq., MSW (she/her)

Senior Advisor to the Director

Phone: (202) (b)(6)

Email: (b)(6)

---

**From:** Durso, Laura (HHS/OCR) (CTR) <Laura.Durso@hhs.gov>

**Sent:** Thursday, February 2, 2023 10:47 AM

**To:** Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>; Martinez, Steven (HRSA) <SMartinez@hrsa.gov>

**Cc:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Shipps, Ian (HHS/OCR)  
<Ian.Shipps@hhs.gov>

**Subject:** FW: THE HILL: Judge orders Florida health agency to hand over documents on gender-affirming care

Making sure you both got these!

Thank you, Ian!

---

**From:** Shipps, Ian (HHS/OCR) <Ian.Shipps@hhs.gov>

**Sent:** Thursday, February 2, 2023 10:39 AM

**To:** Section 1557 (OCR) <Section1557OCR@HHS.GOV.onmicrosoft.com>

**Subject:** RE: THE HILL: Judge orders Florida health agency to hand over documents on gender-affirming care

Here are a handful of New England Journal of Medicine articles for members of the team specifically working on gender affirming care, clinical algorithms (article is specific to measuring GFR (kidney function) without including race/sex-based factors), and one more on overall health equity (probably not all that helpful for this rulemaking).

I was only able to download two PDF versions directly from the NEJM's website, and the other articles, I had to copy/scan from hard copies of the journal. Troy subscribes to the hard copy version, which is only good for two electronic versions of articles (per month, I think).

GAC articles:

GFR Clinical Algorithm:

Health Equity:

Ian Shipps, J.D. (he/him)  
Deputy Regional Manager  
Rocky Mountain Region  
Office for Civil Rights  
U.S. Department of Health and Human Services  
Phone: (b)(6)

Fax: (303)-844-2025

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From: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)

Sent: Thursday, February 2, 2023 6:42 AM

To: Section 1557 (OCR) <[Section1557OCR@HHS.GOV.onmicrosoft.com](mailto:Section1557OCR@HHS.GOV.onmicrosoft.com)>

Subject: THE HILL: Judge orders Florida health agency to hand over documents on gender-affirming care

Thought y'all might appreciate this recent update from the FL Medicaid trans healthcare ban litigation. I especially appreciated the highlighted below.

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthehill.com%2Fpolicy%2Fhealthcare%2F3840161-judge-orders-florida-health-agency-to-hand-over-documents-on-gender-affirming-care%2F&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=np59iyo%2FfhrPQMesqmvvTi29uubGYxS48AF8s43RY18%3D&reserved=0>  
by

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthehill.com%2Fauthor%2Fbrooke-migdon%2F&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=wKQD37c2Rg5jcMmyq9YIaLPUYL88J4Rkwx2leWm9Xs%3D&reserved=0>  
0 - 02/01/23 5:48 PM ET

Florida judge has ordered the state's Agency for Health Care Administration (AHCA) to produce documents related to its determination that gender-affirming health care cannot be covered under Medicaid because treatments are "experimental and investigational."

Attorneys for the AHCA — the agency that controls most of the state's Medicaid program — will have until Feb. 14 to hand over documents it has previously argued are protected under attorney-client privilege and work-product privilege.

Those include exchanges between agency officials and "any person" involved in the creation of a June AHCA report that determined available medical literature provides "insufficient evidence" that puberty

blockers, hormones and gender-affirming surgeries are safe and effective treatments for gender dysphoria.

The report has been used to bar an estimated 9,000 transgender Floridians from using Medicaid to help pay for gender-affirming health care and was cited during a November meeting between the state's medical boards that

[https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthehill.com%2Fblogs%2Fblog-briefing-room%2Fnews%2F3720315-florida-medical-boards-vote-to-ban-gender-affirming-care-for-transgender-](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthehill.com%2Fblogs%2Fblog-briefing-room%2Fnews%2F3720315-florida-medical-boards-vote-to-ban-gender-affirming-care-for-transgender-youth%2F&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addca50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=MZbbjtFL3X7Gr1N%2Ffkt3eWCKhbxWiiOaktww0PRyigk%3D&reserved=0)

[youth%2F&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addca50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=MZbbjtFL3X7Gr1N%2Ffkt3eWCKhbxWiiOaktww0PRyigk%3D&reserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthehill.com%2Fblogs%2Fblog-briefing-room%2Fnews%2F3720315-florida-medical-boards-vote-to-ban-gender-affirming-care-for-transgender-youth%2F&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addca50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=MZbbjtFL3X7Gr1N%2Ffkt3eWCKhbxWiiOaktww0PRyigk%3D&reserved=0)  
[https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthehill.com%2Fblogs%2Fblog-briefing-room%2Fnews%2F3720315-florida-medical-boards-vote-to-ban-gender-affirming-care-for-transgender-](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthehill.com%2Fblogs%2Fblog-briefing-room%2Fnews%2F3720315-florida-medical-boards-vote-to-ban-gender-affirming-care-for-transgender-youth%2F&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=MZbbjtFL3X7Gr1N%2Ffkt3eWCKhbxWiiOaktww0PRyigk%3D&rcserved=0)

[youth%2F&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=MZbbjtFL3X7Gr1N%2Ffkt3eWCKhbxWiiOaktww0PRyigk%3D&rcserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthehill.com%2Fblogs%2Fblog-briefing-room%2Fnews%2F3720315-florida-medical-boards-vote-to-ban-gender-affirming-care-for-transgender-youth%2F&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=MZbbjtFL3X7Gr1N%2Ffkt3eWCKhbxWiiOaktww0PRyigk%3D&rcserved=0)  
that prevents minors in Florida from accessing gender-affirming treatments.

Gender-affirming health care for youths and adults has been deemed safe and medically necessary by most professional medical organizations.

In a six-page order published Tuesday, U.S. District Judge Robert Hinkle said the AHCA must produce, among other documents, its communications with experts that were used to inform the agency's June report on gender-affirming health care and the ensuing rule that excluded treatments from Medicaid. Lawyers for the agency have said that while the desired documents were created for rulemaking purposes, they were also intended for use in litigation they knew would follow the adoption of the rule, making them protected documents by law.

Hinkle said he disagreed.

"Even if this leaves room in an appropriate circumstance for protection of documents created for dual purposes — not just when the primary purpose was to aid in future litigation — the experts at issue here were an essential part of the mandated rulemaking process," he wrote in the order, which is part of an ongoing [https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.lambdalegal.org%2Ffin-court%2Fcases%2Fdckker-v-](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.lambdalegal.org%2Ffin-court%2Fcases%2Fdckker-v-marstiller&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=tjm0PpIMGdLhrNr46QvggKDMo09h67JYr4XaxEUypTE%3D&rcserved=0)

[marstiller&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=tjm0PpIMGdLhrNr46QvggKDMo09h67JYr4XaxEUypTE%3D&rcserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.lambdalegal.org%2Ffin-court%2Fcases%2Fdckker-v-marstiller&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=tjm0PpIMGdLhrNr46QvggKDMo09h67JYr4XaxEUypTE%3D&rcserved=0)  
[Zsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=tjm0PpIMGdLhrNr46QvggKDMo09h67JYr4XaxEUypTE%3D&rcserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.lambdalegal.org%2Ffin-court%2Fcases%2Fdckker-v-marstiller&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=tjm0PpIMGdLhrNr46QvggKDMo09h67JYr4XaxEUypTE%3D&rcserved=0)

Hinkle continued, "Either the experts were retained to assist in an honest evaluative process—in which event their communications were not within work-product protection — or the rulemaking process was a sham and the real goal was to prevail in the anticipated litigation — a possibility the defendants could embrace to win the discovery battle only by acknowledging that the rulemaking process was fatally flawed, or nearly so."

Court documents filed earlier this month suggest the state's rulemaking process was just that, with an AHCA employee alleging that the June report "does not present an honest and accurate assessment" of medical evidence and practice guidelines related to gender-affirming health care.

Attorneys for the AHCA must file a revised log of protected documents by Feb. 2, according to Hinkle's order. The plaintiffs in the case — two transgender minors and two transgender adults in their 20s —

may file an additional motion to compel if they believe the protected documents are being “improperly withheld.”

(b)(6) (b)(6) (b)(6) Esq., MSW (she/her)

Senior Advisor to the Director

Phone: (b)(6) (b)(6)

Email: (b)(6)

From: (b)(6) (b)(6) (b)(6) (b)(6)

Sent: Wednesday, February 1, 2023 11:28 PM

To: (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)

Subject: THE HILL: Judge orders Florida health agency to hand over documents on gender-affirming care

Judge orders Florida health agency to hand over documents on gender-affirming care

A Florida judge has ordered the state’s Agency for Health Care Administration (AHCA) to produce documents related to its determination that gender-affirming health care cannot be covered under Medicaid because treatments are “experimental and investigational.”

Read in The Hill:

[https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapple.news%2Fap4\\_n391vScennu5aK6uSkA&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=3dA%2FY73IIF6dX9uj4te0OgFx0Fn1d2zZUNGWk5P0gO0%3D&reserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapple.news%2Fap4_n391vScennu5aK6uSkA&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=3dA%2FY73IIF6dX9uj4te0OgFx0Fn1d2zZUNGWk5P0gO0%3D&reserved=0)

Shared from

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.apple.com%2Fnews&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=zUTi2ZAG5RsHQ5W5Jvg8Cy7%2FNaLwMbBOC%2FNXyiVxdUE%3D&reserved=0>

**Sender:** (b)(6) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>

**Recipient:** Martinez, Steven (HRSA) <SMartinez@hrsa.gov>

**Sent Date:** 2023/02/02 11:12:24

**Delivered Date:** 2023/02/02 11:12:00



**From:** (b) (6) (b) (6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91 (b) (6)>  
**To:** Rainer, Melanie Fontes (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c7242f10a494d45bab72c452ecd9f80-Rainer, Mel <Melanie.Rainer@hhs.gov>  
**CC:** Pryor, Rachel (HHS/OS/IOS) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1e87a6df2de041fcb673dd5e40029b87-Pryor, Rach <Rachel.Pryor@hhs.gov>; Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>  
**Subject:** RE: Leading Health Care Organizations Urge Action to Protect Physicians, Hospitals, Patients and Families from Violence  
**Date:** 2022/10/13 15:45:00  
**Priority:** Normal  
**Type:** Note

Perfect; will email Johnathan and keep you posted.

(b) (6) (b) (6) (b) (6) Esq., MSW (she/her)  
Senior Advisor to the Director  
Phone: (b) (6) (b) (6)  
Email: (b) (6)

**From:** Rainer, Melanie Fontes (OS/OCR) <Melanie.Rainer@hhs.gov>  
**Sent:** Thursday, October 13, 2022 3:36 PM  
**To:** (b) (6) (b) (6) (HHS/OCR) (b) (6)  
**Cc:** Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>  
**Subject:** RE: Leading Health Care Organizations Urge Action to Protect Physicians, Hospitals, Patients and Families from Violence

(b) (5)

**From:** (b) (6) (b) (6) (HHS/OCR) (b) (6)  
**Sent:** Thursday, October 13, 2022 3:24 PM  
**To:** Rainer, Melanie Fontes (OS/OCR) <Melanie.Rainer@hhs.gov>  
**Cc:** Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>  
**Subject:** RE: Leading Health Care Organizations Urge Action to Protect Physicians, Hospitals, Patients and Families from Violence

Yes; this is a separate letter that Cayla was also just sharing as an FYI on youth mental health.

(b)(5)

(b)(6) (b)(6) (b)(6) Esq., MSW (she/her)

Senior Advisor to the Director

Phone: (b)(6) (b)(6)

Email: (b)(6)

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**From:** Rainer, Melanie Fontes (OS/OCR) <Melanie.Rainer@hhs.gov>

**Sent:** Thursday, October 13, 2022 3:22 PM

**To:** (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Cc:** Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Jee, Lauren (HHS/OCR)

<Lauren.Jee1@hhs.gov>

**Subject:** RE: Leading Health Care Organizations Urge Action to Protect Physicians, Hospitals, Patients and Families from Violence

(b)(5)

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**From:** (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Sent:** Thursday, October 13, 2022 3:20 PM

**To:** Rainer, Melanie Fontes (OS/OCR) <Melanie.Rainer@hhs.gov>

**Cc:** Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Jee, Lauren (HHS/OCR)

<Lauren.Jee1@hhs.gov>

**Subject:** FW: Leading Health Care Organizations Urge Action to Protect Physicians, Hospitals, Patients and Families from Violence

Hi Melanie,

(b)(5)

---

**From:** Rainer, Melanie Fontes (OS/OCR) <Melanie.Rainer@hhs.gov>

**Sent:** Tuesday, October 4, 2022 12:57 PM

**To:** Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; tharo (aap.org) <tharo@aap.org>; Kaplan, Cayla (HHS/IEA) <Cayla.Kaplan@hhs.gov>; Tesfaye, Eden (OS/IEA) <Eden.Tesfaye@hhs.gov>; (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Cc:** Boateng, Sarah (HHS/OASH) <Sarah.Boateng@hhs.gov>

**Subject:** RE: Leading Health Care Organizations Urge Action to Protect Physicians, Hospitals, Patients and Families from Violence

Thanks Rachel. I am adding (b)(6) here. (b)(5)

(b)(5)

Thanks,  
Melanie

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**From:** Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>

**Sent:** Tuesday, October 4, 2022 12:21 PM

**To:** tharo (aap.org) <tharo@aap.org>; Kaplan, Cayla (HHS/IEA) <Cayla.Kaplan@hhs.gov>; Tesfaye, Eden (OS/IEA) <Eden.Tesfaye@hhs.gov>

**Cc:** Rainer, Melanie Fontes (OS/OCR) <Melanie.Rainer@hhs.gov>; Boateng, Sarah (HHS/OASH) <Sarah.Boateng@hhs.gov>

**Subject:** RE: Leading Health Care Organizations Urge Action to Protect Physicians, Hospitals, Patients and Families from Violence

Thank you so much for flagging this. Adding a couple others.

Rachel

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**From:** Haro, Tamar Magarik <tharo@aap.org>

**Sent:** Monday, October 3, 2022 1:15 PM

**To:** Kaplan, Cayla (HHS/IEA) <Cayla.Kaplan@hhs.gov>; Tesfaye, Eden (OS/IEA) <Eden.Tesfaye@hhs.gov>; Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>

**Subject:** Leading Health Care Organizations Urge Action to Protect Physicians, Hospitals, Patients and Families from Violence

Hi Rachel, Cayla and Eden,

I wanted to make you saw the press release below, [online here](#) and attached that went out to media this morning. In it is a link to the letter our organizations sent to Attorney General Garland this morning urging him to investigate and prosecute all organizations, individuals, and entities responsible for coordinating, provoking, and carrying out bomb threat and threats of personal violence against children's hospitals and physicians across the U.S.

I wanted to make sure this was on your radar. Please feel free to share it within your teams.

Best,  
Tamar



[Image removed by sender.]

**For immediate release:** October 3, 2022

**Media contacts:**

AAP: Jamie Poslosky ([jposlosky@aap.org](mailto:jposlosky@aap.org))

AMA: Robert J. Mills ([robert.mills@ama-assn.org](mailto:robert.mills@ama-assn.org))

CHA: Elleni Almandrez ([elleni.almandrez@childrenshospitals.org](mailto:elleni.almandrez@childrenshospitals.org))

**Leading Health Care Organizations Urge Action to Protect Physicians, Hospitals, Patients  
and Families from Violence**

*Groups call on Department of Justice investigation, technology platforms to address harassment  
and threats of violence against physicians and hospitals*

**Washington, DC**—Today, the American Academy of Pediatrics (AAP), American Medical Association (AMA) and Children’s Hospital Association (CHA) unite in support of physicians and hospitals who have been threatened and attacked in recent months.

The groups sent a [letter](#) to Attorney General Merrick Garland urging the Department of Justice to investigate the increasing threats of violence against physicians, hospitals and families of children for providing and seeking [evidence-based gender-affirming care](#). The organizations also call on technology platforms to do more to stop the rhetoric that often incites threats or acts of violence and has led to harassment campaigns across the country, much of it directed at children’s hospitals and the physicians and staff who work there.

“Whether it’s newborns receiving intensive care, children getting cancer treatments or families accessing compassionate care for their transgender adolescents, all patients seeking treatment deserve to get the care they need without fear for their personal safety,” said **AAP President Moira Szilagyi, MD, PhD, FAAP**. “We cannot stand by as threats of violence against our members and their patients proliferate with little consequence. We call on the Department of Justice to investigate these attacks and social media platforms to reduce the spread of the misinformation enabling them.”

The AAP and AMA collectively represent more than 270,000 physicians and medical students and CHA represents more than 220 children’s hospitals across the country. The groups wrote to Attorney General Garland urging “swift action to investigate and prosecute all organizations, individuals, and entities responsible.”

“Individuals in all workplaces have the right to a safe environment, out of harm’s way and free of intimidation or reprisal,” said **AMA President Jack Resneck Jr., MD**. “As physicians, we



condemn groups that promote hate-motivated intolerance and toxic misinformation that can lead to grave real-world violence and extremism and jeopardize patients' health outcomes. The AMA will continue to work with federal, state and local law enforcement officials to develop and implement strategies that protect hard-working, law-abiding physicians and other health care workers from senseless acts of violence, abuse and intimidation.”

In addition to the letter to the Department of Justice, the groups call on Twitter, TikTok and Meta, which owns Facebook and Instagram, to do more to prevent coordinated campaigns of disinformation. The organizations ask the platforms to take bolder action when false information is shared about specific institutions and physicians. They also urge social media companies to enforce safety and hateful conduct policies to stop the endangerment of patients, families, physicians and health care staff.

“We are committed to providing safe, supportive and inclusive health care environments for each and every child and family, and the clinicians and staff who are dedicated to caring for children,” said **CHA President Amy Wimpey Knight**. “Threats and acts of violence are not a solution, nor a substitute, for civil dialogue about issues of a child or teen’s health and wellbeing. At CHA, we are committed to working across sectors to prevent misleading and inflammatory comments that result in threats to those caring for patients.”

The groups wrote in their letter to Attorney General Garland, “Our organizations are dedicated to the health and well-being of all children and adolescents. We are committed to the full spectrum of patient care—from prevention to critical care. We stand with the physicians, nurses, mental health specialists, and other health care professionals who provide evidence-based health care, including gender-affirming care, to children and adolescents.”

###

### **About the American Academy of Pediatrics**

*The American Academy of Pediatrics is an organization of 67,000 primary care pediatricians, pediatric medical subspecialists and pediatric surgical specialists dedicated to the health, safety and well-being of infants, children, adolescents and young adults.*

### **About the American Medical Association**

*The American Medical Association is the physicians’ powerful ally in patient care. As the only medical association that convenes 190+ state and specialty medical societies and other critical stakeholders, the AMA represents physicians with a unified voice to all key players in health care. The AMA leverages its strength by removing the obstacles that interfere with patient care, leading the charge to prevent chronic disease and confront public health crises, and driving the future of medicine to tackle the biggest challenges in health care. For more information, visit [ama-assn.org](http://ama-assn.org).*

### **About the Children’s Hospital Association**

*Children's Hospital Association is the national voice of more than 220 children's hospitals, advancing child health through innovation in the quality, cost and delivery of care.*

**Sender:** (b) (6) (b) (6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b) (6)>

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**Recipient:** Pryor, Rachel (HHS/OS/IOS) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1e87a6df2de041fcb673dd5e40029b87-Pryor, Rach <Rachel.Pryor@hhs.gov>;

Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>

**Sent Date:** 2022/10/13 15:45:38

**Delivered Date:** 2022/10/13 15:45:00

**From:** (b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91 (b)(6)>

McLean, Rogelyn (CMS/CCIO) /o=ExchangeLabs/ou=Exchange Administrative Group  
**To:** (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3063a31c945488cbacd479c115a6ac3-MWQD  
<rogelyn.mclean@cms.hhs.gov>

**Subject:** RE: Section 1557 - OPM concerns summary

**Date:** 2022/04/19 11:24:00

**Priority:** Normal

**Type:** Note

(b)(5)

(b)(6) (b)(6) (b) (b)(6) Esq., MSW (she/her)

Phone: (b)(6) (b)(6)

Email: (b)(6)

**From:** McLean, Rogelyn (CMS/CCIO) <Rogelyn.McLean@cms.hhs.gov>

**Sent:** Monday, April 18, 2022 10:44 PM

**To:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Subject:** RE: Section 1557 - OPM concerns summary

Hi (b)(6) – I've been working on getting the email below out to you since 3pm! Now that Melanie has roped you in already, decided I should get it to you!

Rog.

(b)(6)

\*\*\*  
(b)(5)

(b)(5)



(b)(5)

---

**From:** (b) (b)(6) (b)(6) (HHS/OCR)  
**Sent:** Monday, April 11, 2022 10:12 AM  
**To:** Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Bilek, Uri (OS/OGC) <Uri.Bilek@hhs.gov>; McLean, Rogelyn (CMS/CCIIO) <Rogelyn.McLean@cms.hhs.gov>  
**Cc:** Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; Fisher, Barbara (HHS/OGC) <Barbara.Fisher@HHS.GOV>; LaCheen, Cary (OS/OGC) <Cary.LaCheen@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>  
**Subject:** RE: Section 1557 - OPM concerns summary

Great, will send you the meeting invite for 10am tomorrow.

(b)(6) (b)(6) (b) (b)(6) Esq., MSW (she/her)  
Phone: (b)(6) (b)(6)  
Email: (b)(6)

---

**From:** Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>  
**Sent:** Monday, April 11, 2022 10:04 AM  
**To:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Bilek, Uri (OS/OGC) <Uri.Bilek@hhs.gov>; McLean, Rogelyn (CMS/CCIIO) <Rogelyn.McLean@cms.hhs.gov>  
**Cc:** Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; Fisher, Barbara (HHS/OGC) <Barbara.Fisher@HHS.GOV>; LaCheen, Cary (OS/OGC) <Cary.LaCheen@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>  
**Subject:** RE: Section 1557 - OPM concerns summary

I would like to join if it works. I can do 10am and 4pm tomorrow.

Melanie Fontes Rainer (she/her/ella)

Counselor to the Secretary  
U.S. Department of Health and Human Services  
Cell: (b)(6)  
[Melanie.Rainer@hhs.gov](mailto:Melanie.Rainer@hhs.gov)

**From:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)  
**Sent:** Monday, April 11, 2022 9:53 AM  
**To:** Bilek, Uri (OS/OGC) <[Uri.Bilek@hhs.gov](mailto:Uri.Bilek@hhs.gov)>; McLean, Rogelyn (CMS/CCIIO) <[Rogelyn.McLean@cms.hhs.gov](mailto:Rogelyn.McLean@cms.hhs.gov)>  
**Cc:** Schuham, Aaron (HHS/OGC) <[Aaron.Schuham@hhs.gov](mailto:Aaron.Schuham@hhs.gov)>; Barron, Pamela (HHS/OCR) <[Pamela.Barron@hhs.gov](mailto:Pamela.Barron@hhs.gov)>; Fisher, Barbara (HHS/OGC) <[Barbara.Fisher@HHS.GOV](mailto:Barbara.Fisher@HHS.GOV)>; LaCheen, Cary (OS/OGC) <[Cary.LaCheen@hhs.gov](mailto:Cary.LaCheen@hhs.gov)>  
**Subject:** RE: Section 1557 - OPM concerns summary

Uri,

(moving Melanie and Lauren to BCC for scheduling)

Do you have a preference for any of the below times?

- Monday (4/11): 4:30pm
- Tuesday (4/12): 10am, 4pm, 4:30pm

Best,

(b)(6)

(b)(6) (b)(6) (b) (b)(6) Esq., MSW (she/her)

Phone: (b)(6) (b)(6)

Email: (b)(6)

**From:** Bilek, Uri (OS/OGC) <[Uri.Bilek@hhs.gov](mailto:Uri.Bilek@hhs.gov)>  
**Sent:** Friday, April 8, 2022 7:49 PM  
**To:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) McLean, Rogelyn (CMS/CCIIO) <[Rogelyn.McLean@cms.hhs.gov](mailto:Rogelyn.McLean@cms.hhs.gov)>  
**Cc:** Rainer, Melanie Fontes (OS/IOS) <[Melanie.Rainer@hhs.gov](mailto:Melanie.Rainer@hhs.gov)>; Jee, Lauren (HHS/OCR) <[Lauren.Jee1@hhs.gov](mailto:Lauren.Jee1@hhs.gov)>; Schuham, Aaron (HHS/OGC) <[Aaron.Schuham@hhs.gov](mailto:Aaron.Schuham@hhs.gov)>; Barron, Pamela (HHS/OCR) <[Pamela.Barron@hhs.gov](mailto:Pamela.Barron@hhs.gov)>; Fisher, Barbara (HHS/OGC) <[Barbara.Fisher@HHS.GOV](mailto:Barbara.Fisher@HHS.GOV)>  
**Subject:** RE: Section 1557 - OPM concerns summary

(b)(6)

(b)(5)

Regards,

Uri

Uri Bilek

Office of the General Counsel, CMS Division

U.S. Department of Health and Human Services

Rm 5300 Cohen Building | 330 Independence Ave., S.W. | Washington, D.C. 20201

Tel: (b)(6)

Uri.Bilek@hhs.gov

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**From:** (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Sent:** Friday, April 8, 2022 6:38 PM

**To:** McLean, Rogelyn (CMS/CCIIO) <Rogelyn.McLean@cms.hhs.gov>; Bilek, Uri (OS/OGC) <Uri.Bilek@hhs.gov>

**Cc:** Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>

**Subject:** Section 1557 - OPM concerns summary

Hi Rog and Uri,

(b)(5)

Thanks,

(b)(6)

(b)(6) (b)(6) (b)(6) Esq., MSW (she/her)

Phone: (b)(6) (b)(6)

Email: (b)(6)

**From:** Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>

**Sent:** Friday, April 8, 2022 5:13 PM

**To:** Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>

**Cc:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Barron, Pamela (HHS/OCR)  
<Pamela.Barron@hhs.gov>

**Subject:** RE: FOR REVIEW: Section 1557 - OPM concerns summary and related materials

(b)(5)

Melanie Fontes Rainer (she/her/ella)  
Counselor to the Secretary  
U.S. Department of Health and Human Services  
Cell: (b)(6)  
[Melanie.Rainer@hhs.gov](mailto:Melanie.Rainer@hhs.gov)

**From:** Jee, Lauren (HHS/OCR) <[Lauren.Jee1@hhs.gov](mailto:Lauren.Jee1@hhs.gov)>

**Sent:** Friday, April 8, 2022 5:05 PM

**To:** Rainer, Melanie Fontes (OS/IOS) <[Melanie.Rainer@hhs.gov](mailto:Melanie.Rainer@hhs.gov)>

**Cc:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Barron, Pamela (HHS/OCR)  
<Pamela.Barron@hhs.gov>

**Subject:** FOR REVIEW: Section 1557 - OPM concerns summary and related materials

Melanie,

(b)(5)

(b)(5)



(b)(5)



(b)(5)

**Sender:** (b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91 (b)(6)>

**Recipient:** McLean, Rogelyn (CMS/CCIIO) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3063a31c945488cbacd479c115a6ac3-MWQD <rogelyn.mclean@cms.hhs.gov>

**Sent Date:** 2022/04/19 11:24:06

**Delivered Date:** 2022/04/19 11:24:00

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**From:** (b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b)(6)>  
Stampul, Barbara (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group  
**To:** (FYDIBOHF23SPDLT)/cn=Recipients/cn=aba3e5fc28844f3399581d12fbc4fcb-Stampul, Ba <8barbara.Stampul@hhs.gov>  
Albrecht, Sarah B. (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usera956839a <Sarah.Albrecht@hhs.gov>; Romero-Escobar, Beatriz (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user8a7a5326 <Beatriz.Romero@HHS.GOV>; Rahn Ballay, Jamie (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a890960eda2b40988ea0fd5de7f7770a-Rahn, Jamie <Jamie.Rahn@hhs.gov>; Welch, Alisha (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c4f04c6ecc4a48358e8bb05b44dc4eb7-Welch, Alis <Alisha.Welch@hhs.gov>  
**CC:**  
**Subject:** RE: (b)(6) Gender Affirming Care cases  
**Date:** 2023/02/21 14:38:00  
**Priority:** Normal  
**Type:** Note

Yes! Accepting the invite now.

(b)(6) (b)(6) (b) (b)(6) Esq., MSW (she/her)  
Senior Advisor to the Director  
Phone: (b)(6) (b)(6)  
Email: (b)(6)

---

**From:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>  
**Sent:** Tuesday, February 21, 2023 2:36 PM  
**To:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)  
**Cc:** Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>; Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>; Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>; Welch, Alisha (HHS/OCR) <Alisha.Welch@hhs.gov>  
**Subject:** RE: (b)(6) Gender Affirming Care cases

Our shared availability was very limited, but think I found one time slot that works!

---

**From:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)  
**Sent:** Tuesday, February 21, 2023 2:22 PM  
**To:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>  
**Cc:** Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>; Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>; Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>  
**Subject:** RE: (b)(6) Gender Affirming Care cases

Hi Barbara – yes, let’s find a time to chat, including Sarah.

My calendar is up to date if you’d like to propose a time that works for you and others.

(b)(6) (b)(6) (b)(6) Esq., MSW (she/her)

Senior Advisor to the Director

Phone: (b)(6) (b)(6)

Email: (b)(6)

---

**From:** Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>

**Sent:** Tuesday, February 21, 2023 2:19 PM

**To:** (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Cc:** Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>; Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>; Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>

**Subject:** (b)(6) Gender Affirming Care cases

Hi (b)(6)

(b)(5)

<< OLE Object: Picture (Device Independent Bitmap) >>



Barbara Stampul  
Regional Manager  
she/her/hers  
Office for Civil Rights, Southeast Region U.S. Department of Health and Human Services  
61 Forsyth Street, S.W., Suite 16T70  
Atlanta, GA 30303  
(b)(6)

**Sender:** (b)(6) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b)(6)>  
Stampul, Barbara (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aba3e5fc28844f3399581d12fbec4fcb-Stampul, Ba <Barbara.Stampul@hhs.gov>;  
Albrecht, Sarah B. (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usera956839a <Sarah.Albrecht@hhs.gov>;  
**Recipient:** Romero-Escobar, Beatriz (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user8a7a5326 <Beatriz.Romero@HHS.GOV>;  
Rahn Ballay, Jamie (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a890960eda2b40988ea0fd5de7f7770a-Rahn, Jamie <Jamie.Rahn@hhs.gov>;  
Welch, Alisha (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c4f04c6ecc4a48358e8bb05b44dc4eb7-Welch, Alis <Alisha.Welch@hhs.gov>

**Sent Date:** 2023/02/21 14:38:11  
**Delivered Date:** 2023/02/21 14:38:00

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**From:** (b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91 (b)(6)>

**To:** (b)(6) (b)(6)  
(b)(6)

**CC:** Albrecht, Sarah B. (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usera956839a <Sarah.Albrecht@hhs.gov>

**Subject:** RE: civil rights complaint 28799299

**Date:** 2023/05/17 20:03:00

**Priority:** Normal

**Type:** Note

Hi (b)(6)

(b)(7)(A)

Best,

(b)(6)

(b)(6) (b)(6) (b) (b)(6) Esq., MSW (she/her)

Senior Advisor to the Director

Office for Civil Rights | U.S. Department of Health & Human Services

Phone: (b)(6) (b)(6)

**From:** (b)(6)

**Sent:** Wednesday, May 17, 2023 11:51 AM

**To:** (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)

**Cc:** (b)(6)

**Subject:** civil rights complaint 28799299

Dear Ms. (b) (b)(6)

(b)(7)(A)

(b)(7)(A)

Best,  
Josh Paddison

**Sender:** (b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91 (b)(6)>

**Recipient:** (b)(6) (b)(6)  
Albrecht, Sarah B. (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usera956839a <Sarah.Albrecht@hhs.gov>

**Sent Date:** 2023/05/17 20:03:43

**Delivered Date:** 2023/05/17 20:03:00



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**From:** (b) (6) (b) (6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b) (6)>  
Rainer, Melanie Fontes (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group  
**To:** (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c7242f10a494d45bab72c452ecd9f80-Rainer, Mel <Melanie.Rainer@hhs.gov>  
Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group  
**CC:** (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>  
**Subject:** FW: THE HILL: Judge orders Florida health agency to hand over documents on gender-affirming care  
**Date:** 2023/02/02 08:39:00  
**Priority:** Normal  
**Type:** Note

The latest in the Florida Medicaid ban challenge:

## **Judge orders Florida health agency to hand over documents on gender-affirming care**

by Brooke Migdon - 02/01/23 5:48 PM ET

Florida judge has ordered the state's Agency for Health Care Administration (AHCA) to produce documents related to its determination that gender-affirming health care cannot be covered under Medicaid because treatments are "experimental and investigational."

Attorneys for the AHCA — the agency that controls most of the state's Medicaid program — will have until Feb. 14 to hand over documents it has previously argued are protected under attorney-client privilege and work-product privilege.

Those include exchanges between agency officials and "any person" involved in the creation of a June AHCA report that determined available medical literature provides "insufficient evidence" that puberty blockers, hormones and gender-affirming surgeries are safe and effective treatments for gender dysphoria.

The report has been used to bar an estimated 9,000 transgender Floridians from using Medicaid to help pay for gender-affirming health care and was cited during a November meeting between the state's medical boards that resulted in a vote to adopt a rule that prevents minors in Florida from accessing gender-affirming treatments.

Gender-affirming health care for youths and adults has been deemed safe and medically necessary by most professional medical organizations.

In a six-page order published Tuesday, U.S. District Judge Robert Hinkle said the AHCA must produce, among other documents, its communications with experts that were used to inform the agency's June report on gender-affirming health care and the ensuing rule that excluded treatments from Medicaid.

Lawyers for the agency have said that while the desired documents were created for rulemaking purposes, they were also intended for use in litigation they knew would follow the adoption of the rule, making them protected documents by law.

Hinkle said he disagreed.

"Even if this leaves room in an appropriate circumstance for protection of documents created for dual purposes — not just when the primary purpose was to aid in future litigation — the experts at issue here were an essential part of the mandated rulemaking process," he wrote in the order, which is part of an ongoing lawsuit challenging Florida's Medicaid exclusion.

Hinkle continued, "Either the experts were retained to assist in an honest evaluative process—in which event their communications were not within work-product protection — or the rulemaking process was a sham and the real goal was to prevail in the anticipated litigation — a possibility the defendants could embrace to win the discovery battle only by acknowledging that the rulemaking process was fatally flawed, or nearly so."

Court documents filed earlier this month suggest the state's rulemaking process was just that, with an AHCA employee alleging that the June report "does not present an honest and accurate assessment" of medical evidence and practice guidelines related to gender-affirming health care.

Attorneys for the AHCA must file a revised log of protected documents by Feb. 2, according to Hinkle's order. The plaintiffs in the case — two transgender minors and two transgender adults in their 20s — may file an additional motion to compel if they believe the protected documents are being "improperly withheld."

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**Subject:** HHS Issues Guidance To Help Protect Transgender Youth | Health Affairs

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Katie Keith's latest, highlighting our Guidance and (b) (6)

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HHS Issues Guidance To Help Protect Transgender Youth

Katie Keith

March 7, 2022 10.1377/forefront.20220307.303712

<https://www.healthaffairs.org/doi/10.1377/forefront.20220307.303712/>

On March 2, 2022, the Office for Civil Rights (OCR) within the Department of Health and Human Services (HHS) issued new guidance on civil rights protections for transgender youth, their families, and providers that offer gender-affirming health care services. The guidance explains how attempts to restrict access to gender-affirming care, or disclose patient information about this care, could violate federal nondiscrimination protections such as Section 1557 of the Affordable Care Act (ACA) and the Health Insurance Portability and Accountability Act (HIPAA), among others. OCR strongly encourages patients and providers who have faced discrimination to file a complaint here.

OCR was not alone in taking action: other HHS divisions also issued guidance or resources on protecting and supporting transgender young people and their families. For instance, the HHS Administration for



Children and Families issued a separate memorandum to agencies that serve LGBTQ young people in the child welfare system. HHS's announcements were highlighted in a statement from President Biden focused on responding to attacks on transgender youth and their families by leaders in Texas.

### What Is Happening In Texas?

The OCR guidance itself does not name Texas, but statements from President Biden and Secretary Becerra do. Why the emphasis on Texas? On February 22, Governor Abbott directed the Texas Department of Family and Protective Services (DFPS), the state's child welfare agency, to investigate parents and providers in instances where a child receives gender-affirming care as "child abuse." Governor Abbott's directive is based on an advisory opinion from Attorney General Paxton that identifies medical procedures and treatments that he asserts qualify as "child abuse" under Texas law.

Under the directive, certain licensed professionals (e.g., doctors, nurses, teachers, etc.) and members of the general public are asked report any known instance of this "abuse"—or face penalties for the failure to do so. DFPS and other state agencies were also directed to follow the Attorney General's opinion. (Parts of the directive are reminiscent of Texas' law restricting abortion access, known as S.B. 8, where people are asked to report their neighbors and friends to the authorities for seeking highly personal health care services.)

Attorney General Paxton's advisory opinion grossly misstates the evidence base for gender-affirming care and repeatedly misrepresents this type of care as elective. As discussed below, every major medical association has affirmed that gender-affirming care is medically necessary to treat gender dysphoria. The advisory opinion also distastefully compares gender-affirming care (the provision of which is highly individualized and done in conjunction with a child's medical team) to our nation's horrific legacy of forced sterilization.

### Investigations And Lawsuits

Gov. Abbott's directive has already sparked investigations by state officials into the parents of transgender young people and providers. One family was visited by DFPS on February 25 for interviews, only days after the directive was issued, and asked for access to their child's medical records.

On March 1, this family, along with a clinical psychologist, sued Governor Abbott and DFPS in state court. The plaintiffs are represented by the ACLU and Lambda Legal. In their complaint, the plaintiffs noted that the directive has caused "terror and anxiety ... and singled out transgender youth and their families for discrimination and harassment." They went to great lengths to describe the medical standards in place for transgender youth by heavily citing clinical guidelines from the Endocrine Society and the World Professional Association for Transgender Health (WPATH). They also explained that puberty-delaying treatment is reversible and does not cause infertility (contrary to assertions in the advisory opinion) and underscored the benefits and strong evidence base for gender-affirming care.

On March 2, a Texas judge blocked DFPS from investigating the plaintiffs by issuing a temporary restraining order against the agency. This protects these parents and provider, but the court's order is limited only to those plaintiffs already under investigation. The court did not set aside Governor Abbott's entire directive, at least not yet—the court scheduled a hearing for March 11 to assess whether to block the directive more broadly.

### A Note On Gender-Affirming Care

It is the overwhelming consensus among medical experts that gender-affirming care is medically necessary, effective, and safe when clinically indicated to alleviate a medical condition known as gender dysphoria (formerly known as gender identity disorder). According to the American Medical Association, untreated gender dysphoria “can result in clinically significant psychological distress, dysfunction, debilitating depression and, for some people without access to appropriate medical care and treatment, suicidality and death.” Contrary to Attorney General Paxton’s views, numerous studies and meta-analyses—including a comprehensive literature review on the issue—have demonstrated the significant benefits of gender-affirming care. This data and evidence base is cited in the lawsuit noted above.

WPATH has long maintained a set of evidence-based standards of care for transgender people. And experts on minor health like the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, the American Counseling Association, the American Psychiatric Association, the American Psychological Association, the Endocrine Society, the National Association of Social Workers, the Pediatric Endocrine Society, and the Society for Adolescent Health and Medicine have issued statements and guidelines in support of access to care for transgender people, including young people. There are a range of clinical care programs that provide age-appropriate gender-affirming care for young people across the country, without the devastating impacts that Texas officials claim.

Major payers also view gender-affirming care as medically necessary. In a recent letter to federal officials, AHIP emphasized its strong support for “ensuring that appropriate gender-affirming care is available and accessible to enrollees.” This is in addition to prior support for full nondiscrimination protections for LGBTQ people. Fortune 500 companies and state Medicaid programs have also adopted clear policies to require the coverage of gender-affirming care.

#### OCR’s Guidance

OCR’s guidance from March 2 underscores the importance of medically appropriate and necessary gender-affirming care for transgender young people and explains how efforts to restrict access to this type of care, like those announced by Texas, could violate federal civil rights laws and privacy protections. Care denials, restrictions on care, and reporting on those who access care could violate Section 1557 of the ACA, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and HIPAA. OCR urges families and providers who have faced discrimination to file a complaint with OCR.

Per OCR, attempts to restrict or characterize gender-affirming care as “abuse” are dangerous, can discourage providers from offering this life-saving care, and will negatively affect the health and well-being of transgender and gender nonconforming youth. Overall, the goal of the guidance is to help ensure that young people can access care without discrimination and to respond to fear from families and providers about attempts to portray gender-affirming care as “abuse.”

#### Section 1557

Section 1557 is the ACA’s primary nondiscrimination provision and applies to any program or activity that is administered by a federal agency or any entity established under Title I of the ACA. Under Section 1557, an individual cannot be excluded from participation in, denied the benefits of, or subjected to discrimination based on race, color, national origin, age, disability, or sex by any health program or activity of which any part receives federal financial assistance. Per prior guidance from 2021, HHS interprets sex discrimination to include discrimination based on sexual orientation and gender identity.

What does sex discrimination mean in the context of actions like those in Texas? First, federally funded entities covered under Section 1557 cannot categorically refuse to treat someone based on their gender identity. Thus, someone cannot be turned away from care, including gender-affirming care, just because they are transgender. Second, covered entities cannot restrict a person's ability to receive medically necessary gender-affirming care solely because of their gender identity or sex assigned at birth. Efforts to restrict this type of care—by, say, preventing a doctor from providing or prescribing gender-affirming care—likely violate Section 1557.

As an example, a doctor or staff member that reports a parent or child to state authorities—after, say, the family comes in for a consultation for gender-affirming care—may violate Section 1557 if the doctor or facility receives federal financial assistance. Patients who have been denied care based on gender identity or providers who have been restricted from providing care based on a patient's gender identity can file a complaint with OCR.

#### Section 504

There may be further, independent protections for transgender young people under Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act. Section 504 prohibits discrimination based on disability in programs or activities that receive federal financial assistance, and Title II protects qualified individuals with disabilities from discrimination in state and local government programs. Gender dysphoria may qualify as a disability under these laws. Thus, restrictions that prevent individuals from accessing medically necessary care based on gender dysphoria, a gender dysphoria diagnosis, or perceived gender dysphoria may also violate Section 504 and Title II of the ADA.

#### HIPAA

HIPAA, among other provisions, requires health care providers and other entities to protect sensitive patient health information from being disclosed without a patient's consent or knowledge. Here, OCR cautions that disclosing protected health information—such as a patient's receipt of gender-affirming care—without a patient or guardian's consent may violate HIPAA. Said another way, HIPAA prohibits the disclosure of protected health information about gender-affirming care without consent except in limited circumstances.

One of these limited circumstances—where disclosure may be possible without a patient's consent—is when disclosure is required under another law. Here, OCR reminds covered entities that HIPAA permits, not requires, disclosure without consent. OCR also notes that the "required by law" exception is narrow, both in when it is required and the scope of the disclosure. Disclosure is permissible when "required by law" only in response to "a mandate contained in law that compels an entity to make a use or disclosure of PHI and that is enforceable in a court of law." Examples outlined in federal regulations include court orders, subpoenas or summons, grand jury requests, or lawsuits. The scope of the disclosure is also narrow and should be limited only to the relevant requirements of the law; disclosures that go beyond what is required may violate HIPAA.

OCR's guidance serves as a reminder that covered entities are merely permitted (not required) to disclose a patient's protected health information without their consent, including in response to Gov. Abbott's directive. The lawsuit noted above also argues that neither Gov. Abbott's directive nor Attorney General Paxton's advisory opinion are legally binding and that this new purported definition of

“child abuse” is inconsistent with state law, was not adopted using proper procedures, and is unconstitutional. These arguments raise real questions about whether any disclosure of sensitive patient information about gender-affirming care is truly “required by law” for purposes of this narrow HIPAA exception (and in general), such that providers and others should feel compelled to comply with it.

Overall, OCR cautions covered entities against voluntarily reporting protected health information related to gender-affirming care to state authorities except in the narrowest of circumstances and only when truly compelled to comply with a legally enforceable requirement. Providers who are concerned about their reporting obligations should seek legal advice. As with the statutes noted above, OCR encourages families to file a complaint with OCR if there has been a violation of a patient’s health privacy rights.

## Remedies

Complaints are important to enable OCR to investigate and enforce the laws noted above based on specific facts and circumstances. While the agency has other tools (such as compliance reviews), complaints will help OCR target its action, conduct thorough investigations, and maximally enforce federal laws. Complaints could also inform forthcoming rulemaking on Section 1557.

Specific complaints will also make clearer which federal laws apply to a given situation. While the laws cited above—Section 1557, Section 504, Title II, and HIPAA—are broad and powerful, they vary in scope, and each may not apply in every circumstance. In the context of Section 1557, questions about the scope of the law are exacerbated by dueling regulatory interpretations over who qualifies as a covered entity. There could, for instance, be questions about whether these laws theoretically apply to DFPS itself—whereas a specific complaint could underscore why these federal laws apply.

Setting aside these types of questions, OCR makes clear that federal protections apply to health care providers that receive federal funding. Medical facilities, for instance, should not direct doctors or staff to stop providing gender-affirming care or turn patients away. If OCR received a complaint about a situation like this, what might happen? The remedy would depend on the circumstances, but OCR would investigate and work to achieve voluntary compliance (through, say, a resolution agreement). Absent voluntary compliance, a violation of these laws would enable OCR to take enforcement actions such as levying financial penalties, terminating federal funding, or referring the entity to the Department of Justice for further legal action.

There is prior precedent for investigating state agencies in response to complaints about discrimination. A prominent recent example was a dispute between HHS OCR and California. In 2020, OCR issued a notice of violation to California, asserting that a state law requiring health insurance plans to cover abortion violated federal conscience protections. OCR later moved to disallow \$800 million annually in California Medicaid funds, an action that now-Secretary of HHS (then-Attorney General of California) Becerra defended against. You can see other examples of action against state agencies, albeit under different laws, in recent resolution agreements in Alabama, Pennsylvania, and Oregon.

The Biden administration may also have other options at its disposal to protect transgender youth, although it is not clear what would be the most effective. Among other options, the Administration for Children and Families could open a compliance review for DFPS. That could lead to an improvement plan and potentially financial penalties. The Department of Justice could try to sue Texas, as the agency recently did over S.B. 8; alternatively, the department could at least file a “statement of interest” in the

pending litigation, as it has done in other litigation on gender-affirming care for young people, such as the lawsuit over Arkansas' legislative ban on gender-affirming care for minors.

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