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A large rectangular area of the document is redacted, indicated by a black border. The text "(b)(5)" is written in the top-left corner of this redacted area.

From:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b)(6)>
To:	Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>; Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>
Subject:	RE: Thoughts on TX
Date:	2022/03/16 09:56:00
Priority:	Normal
Type:	Note

Updated invite received, will forward now to Carla and Molly.

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

From: Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>
Sent: Wednesday, March 16, 2022 9:28 AM
To: Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Subject: RE: Thoughts on TX

Okay, will put a hold at 5pm just in case.

From: Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>
Sent: Wednesday, March 16, 2022 9:21 AM
To: Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>; (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Cc: Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>
Subject: RE: Thoughts on TX

Yes.

From: Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>
Sent: Wednesday, March 16, 2022 9:21 AM
To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>

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

Subject: RE: Thoughts on TX

Double checked- and it is the DOJ meeting moving from 1pm to 5pm.

Carla, are you available at 5pm?

From: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Wednesday, March 16, 2022 9:08 AM
To: Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>
Subject: RE: Thoughts on TX

I am free, but I think the white house call is at 5pm and we still have our DOJ meeting at 1pm?

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

From: Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>
Sent: Wednesday, March 16, 2022 9:08 AM
To: Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Subject: RE: Thoughts on TX

Thanks Carla- it looks like DOJ call may be moved from 1pm to 5pm- are you both available at 5pm today?

From: Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>
Sent: Wednesday, March 16, 2022 9:06 AM
To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>
Subject: RE: Thoughts on TX

I think our call with DOJ may help us think through possible options.

From: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Wednesday, March 16, 2022 9:02 AM

To: Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>
Subject: Thoughts on TX

Hi Lauren and Carla,

(b)(5)

Thanks,

(b)(6)

(b)(6) (b)(6) (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)

Sender:	(b)(6) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b)(6)>
Recipient:	Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>; Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>
Sent Date:	2022/03/16 09:56:27
Delivered Date:	2022/03/16 09:56:00

From:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b)(6)>
To:	Romero-Escobar, Beatriz (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user8a7a5326 <Beatriz.Romero@HHS.GOV>; Stampul, Barbara (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aba3e5fc28844f3399581d12fbec4fcb-Stampul, Ba <Barbara.Stampul@hhs.gov>
Subject:	RE: 04-23-509592-(b)(6) vs Douglas County Division of Family and Children Services
Date:	2023/01/11 10:51:00
Priority:	Normal
Type:	Note

Thanks!

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

From: Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>
Sent: Wednesday, January 11, 2023 10:51 AM
To: (b) (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) (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)(6) (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)

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
(404) 562-3387

From: Romero-Escobar, Beatriz (HHS/OCR) <Beatriz.Romero@HHS.GOV>
Sent: Friday, January 6, 2023 4:26 PM
To: Griffin, Chris (HHS/OGC) <Chris.Griffin@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

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（打字电话：1-800-537-7697），你将被连接到一位讲同语种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 (청각 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:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
Recipient:	Romero-Escobar, Beatriz (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user8a7a5326 <Beatriz.Romero@HHS.GOV>; Stampul, Barbara (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aba3e5fc28844f3399581d12fbec4fcb-Stampul, Ba <Barbara.Stampul@hhs.gov>
Sent Date:	2023/01/11 10:51:57
Delivered Date:	2023/01/11 10:51:00

From:	(b) (6) (b) (6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C911(b)(6)>
To:	Seeger, Rachel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3090ef9b170d45969add4ff475a95583-Rachel Seeg <Rachel.Seeger@hhs.gov>; Rainer, Melanie Fontes (OS/IOS) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c7242f10a494d45bab72c452ecd9f80-Rainer, Mel <Melanie.Rainer@hhs.gov>; Schuham, Aaron (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c4b426dc641841c0b8fc53bcc4f4b5a2-Schuham, Aa <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=755d69b6e04e4aa8981d68258e0aaf7c-Rodriguez, <PaulR.Rodriguez@hhs.gov>; Greenberg, Mark H (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fdb0cbe5760845cc9a98373b9088d7f2-Greenberg, <Markh.Greenberg@hhs.gov>
CC:	Pino, Lisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=90674352c007441b96f0f199cdd550c2-Pino, Lisa <Lisa.Pino@hhs.gov>; Barron, Pamela (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d55f83440f074842ac94e1f27f11fa9e-Barron, Pam <Pamela.Barron@hhs.gov>; Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>; Noonan, Timothy (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12eb3ee8ced84516902ac690558270ef-Noonan, Tim <Timothy.Noonan@hhs.gov>; Smith, Marisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user200ad5a8 <Marisa.Smith@HHS.GOV>; Gordon-Nguyen, Marissa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=df972908cd4c4422945243f7db218a8f-Gordon-Nguy <Marissa.Gordon@hhs.gov>; Allen, Marc (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cc610a88e103410889da97b4a20e69b8-Allen, Marc <Marc.Allen@hhs.gov>; LaCheen, Cary (OS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=702cb75708c24b96b0bae6cfc454a7bf-LaCheen, Ca <Cary.LaCheen@hhs.gov>; Fitzpatrick, Ryan (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=081046aa5db24293991cefa34997bd0b-Fitzpatrick <Ryan.Fitzpatrick@hhs.gov>; Jee, Lauren (HHS/ASL) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a7771eca5c9448a8bb1f8860affd22c0-Jee, Lauren <Lauren.Jee@hhs.gov>
Subject:	RE: Texas Transgender 'Abuse' Policy Portends Biden Investigation [Bloomberg Law, 03/10/2022]
Date:	2022/03/10 09:43:00
Priority:	Normal
Type:	Note

Thanks so much, Rachel.

In case anyone has trouble accessing the NY AG letter to AG Garland:

[Press Release](#)
[Letter](#)

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

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

Email: dylan.dekervor@hhs.gov

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

Sent: Thursday, March 10, 2022 9:13 AM

To: Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; (b)(6) (b)(6) (HHS/OCR)

(b)(6) Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Greenberg, Mark H (HHS/OGC) <MarkH.Greenberg@hhs.gov>

Cc: Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Noonan, Timothy (OS/OCR)

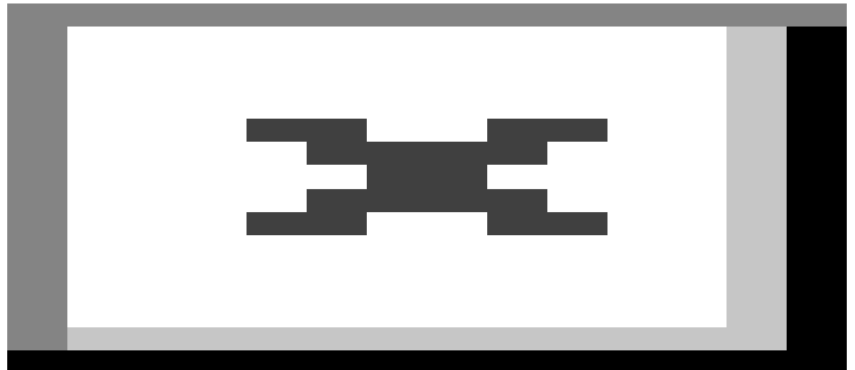
<Timothy.Noonan@hhs.gov>; Smith, Marisa (HHS/OCR) <Marisa.Smith@HHS.GOV>; Gordon-Nguyen, Marissa (HHS/OCR) <Marissa.Gordon@hhs.gov>; Allen, Marc (HHS/OGC) <Marc.Allen@hhs.gov>;

LaCheen, Cary (OS/OGC) <Cary.LaCheen@hhs.gov>; Fitzpatrick, Ryan (HHS/OGC)

<Ryan.Fitzpatrick@hhs.gov>; Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>

Subject: Texas Transgender 'Abuse' Policy Portends Biden Investigation [Bloomberg Law, 03/10/2022]

Texas Transgender 'Abuse' Policy Portends Biden Investigation: [Bloomberg Law (Shira Stein), 03/10/2022]



A person takes a picture of an Inclusive Pride flag and a rainbow flag at the Stonewall National Monument, the first US national monument dedicated to LGBTQ history and rights, marking the birthplace of the modern lesbian, gay, bisexual, transgender, and queer civil rights movement, on June 1, 2020 in New York City.
ANGELA WEISS/AFP via Getty Images

Texas Transgender ‘Abuse’ Policy Portends Biden Investigation

March 10, 2022, 5:40 AM

- Biden administration says state policy violates federal law
- Options for HHS response are limited, but DOJ could intervene

The administration has just two options to stop Texas from investigating families for child abuse if they are suspected of seeking gender-affirming care for transgender children—pulling federal health funding or suing the state.

Attorneys say both options are likely being discussed at the Departments of Justice and Health and Human Services, especially in light of strong [statements and guidance](#) opposing the state’s actions by President Joe Biden and his agencies March 2.

A Texas judge last week issued an [injunction](#) against the state’s child protective services agency temporarily blocking it from investigating the parents of a transgender teen for alleged child abuse.

Opponents of the Texas policy are waiting for more federal actions. New York Attorney General Letitia James [called on](#) the DOJ Wednesday to investigate Texas Gov. Greg Abbott’s policy.

Advocates and former HHS officials said the likely road for the administration is an HHS or DOJ investigation and possible DOJ involvement in the ongoing litigation. Withdrawal of federal health funds for an entire state agency is possible, but it would be a “nuclear option,” said Leon Rodriguez, who ran the HHS’s Office of Civil Rights (OCR) under President Barack Obama. He’s now a partner at Seyfarth Shaw LLP.

The OCR enforces Section 1557 of the Affordable Care Act, which “prohibits discrimination on the basis of race, color, national origin, sex, age, and disability in covered health programs or activities.” It typically handles complaints about actions of individual health providers or hospitals. It rarely uses its enforcement power against an entire state’s policy.

“Short of litigating or initiating funding removal or withdrawal proceedings, there’s not a whole lot in their toolkit said Joseph Wardenski, a former DOJ civil rights attorney.

A supporter of Texas's authority says the Biden administration is going too far by including transgender issues in the ACA's nondiscrimination clause. "I see no basis for them to be able to enforce Section 1557 against any state by reinterpreting sex to cover something that is not in the statute, which is what it sounds like they're trying to," said Roger Severino, former Trump administration OCR director. "They're on thin ice in their announcement suggesting they have an authority that is actually blocked by court injunctions."

But, other observers like Katie Keith, director of the health policy and the law initiative at Georgetown Law's O'Neill Institute, pointed out that the injunctions are fairly narrow and only applied to specific plaintiffs.

"I suspect the Administration is carefully weighing what else they can do and how quickly they can do it, looking for the widest positive impact while not creating challenges in other lawsuits," Laura Durso, who was OCR chief of staff until earlier this year, said in an email.

The HHS actions thus far "made crystal clear that any enforcement of this policy violates multiple federal laws. In addition, HHS also mobilized its own law enforcement arm and invited parents who are targeted by this policy to bring individual complaints to HHS," said Shannon Minter, legal director for the National Center for Lesbian Rights.

Gender-affirming care for children with gender dysphoria often includes puberty blocking drugs, which are reversible. Sex hormone treatment isn't recommended until around the age of 16, when a minor has the mental capacity to give informed consent, under the Endocrine Society's medical guidelines. And genital surgeries aren't recommended, and typically aren't available, until a patient has reached the age of 18.

Call for Complaints

HHS Secretary Xavier Becerra put out a [rare call](#) March 2 asking people in Texas to file complaints if they believe they were "being targeted by a child welfare investigation because of this discriminatory gubernatorial order."

This is the "clearest invitation I've ever seen to a marginalized population to file complaints," said Matthew Cortland, a senior resident fellow at Data for Progress working on disability and health care.

Getting these complaints would not only help the agency investigate allegations of federal law violations, but it could also help the agency as it prepares to come out with a new 1557 regulation.

Severino said a new regulation is the OCR's only option. "The only way I see for HHS to do anything in enforcement on gender identity is to pass a new regulation that would have to be upheld in court."

Regulations from both the Obama administration and Trump administration implementing Section 1557 are still tied up in court. Those court cases found that the word "sex" could not be interpreted to include gender identity in the regulations. However, the Biden administration announced in May 2021 that it would interpret "sex" in the statute itself to include gender identity in light of the Supreme Court's finding in *Bostock v. Clayton County*.

Complaint data "would give OCR more of a record to come out more strongly in rulemaking if they got a bunch of complaints," said Keith. That could lead to policies that "more directly combat" the actions by Texas and others like it.

Once the agency receives a complaint, it can investigate. If the OCR finds a civil rights violation occurred, it can file a complaint with an HHS administrative law judge. If the judge finds a violation, the HHS then has the authority to order various streams of federal funding be withheld, said Rodriguez.

The option to remove federal funds has "almost never been used. We only used it once during the time that I was director," and that was against an individual, he said

What "makes it a really brutal penalty is that it's everything. So there's no sliding scale here, there's no sentencing guidelines. This is a 100% withhold if it is implemented," Rodriguez said.

Lawsuit Involvement

The Biden administration could get involved in one other major way—a lawsuit.

The DOJ is probably waiting to see what happens in the Texas courts before getting involved. The existing case, backed by the ACLU and Lambda Legal, is going well so far for the plaintiffs, Wardenski said.

"Part of why the guidance OCR released is so powerful is that every move they make on this issue is heavily scrutinized and will be brought up in court," Durso said.

The DOJ could also file a statement of interest in this case, like it did in Arkansas when the state passed a law prohibiting gender-affirming care for transgender children, Keith said

The ACLU will be able to use the HHS guidance in its case, Cortland said. "HHS clearly staked out a position that providing supportive medical care to trans children is not abuse."

To contact the reporter on this story: Shira Stein in Washington at sstein@bloomberglaw.com

To contact the editor responsible for this story: Fawn Johnson at fjohnson@bloombergindustry.com

Other coverage from the Bulletin:

Texas Loses Appeal Over Investigation Of Family Of Transgender Teen, Files Lawsuit Against HHS.

The AP (3/9, DeMillo) reports, "A Texas court on Wednesday tossed out the state's appeal of an order preventing child welfare officials from investigating the parents of a transgender teenager over gender-confirming care the youth received." The court "dismissed Republican Attorney General Ken Paxton's appeal of the temporary order a judge issued last week halting the investigation by the Department of Family and Protective Services into the parents of the 16-year-old girl." Meanwhile, "Paxton on Wednesday also filed a challenge in federal court to guidance that President Joe Biden's administration issued in response to the Texas governor's directive."

CNN (3/9, Rose, Maxouris, 89.21M) reports, "On March 2, the US Department of Health and Human Services released guidance saying healthcare providers who report families seeking gender-affirming care or refuse to provide treatment may be violating federal law," with HHS Secretary Xavier Becerra adding in a statement, "HHS will take immediate action if needed." However, "in its federal court filing Wednesday, Texas argued federal protections over care for transgender youth are an 'erroneous interpretation of federal law' and said the guidance threatens state agencies with losing funding if they don't abide by the 'HHS's misinterpretation of their obligations' under the law."

The Hill (3/9, Dress, 5.69M) and the Texas Tribune (3/9, Park, 258K) also report.

Sender:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
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Sent Date:	2022/03/10 09:43:44
Delivered Date:	2022/03/10 09:43:00

From:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b)(6)>
To:	Smith, Marisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user200ad5a8 <Marisa.Smith@HHS.GOV>; Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>
Subject:	RE: (b)(5)
Date:	2022/03/10 10:40:00
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: Smith, Marisa (HHS/OCR) <Marisa.Smith@HHS.GOV>

Sent: Thursday, March 10, 2022 10:40 AM

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

Subject: RE: (b)(5)

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From: (b) (b)(6) (b)(6) (HHS/OCR) <Dylan.deKervor@hhs.gov>

Sent: Thursday, March 10, 2022 9:37 AM

To: Smith, Marisa (HHS/OCR) <Marisa.Smith@HHS.GOV>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>

Subject: RE: (b)(5)

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

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

Email: (b)(6)

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

Sent: Thursday, March 10, 2022 10:35 AM

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

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Subject: (b)(5)

Importance: High

(b)(5)

Marisa M. Smith, Ph.D.
Regional Manager
Office for Civil Rights, Southwest Region
U.S. Department of Health and Human Services
1301 Young Street, Suite 106-1130
Dallas, TX 75202

Sender:	(b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABAE032F2B37C91(b)(6)>
Recipient:	Smith, Marisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user200ad5a8 <Marisa.Smith@HHS.GOV>; Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>
Sent Date:	2022/03/10 10:40:51
Delivered Date:	2022/03/10 10:40:00

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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:	Seeger, Rachel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3090ef9b170d45969add4ff475a95583-Rachel Seeg <Rachel.Seeger@hhs.gov>; Lopez, Onelio (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user541e91e4 <Onelio.Lopez@HHS.GOV>
Subject:	RE: 3/4 Media Monitoring Report – Gender Affirming Care as of 4pm
Date:	2022/03/04 17:41:00
Priority:	Normal
Type:	Note

Thank you, and thanks Onelio!

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

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

Email: (b)(6)

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

Sent: Friday, March 4, 2022 5:33 PM

To: Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Frohboese, Robinsue (HHS/OCR) <Robinsue.Frohboese@HHS.GOV>; Brett-Turner, Jacob (HHS/OCR) <Jacob.Brett-turner@hhs.gov>; Gerald, Mary (HHS/OCR) (CTR) <Mary.Gerald@HHS.GOV>; Householder, Donna (HHS/OS) <Donna.Householder@hhs.gov>

Cc: Noonan, Timothy (OS/OCR) <Timothy.Noonan@hhs.gov>; (b) (b)(6) (b)(6) (HHS/OCR)

(b)(6) Lopez, Onelio (HHS/OCR) <Onelio.Lopez@HHS.GOV>

Subject: 3/4 Media Monitoring Report – Gender Affirming Care as of 4pm

My thanks to Onelio for his assistance in compiling this report:

Social Media/Web Analytics – March 4, 2022 as of 4pm

OCR Twitter	
Likes: 3,259	+74
Retweets: 746	+17

-

Media Activity - March 4, 2022 as of 4pm [Total: 19 New Outlets]

- Biden administration rips Abbott order on transgender care, vows to act if needed: In response to Abbott's directive, the HHS issued guidance telling all 50 states that it is illegal to deny health care based on gender identity and to restrict how doctors provide care because of a patient's gender identity. "The Texas government's attacks against transgender youth and those who love and care for them are discriminatory and unconscionable," Secretary Xavier Becerra said Wednesday night in releasing the guidance. Becerra said those denied access to gender-affirming health care could file a complaint with his agency's Office for Civil Rights. In a separate statement by OCR said gender-affirming care improves the physical and mental health of minors." As a law enforcement agency, OCR is investigating and, where appropriate, enforcing Section 1557 of the Affordable Care Act in cases involving discrimination on the basis of sexual orientation and gender identity," the office said. [Austin American Statesman, 03/03/2022]
- Biden Administration Issues Statements Against New Texas Directive to Treat Gender Transition as Child Abuse: In following decisions at the state level to treat gender transition procedures as abuse when performed on children, the Biden administration responded on March 2 with several statements aimed at Texas. In the same statement, Biden said HHS "announced several actions to keep transgender children in Texas and their families safe." HHS Secretary Xavier Becerra released a concurrent statement to remind families that the Affordable Care Act prohibits discrimination on the basis of sex, a clause that the HHS interprets to include chosen gender identity. [The Texan, 03/03/2022]
- 'A cynical and dangerous campaign': President Biden rebukes Texas' transgender directive: President Joe Biden on Wednesday issued a lengthy statement in which he condemned Texas Gov. Greg Abbott's directive mandating that, among other things, parents of transgender children who permit them to undergo some gender-affirming procedures be investigated, calling it "government overreach at its worst." Biden said the federal government is taking steps to shield transgender children and their families from Abbott's directive. "Today, the Department of Health and Human Services has announced several actions to keep transgender children in Texas and their families safe—putting the state of Texas on notice that their discriminatory actions put children's lives at risk," Biden wrote. [Spectrum News 1, 03/02/2022]
- Is Abbott Using Transgender Kids As Political Pawns: The new HHS OCR guidance calls for Texans to file a federal complaint with OCR if they experience any discrimination on the basis of gender identity or disability while seeking gender-affirming care. [Reform Austin, 03/03/2022]
- President Biden says Texas trans children's investigations are 'dangerous': President Joe Biden and HHS say they're taking steps to support transgender children, families, and health care providers in the wake of Texas' recent plan to investigate some parents of transgender children. [FOX8 WGHP, 03/03/2022]
- TX Governor's Plan To Woo Voters By Bullying Trans Kids Blocked By State Judge: The Biden administration is threatening to do more than condemn Texas's cruelty, although they've done that, too. HHS OCR issued a Notice and Guidance on Gender Affirming Care, Civil Rights, and Patient Privacy will enforce the administration's non-discrimination standards for federally subsidized state agencies and that "HIPAA prohibits disclosure of gender-affirming care that is PHI without an individual's consent except in limited circumstances. [Above the Law, 03/03/2022]
- Court Issues Restraining Order On Texas' Investigation Into Transgender Surgeries Among Children: HHS said it is working to ensure that child welfare systems know that they must use their resources to support LGBT youth and provide them with gender-affirming care. HHS said it shall also remind

health care providers that they are not required to provide patient information related to this kind of care. [Christianity Daily, 03/04/2022]

- Transgender Teens and Their Families Prepare to Flee Texas: The TX governor's directive baffled medical experts around the country. In his legal opinion, AG Paxton incorrectly described gender-affirming medical treatments as a form of sterilization. No court in the United States has ever found that gender-affirming care constitutes abuse, according to attorneys who study transgender policies. On Wednesday, HHS released a guidance saying that, despite the order in Texas, doctors are not required to disclose private patient information regarding gender-affirming care. The department encouraged families in Texas who are investigated because of the governor's directive to contact the department's civil rights office for assistance. [Mother Jones, 03/04/2022]
- Judge Temporarily Stops Texas From Investigating The Parents Of A Transgender Child: The President excoriated Abbott's directive as "a cynical and dangerous campaign targeting transgender children and their parents" in a statement. Additionally, the President noted that the Department of Health and Human Services announced several actions "to keep transgender children in Texas and their families safe — putting the state of Texas on notice that their discriminatory actions put children's lives at risk." [Talking Points Memo, 03/03/2022]
- Federal officials condemn Texas' investigations of child transgender therapies: Xavier Becerra, Health and Human Services (HHS) Secretary, said in a statement the same day that the HHS is prepared to "take immediate action" to "protect trans and gender diverse youth in Texas." The statement also included a separate sheet explaining that under federal law, parents or caregivers who believe their child has been denied health care, including "gender-affirming care," on the basis of that child's gender identity, may file a complaint with the Office of Civil Rights. [Angelus news, 03/03/2022]
- President Biden responds to Texas directive targeting transgender kids, framing care as 'child abuse': As part of the president's statement, he said his administration and HHS are taking action to support LGBTQ+ youth by "putting the state of Texas on notice that their discriminatory actions put children's lives at risk." Part of those actions include releasing guidance that reinforces that denying health care based on gender identity is illegal and that providers are not required to disclose private patient information. [KHOU 11 news, 03/03/2022]
- Biden administration releases trans-supportive guidance to child welfare agencies: Becerra also released guidance on patient privacy, clarifying that health care providers are not required to disclose private patient information related to gender-affirming care, and additional guidance making clear that denials of medically necessary health care based on a person's gender identity are illegal under Section 1557, as is restricting doctors from providing such care or prescribing gender-affirming treatments for youth struggling with gender dysphoria. Becerra promised HHS would use "every tool at our disposal" to protect transgender youth, parents, and caretakers from malicious prosecution, and pledged to ensure that families and medical providers are aware of resources available to them if Texas attempts to enforce Abbott's order, urging them to contact HHS's Office for Civil Rights or file a complaint through HHS's online portal if they find themselves targeted. [DC Metro Weekly, 03/03/2022]
- Judge blocks Texas from investigating transgender teen's parents over gender-confirmation treatments: HHS on Wednesday encouraged anyone targeted by a child welfare investigation because of Abbott's order to contact the agency's civil rights office. The department also released guidance saying that, despite the order in Texas, health care providers are not required to disclose private patient information regarding gender confirming care. [Chicago Tribune, 03/03/2022]
- Biden slams 'dangerous' Texas trans children investigations: The HHS says it's working to make sure state child welfare systems understand they should be using their resources to support queer youth, including gender-affirming care. Additionally, HHS says it's reminding health care providers they

aren't required to give over patient information related to this care. HHS Sec. Xavier Becerra urged anyone in Texas who is being targeted or investigated under this directive to report it to the federal Office for Civil Rights. [NBC News, WCMH Channel 4, 03/03/2022]

- The most pro-trans president ever? Biden doesn't shy from fight over transgender rights: Since taking office last year, Biden has offered an unequivocal defense of transgender Americans, taking action that — in the White House's view — protects their rights while forcefully rebutting Republican-led legislative efforts against them. The president used his State of the Union address to reiterate his support of transgender people. His HHS also issued new guidelines designed to thwart the Texas investigations, a policy rollout timed with Biden's statement. This news clip syndicated [The Charlotte Observer, 03/04/2022] [Raleigh News & Observer, 03/04/2022]
- The Texas Tribune: Texas Can't Investigate Family Of Trans Teen As Feds Move To Shield Others: A state judge blocked Texas' child protection agency from investigating the parents of a transgender teenager who received gender-affirming medical care, citing the "irreparable injury" they would likely suffer. And U.S. Health and Human Services Secretary Xavier Becerra said his agency is looking into tools that would shield transgender Texans from the state's attempts to hinder access to gender-affirming care. [KHN, 03/02/2022]
- Biden slams 'attacks' on transgender children by Texas officials: "Today, the Department of Health and Human Services has announced several actions to keep transgender children in Texas and their families safe - putting the state of Texas on notice that their discriminatory actions put children's lives at risk. These announcements make clear that rather than weaponizing child protective services against loving families, child welfare agencies should instead expand access to gender-affirming care for transgender children." [CoventryLive, 03/03/2022]
- Texas Judge Halts 'Egregious' Investigations Into Parents of Trans Kids: HHS also clarified that "despite the Texas government's threat, healthcare providers are not required to disclose private patient information related to gender-affirming care." "HHS will take immediate action if needed," said HHS Secretary Xavier Becerra. "I know that many youth and their supportive families are feeling scared and isolated because of these attacks... Any individual or family in Texas who is being targeted by a child welfare investigation because of this discriminatory gubernatorial order is encouraged to contact our Office for Civil Rights to report their experience." [Common Dreams, 03/03/2022]
- Texas Judge Blocks State-Run Investigation Into Family With Transgender Teen: In addition to the potential for Meachum to block the enforcement of Abbott's order, the federal government may step in to protect the civil rights of transgender youth in the state. On Wednesday, Health and Human Services Secretary Xavier Becerra released guidance from his department saying that "refusing to provide treatment to an individual based on their gender identity is prohibited discrimination." [Truthout, 03/03/2022]

Sender:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
Recipient:	Seeger, Rachel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3090ef9b170d45969add4ff475a95583-Rachel Seeg <Rachel.Seeger@hhs.gov>; Lopez, Onelio (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user541e91e4 <Onelio.Lopez@HHS.GOV>
Sent Date:	2022/03/04 17:42:00
Delivered Date:	2022/03/04 17:41:00

From:	(b) (6) (b) (6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91 (b) (6)>
To:	Henderson, Harold (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cc949f2d23c043ecb03e6f9c21684f25-Henderson, <Harold.Henderson@hhs.gov>; Stampul, Barbara (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aba3e5fc28844f3399581d12fbec4fcb-Stampul, Ba <Barbara.Stampul@hhs.gov>
CC:	Perez, Luis (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb4f62687d764a40a5c4e52f94b8354a-Perez, Luis <Luis.Perez@hhs.gov>; Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>; Rhodes, Susan (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=486f3fac513b44318992b6a79e96c28a-Rhodes, Sus <Susan.Rhodes@HHS.GOV>; Householder, Donna (HHS/OS) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e182a735cf74a5cb50edc7b2a5a58a1-Householder <Donna.Householder@hhs.gov>; Brockett, Sharon (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0179b2336efb432fa687976a61b8e3c6-Brockett, S <Sharon.Brockett@HHS.GOV>
Subject:	RE: State of Florida, et al. v. United States Dept. of Health and Human Resources Civil Action No.: 1:23cv890-WMR (N.D. Ga.)
Date:	2023/03/21 13:32:00
Priority:	Normal
Type:	Note

Excellent, thanks!

(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: Henderson, Harold (HHS/OCR) <Harold.Henderson@hhs.gov>
Sent: Tuesday, March 21, 2023 1:29 PM
To: (b) (6) (b) (6) (HHS/OCR) (b) (6) Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>
Cc: Perez, Luis (HHS/OCR) <Luis.Perez@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Rhodes, Susan (HHS/OCR) <Susan.Rhodes@HHS.GOV>; Householder, Donna (HHS/OS) <Donna.Householder@hhs.gov>; Brockett, Sharon (HHS/OCR) <Sharon.Brockett@HHS.GOV>
Subject: RE: State of Florida, et al. v. United States Dept. of Health and Human Resources Civil Action No.: 1:23cv890-WMR (N.D. Ga.)

Thanks 57. See attached. We are read in on the meeting today.

Thanks for what you do!

Harold Henderson
Deputy Executive Officer
Chief, Freedom of Information
Correspondence and Records
Ethics Manager
Office for Civil Rights
Health and Human Services
Office: (202) 774-3012
Cell: (b)(6) (b)(6)
Fax: (202) 619-3818
Email: harold.henderson@hhs.gov

From: (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Tuesday, March 21, 2023 1:20 PM
To: Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>
Cc: Perez, Luis (HHS/OCR) <Luis.Perez@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Rhodes, Susan (HHS/OCR) <Susan.Rhodes@HHS.GOV>; Henderson, Harold (HHS/OCR) <Harold.Henderson@hhs.gov>
Subject: RE: State of Florida, et al. v. United States Dept. of Health and Human Resources Civil Action No.: 1:23cv890-WMR (N.D. Ga.)

Yes, please – thank you.

+Susan and Harold for awareness.

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Senior Advisor to the Director
Office for Civil Rights | U.S. Department of Health & Human Services
Phone: (b)(6) (b)(6)

From: Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>
Sent: Tuesday, March 21, 2023 1:17 PM
To: (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Cc: Perez, Luis (HHS/OCR) <Luis.Perez@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>
Subject: FW: State of Florida, et al. v. United States Dept. of Health and Human Resources Civil Action No.: 1:23cv890-WMR (N.D. Ga.)

Hi (b)(6)

(b)(5)

From: Williams, Alesia (OS/ASPA) <Alesia.Williams@hhs.gov>
Sent: Tuesday, March 21, 2023 12:54 PM
To: Henderson, Harold (HHS/OCR) <Harold.Henderson@hhs.gov>
Cc: Householder, Donna (HHS/OS) <Donna.Householder@hhs.gov>; Pibernus, Jorge (OS/ASPA) (CTR) <Jorge.Pibernus@hhs.gov>; Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>; Brockett, Sharon (HHS/OCR) <Sharon.Brockett@HHS.GOV>
Subject: RE: State of Florida, et al. v. United States Dept. of Health and Human Resources Civil Action No.: 1:23cv890-WMR (N.D. Ga.)

Hi Harold,

(b)(5)

Alesia Y. Williams
Director, FOIA Appeals and Litigation
FOI/Privacy Acts Division
Assistant Secretary for Public Affairs (ASPA)
Cell # (b)(6)

From: Henderson, Harold (HHS/OCR) <Harold.Henderson@hhs.gov>
Sent: Tuesday, March 21, 2023 12:47 PM
To: Williams, Alesia (OS/ASPA) <Alesia.Williams@hhs.gov>
Cc: Householder, Donna (HHS/OS) <Donna.Householder@hhs.gov>; Henderson, Harold (HHS/OCR) <Harold.Henderson@hhs.gov>; Pibernus, Jorge (OS/ASPA) (CTR) <Jorge.Pibernus@hhs.gov>; Stampul, Barbara (HHS/OCR) <Barbara.Stampul@hhs.gov>; Brockett, Sharon (HHS/OCR) <Sharon.Brockett@HHS.GOV>
Subject: FW: State of Florida, et al. v. United States Dept. of Health and Human Resources Civil Action No.: 1:23cv890-WMR (N.D. Ga.)

Hello Aleshia, (b)(5)

(b)(5)

Please advise .

Thanks for what you do!

Harold Henderson
Deputy Executive Officer
Chief, Freedom of Information
Correspondence and Records

Ethics Manager
Office for Civil Rights
Health and Human Services
Office: (202) 774-3012
Cell: (b)(6)
Fax: (202) 619-3818
Email: harold.henderson@hhs.gov

From: Householder, Donna (HHS/OS) <Donna.Householder@hhs.gov>
Sent: Tuesday, March 21, 2023 12:14 PM
To: Henderson, Harold (HHS/OCR) <Harold.Henderson@hhs.gov>; Brockett, Sharon (HHS/OCR) <Sharon.Brockett@HHS.GOV>
Subject: FW: State of Florida, et al. v. United States Dept. of Health and Human Resources Civil Action No.: 1:23cv890-WMR (N.D. Ga.)

(b)(5)

From: Pibernus, Jorge (OS/ASPA) (CTR) <Jorge.Pibernus@hhs.gov>
Sent: Tuesday, March 21, 2023 12:10 PM
To: Householder, Donna (HHS/OS) <Donna.Householder@hhs.gov>
Cc: Friedman, Daniel (OS/ASPA) (CTR) <Daniel.Friedman@hhs.gov>
Subject: State of Florida, et al. v. United States Dept. of Health and Human Resources Civil Action No.: 1:23cv890-WMR (N.D. Ga.)

Hi Donna,

(b)(5)

Please, let us know is you have any questions.

Thanks,

Jorge A. Pibernus
Senior Analyst, FOIA/PA
Office of the Assistant Secretary for Public Affairs (ASPA)
Office of the Secretary (OS)

Department of Health and Human Services (HHS)

Mobile: (b)(6)(b)(6)

Email: jorge.pibernus@hhs.gov

Sender:	(b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABAE032F2B37C91-(b)(6)>
Recipient:	Henderson, Harold (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cc949f2d23c043ecb03e6f9c21684f25-Henderson, <Harold.Henderson@hhs.gov>; Stampul, Barbara (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aba3e5fc28844f3399581d12fbec4fcb-Stampul, Ba <Barbara.Stampul@hhs.gov>; Perez, Luis (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb4f62687d764a40a5c4e52f94b8354a-Perez, Luis <Luis.Perez@hhs.gov>; Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>; Rhodes, Susan (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=486f3fac513b44318992b6a79e96c28a-Rhodes, Sus <Susan.Rhodes@HHS.GOV>; Householder, Donna (HHS/OS) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e182a735cf74a5cb50edc7b2a5a58a1-Householder <Donna.Householder@hhs.gov>; Brockett, Sharon (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0179b2336efb432fa687976a61b8e3c6-Brockett, S <Sharon.Brockett@HHS.GOV>
Sent Date:	2023/03/21 13:32:06
Delivered Date:	2023/03/21 13:32:00

From:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
To:	Lareau, Alyssa (CRT) <Alyssa.Lareau@usdoj.gov>; Toyama, Kaitlin (CRT) <Kaitlin.Toyama@usdoj.gov>
Subject:	FW: THE HILL: Judge orders Florida health agency to hand over documents on gender-affirming care
Date:	2023/02/02 08:41:00
Priority:	Normal
Type:	Note

Thought y'all might appreciate this recent update from the FL Medicaid trans healthcare ban litigation. (b)(6)

(b)(6)

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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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) <Dylan.deKervor@hhs.gov>
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://apple.news/Ap4_n391vScennu5aK6uSkA

Shared from Apple News

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Recipient:	Lareau, Alyssa (CRT) <Alyssa.Lareau@usdoj.gov>; Toyama, Kaitlin (CRT) <Kaitlin.Toyama@usdoj.gov>
Sent Date:	2023/02/02 08:41:58
Delivered Date:	2023/02/02 08:41:00

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information Act

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of the Freedom of Information Act

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of the Freedom of Information Act

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of the Freedom of Information Act

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To:	(b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e90ef156ed05483f959d8c4039d9b906(b)(6) (b)(6) Roman, David (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5d5a5775 <David.Roman@hhs.gov>
CC:	Shieh, Daniel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3f0b2318adca4e3284be813503205b01-Shieh, Dani <Daniel.Shieh@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: SB 184 Litigation - Alabama
Date:	2023/05/25 10:56:00
Priority:	Normal
Type:	Note

Thanks, (b)(6)

Will await David's response.

(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) (b)(6) (HHS/OCR) (b)(6)

Sent: Thursday, May 25, 2023 10:56 AM

To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>

Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>

Subject: RE: SB 184 Litigation - Alabama

Hi (b)(6)

(b)(5)

Thanks, (b)(6)

From: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Thursday, May 25, 2023 10:26 AM
To: (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR)
<David.Roman@hhs.gov>
Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>
Subject: FW: SB 184 Litigation - Alabama

Hi (b)(6) and David,

Did either of you work on this section of the preamble? I assume not but want to confirm.

I was thinking of reaching out to Sarah and Gabriela – does that sound right? Do you have other suggestions?

Thanks,
(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: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>
Sent: Thursday, May 25, 2023 10:22 AM
To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Cc: (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR)
<David.Roman@hhs.gov>; Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>
Subject: SB 184 Litigation - Alabama

Good morning,

(b)(5)

Thank you!

Chayhann Mars (*she/her*)

Attorney

Civil Rights Division

Office of the General Counsel

U.S. Department of Health & Human Services

(b)(6)

Chayhann.Mars@hhs.gov

Sender:	(b)(6) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
Recipient:	(b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e90ef156ed05483f959d8c4039d9b906(b)(6) (b)(6) Roman, David (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5d5a5775 <David.Roman@hhs.gov>; Shieh, Daniel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3f0b2318adca4e3284be813503205b01-Shieh, Dani <Daniel.Shieh@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:	2023/05/25 10:56:41
Delivered Date:	2023/05/25 10:56:00

From:	(b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
To:	(b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e90ef156ed05483f959d8c4039d9b906(b)(6) (b)(6)
Subject:	RE: Alabama Interrogatories
Date:	2023/04/18 09:43:00
Priority:	Normal
Type:	Note

Thank you!

(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: (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Tuesday, April 18, 2023 9:43 AM
To: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6) Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>
Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; Roman, David (OS/OCR) <David.Roman@hhs.gov>
Subject: RE: Alabama Interrogatories

Good morning all,

(b)(5)

Thanks, (b)(6)

(b)(6) (b)(6) J.D. (she/her)
 Civil Rights Analyst
 Policy Division | Office for Civil Rights
 U.S. Department of Health and Human Services
 Office: (b)(6)
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From: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>
Sent: Tuesday, April 18, 2023 9:17 AM
To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>
Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>
Subject: RE: Alabama Interrogatories

Thank you for this Jacob and for your additions (b)(6) If anyone has anything to add over the next day, please let me know. Marie and I will be preparing the response by Thursday morning.

Chayhann Mars (she/her/hers)
Civil Rights Division
Office of the General Counsel
U.S. Department of Health & Human Services
(b)(6)
Chayhann.Mars@hhs.gov

From: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Monday, April 17, 2023 6:23 PM
To: Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>; Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>
Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>
Subject: RE: Alabama Interrogatories

This is VERY helpful.

(b)(5)

(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: Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>
Sent: Monday, April 17, 2023 5:27 PM
To: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>; (b) (b)(6) (b)(6) (HHS/OCR)

(b)(6)

Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>
Subject: RE: Alabama Interrogatories

Hey all,

(b)(5)

(b)(5)

Jacob

Jacob Richards (he/him)
Assistant Regional Counsel, Region IX
Office of the General Counsel
Department of Health and Human Services
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jacob.richards@hhs.gov

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Please consider the environment before printing this e-mail.

From: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>
Sent: Monday, April 17, 2023 12:56 PM
To: Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>; (b) (b)(6) (b)(6) (HHS/OCR)
(b)(6)
Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR)
<Lauren.Jee1@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; (b)(6) (b)(6)
(HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>
Subject: RE: Alabama Interrogatories

Hi Jacob,

(b)(5)

(b)(5)

Chayhann Mars (*she/her/hers*)
Civil Rights Division
Office of the General Counsel
U.S. Department of Health & Human Services
(b)(6)
Chayhann.Mars@hhs.gov

From: Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>

Sent: Monday, April 17, 2023 3:06 PM

To: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>; (b)(6) (b)(6) (b)(6) (HHS/OCR)
(b)(6)

Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR)
<Lauren.Jee1@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; (b)(6) (b)(6)
(HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>

Subject: RE: Alabama Interrogatories

Hi Chayhann,

(b)(5)

Jacob

Jacob Richards (he/him)
Assistant Regional Counsel, Region IX
Office of the General Counsel
Department of Health and Human Services
90 Seventh Street, Suite 4-500
San Francisco, CA 94103-6705
Phone: (b)(6)
Fax: (415) 437-8188
jacob.richards@hhs.gov

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Please consider the environment before printing this e-mail.

From: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>
Sent: Monday, April 17, 2023 8:22 AM
To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>; Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>
Subject: RE: Alabama Interrogatories

Thanks for your quick response, (b)(6)

(b)(5)

Chayhann

From: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Monday, April 17, 2023 10:33 AM
To: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>
Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>; Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>
Subject: RE: Alabama Interrogatories

Hi Chayanne,

Sorry for the delay.

(b)(5)

Thanks,

(b)(6)

(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: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>

Sent: Monday, April 17, 2023 10:21 AM

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

Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>

Subject: Re: Alabama Interrogatories

Resending to include a subject line. Happy Monday!

From: Mars, Chayhann (HHS/OGC)

Sent: Monday, April 17, 2023 10:19:59 AM

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

Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>

Subject:

Good morning (b)(6)

(b)(5)

(b)(5)

Kindly,
Chayhann Mars (she/her/hers)
Civil Rights Division
Office of the General Counsel
U.S. Department of Health & Human Services

(b)(6)

Chayhann.Mars@hhs.gov

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) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e90ef156ed05483f959d8c4039d9b906-(b)(6) (b)(6)
Sent Date:	2023/04/18 09:43:47
Delivered Date:	2023/04/18 09:43:00

From:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b)(6)>
To:	Romero-Escobar, Beatriz (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user8a7a5326 <Beatriz.Romero@HHS.GOV>
CC:	Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>; Stampul, Barbara (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aba3e5fc28844f3399581d12fbec4fcb-Stampul, Ba <Barbara.Stampul@hhs.gov>
Subject:	RE: 04-23-509592-(b)(6) vs Douglas County Division of Family and Children Services
Date:	2023/03/22 16:01:00
Priority:	Normal
Type:	Note

Thanks, Beatriz. (b)(5)

(b)(5)

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

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

To: (b) (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)

I just sent you, and the other, a calendar invitation for Friday. We just need 15minutes of your time to discuss the above reference case and next steps. 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,

Beatriz reminded me that we discussed this case with you and we are awaiting your feedback.

(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

Yes, why don't we also discuss that when we meet next week? I think it will be easier to explain via meeting that getting the consent is normal process.

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) <Dylan.Dekervor@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

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) (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) (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)

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>

Sent: Friday, January 6, 2023 4:26 PM

To: Griffin, Chris (HHS/OGC) <Chris.Griffin@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

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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中文 – Chinese – 如果你讲中文，请拨打1-800-368-1019（打字电话：1-800-537-7697），你将被连接到一位讲同语种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 (청각 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 1-800-368-1019 (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:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
Recipient:	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>; Stampul, Barbara (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aba3e5fc28844f3399581d12fbec4fcb-Stampul, Ba <Barbara.Stampul@hhs.gov>
Sent Date:	2023/03/22 16:01:13
Delivered Date:	2023/03/22 16:01:00

MEMORANDUM

TO: Melanie Fontes Rainer, Counselor to the Secretary of Health and Human Services
Hannah Katch, Senior Advisor, Centers for Medicare and Medicaid Services
Lisa Pino, Director, Office for Civil Rights
ADM Rachel Levine, Assistant Secretary for Health
VADM Vivek Murthy, U.S. Surgeon General

CC: Karen Parker, Daniel Dodgen, Brian Altman, Co-Chairs, LGBTQI+ Coordinating Committee
Sarah Boateng, Chief of Staff, Office of the Assistant Secretary for Health

FROM: The LGBTQI+ Federal Health Policy Roundtable¹
Contact: Daniel Bruner, dbruner@whitman-walker.org, (202) 669-3388

RE: HHS Action to End Non-Consensual, Medically Unnecessary Surgeries and Ensure Informed Consent for Children with Intersex Traits

DATE: June 2, 2022

Thank you again for your continued collaboration and dialogue with us on advancing the health and well-being of LGBTQI+ people. We appreciate your continuing efforts to recognize the needs of LGBTQI+ communities and to make progress in areas including nondiscrimination enforcement, increasing access to gender-affirming care, improving cultural competence and quality of care, LGBTQI+ data collection and research, ending the HIV/AIDS epidemic, and addressing attacks by state officials on LGBTQI+ youth, families, and care workers.

As we start Pride month, we write to urge you to ensure that this robust LGBTQI+ health equity agenda includes protecting the rights, health, and bodily autonomy of intersex infants and children, specifically by taking meaningful actions to end medically unnecessary “normalizing” surgeries on children with variations in their sex characteristics who are too young to participate in these deeply personal decisions. We applaud the Biden-Harris Administration for taking important initial steps to recognize intersex people’s rights and dignity at the federal level for the first time. Now, more concrete action is needed to address the most urgent health issue facing this population. We look forward to meeting with you to discuss these recommendations, and how we may be of assistance in moving them forward.

“Normalizing” surgeries on intersex infants and children and the need for federal action

Millions of Americans are born with differences in physical sex traits (such as chromosomes, genitals, reproductive anatomy, or hormone function), commonly referred to as variations in sex characteristics or intersex traits.² These variations are only rarely related to any immediate health concerns, much less often any concerns that would require surgical intervention in infancy or early childhood. Yet leading human rights organizations and health researchers have documented how “normalizing” surgeries continue to be performed to alter the genitals or remove the gonads of these children to conform their bodies to sex stereotypes, most commonly before the age of two, absent any evidence of medical need.³

Unlike other cases in which parents consent to interventions on behalf of their children, early intersex surgeries violate inherent human rights and raise major ethical concerns due to the high rate of

¹ The Roundtable is a coalition of national advocacy organizations and LGBTQ-focused health centers.

² Melanie Blackless, Anthony Charuvastra, Amanda Derryck, Anne Fausto-Sterling, Karl Lauzanne, & Ellen Lee, How Sexually Dimorphic Are We? Review and Synthesis, 12 *AM. J. HUM. BIOL.* 151 (2000).

³ Human Rights Watch, “I Want to be Like Nature Made Me”: Medically Unnecessary Surgeries on Intersex Children in the US (2017), <https://www.hrw.org/report/2017/07/25/i-want-be-nature-made-me/medically-unnecessary-surgeries-intersex-children-us>; Amnesty International, First, Do No Harm: Ensuring the Rights of Children Born Intersex (2017), <https://www.amnesty.org/en/latest/campaigns/2017/05/intersex-rights>.

complications and other lifelong impacts on a person's health and reproductive choices – concerns that are compounded by the lack of medical necessity of these interventions in the first place. In addition, parents often receive insufficient information regarding the risks associated with such surgeries as well as alternatives to immediate surgery, and many are never offered psychosocial support oriented around accepting their healthy children as they are. A 2020 National Academies of Sciences consensus study summarized:

Overall, there is mixed evidence that [early intersex] surgery achieves its physical goals and scant evidence that it confers psychosocial benefit. The existing research does provide strong evidence of the risk of irreversible harm from early genital surgery, including immediate postoperative complications and later revisions, as well as the potentially catastrophic risk of incorrect, surgically reinforced gender assignment. ... Factoring in the human rights of children and evidence that individuals with diverse sexualities, bodies, and genders can and do thrive with affirmation and support from parents, peers, and communities, there is insufficient evidence of benefit to justify early genital surgery. Therefore, the deferral of surgery until a child can participate in the decision, except in scenarios with urgent medical need, such as urinary obstruction or immediate cancer risk, may optimize the benefits of informed consent, autonomy, and patients' physical, social, and emotional well-being.⁴

The NASEM report thus concludes that these infant and childhood surgeries, including gonadectomies, are not medically appropriate unless needed to address an immediate threat to health. Notably, the report compares these practices to efforts to change an individual's sexual orientation or gender identity, stating:

CONCLUSION 12-3: Conversion therapy to change sexual orientation or gender identity and elective genital surgeries on children with intersex traits who are too young to participate in consent are dangerous to the health and well-being of sexual and gender diverse people.⁵

There are increasing calls from within the medical community to end these practices, including from prominent medical associations.⁶ Additionally, in 2017, three former US Surgeons General wrote:

[Intersex] babies are being born who rely on adults to make decisions in their best interest, and this should mean one thing: When an individual is born with atypical genitalia that pose no physical risk, treatment should focus not on surgical intervention but on psychosocial and educational support for the family and child. Cosmetic genitoplasty should be deferred until children are old enough to voice their own view about whether to undergo the surgery. Those whose oath or conscience says 'do no harm' should heed the simple fact that, to date, research

⁴ National Academies of Sciences, Engineering, and Medicine. 2020. *Understanding the Well-Being of LGBTQI+ Populations*. Washington, DC: The National Academies Press at 378-79, <https://doi.org/10.17226/25877>.

⁵ *Id.* at 380.

⁶ See, e.g., Massachusetts Medical Society, Evidence-Based Care of Individuals Born with Differences in Sex Development (DSD)/Intersex (Dec. 7, 2019); <http://www.massmed.org/News/Press-Releases/Massachusetts-Medical-Society-announces-policies-on-opioid-use-disorder,-intersex-children-and-e-cigarettes/#.Xz7jNS2z0nU>; Michigan State Medical Society, Opposing Surgical Sex Assignment for Infants with Differences of Sex Development, Res. 12-18 (2018), <https://www.msms.org/hodresolutions/2018/12.pdf>; GLMA: Health Professionals Advancing LGBTQ Equality, Medical and Surgical Intervention of Patients with Differences in Sex Development (Oct. 3, 2016), <http://glma.org/index.cfm?fuseaction=Feature.showFeature&CategoryID=1&FeatureID=796>; American Academy of Family Physicians, Genital Surgeries in Intersex Children (Jul. 2018), <https://www.aafp.org/about/policies/all/genital-surgeries-intersexchildren.html>.

does not support the practice of cosmetic infant genitoplasty.⁷

Major hospitals have moved to prohibit these practices, including Lurie Children's Hospital in Chicago, Boston Children's Hospital, and the New York City Health & Hospitals system.⁸

United Nations agencies recognize that these practices violate core principles of informed consent, equality, and bodily autonomy.⁹ They may also violate federal and state laws against genital mutilation and forced sterilization.¹⁰ Courts in several states have concluded that the general parental right to consent to medical treatment for a child does not extend to elective sterilization.¹¹ Yet these practices continue, often with inadequate or inaccurate information provided to families about the demonstrated risks and the poor evidence for any purported benefits.¹²

The federal government has long recognized these harms but failed to act

At least as early as 2016, the US State Department recognized that "[i]ntersex persons routinely face forced medical surgeries that are conducted at a young age without free or informed consent. These interventions jeopardize their physical integrity and ability to live free."¹³ In September 2020, the United States joined over 50 nations in a joint statement. The statement recognized that: "In many countries around the world, intersex people are subjected to medically unnecessary surgeries, hormonal treatments and other procedures in an attempt to change their appearance to be in line with gendered societal expectations of male and female bodies without their full and informed consent." The statement concludes that government must act, "as a matter of urgency, to protect the autonomy of intersex adults and children and their rights to health, and to physical and mental integrity so that they live free from violence and harmful practices."¹⁴

In recent years, the US State Department has criticized other countries, such as China and Russia, for

⁷ M. Joycelyn Elders, David Satcher, and Richard Carmona, *Re-Thinking Genital Surgeries on Intersex Infants* (June 2017), <https://www.palmcenter.org/wp-content/uploads/2017/06/Re-Thinking-Genital-Surgeries-1.pdf>

⁸ Human Rights Watch, *New York City Hospitals Prohibit Unnecessary Intersex Surgeries* (Jul. 16, 2021), <https://www.hrw.org/news/2021/07/16/new-york-city-hospitals-prohibit-unnecessary-intersex-surgeries> (describing new policy for city public hospitals); Lurie Children's Hospital, *Intersex Care at Lurie Children's and our Sex Development Clinic* (Jul. 28, 2020), <https://www.luriechildrens.org/en/blog/intersex-care-at-lurie-childrens-and-our-sex-development-clinic/>; Kimberly Zieselman, *Boston Children's Hospital's Change on Intersex Surgeries was Years in the Making* (Oct. 23, 2020), <https://interactadvocates.org/boston-childrens-hospital-intersex-surgery/>.

⁹ See, e.g., UN Ofc. of High Comm'r Hum. Rts., *Background note on human rights violations against intersex people* (2019), <https://www.ohchr.org/EN/Issues/Discrimination/Pages/BackgroundViolationsIntersexPeople.aspx>; UN OHCHR, UN Women, UNAIDS, UNDP, UNFPA, UNICEF & WHO, *Eliminating forced, coercive or otherwise involuntary sterilization: An interagency statement* (2014), http://apps.who.int/iris/bitstream/10665/112848/1/9789241507325_eng.pdf; UN OHCHR, *Report of the Special Rapporteur on Torture, Juan E. Mendez*, UN Doc. A/HRC/22/53 (2013), http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf.

¹⁰ See, e.g., 18 U.S.C. § 116 (prohibiting "any procedure performed for non-medical reasons that involves partial or total removal of" external genitalia, with exception when "necessary to the health of the person on whom it is performed"); Sylvan Fraser, *Constructing the female body: using female genital mutilation law to address genital-normalizing surgery on intersex children in the US*, 9 *INT'L J. HUM. RTS. HEALTH* 62 (2016); Anne Tamar-Mattis, *Sterilization and Minors with Intersex Conditions in California Law*, 3 *CAL. L. REV. CIRCUIT* 126 (2012).

¹¹ See, e.g., *Am. Acad. of Pediatrics v. Lungren*, 940 P.2d 797, 814–16 (Cal. 1997); *In re Moe*, 432 N.E.2d 712, 715–18 (Mass. 1982); *In re Terwilliger*, 450 A.2d 1376, 1381–83 (Pa. Super. Ct. 1982).

¹² Human Rights Watch, *Protest Demands End to Harmful Surgeries on Intersex Children: Hospital Should Halt Medically Unnecessary Surgeries* (Sept. 1, 2021), <https://www.hrw.org/news/2021/09/01/protest-demands-end-harmful-surgeries-intersex-children>.

¹³ US Department of State, *Press Statement in Recognition of Intersex Awareness Day* (Oct. 26, 2016) <https://2009-2017.state.gov/r/pa/prs/ps/2016/10/263578.htm>.

¹⁴ Joint Statement led by Austria on the Rights of Intersex Persons (Sept. 30, 2020), <https://www.dfat.gov.au/international-relations/themes/human-rights/hrc-statements/45th-session-human-rights-council/joint-statement-led-austria-rights-intersex-persons>.

permitting these practices.¹⁵ In its readout of its historic Roundtable on Intersex Awareness Day 2021, the White House recognized “the toll that non-consensual medical interventions and surgeries performed on intersex children often have on people’s mental and physical health.”¹⁶ Also on Intersex Awareness Day 2021, the US State Department issued a statement recognizing: “Many intersex persons, including children, experience invasive, unnecessary, and sometimes irreversible medical procedures.”¹⁷ In a 2016 toolkit for gender integration in democracy and human rights programs, USAID encouraged its grantees to assess their nations’ laws, rules, and norms for protecting LGBTQI+ people’s human rights, including: “Does the state prohibit medically unnecessary surgery and procedures on the sex characteristics of intersex children, protect their physical integrity and respect their autonomy?”¹⁸ More recently, USAID’s website on “Advancing LGBTQI+ Inclusive Development” observes: “In many parts of the world, intersex people suffer from irreversible, harmful, and medically unnecessary medical interventions, often without fully informed consent.”¹⁹

Unfortunately, the United States remains one of those “parts of the world.” As recently noted by the Department of Justice, “[f]ederal agencies have engaged in a variety of initiatives aimed at protecting women and girls in the United States who have been subjected to or who may be at risk of FGM.”²⁰ Yet no federal effort has yet been made to prevent or discourage the practice of identical surgeries on children born with intersex traits, even where they fall under the same laws. Recently, the Departments of Justice, Education, and HHS have formally interpreted federal civil rights laws to outlaw discrimination based on sex characteristics, including intersex traits.²¹ These interpretations, along with observances such as Intersex Awareness Day, provide critical visibility and basic rights education—but are no substitute for actions that directly address persistent harmful practices.

HHS has also previously issued, and is currently updating, a landmark federal report on harmful attempts to change young people’s gender identity or sexual orientation,²² and has issued guidance making clear that federal child welfare funds may not be used for such harmful practices.²³ Similar efforts are sorely needed to protect intersex children and youth, particularly given that efforts to “normalize” intersex children and youth’s physical characteristics are often intertwined with efforts to change their gender identity or sexual orientation.²⁴ In a recent national survey, for example, LGBTQ

¹⁵ US Department of State, Country Reports on Human Rights Practices for 2020: China (Includes Hong Kong, Macau, and Tibet), <https://www.state.gov/report/custom/f9b484c098/>; US Department of State, Country Reports on Human Rights Practices for 2020: Russia (2021), <https://www.state.gov/report/custom/c9683947f1/>.

¹⁶ Readout of White House Roundtable on Intersex Awareness Day (Oct. 27, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/27/readout-of-white-house-roundtable-on-intersex-awareness-day/>.

¹⁷ Press Statement of Department Spokesperson Ned Price, Intersex Awareness Day (Oct. 25, 2021), <https://www.state.gov/intersex-awareness-day/>.

¹⁸ US Agency for International Development, Gender Integration in Democracy, Human Rights, and Governance (DRG) (2016), <https://www.usaid.gov/sites/default/files/documents/2496/Gender%20Toolkit.pdf>.

¹⁹ US Agency for International Development, Advancing LGBTQI+ Inclusive Development, <https://www.usaid.gov/LGBTQI> (last updated June 21, 2021).

²⁰ US Department of Justice, DOJ, ICE and the FBI Recognize International Day of Zero Tolerance for Female Genital Mutilation (Feb. 4, 2022), <https://www.justice.gov/opa/pr/justice-department-ice-and-fbi-recognize-international-day-zero-tolerance-female-genital>.

²¹ HHS, Ensuring Access to Equitable, Affordable, Client-Centered, Quality Family Planning Services; Final rule, 86 FR 56144, 56159 (Oct. 7, 2021); US Department of Justice, Title IX Legal Manual (updated Aug. 12, 2021), <https://www.justice.gov/crt/title-ix#Bostock> (“Title IX’s prohibition on sex discrimination includes discrimination based on gender identity, intersex traits, and sexual orientation”); US Department of Education, Supporting Intersex Students: A Resource for Students, Families, and Educators (Oct. 2021), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-intersex-202110.pdf>.

²² Substance Abuse and Mental Health Services Administration, Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth (2015), <http://store.samhsa.gov/shin/content/SMA15-4928/SMA15-4928.pdf>.

²³ Administration for Children and Families, IM-22-01: Guidance for Title IV-B and IV-E Agencies When Serving LGBTQI+ Children and Youth (Mar. 2, 2022), <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2201.pdf>.

²⁴ Human Rights Watch, “I Want to be Like Nature Made Me”: Medically Unnecessary Surgeries on Intersex Children in the US (2017), <https://www.hrw.org/report/2017/07/25/i-want-be-nature-made-me/medically-unnecessary-surgeries-intersex-children-us>; Amnesty International, First, Do No Harm: Ensuring the Rights of Children Born Intersex (2017), <https://www.amnesty.org/en/latest/campaigns/2017/05/intersex-rights>.

youth born with intersex traits were slightly more likely than their non-intersex LGBTQ peers to report that someone had tried to convince them to change their sexual orientation or gender identity—and *twice* as likely to report experiencing such efforts *from a medical or mental health care provider*.²⁵ Just as with non-intersex LGBTQ youth, outside attempts to change their core identities appear to be risk factors for suicidality, while acceptance from parents and others around them is a significant protective factor.²⁶

Dangerous new state laws and actions make federal action increasingly urgent

Even as medical and human rights experts increasingly condemn these non-consensual, medically unnecessary early surgeries, federal action is becoming ever-more urgent due to an unprecedented wave of targeted actions by state lawmakers and officials, as well as extreme political rhetoric.

To date, fifteen states have enacted legislation aimed at banning transgender girls from school athletics, but these laws also affect intersex girls by either expressly banning them from participation on the basis of their sex characteristics or inviting invasive scrutiny of their bodies to “verify” their sex.²⁷ These laws either expressly require students and families to proactively disclose sensitive medical information about their sex characteristics; permit any third party to initiate an investigation into a student’s sex characteristics for virtually any reason; or delegate sweeping discretion to state or school officials for such inquiries based on vague language. The only court to consider such a law to date held that it is likely unconstitutional because it both “preclud[es] women and girls who are transgender and many who are intersex from participating in women’s sports,” and “burdens all female athletes with the risk and embarrassment of having to ‘verify’ their ‘biological sex’ in order to play women’s sports.”²⁸

Even more disturbing, three states have recently enacted, and lawmakers in several other states have proposed, legislation that singles out intersex children’s bodies by prohibiting (and in one state, criminalizing) gender-affirming care that transgender adolescents want and need, while expressly permitting harmful “normalizing” surgeries on young intersex children to continue – without regard to medical necessity. These laws, which do unprecedented harm to both communities, use identical language to exempt the usually non-consensual procedures on “persons born with a medically verifiable disorder of sex development, including a person with external biological sex characteristics that are irresolvably ambiguous” or any person who “does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action” from the otherwise sweeping prohibition on enumerated medical procedures that are often part of consensual gender-affirming care.²⁹ Proposed legislation in Congress and other states uses identical language.³⁰ These laws represent a novel government imprimatur on the increasingly disapproved practice of “normalizing” surgery on intersex children, and invite unethical providers to use this broad language as a shield against scrutiny notwithstanding generally applicable laws governing informed consent, medical malpractice, sterilization, and genital mutilation or cutting.

Accompanying and supporting this new wave of state legislation is a growing political rhetoric that seeks to deny and eliminate the existence of transgender people and in the process misrepresents the natural diversity represented by intersex variations. This rhetoric pathologizes people with intersex “disorders” as a “tragic fact,”³¹ not because of any actual threat to individual health associated with having intersex traits, but rather because intersex people are supposedly “very rare exceptions” to the

²⁵ Price, M.N., Green, A.E, DeChants, J.P, & Davis, C.K., The mental health and well-being of LGBTQ youth who are intersex (The Trevor Project, 2021).

²⁶ *Id.*

²⁷ Movement Advancement Project, LGBTQ Youth: Bans on Transgender Youth Participation in Sports (Apr. 13, 2022) (collecting statutes) <https://www.lgbtmap.org/img/maps/citations-sports-participation-bans.pdf>.

²⁸ *Hecox v. Little*, 479 F. Supp. 3d 930, 944 (D. Idaho 2020), *remanded on other grounds*, (9th Cir. June 24, 2021).

²⁹ Alabama SB 184, engrossed as Act 289 (2022); Arizona SB 1138, engrossed as Chapter 104 (2022); Arkansas HB 1570, engrossed as Act 626 (2021).

³⁰ See H.R.1927/S.777, End Taxpayer Funding of Gender Experimentation Act.

³¹ *Hecox v. Little*, Intervenor’s Memorandum in Opposition to Plaintiffs’ Motion for Preliminary Injunction, No. 1:20-cv-00184 (D. Idaho, filed June 9, 2020).

“common sense” that “everyone is clearly either male or female.”³² The political campaigns behind these bans on gender-affirming care that specifically exempt intersex surgeries seek to reinforce the view that variations in sex characteristics are categorically “true medical problems,” even as the medical community retreats from this view and positive intersex visibility is at an all-time high.³³ The same fringe medical voices consistently relied upon to defend anti-transgender laws and justify conversion therapy (and sometimes recognized as unreliable by courts³⁴) characterize intersex people as “grappling” with a “disorder” rather than representing a “‘spectrum’ of biological sex”³⁵—or, in other words, as “unfortunate cases” saddled with an “anomalous condition” of “unsuccessful assimilation to either male or female.”³⁶ The unsurprising endpoint of this rhetoric is that intersex variations are cast as “medical abnormalities ... requiring intervention to steer the child and parents toward an acceptable choice between male and female.”³⁷

These disturbing developments—making intersex children targets of harsh legislation and political rhetoric at a moment of unprecedented visibility—threaten to undermine recent progress in destigmatizing intersex variations, improving intersex-affirming medical care, and providing for better quality-of-life outcomes across the intersex community. As a result, federal action to promote awareness and acceptance of the natural diversity of sex characteristics, and to protect intersex infants’ and children’s bodily autonomy, is increasingly urgent.

We specifically call on the federal government to take the following actions:

ACTION: Create a public education campaign for health professionals, families, and service providers on supporting intersex children and youth.

HHS should follow the lead of state and local jurisdictions in the US and allied nations in planning a national public education campaign to inform both families and health care professionals about the natural diversity in sex characteristics, best practices for affirming care, and the potential benefits of avoiding non-emergency surgical interventions in infancy.³⁸ This campaign should build on the 2020 NASEM report referenced above, as well as on the 2017 report by three former US Surgeons General. In that report, those medical experts concluded that “cosmetic infant genitoplasty is not justified absent a need to ensure physical functioning” as “evidence does show that the surgery itself can cause severe

³² Jay W. Richards & Jared Eckert, Biden’s Latest Proposal Would Force Insurers to Pay for Gender “Transition,” Heritage Foundation (Feb. 7, 2022) <https://www.heritage.org/gender/commentary/bidens-latest-proposal-would-force-insurers-pay-gender-transition>.

³³ Family Policy Alliance, Frequently Asked Questions About Gender Dysphoria and Minor Transition (2022), <https://familypolicyalliance.com/help-not-harm/>.

³⁴ See *Grimm v. Gloucester Cty. Sch. Bd.*, 972 F.3d 586, 596 n. 3 (4th Cir. 2020) (“It goes without saying that one can always find a doctor who disagrees with mainstream medical professional organizations on a particular issue. Aspects of Dr. Van Meter’s report blatantly contradict the views of ... the American Academy of Pediatrics and our other medical amici”); *DeBoer v. Snyder*, 973 F. Supp. 2d 757 (E.D. Mich.), rev’d, 772 F.3d 388 (6th Cir. 2014), rev’d sub nom. *Obergefell v. Hodges*, 576 U.S. 644 (2015) (“The Court finds Regnerus’s testimony entirely unbelievable and not worthy of serious consideration”).

³⁵ *R.G. & G.R. HARRIS FUNERAL HOMES, INC., v. EQUAL OPPORTUNITY EMPLOYMENT COMMISSION*, BRIEF OF SCHOLARS OF FAMILY AND SEXUALITY AS AMICI CURIAE IN SUPPORT OF PETITIONER, NO. 18-107 (U.S., filed Aug. 23, 2019).

³⁶ *Meriwether v. Trustees of Shawnee State University*, Brief of *Amicus Curiae* Dr. Paul R. Mchugh, M.D., and Other Medical and Scientific Experts in Support of Plaintiff-Appellant, No. 20-3289 (6th Cir. Filed June 3, 2020).

³⁷ David Coppedge, Science Is Being Corrupted by Politics, Creation-Evolution Headlines (Feb. 4, 2021), <https://crev.info/2021/02/science-corrupted-by-politics/>.

³⁸ See N.Y.C. Int. No. 1748-A (2021) (directing Department of Health to develop campaign), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4918989&GUID=A4DF9183-978A-40F0-985B-6D5C7D84E43E>; State of Victoria, Department of Health, Health of people with intersex variations (2019) (collection of educational resources, including fact sheets for families), <https://www.health.vic.gov.au/populations/health-of-people-with-intersex-variations>; see also State of Victoria, Department of Health, (i) *Am Equal: Future Directions for Victoria’s Intersex community* (2021) (statewide plan for intersex equity including a “suite of resources” for families, youth, and provider, a health resource hub, training, research and data collection, and patient protections), <https://www.health.vic.gov.au/publications/i-am-equal>.

and irreversible physical harm and emotional distress,” and urged providers and families that “the practice should stop.”³⁹

Such a campaign could be spearheaded by SAMHSA, the Office of Population Affairs, HRSA's Maternal and Child Health Bureau, and/or the Office of the Surgeon General. HHS should work with intersex-led patient groups and with medical and ethical experts with a demonstrated commitment to affirming intersex bodily autonomy. HHS could also use a new or expanded grant to leverage the capacity of one or more of its training and technical assistance providers for this initiative.

The HHS component(s) leading this project should coordinate with other agencies, including the Office for Civil Rights (OCR), Administration for Children and Families (ACF), Centers for Medicare & Medicaid Services (CMS), Indian Health Services (IHS), and the Partnership Center, to ensure it reaches diverse health and child welfare professionals, state and local government, and community stakeholders, and is integrated into existing HHS health and child welfare clearinghouses and information centers.

ACTION: End the use of federal funds for non-emergency genital and gonadal surgeries on intersex children too young to consent (or object).

Just as HHS is moving to end the use of federal funds for harmful, unscientific, and discriminatory “conversion therapy,” it should work to ensure that federal health care and foster care funds are not used for harmful, nonconsensual surgeries on intersex infants and children.

Most importantly, CMS should provide guidance to state Medicaid and CHIP officials on ensuring federal funds are not used for non-emergent genital or sterilizing surgeries until youth are able drive decision-making and provide meaningful, informed consent or assent.⁴⁰

ACF should provide guidance regarding the use of Title IV-E foster care funds to ensure protection of children who are wards of the state, similar to its recent guidance on conversion therapy.⁴¹

OCR should issue guidance to federal-assistance health programs and activities on intersex patients’ nondiscrimination and health information privacy rights under laws such as the Affordable Care Act, the Rehabilitation Act, and the Health Insurance Portability and Accountability Act (HIPAA). For example:

- A covered hospital may impermissibly engage in sex or disability discrimination where it applies patient protection policies or procedures to some child patients but not others on the basis of intersex traits (such as policies or procedures to ensure informed consent, or limiting or requiring administrative or judicial approval of sterilizing procedures).
- A covered hospital may violate HIPAA privacy or access rights where it withholds or conceals protected health information (PHI) from a patient related to their own intersex traits, or makes unauthorized use of PHI as a “teaching tool” for students.

ACTION: Initiate hospital civil rights and HIPAA compliance reviews.

Non-consensual, unnecessary early intersex surgeries are performed by a limited (and shrinking)

³⁹ M. Jocelyn Elders, David Satcher, & Richard Carmona, Re-thinking genital surgeries on intersex infants (Palm Center, June 2017), <https://www.palmcenter.org/wp-content/uploads/2017/06/Re-Thinking-Genital-Surgeries-1.pdf>.

⁴⁰ Cf., e.g., Australian Capital Territory, Treasury & Economic Development Directorate, *Protecting the rights of intersex people in medical settings: Regulatory options paper* (June 2021), <https://www.cmtedd.act.gov.au/policystrategic/the-office-of-lgbtq-affairs/protecting-the-rights-of-intersex-people-in-medical-settings> (proposing prior authorization of certain procedures by an expert panel); Icelandic Act on Gender Autonomy No 80 /2019 as amended by Act No. 154/2020 (similar requirements).

⁴¹ Administration for Children and Families, IM-22-01: Guidance for Title IV-B and IV-E Agencies When Serving LGBTQI+ Children and Youth (Mar. 2, 2022), <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2201.pdf>.

number of major medical institutions in the United States.⁴² The highly specialized nature of the procedures and the programs conducting them can serve to insulate them from scrutiny of clinical, ethical, and administrative practices. As such, targeted compliance efforts could make a major impact in protecting intersex patient rights and improving care.

OCR should initiate robust compliance reviews of one or more hospitals known to perform early intersex surgeries to determine whether they are complying with civil rights and HIPAA requirements. OCR could model such an effort on its National HIV/AIDS Compliance Review Initiative and its ongoing Right of Access Initiative.

ACTION: Address intersex populations in health equity, cultural competence, and research initiatives.

While targeted action is needed to address this unique issue, all HHS agencies can and should help to advance health and equity for intersex children and youth by ensuring meaningful intersex inclusion—especially in the areas of maternal and child health, sexual health, family planning, mental health, and health disparities. HHS agencies should:

- Review grant announcements and resource guides, trainings, reports and technical assistance publications, policy guidance, and webpages to ensure they meaningfully include consideration of populations with intersex traits, informed by engagement with intersex people.

- Review definitions of terms such as “equity,” “underserved populations,” and “health disparity populations” to ensure inclusion of intersex populations.

- Test and implement standalone measures for data collection on intersex populations, consistent with recommendations of the National Academies March 2022 consensus study report on “Measuring Sex, Sexual Orientation, and Gender Identity.”

- Include, and collect disaggregated data on, people with intersex traits in federally funded or federally conducted research studies on health and child well-being.

- Include intersex organizations and community members in stakeholder outreach, events, focus groups, storytelling projects, prevention programs, and other public-facing initiatives.

Conclusion

We greatly appreciate your commitment, and that of President Biden, “to advancing justice, opportunity, and safety for intersex Americans.”⁴³ We look forward to working with you to turn this commitment into action to protect the health, dignity, and bodily autonomy of children with intersex traits.

Please let us know if you would like additional information or if we can be of assistance in any other way. You can reach the Roundtable by contacting Dan Bruner at dbruner@whitbman-walker.org or (202) 669-3388.

Signed,

AIDS United
Autistic Self Advocacy Network
Callen-Lorde Community Health Center
Center for American Progress

⁴² Kyle Knight, Protest Demands End to Harmful Surgeries on Intersex Children, Human Rights Watch (Sept. 1, 2021), <https://www.hrw.org/news/2021/09/01/protest-demands-end-harmful-surgeries-intersex-children>.

⁴³ Readout of White House Roundtable on Intersex Awareness Day (Oct. 27, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/27/readout-of-white-house-roundtable-on-intersex-awareness-day/>.

Fenway Health
GLMA: Health Professionals Advancing LGBTQ Equality
Howard Brown Health
interACT: Advocates for Intersex Youth
Lyon-Martin Community Health Services
National Black Justice Coalition
National Center for Transgender Equality
National LGBT Cancer Network
National LGBTQ Task Force
National Women's Law Center
Transgender Law Center
Transgender Legal Defense & Education Fund
Transhealth Northampton
Whitman-Walker Institute

From:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b)(6)>
To:	Barron, Pamela (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d55f83440f074842ac94e1f27f11fa9e-Barron, Pam <Pamela.Barron@hhs.gov>; Section 1557 (OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fde70138c07442e5ab7a347fb5a9b10b-df73f6b6-a6 <Section1557OCR@HHS.GOV.onmicrosoft.com>
Subject:	FW: Lambda Legal, ACLU Sue to Block Texas From Investigating Parents Who Support Their Transgender Kids
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Type:	Note

FYI

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www.justice.gov/crt/lgbti-working-group

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Subject: [EXTERNAL] FW: Lambda Legal, ACLU Sue to Block Texas From Investigating Parents Who Support Their Transgender Kids

FYI

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LAMBDA LEGAL PRESS RELEASE, Tuesday, March 1, 2022

Contact Tom Warnke: C: (b)(6) twarnke@lambdalegal.org

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Lambda Legal, ACLU Sue to Block Texas From Investigating Parents Who Support Their Transgender Kids

FOR IMMEDIATE RELEASE

March 1, 2022

AUSTIN, Texas — Lambda Legal, the American Civil Liberties Union, and ACLU of Texas today asked a Texas state court to block the Texas Department of Family and Protective Services (DFPS) from investigating parents who work with medical professionals to provide their adolescent children with medically necessary gender-affirming care.

The lawsuit names Texas Gov. Greg Abbott, who recently issued a directive stating that providing gender-affirming care should be considered a form of child abuse. The suit also names DFPS Commissioner Jaime Masters and DFPS, as defendants. The lawsuit includes claims that these recent directives were issued without proper authority, in violation of the Texas Administrative Procedures Act, the separation of powers requirements of the Texas Constitution, and the constitutional rights of transgender youth and their parents.

"For Governor Abbott and Attorney General Paxton, it seems the cruelty is the point," said **Lambda Legal Senior Counsel Paul Castillo (he/him)**. "They are joining a politically motivated misinformation campaign with no consideration of medical science and seem determined to criminalize parents seeking to care and provide for their kids, and medical professionals abiding by accepted standards of care for transgender youth. Gender-affirming care for the treatment of gender dysphoria is medically necessary care, full stop. Criminalizing that care and threatening to tear children from their families is unconscionable and terrifying, and cannot stand."

The lawsuit was filed on behalf of an employee of DFPS with a transgender child, her husband, and the teen herself. According to the complaint, this family has had an investigator already arrive at their house. The family has filed the lawsuit anonymously. Dr. Megan Mooney, a licensed psychologist who is considered a mandatory reporter under Texas law and cannot comply with the governor's directive without harming her clients and violating her ethical obligations, is also a plaintiff in the suit.

"No family should have to fear being torn apart because they are supporting their trans child," said **Adri Pérez (they/them), policy and advocacy strategist at the ACLU of Texas**. "A week before an election, Gov. Abbott and Attorney General Ken Paxton issued a partisan political attack that isn't rooted in the needs of families, the evidence from doctors and the expertise from child welfare professionals. Families with trans kids in Texas have been under attack for too long. Gender-

affirming health care saved my life, and other trans Texans should be able to access medically necessary, lifesaving care.”

“Our youth, our communities, will not be used as political props,” said **Emmett Schelling (he/him), executive director of Transgender Education Network of Texas (TENT)**. “We will not allow for these continued efforts to restrict access to life-saving care and criminalize families based on patently false information. To Attorney General Paxton and Gov. Abbott, we will not continue to play a sadistic role in your political theater.”

While doctors and medical organizations have been providing gender-affirming care to youth, including transgender youth, for decades, it has increasingly become a target of attacks from state lawmakers. After Arkansas became the first state to pass a ban on gender-affirming care for trans youth last year, a federal court blocked the law from being enforced. While dozens of states have proposed laws similar to what became law in Arkansas — including some like Alabama that have proposed criminal penalties for providing gender-affirming care to youth — Texas is the only state saying providing this lifesaving care could lead to a child being removed from their family and placed in the foster care system.

“These efforts to cut off and criminalize necessary health care for transgender minors are in direct conflict with the recommendations of medical professionals and have nothing to do with what’s best for trans youth,” said **Chase Strangio (he/him), deputy director for trans justice with the ACLU LGBTQ & HIV Project**. “They may be escalating, but these attacks are not new. Trans youth need you to take the fury you have over what’s happening in Texas and share it with lawmakers in every state that is trying to make it harder for trans youth to survive.”

A court could rule as soon as Tuesday. The lawsuit was filed by the American Civil Liberties Union Jon L. Stryker and Slobodan Randjelović LGBTQ & HIV Project, the ACLU Women’s Rights Project, the ACLU of Texas, Lambda Legal, and the law firm of Baker Botts LLP.

Read the complaint here: https://www.lambdalegal.org/in-court/legal-docs/does_20220301_petition

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Contact: Tom Warnke; (o): 213-382-7600 ext. 247; (c) (b)(6) Email twarnke@lambdalegal.org

Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and everyone living with HIV through impact litigation, education and policy work. www.lambdalegal.org

Sender:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
Recipient:	Barron, Pamela (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d55f83440f074842ac94e1f27f11fa9e-Barron, Pam <Pamela.Barron@hhs.gov>; Section 1557 (OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fde70138c07442e5ab7a347fb5a9b10b-df73f6b6-a6 <Section1557OCR@HHS.GOV.onmicrosoft.com>
Sent Date:	2022/03/01 13:29:08
Delivered Date:	2022/03/01 13:29:00

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To:	Kumar, Vatsala (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fc510606a9034939ac2eb2c237dd8cf3-Kumar, Vats <Vatsala.Kumar@hhs.gov>
Subject:	RE: FL proposed rule - banning FL Medicaid coverage of gender-affirming care
Date:	2022/08/14 21:34:00
Priority:	Normal
Type:	Note

So sorry I missed this! Thank you!

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

From: Kumar, Vatsala (HHS/OCR) <Vatsala.Kumar@hhs.gov>
Sent: Wednesday, August 10, 2022 3:25 PM
To: (b)(6) (HHS/OCR) (b)(6)
Subject: RE: FL proposed rule - banning FL Medicaid coverage of gender-affirming care

Hi (b)(6)

I'd requested a transcript of the hearing on the Florida rule back when I first started drafting the memo, and I just finally received that. There shouldn't be much in here that isn't in my original appendix, but I'm attaching it anyway in case it's useful for us or CMS.

See you soon!

Vatsala

From: Kumar, Vatsala (HHS/OCR)
Sent: Friday, August 5, 2022 12:44 PM
To: (b)(6) (HHS/OCR) (b)(6)
Subject: RE: FL proposed rule - banning FL Medicaid coverage of gender-affirming care

Hi (b)(6)

(b)(5)

Have a good weekend!

Best,
Vatsala

From: Kumar, Vatsala (HHS/OCR)

Sent: Wednesday, August 3, 2022 3:01 PM

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

Subject: RE: FL proposed rule - banning FL Medicaid coverage of gender-affirming care

Yes, can do! I'll get you this (and the updated Medicaid denials memo) tomorrow by EOD.
Have a safe flight!

Best,
Vatsala

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

Sent: Wednesday, August 3, 2022 3:00 PM

To: Kumar, Vatsala (HHS/OCR) <Vatsala.Kumar@hhs.gov>

Subject: RE: FL proposed rule - banning FL Medicaid coverage of gender-affirming care

Thank you! I sent this to myself to read also!

(b)(5)

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

Phone: (b)(6)

Email: (b)(6)

From: Kumar, Vatsala (HHS/OCR) <Vatsala.Kumar@hhs.gov>

Sent: Wednesday, August 3, 2022 2:58 PM

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

Subject: RE: FL proposed rule - banning FL Medicaid coverage of gender-affirming care

Hi Dylan,

Vice published this [article](#) today where 10 authors of studies cited in the Florida Medicaid Report said that their work was distorted, misrepresented, etc.

(b)(5)

Thanks!

Best,
Vatsala

From: Kumar, Vatsala (HHS/OCR)
Sent: Monday, August 1, 2022 4:33 PM
To: (b)(6) HHS/OCR (b)(6)
Subject: RE: FL proposed rule - banning FL Medicaid coverage of gender-affirming care

(b)(5)

Best,
Vatsala

From: Kumar, Vatsala (HHS/OCR)
Sent: Monday, August 1, 2022 3:39 PM
To: (b)(6) HHS/OCR (b)(6)
Subject: RE: FL proposed rule - banning FL Medicaid coverage of gender-affirming care

No worries! Florida is doing a lot of things these days so I get it!
Yes, can do; I'll send it back your way shortly.

Best,
Vatsala

From: (b)(6) HHS/OCR (b)(6)
Sent: Monday, August 1, 2022 3:36 PM
To: Kumar, Vatsala (HHS/OCR) <Vatsala.Kumar@hhs.gov>
Subject: RE: FL proposed rule - banning FL Medicaid coverage of gender-affirming care

Hi Vatsala,

(b)(5)

(b)(5)

Thank you!

(b)(6)

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

Phone: (b)(6)

Email: (b)(6)

From: Kumar, Vatsala (HHS/OCR) <Vatsala.Kumar@hhs.gov>

Sent: Friday, July 22, 2022 2:58 PM

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

Subject: RE: FL proposed rule - banning FL Medicaid coverage of gender-affirming care

Hi

(b)(6)

(b)(5)

(b)(5)

Please let me know if I can do any follow-up on this today or next week!

Have a great weekend!

Best,
Vatsala

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

Sent: Wednesday, July 20, 2022 11:15 AM

To: Kumar, Vatsala (HHS/OCR) <Vatsala.Kumar@hhs.gov>

Subject: RE: FL proposed rule - banning FL Medicaid coverage of gender-affirming care

Yup!

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

Phone: (b)(6)

Email: (b)(6)

From: Kumar, Vatsala (HHS/OCR) <Vatsala.Kumar@hhs.gov>

Sent: Wednesday, July 20, 2022 11:14 AM

To: (b)(6) (HHS/OCR) (b)(6)
Subject: RE: FL proposed rule - banning FL Medicaid coverage of gender-affirming care

Hi (b)(6)

Yes! Can do. Is Friday an okay timeline for this?

Best,
Vatsala

From: (b)(6) HHS/OCR (b)(6)
Sent: Wednesday, July 20, 2022 11:12 AM
To: Kumar, Vatsala (HHS/OCR) <Vatsala.Kumar@hhs.gov>
Subject: FW: FL proposed rule - banning FL Medicaid coverage of gender-affirming care

Hi Vatsala,

We are meeting with CMS to discuss the below FL proposed rule next week; are you able to do some research to find out the latest? Maybe there is a transcript or recording of the public hearing as well?

If you can draft up the information as a briefing memo for the Director, that would be great. I have attached a sample for format of the header, and for the body you can include the headers of Background, Current Status, and maybe next steps? Also if there is any information about organizations working in FL on the issue that would be good to know.

Once we have a time, I'll send you the invite.

Thank you!

(b)(6)

From: (b)(6) HHS/OCR (b)(6)
Sent: Tuesday, June 21, 2022 9:32 AM
To: Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Katch, Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>
Cc: Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>
Subject: FL proposed rule - banning FL Medicaid coverage of gender-affirming care

Good morning all,

I am sure you have all seen the news, but I am flagging the State of Florida's proposed rule 59G-1.050, published in the Florida Administrative Record on Friday (6/17/2022), to prohibit Florida Medicaid coverage of the below services "for treatment of gender dysphoria": 1. Puberty blockers; 2. Hormones and hormone antagonists; 3. Sex reassignment surgeries; and 4. Any other procedures that alter primary or secondary sexual characteristics. Proposed 59G-1.050(7)(a). The proposed rule further states that for the "purpose of determining medical necessity, including Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), the services listed in subparagraph (7)(a) do not meet the definition of medical

necessity in accordance with Rule 59G-1.010, F.A.C. Proposed 59G-1.050(7)(b). I have attached the notice here for ease of reference.

There is a public hearing scheduled for July 8, 2022 from 3:00 – 5:00 p.m. in Tallahassee, FL.

I'm not sure if calls are already happening on this, but since they implicate both CMS and OCR equities it seems like coordination would be beneficial.

Best,

(b)(6)

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

Office for Civil Rights
U.S. Department of Health & Human Services
200 Independence Ave. S.W., Room 532E
Washington, D.C. 20201
Phone: (b)(6)
Email: (b)(6)

Please note I will be out of the office with no email access July 4 – 18, 2022.

Sender:	(b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABAE032F2B37C91 (b)(6)>
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Sent Date:	2022/08/14 21:34:44
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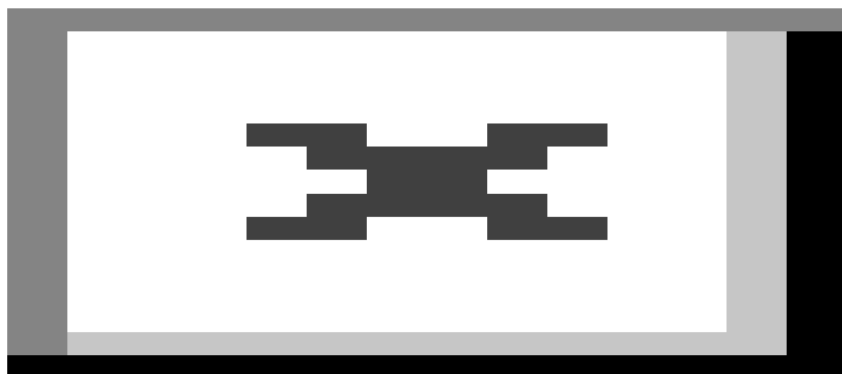
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To:	Seeger, Rachel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3090ef9b170d45969add4ff475a95583-Rachel Seeg <Rachel.Seeger@hhs.gov>
Subject:	RE: Texas Transgender 'Abuse' Policy Portends Biden Investigation [Bloomberg Law, 03/10/2022]
Date:	2022/03/10 09:41:00
Priority:	Normal
Type:	Note

Thank you!

(b)(6) (b)(6) (b)(6) Esq., MSW (she/her)
 Phone: (202) (b)(6)
 Email: (b)(6)

From: Seeger, Rachel (HHS/OCR) <Rachel.Seeger@hhs.gov>
Sent: Thursday, March 10, 2022 9:13 AM
To: Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6) Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Greenberg, Mark H (HHS/OGC) <MarkH.Greenberg@hhs.gov>
Cc: Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Noonan, Timothy (OS/OCR) <Timothy.Noonan@hhs.gov>; Smith, Marisa (HHS/OCR) <Marisa.Smith@HHS.GOV>; Gordon-Nguyen, Marissa (HHS/OCR) <Marissa.Gordon@hhs.gov>; Allen, Marc (HHS/OGC) <Marc.Allen@hhs.gov>; LaCheen, Cary (OS/OGC) <Cary.LaCheen@hhs.gov>; Fitzpatrick, Ryan (HHS/OGC) <Ryan.Fitzpatrick@hhs.gov>; Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>
Subject: Texas Transgender 'Abuse' Policy Portends Biden Investigation [Bloomberg Law, 03/10/2022]

Texas Transgender 'Abuse' Policy Portends Biden Investigation: [Bloomberg Law (Shira Stein), 03/10/2022]



A person takes a picture of an Inclusive Pride flag and a rainbow flag at the Stonewall National Monument, the first US national monument dedicated to LGBTQ history and rights, marking the birthplace of the modern lesbian, gay, bisexual, transgender, and queer civil rights movement, on June 1, 2020 in New York City.
ANGELA WEISS/AFP via Getty Images

Texas Transgender ‘Abuse’ Policy Portends Biden Investigation

March 10, 2022, 5:40 AM

- Biden administration says state policy violates federal law
- Options for HHS response are limited, but DOJ could intervene

The administration has just two options to stop Texas from investigating families for child abuse if they are suspected of seeking gender-affirming care for transgender children—pulling federal health funding or suing the state.

Attorneys say both options are likely being discussed at the Departments of Justice and Health and Human Services, especially in light of strong [statements and guidance](#) opposing the state’s actions by President Joe Biden and his agencies March 2.

A Texas judge last week issued an [injunction](#) against the state’s child protective services agency temporarily blocking it from investigating the parents of a transgender teen for alleged child abuse.

Opponents of the Texas policy are waiting for more federal actions. New York Attorney General Letitia James called on the DOJ Wednesday to investigate Texas Gov. Greg Abbott's policy.

Advocates and former HHS officials said the likely road for the administration is an HHS or DOJ investigation and possible DOJ involvement in the ongoing litigation. Withdrawal of federal health funds for an entire state agency is possible, but it would be a "nuclear option," said Leon Rodriguez, who ran the HHS's Office of Civil Rights (OCR) under President Barack Obama. He's now a partner at Seyfarth Shaw LLP.

The OCR enforces Section 1557 of the Affordable Care Act, which "prohibits discrimination on the basis of race, color, national origin, sex, age, and disability in covered health programs or activities." It typically handles complaints about actions of individual health providers or hospitals. It rarely uses its enforcement power against an entire state's policy.

"Short of litigating or initiating funding removal or withdrawal proceedings, there's not a whole lot in their toolkit said Joseph Wardenski, a former DOJ civil rights attorney.

A supporter of Texas's authority says the Biden administration is going too far by including transgender issues in the ACA's nondiscrimination clause. "I see no basis for them to be able to enforce Section 1557 against any state by reinterpreting sex to cover something that is not in the statute, which is what it sounds like they're trying to," said Roger Severino, former Trump administration OCR director. "They're on thin ice in their announcement suggesting they have an authority that is actually blocked by court injunctions."

But, other observers like Katie Keith, director of the health policy and the law initiative at Georgetown Law's O'Neill Institute, pointed out that the injunctions are fairly narrow and only applied to specific plaintiffs.

"I suspect the Administration is carefully weighing what else they can do and how quickly they can do it, looking for the widest positive impact while not creating challenges in other lawsuits," Laura Durso, who was OCR chief of staff until earlier this year, said in an email.

The HHS actions thus far "made crystal clear that any enforcement of this policy violates multiple federal laws. In addition, HHS also mobilized its own law enforcement

arm and invited parents who are targeted by this policy to bring individual complaints to HHS,” said Shannon Minter, legal director for the National Center for Lesbian Rights.

Gender-affirming care for children with gender dysphoria often includes puberty blocking drugs, which are reversible. Sex hormone treatment isn’t recommended until around the age of 16, when a minor has the mental capacity to give informed consent, under the Endocrine Society’s medical guidelines. And genital surgeries aren’t recommended, and typically aren’t available, until a patient has reached the age of 18.

Call for Complaints

HHS Secretary Xavier Becerra put out a rare call March 2 asking people in Texas to file complaints if they believe they were “being targeted by a child welfare investigation because of this discriminatory gubernatorial order.”

This is the “clearest invitation I’ve ever seen to a marginalized population to file complaints,” said Matthew Cortland, a senior resident fellow at Data for Progress working on disability and health care.

Getting these complaints would not only help the agency investigate allegations of federal law violations, but it could also help the agency as it prepares to come out with a new 1557 regulation.

Severino said a new regulation is the OCR’s only option. “The only way I see for HHS to do anything in enforcement on gender identity is to pass a new regulation that would have to be upheld in court.”

Regulations from both the Obama administration and Trump administration implementing Section 1557 are still tied up in court. Those court cases found that the word “sex” could not be interpreted to include gender identity in the regulations. However, the Biden administration announced in May 2021 that it would interpret “sex” in the statute itself to include gender identity in light of the Supreme Court’s finding in *Bostock v. Clayton County*.

Complaint data “would give OCR more of a record to come out more strongly in rulemaking if they got a bunch of complaints,” said Keith. That could lead to policies that “more directly combat” the actions by Texas and others like it.

Once the agency receives a complaint, it can investigate. If the OCR finds a civil rights violation occurred, it can file a complaint with an HHS administrative law judge. If the

judge finds a violation, the HHS then has the authority to order various streams of federal funding be withheld, said Rodriguez.

The option to remove federal funds has “almost never been used. We only used it once during the time that I was director,” and that was against an individual, he said

What “makes it a really brutal penalty is that it’s everything. So there’s no sliding scale here, there’s no sentencing guidelines. This is a 100% withhold if it is implemented,” Rodriguez said.

Lawsuit Involvement

The Biden administration could get involved in one other major way—a lawsuit.

The DOJ is probably waiting to see what happens in the Texas courts before getting involved. The existing case, backed by the ACLU and Lambda Legal, is going well so far for the plaintiffs, Wardenski said.

“Part of why the guidance OCR released is so powerful is that every move they make on this issue is heavily scrutinized and will be brought up in court,” Durso said.

The DOJ could also file a statement of interest in this case, like it did in Arkansas when the state passed a law prohibiting gender-affirming care for transgender children, Keith said

The ACLU will be able to use the HHS guidance in its case, Cortland said. “HHS clearly staked out a position that providing supportive medical care to trans children is not abuse.”

To contact the reporter on this story: Shira Stein in Washington
at sstein@bloomberglaw.com

To contact the editor responsible for this story: Fawn Johnson
at fjohnson@bloombergindustry.com

Other coverage from the Bulletin:

Texas Loses Appeal Over Investigation Of Family Of Transgender Teen, Files Lawsuit Against HHS.

The AP (3/9, DeMillo) reports, “A Texas court on Wednesday tossed out the state’s appeal of an order preventing child welfare officials from investigating the parents of a

transgender teenager over gender-confirming care the youth received." The court "dismissed Republican Attorney General Ken Paxton's appeal of the temporary order a judge issued last week halting the investigation by the Department of Family and Protective Services into the parents of the 16-year-old girl." Meanwhile, "Paxton on Wednesday also filed a challenge in federal court to guidance that President Joe Biden's administration issued in response to the Texas governor's directive."

CNN (3/9, Rose, Maxouris, 89.21M) reports, "On March 2, the US Department of Health and Human Services released guidance saying healthcare providers who report families seeking gender-affirming care or refuse to provide treatment may be violating federal law," with HHS Secretary Xavier Becerra adding in a statement, "HHS will take immediate action if needed." However, "in its federal court filing Wednesday, Texas argued federal protections over care for transgender youth are an 'erroneous interpretation of federal law' and said the guidance threatens state agencies with losing funding if they don't abide by the 'HHS's misinterpretation of their obligations' under the law."

The Hill (3/9, Dress, 5.69M) and the Texas Tribune (3/9, Park, 258K) also report.

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Recipient:	Seeger, Rachel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3090ef9b170d45969add4ff475a95583-Rachel Seeg <Rachel.Seeger@hhs.gov>
Sent Date:	2022/03/10 09:41:33
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From: Cherian-Rivers, Selin (CRT)
Sent: Thu, 17 Nov 2022 16:30:52 +0000
To: brian.hale@adph.state.al.us; Karen.Bishop@adph.state.al.us
Cc: Stampul, Barbara (HHS/OCR); Clark, Garian (HHS/OCR); Romero-Escobar, Beatriz (HHS/OCR); (b)(6) (HHS/OCR); Barron, Pamela (HHS/OCR); Carter, Carla (HHS/OCR); Fitzpatrick, Ryan (HHS/OGC); LaCheen, Cary (OS/OGC); Griffin, Chris (HHS/OGC); Neal, Daria (CRT); Toyama, Kaitlin (CRT)
Subject: Confidential/For Negotiation Purposes - Interim Resolution Agreement - DOJ#171-3-14; OCR Transaction Number 22-451932
Attachments: 2022_11_17_Draft ADPH Agreement_HHS_DOJ.docx, 2022_11_17_Draft ADPH Agreement_HHS_DOJ.pdf
Importance: High

Dear Mr. Hale and Ms. Bishop –

Thank you for your commitment to voluntary resolution of the United States' Title VI and Section 1557 investigation of ADPH's programs to oversee onsite wastewater disposal systems and to protect against infectious diseases and outbreaks. We have considered ADPH's August 18, 2022 response letter, including the interim steps ADPH agrees to take in response to the issues outlined in our July 21, 2022 Letter of Concern, and are sending you the attached Interim Resolution Agreement.

We ask that you review the document and let us know by **December 9, 2022**, whether you have questions or concerns on the document. If so, we can coordinate a time for a discussion.

Thank you –
Selin

Selin Cherian-Rivers, Attorney
Federal Coordination and Compliance Section
Civil Rights Division | U.S. Department of Justice
(202) 305-3050 | selin.cherian-rivers@usdoj.gov

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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) (b)(6)
To:	Mars, Chayhann (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=752ca150aa9949cc842f533553763eec-Mars, Chayh <Chayhann.Mars@hhs.gov>
CC:	Soueid, Marie (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5beffe93ff1d4e4a901b62b5d9f8a123-Soueid, Mar <Marie.Soueid@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: Alabama Litigation - Responsive Documents
Date:	2023/06/06 19:06:41
Priority:	Normal
Type:	Note

No worries, thank you!

Get Outlook for iOS

From: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>

Sent: Tuesday, June 6, 2023 6:33:27 PM

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

Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>

Subject: RE: Alabama Litigation - Responsive Documents

Apologies for the missing attachment! Attached here.

Thank you!

Chayhann Mars (*she/her*)

Attorney

Civil Rights Division

Office of the General Counsel

U.S. Department of Health & Human Services

(b)(6)

Chayhann.Mars@hhs.gov

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

Sent: Tuesday, June 6, 2023 5:36 PM

To: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>

Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>

Subject: RE: Alabama Litigation - Responsive Documents

Hi Chayhann,

Thank you for this email. Can you please also include Lauren Jee on these emails?

(b)(5)

Thanks,

(b)(6)

(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)

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

From: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>

Sent: Tuesday, June 6, 2023 4:46 PM

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

Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>

Subject: Alabama Litigation - Responsive Documents

Hi (b)(6)

(b)(5)

(b)(5)

Thank you!

Chayhann Mars (*she/her*)

Attorney

Civil Rights Division

Office of the General Counsel

U.S. Department of Health & Human Services

(b)(6)

Chayhann.Mars@hhs.gov

Sender:	(b) (b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bdec12ad0974eacababe032f2b37c91 (b)(6) (b)(6)
Recipient:	Mars, Chayhann (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=752ca150aa9949cc842f533553763eec-Mars, Chayh <Chayhann.Mars@hhs.gov>; Soueid, Marie (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5beffe93ff1d4e4a901b62b5d9f8a123-Soueid, Mar <Marie.Soueid@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:	2023/06/06 19:06:41

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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:	Mars, Chayhann (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=752ca150aa9949cc842f533553763eec-Mars, Chayh <Chayhann.Mars@hhs.gov>
CC:	(b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e90ef156ed05483f959d8c4039d9b906 (b)(6) (b)(6) Roman, David (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5d5a5775 <David.Roman@hhs.gov>; Soueid, Marie (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5beffe93ff1d4e4a901b62b5d9f8a123-Soueid, Mar <Marie.Soueid@hhs.gov>
Subject:	RE: SB 184 Litigation - Alabama
Date:	2023/05/25 10:24:00
Priority:	Normal
Type:	Note

Hi Chayhann,

Let me check and get back to you.

(b)(5)

(b)(5)

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: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>

Sent: Thursday, May 25, 2023 10:22 AM

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

Cc: (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>; Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>

Subject: SB 184 Litigation - Alabama

Good morning,

(b)(5)

(b)(5)

Thank you!

Chayhann Mars (*she/her*)

Attorney

Civil Rights Division

Office of the General Counsel

U.S. Department of Health & Human Services

(b)(6) (b)(6)

Chayhann.Mars@hhs.gov

Sender:	(b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
Recipient:	Mars, Chayhann (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=752ca150aa9949cc842f533553763eec-Mars, Chayh <Chayhann.Mars@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e90ef156ed05483f959d8c4039d9b906(b)(6) (b)(6) Roman, David (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5d5a5775 <David.Roman@hhs.gov>; Soueid, Marie (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5beffe93ff1d4e4a901b62b5d9f8a123-Soueid, Mar <Marie.Soueid@hhs.gov>
Sent Date:	2023/05/25 10:24:04
Delivered Date:	2023/05/25 10:24:00

From:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
To:	Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>; Perez, Luis (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb4f62687d764a40a5c4e52f94b8354a-Perez, Luis <Luis.Perez@hhs.gov>; Rahn Ballay, Jamie (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a890960eda2b40988ea0fd5de7f7770a-Rahn, Jamie <Jamie.Rahn@hhs.gov>
CC:	Ma, Jenny (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5347657025834cf9a1fd092ef91e4b83-3ae33fe5-9a <Jenny.Ma@hhs.gov>; Kelly, Genevieve (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1d5689fc09ae4cbe85f58683ef3b521e-Kelly, Gene <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usera956839a <Sarah.Albrecht@hhs.gov>
Subject:	RE: Insurance cases for follow up
Date:	2023/06/28 08:48:00
Priority:	Normal
Type:	Note

Yes!

(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: Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>
Sent: Wednesday, June 28, 2023 8:48 AM
To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Perez, Luis (HHS/OCR) <Luis.Perez@hhs.gov>; Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>
Cc: Ma, Jenny (HHS/OCR) <Jenny.Ma@hhs.gov>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>
Subject: RE: Insurance cases for follow up

Hi (b)(6)

Is now a good time?

From: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Wednesday, June 28, 2023 8:45 AM
To: Perez, Luis (HHS/OCR) <Luis.Perez@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>
Cc: Ma, Jenny (HHS/OCR) <Jenny.Ma@hhs.gov>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>
Subject: RE: Insurance cases for follow up

Schedules are a bit tough today – Carla, are you able to give me a call when you have a minute?

(b)(5); (b)(7)(A)

Does that sound feasible?

(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: Perez, Luis (HHS/OCR) <Luis.Perez@hhs.gov>
Sent: Tuesday, June 27, 2023 5:55 PM
To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>
Cc: Ma, Jenny (HHS/OCR) <Jenny.Ma@hhs.gov>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>
Subject: RE: Insurance cases for follow up

Sounds good.

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

Sent: Tuesday, June 27, 2023 5:40 PM

To: Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>

Cc: Ma, Jenny (HHS/OCR) <Jenny.Ma@hhs.gov>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>; Perez, Luis (HHS/OCR) <Luis.Perez@hhs.gov>

Subject: Re: Insurance cases for follow up

(b)(5); (b)(7)(A)

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

Sent: Tuesday, June 27, 2023 5:29:03 PM

To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>

Cc: Ma, Jenny (HHS/OCR) <Jenny.Ma@hhs.gov>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>; Perez, Luis (HHS/OCR) <Luis.Perez@hhs.gov>

Subject: RE: Insurance cases for follow up

Thanks much (b)(6) (b)(5); (b)(7)(A)

(b)(5); (b)(7)(A)

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

Sent: Tuesday, June 27, 2023 2:51 PM

To: Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>

Cc: Ma, Jenny (HHS/OCR) <Jenny.Ma@hhs.gov>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>; Perez, Luis (HHS/OCR) <Luis.Perez@hhs.gov>

Subject: RE: Insurance cases for follow up

Thanks, Carla – the letter is attached here. Melanie has approved and it is currently under review by OGC leadership.

Please let me know ASAP if you have any thoughts/concerns.

(b)(5); (b)(7)(A)

(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: Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>
Sent: Tuesday, June 27, 2023 2:23 PM
To: (b)(6) (b)(6) (HHS/OCR) (b)(6) Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>
Cc: Ma, Jenny (HHS/OCR) <Jenny.Ma@hhs.gov>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>; Perez, Luis (HHS/OCR) <Luis.Perez@hhs.gov>
Subject: RE: Insurance cases for follow up

Hi (b)(6)

(b)(5); (b)(7)(A)

Thanks much.

From: (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Monday, June 26, 2023 5:00 PM
To: Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>
Cc: Ma, Jenny (HHS/OCR) <Jenny.Ma@hhs.gov>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>
Subject: RE: Insurance cases for follow up

Thank you both for your patience with this.

(b)(5); (b)(7)(A)

Thank you,

(b)(6)

(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: Friday, June 16, 2023 4:15 PM

To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Rahn Ballay, Jamie (HHS/OCR)
<Jamie.Rahn@hhs.gov>

Cc: Ma, Jenny (HHS/OCR) <Jenny.Ma@hhs.gov>

Subject: RE: Insurance cases for follow up

Sounds good, thank you.

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

Sent: Wednesday, June 14, 2023 11:23 AM

To: Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Rahn Ballay, Jamie (HHS/OCR)
<Jamie.Rahn@hhs.gov>

Cc: Ma, Jenny (HHS/OCR) <Jenny.Ma@hhs.gov>

Subject: RE: Insurance cases for follow up

Thanks, Carla. (b)(5); (b)(7)(A)

(b)(5); (b)(7)(A)

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

Sent: Wednesday, June 14, 2023 10:03 AM

To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Rahn Ballay, Jamie (HHS/OCR)
<Jamie.Rahn@hhs.gov>

Cc: Ma, Jenny (HHS/OCR) <Jenny.Ma@hhs.gov>

Subject: RE: Insurance cases for follow up
Importance: High

Hi (b)(6) (looping in Jenny),

(b)(5); (b)(7)(A)

(b)(5); (b)(7)(A)

Thanks for your assistance.

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

Sent: Friday, June 2, 2023 12:19 PM

To: Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>

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

Subject: RE: Insurance cases for follow up

(b)(5); (b)(7)(A)

Thank you (and Cathy) for this!

(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: Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>

Sent: Friday, June 2, 2023 12:18 PM

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

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

Subject: RE: Insurance cases for follow up

(b)(5); (b)(7)(A)

(b)(5); (b)(7)(A)

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

Sent: Friday, June 2, 2023 12:15 PM

To: Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>

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

Subject: RE: Insurance cases for follow up

Thank you!

(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: Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>
Sent: Friday, June 2, 2023 12:15 PM
To: (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Cc: Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>
Subject: RE: Insurance cases for follow up

Hi (b)(6) – Cathy Cushman is also working on the summary paragraph for our CMS case. I’ve asked her to get this to me today. (b)(5)

From: (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Friday, June 2, 2023 12:13 PM
To: Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>; Richardson, Paula (HHS/OS) <Paula.Richardson@hhs.gov>
Cc: Besaw, Rebecca (HHS/OCR) <Rebecca.Besaw@hhs.gov>
Subject: RE: Insurance cases for follow up

I can also help over the weekend with filling in gaps.

(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: Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>
Sent: Friday, June 2, 2023 12:11 PM

To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>; Richardson, Paula (HHS/OS) <Paula.Richardson@hhs.gov>
Cc: Besaw, Rebecca (HHS/OCR) <Rebecca.Besaw@hhs.gov>
Subject: RE: Insurance cases for follow up

(b)(5); (b)(7)(A)

From: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Friday, June 2, 2023 12:07 PM
To: Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>; Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>; Richardson, Paula (HHS/OS) <Paula.Richardson@hhs.gov>
Cc: Besaw, Rebecca (HHS/OCR) <Rebecca.Besaw@hhs.gov>
Subject: RE: Insurance cases for follow up

Hi folks – can I please get a confirmation that this was received and things are moving? And an estimated time for responses from regions? Thanks!

(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) (b)(6) (b)(6) (HHS/OCR)
Sent: Thursday, June 1, 2023 9:35 PM
To: Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>; Rahn Ballay, Jamie (HHS/OCR) <Jamie.Rahn@hhs.gov>; Richardson, Paula (HHS/OS) <Paula.Richardson@hhs.gov>
Cc: Besaw, Rebecca (HHS/OCR) <Rebecca.Besaw@hhs.gov>
Subject: RE: Insurance cases for follow up

Hi all,

This time with Jamie and Paula – sorry!

Also, added one case from the list of newly received. I am attaching the new version here, which I think is also a link to the document on sharepoint.

Thanks,

(b)(6)

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

Sent: Thursday, June 1, 2023 9:05 PM

To: Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>

Cc: Besaw, Rebecca (HHS/OCR) <Rebecca.Besaw@hhs.gov>

Subject: Insurance cases for follow up

Hi all,

Thanks for our meeting this afternoon! As promised, I am attaching a list of cases where it would be helpful to get a bit more information to inform our decision making. I have broken the worksheet into three tabs, one for each of you. No associate has more than five cases for their regions total.

(b)(5)

(b)(5)

(b)(5)

Thank you,

(b)(6)

(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

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

Washington, D.C. 20201

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

Email: (b)(6)



Sender:	(b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABAE032F2B37C91(b)(6)>
Recipient:	Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>; Perez, Luis (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb4f62687d764a40a5c4e52f94b8354a-Perez, Luis <Luis.Perez@hhs.gov>; Rahn Ballay, Jamie (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a890960eda2b40988ea0fd5de7f7770a-Rahn, Jamie <Jamie.Rahn@hhs.gov>; Ma, Jenny (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5347657025834cf9a1fd092ef91e4b83-3ae33fe5-9a <Jenny.Ma@hhs.gov>; Kelly, Genevieve (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1d5689fc09ae4cbe85f58683ef3b521e-Kelly, Gene <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usera956839a <Sarah.Albrecht@hhs.gov>
Sent Date:	2023/06/28 08:48:10
Delivered Date:	2023/06/28 08:48:00

From:	(b) (b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bdec12ad0974eacababe032f2b37c91(b)(6) (b)(6)
To:	Gordon-Nguyen, Marissa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=df972908cd4c4422945243f7db218a8f-Gordon-Nguy <Marissa.Gordon@hhs.gov>; Hyams, David (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d894f7b1a28749e8ba7ec5eeba49d75f-David.Hyams <David.Hyams@hhs.gov>; Kelly, Genevieve (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1d5689fc09ae4cbe85f58683ef3b521e-Kelly, Gene <Genevieve.Kelly@hhs.gov>
CC:	Shieh, Daniel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3f0b2318adca4e3284be813503205b01-Shieh, Dani <Daniel.Shieh@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usera956839a <Sarah.Albrecht@hhs.gov>; Gordon-Nguyen, Marissa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=df972908cd4c4422945243f7db218a8f-Gordon-Nguy <Marissa.Gordon@hhs.gov>
Subject:	Re: JCEB meeting
Date:	2023/05/10 08:52:20
Priority:	Normal
Type:	Note

Thanks, Marissa!

(b)(5)

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From: Gordon-Nguyen, Marissa (HHS/OCR) <Marissa.Gordon@hhs.gov>

Sent: Wednesday, May 10, 2023 8:49 AM

To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>

Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>; Gordon-Nguyen, Marissa (HHS/OCR) <Marissa.Gordon@hhs.gov>

Subject: RE: JCEB meeting

Thank you all for putting this together! Our visitors will appreciate the information. I just received the below follow-up from their organizer, which I am sharing only as an FYI that it is an area of interest for a participant. There is no obligation or expectation for you to prepare a response.

Additionally, I just received the following late arrived question from one of the JCEB participants. I am forwarding it with the understanding that OCR may not be able to address it given the late receipt:

We acknowledge that the proposed rules under Section 1557 issued in August 2022 forbid group health plans from denying or limiting "health services sought for purpose of gender transition or other gender-affirming care that the covered entity would provide to an individual for other purposes." We request clarification whether a religious exception is available or whether it is the Office for Civil Rights' position that Section 1557 requires group health plans to cover services related to gender dysphoria without regard to whether the sponsor has a sincere religious objection. If a religious exemption is available, is there a process plan sponsors must follow to claim a religious exemption from the coverage requirement?

Thanks,

Marissa (*she/her*) | "muh-REES-uh" | 202.774.3001

From: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Tuesday, May 9, 2023 12:13 PM
To: Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Gordon-Nguyen, Marissa (HHS/OCR) <Marissa.Gordon@hhs.gov>
Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>
Subject: RE: JCEB meeting

Hi all,

(b)(5)

Please let me know if there is anything else you would like to add here.

Thanks,

(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: Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>

Sent: Tuesday, May 9, 2023 8:55 AM

To: Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Gordon-Nguyen, Marissa (HHS/OCR) <Marissa.Gordon@hhs.gov>

Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>; (b) (b)(6) (b)(6) (HHS/OCR)

(b)(6) Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>

Subject: RE: JCEB meeting

Got it. Thanks!

From: Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>

Sent: Monday, May 8, 2023 4:37 PM

To: Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>; Gordon-Nguyen, Marissa (HHS/OCR) <Marissa.Gordon@hhs.gov>

Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>; (b) (b)(6) (b)(6) (HHS/OCR)

(b)(6) Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>

Subject: RE: JCEB meeting

(b)(5)

From: Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>

Sent: Monday, May 8, 2023 4:01 PM

To: Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Gordon-Nguyen, Marissa (HHS/OCR) <Marissa.Gordon@hhs.gov>

Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>; (b) (b)(6) (b)(6) (HHS/OCR)

(b)(6) Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>

Subject: RE: JCEB meeting

(b)(5)

From: Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>
Sent: Monday, May 8, 2023 3:37 PM
To: Gordon-Nguyen, Marissa (HHS/OCR) <Marissa.Gordon@hhs.gov>; Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>
Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>; (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Subject: RE: JCEB meeting

(b)(5)

(b)(5) Thanks, team.

From: Gordon-Nguyen, Marissa (HHS/OCR) <Marissa.Gordon@hhs.gov>
Sent: Monday, May 8, 2023 3:17 PM
To: Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>; Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>
Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>; (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>; Gordon-Nguyen, Marissa (HHS/OCR) <Marissa.Gordon@hhs.gov>
Subject: RE: JCEB meeting

Hi all,

(b)(5)

Thanks,

Marissa (*she/her*) | "muh-REES-uh" | 202.774.3001

From: Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>
Sent: Monday, May 8, 2023 2:34 PM
To: Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Gordon-Nguyen, Marissa (HHS/OCR) <Marissa.Gordon@hhs.gov>
Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>; (b) (b)(6) (b)(6) (HHS/OCR)

(b)(6) Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>
Subject: RE: JCEB meeting

Thanks, Genevieve.

@Gordon-Nguyen, Marissa (HHS/OCR) – Can you please respond to Genevieve's questions?

Thank you,
David

From: Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>
Sent: Monday, May 8, 2023 2:21 PM
To: Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>
Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>; (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Subject: RE: JCEB meeting

Thanks, David. (b)(5)

(b)(5)

Just let me know how I can help.
Genevieve

From: Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>
Sent: Monday, May 8, 2023 2:00 PM
To: Kelly, Genevieve (HHS/OCR) <Genevieve.Kelly@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) <Sarah.Albrecht@hhs.gov>
Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>
Subject: FW: JCEB meeting

Genevieve and Sarah-

(b)(5)

Thanks,
David

From: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>

Sent: Monday, May 8, 2023 1:28 PM

To: Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>

Subject: RE: JCEB meeting

(b)(5)

(b)(5)

From: Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>
Sent: Monday, May 8, 2023 1:15 PM
To: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>
Subject: RE: JCEB meeting

Dan-

Janet had volunteered to join this meeting with the ABA tomorrow. She initially thought she'd just be listening, but Marissa's e-mail below indicates she's going to have a speaking role.

Does OCR have some talking points for the green highlighted topics below that she could read? If not, whom should I contact to get some TP's? (I can handle the one about the CNS rule.)

Thanks,
David

From: Gordon-Nguyen, Marissa (HHS/OCR) <Marissa.Gordon@hhs.gov>
Sent: Monday, May 8, 2023 11:25 AM
To: Noonan, Timothy (OS/OCR) <Timothy.Noonan@hhs.gov>; Rinker, Verne (HHS/OCR) <Verne.Rinker@HHS.GOV>; Morgan, Sherri (OS/OCR) <Sherri.Morgan@hhs.gov>; Isaac, Peyton (HHS/OCR) <Peyton.Isaac@hhs.gov>; Poppenhouse, Kristen (HHS/OCR) <Kristen.Poppenhouse@hhs.gov>; Goldstein, Lisa (OS/OCR) <Lisa.Goldstein@hhs.gov>; Correa, Lyra (HHS/OCR) <Lyra.Correa@hhs.gov>; Noonan, Timothy (OS/OCR) <Timothy.Noonan@hhs.gov>; Crabbe, Emily (HHS/OCR) <Emily.Crabbe@hhs.gov>; Heesters, Nicholas (HHS/OCR) <Nicholas.Heesters@hhs.gov>; Santos, Janet (HHS/OCR) <Janet.Santos@hhs.gov>
Cc: Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>; Gordon-Nguyen, Marissa (HHS/OCR) <Marissa.Gordon@hhs.gov>
Subject: JCEB meeting

Hi all,

(b)(5)

Let me know if you have any questions.

Thanks!

Marissa (*she/her*) | "muh-REES-uh" | 202.774.3001

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

Recipient:	Gordon-Nguyen, Marissa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=df972908cd4c4422945243f7db218a8f-Gordon-Nguy <Marissa.Gordon@hhs.gov>; Hyams, David (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d894f7b1a28749e8ba7ec5eeba49d75f-David.Hyams <David.Hyams@hhs.gov>; Kelly, Genevieve (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1d5689fc09ae4cbe85f58683ef3b521e-Kelly, Gene <Genevieve.Kelly@hhs.gov>; Shieh, Daniel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3f0b2318adca4e3284be813503205b01-Shieh, Dani <Daniel.Shieh@hhs.gov>; Albrecht, Sarah B. (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usera956839a <Sarah.Albrecht@hhs.gov>; Gordon-Nguyen, Marissa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=df972908cd4c4422945243f7db218a8f-Gordon-Nguy <Marissa.Gordon@hhs.gov>
Sent Date:	2023/05/10 08:52:19
Delivered Date:	2023/05/10 08:52:20

From:	(b)(6) HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
To:	Section 1557 (OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fde70138c07442e5ab7a347fb5a9b10b-df73f6b6-a6 <Section1557OCR@HHS.GOV.onmicrosoft.com>
Subject:	FW: Dallas Morning News
Date:	2022/05/19 11:42:00
Priority:	Normal
Type:	Note

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

From: Smith, Marisa (HHS/OCR) <Marisa.Smith@HHS.GOV>
Sent: Thursday, May 19, 2022 11:41 AM
To: (b)(6) HHS/OCR) (b)(6) Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>
Cc: Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>
Subject: Dallas Morning News

AUSTIN — The state of Texas will restart its abuse investigations into families with transgender kids after a recent court ruling that lifted a statewide injunction on such probes.

In a statement on Thursday, the Texas Department of Family and Protective Services said the agency would investigate all allegations of abuse. The statement, while not addressing the investigations into medical treatments for trans youth, indirectly indicated that these probes will now continue.

“DFPS treats all reports of abuse, neglect, and exploitation seriously and will continue to investigate each to the full extent of the law,” the statement read.

An agency spokesman did not elaborate on what the statement meant.

Current state law does not define gender affirming medical treatments, such as puberty blockers and hormone therapy, as child abuse.

Age appropriate and individualized medical treatments for trans youth, including the ones 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.

The state's announcement came just days after [the Texas Supreme Court ruled](#) that the attorney general and governor, who had directed the agency [to investigate certain medical treatments for trans adolescents](#) as child abuse, [had no authority to do so](#). It put control over these probes back into the hands of protective services, which opened at least nine investigations into families with transgender children since the governor issued his directive in February.

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Finally, I figured out how to make great tasting coffee in my Keurig machine

[The Keurig machine seemed like a dream come true until I started to notice the coffee had a strange taste to it.](#)

BY _

One investigation into an agency employee who has a transgender daughter will remain paused while the family fights to overturn the abuse policy, the ruling stated.

Related: [Texas Supreme Court says governor cannot order trans child abuse investigations](#)

Texas' Republican politicians have placed more and more attention on [medical treatments for transgender youth](#) 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 February, ahead of the state's most competitive GOP primary in years, Attorney General Ken Paxton issued a nonbinding opinion classifying puberty blockers and hormone therapy as abuse when used to treat gender dysphoria in minors. Gender dysphoria is the feeling of discomfort or distress that can occur in people who identify as a gender that is different from the gender or sex assigned at birth, according to [the Mayo Clinic](#).

Citing Paxton's opinion, [Abbott then directed the Department of Family and Protective Services](#) to investigate any reports of such treatments. The probes were soon put on hold, however, after an unnamed agency employee sued after she was put on leave and told her family was under investigation for allowing her teenage trans daughter to access these medical treatments.

The high court's ruling last week said Abbott and Paxton could not order the probes. But it also lifted the injunction blocking all but the one investigation into the employee who sued the state.

Marisa M. Smith, Ph.D.

Regional Manager

Office for Civil Rights, Southwest Region

U.S. Department of Health and Human Services
1301 Young Street, Suite 106-1130
Dallas, TX 75202

Sender:	(b)(6) HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91 (b)(6)
Recipient:	Section 1557 (OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fde70138c07442e5ab7a347fb5a9b10b-df73f6b6-a6 <Section1557OCR@HHS.GOV.onmicrosoft.com>
Sent Date:	2022/05/19 11:42:37
Delivered Date:	2022/05/19 11:42:00

From:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b)(6)>
To:	Mars, Chayhann (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=752ca150aa9949cc842f533553763eec-Mars, Chayh <Chayhann.Mars@hhs.gov>
CC:	Soueid, Marie (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5beffe93ff1d4e4a901b62b5d9f8a123-Soueid, Mar <Marie.Soueid@hhs.gov>
Subject:	RE: Alabama Interrogatories
Date:	2023/04/20 13:19:00
Priority:	Normal
Type:	Note

This looks great, thank you both!

(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: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>
Sent: Thursday, April 20, 2023 1:07 PM
To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>
Subject: RE: Alabama Interrogatories

Hi (b)(6)

(b)(5)

Chayhann Mars (she/her)
 Attorney
 Civil Rights Division
 Office of the General Counsel
 U.S. Department of Health & Human Services

(b)(6) (b)(6)

Chayhann.Mars@hhs.gov

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

Sent: Monday, April 17, 2023 6:23 PM

To: Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>; Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>

Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>

Subject: RE: Alabama Interrogatories

This is VERY helpful.

(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: Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>

Sent: Monday, April 17, 2023 5:27 PM

To: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>; (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)

Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>

Subject: RE: Alabama Interrogatories

Hey all,

(b)(5)

(b)(5)

(b)(5)

Jacob

Jacob Richards (he/him)
Assistant Regional Counsel, Region IX
Office of the General Counsel
Department of Health and Human Services
90 Seventh Street, Suite 4-500
San Francisco, CA 94103-6705
Phone: (b)(6) (b)(6)
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jacob.richards@hhs.gov

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From: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>
Sent: Monday, April 17, 2023 12:56 PM
To: Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>; (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>
Subject: RE: Alabama Interrogatories

Hi Jacob,

(b)(5)

Chayhann Mars (*she/her/hers*)
Civil Rights Division
Office of the General Counsel
U.S. Department of Health & Human Services
(b)(6) (b)(6)
Chayhann.Mars@hhs.gov

From: Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>
Sent: Monday, April 17, 2023 3:06 PM
To: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>; (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>
Subject: RE: Alabama Interrogatories

Hi Chayhann,

(b)(5)

Jacob

Jacob Richards (he/him)
Assistant Regional Counsel, Region IX
Office of the General Counsel
Department of Health and Human Services
90 Seventh Street, Suite 4-500
San Francisco, CA 94103-6705
Phone: (b)(6)
Fax: (415) 437-8188
jacob.richards@hhs.gov

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From: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>
Sent: Monday, April 17, 2023 8:22 AM
To: (b)(6) (b)(6) (HHS/OCR) (b)(6)
Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>; Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>
Subject: RE: Alabama Interrogatories

Thanks for your quick response, (b)(6)

(b)(5)

Chayhann

From: (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Monday, April 17, 2023 10:33 AM
To: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>
Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>; Richards, Jacob (OS/OGC) <Jacob.Richards@hhs.gov>
Subject: RE: Alabama Interrogatories

Hi Chayanne,

Sorry for the delay.

(b)(5)

Thanks,

(b)(6)

(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: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>
Sent: Monday, April 17, 2023 10:21 AM
To: (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>
Subject: Re: Alabama Interrogatories

Resending to include a subject line. Happy Monday!

From: Mars, Chayhann (HHS/OGC)
Sent: Monday, April 17, 2023 10:19:59 AM
To: (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Cc: Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>
Subject:

Good morning (b)(6)

(b)(5)

Kindly,
Chayhann Mars (she/her/hers)
Civil Rights Division
Office of the General Counsel
U.S. Department of Health & Human Services
(b)(6)

Chayhann.Mars@hhs.gov

Sender:	(b)(6) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
Recipient:	Mars, Chayhann (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=752ca150aa9949cc842f533553763eec-Mars, Chayhann <Chayhann.Mars@hhs.gov>; Soueid, Marie (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5beffe93ff1d4e4a901b62b5d9f8a123-Soueid, Marie <Marie.Soueid@hhs.gov>
Sent Date:	2023/04/20 13:19:51
Delivered Date:	2023/04/20 13:19:00

From:	(b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b)(6)>
To:	Martinez, Steven (HRSA) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b39aa204f154c0ea9e56c1b5d4c7186-steven.mart <SMartinez@hrsa.gov>
Subject:	RE: THE HILL: Judge orders Florida health agency to hand over documents on gender-affirming care
Date:	2023/02/02 10:51:00
Priority:	Normal
Type:	Note

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

(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)(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%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=np59iyo%2FfhrPQMesqmvYTi29uubGYxS48AF8s43RY18%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%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=wKQD37c2Rg5jcMmyq9YIsaLPUYL88J4Rkwx2leWm9Xs%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%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%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%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=MZbbjtfL3X7Gr1N%2Ffkt3eWCKhbxWiiOaktww0PRyigk%3D&reserved=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%2Fdekker-v-marstiller&data=05%7C01%7CIan.Shipps%40hhs.gov%7C1fe380f6d4b144fd64e608db052331ca%7Cd58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=tjm0PpIMGdLhrNr46QvggKDMo09h67JYr4XaxEUypTE%3D&reserved=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) Esq., MSW (she/her)

Senior Advisor to the Director

Phone: (b)(6)

Email: [\(b\)\(6\)](mailto:(b)(6))

From: (b)(6) <[\(b\)\(6\)](mailto:(b)(6))>

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

To: de Kervor, Dylan (HHS/OCR) <[\(b\)\(6\)](mailto:(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%7C

d58addea50534a808499ba4d944910df%7C0%7C0%7C638109420950804426%7CUnknown%7CTWFpbGZsb3d8eyJWlIjojMC4wLjAwMDAiLCJQIjojV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=3dA%2FY73IIF6dX9uj4te0OgFx0Fn1d2zZUNGWk5P0gO0%3D&reserved=0

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Sender:	(b)(6) HHS(OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABAE032F2B37C91(b)(6)>
Recipient:	Martinez, Steven (HRSA) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b39aa204f154c0ea9e56c1b5d4c7186-steven.mart <SMartinez@hrsa.gov>
Sent Date:	2023/02/02 10:51:24
Delivered Date:	2023/02/02 10:51:00

From:	(b)(6) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
To:	Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>; Seeger, Rachel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3090ef9b170d45969add4ff475a95583-Rachel Seeg <Rachel.Seeger@hhs.gov>; Pino, Lisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=90674352c007441b96f0f199cdd550c2-Pino, Lisa <Lisa.Pino@hhs.gov>
CC:	Huggins, Michael (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9597596b8c4d4b8d9faf4922101a611b-Huggins, Mi <Michael.Huggins@hhs.gov>
Subject:	RE: Families of trans children sue to halt Texas child-abuse policy
Date:	2022/06/10 12:08:00
Priority:	Normal
Type:	Note

No concerns. Thanks for checking!

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

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

Email: (b)(6)

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

Sent: Friday, June 10, 2022 12:07 PM

To: Seeger, Rachel (HHS/OCR) <Rachel.Seeger@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>

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

(b)(6)

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

Adding (b)(6) -

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

Sent: Friday, June 10, 2022 11:59 AM

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

Cc: Huggins, Michael (HHS/OCR) <Michael.Huggins@hhs.gov>

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

(b)(5)	
(b)(5)	I could also just retweet. Please let me know.

From: Langford, Kelly (HHS/ASPA) <Kelly.Langford@hhs.gov>

Sent: Friday, June 10, 2022 11:52 AM

To: Eng, Adrian (HHS/ASPA) <Adrian.Eng@hhs.gov>; Burns, Samira (ACF) <Samira.Burns@acf.hhs.gov>; Kelly, Krista (HHS/ASPA) <Krista.Kelly@hhs.gov>; Jones, Kamara (HHS/ASPA) <Kamara.Jones@hhs.gov>; Seeger, Rachel (HHS/OCR) <Rachel.Seeger@hhs.gov>

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

(b)(5)

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

Sent: Friday, June 10, 2022 11:42 AM

To: Burns, Samira (ACF) <Samira.Burns@acf.hhs.gov>; Langford, Kelly (HHS/ASPA) <Kelly.Langford@hhs.gov>; Kelly, Krista (HHS/ASPA) <Krista.Kelly@hhs.gov>; Jones, Kamara (HHS/ASPA) <Kamara.Jones@hhs.gov>; Seeger, Rachel (HHS/OCR) <Rachel.Seeger@hhs.gov>

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

Thank you Kelly! @Jones, Kamara (HHS/ASPA) I am good if you are

Adrian Eng-Gastelum
Human Services Press Secretary
HHS

From: Burns, Samira (ACF) <Samira.Burns@acf.hhs.gov>

Sent: Friday, June 10, 2022 11:32:07 AM

To: Langford, Kelly (HHS/ASPA) <Kelly.Langford@hhs.gov>; Eng, Adrian (HHS/ASPA) <Adrian.Eng@hhs.gov>; Kelly, Krista (HHS/ASPA) <Krista.Kelly@hhs.gov>; Jones, Kamara (HHS/ASPA) <Kamara.Jones@hhs.gov>; Seeger, Rachel (HHS/OCR) <Rachel.Seeger@hhs.gov>

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

I like that – let's do it if others agree

Samira Burns (she/her)

Director, ACF Office of Communications
c: (b)(6)

From: Langford, Kelly (HHS/ASPA) <Kelly.Langford@hhs.gov>
Sent: Friday, June 10, 2022 11:31 AM
To: Burns, Samira (ACF) <Samira.Burns@acf.hhs.gov>; Eng, Adrian (HHS/ASPA) <Adrian.Eng@hhs.gov>; Kelly, Krista (HHS/ASPA) <Krista.Kelly@hhs.gov>; Jones, Kamara (HHS/ASPA) <Kamara.Jones@hhs.gov>; Seeger, Rachel (HHS/OCR) <Rachel.Seeger@hhs.gov>
Subject: RE: Families of trans children sue to halt Texas child-abuse policy

What we could do is I could put this on a slide/graphic that others could tweet out!

From: Burns, Samira (ACF) <Samira.Burns@acf.hhs.gov>
Sent: Friday, June 10, 2022 11:30 AM
To: Langford, Kelly (HHS/ASPA) <Kelly.Langford@hhs.gov>; Eng, Adrian (HHS/ASPA) <Adrian.Eng@hhs.gov>; Kelly, Krista (HHS/ASPA) <Krista.Kelly@hhs.gov>; Jones, Kamara (HHS/ASPA) <Kamara.Jones@hhs.gov>; Seeger, Rachel (HHS/OCR) <Rachel.Seeger@hhs.gov>
Subject: RE: Families of trans children sue to halt Texas child-abuse policy

Will do from January's account – but are we retweeting or literally tweeting these three tweets identically? Sorry for the need for clarification...I need more coffee

Samira Burns (she/her)
Director, ACF Office of Communications
c: (b)(6)

From: Langford, Kelly (HHS/ASPA) <Kelly.Langford@hhs.gov>
Sent: Friday, June 10, 2022 11:18 AM
To: Eng, Adrian (HHS/ASPA) <Adrian.Eng@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: RE: Families of trans children sue to halt Texas child-abuse policy

(b)(5)

Thank you!!

(1/3)

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

(2/3)

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.

(3/3)

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

Resources are available in the link below:

<https://www.hhs.gov/about/news/2022/03/02/statement-hhs-secretary-xavier-becerra-reaffirming-hhs-support-and-protection-for-lgbtqi-children-and-youth.html>

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)

<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

Sender:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
Recipient:	Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>; Seeger, Rachel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3090ef9b170d45969add4ff475a95583-Rachel Seeg <Rachel.Seeger@hhs.gov>; Pino, Lisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=90674352c007441b96f0f199cdd550c2-Pino, Lisa <Lisa.Pino@hhs.gov>; Huggins, Michael (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group

	(FYDIBOHF23SPDLT)/cn=Recipients/cn=9597596b8c4d4b8d9faf4922101a611b-Huggins, Mi <Michael.Huggins@hhs.gov>
Sent Date:	2022/06/10 12:08:28
Delivered Date:	2022/06/10 12:08:00

From:	(b)(6) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91 (b)(6)>
To:	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>
CC:	Stampul, Barbara (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aba3e5fc28844f3399581d12fbec4fcb-Stampul, Ba <Barbara.Stampul@hhs.gov>
Subject:	RE: 04-23-509592 (b)(6) vs Douglas County Division of Family and Children Services
Date:	2023/03/22 16:38:00
Priority:	Normal
Type:	Note

Sounds good, thanks!

(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 4:31 PM

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

So, I will keep our Friday appointment and I will try to get a hold of the Complainant and fill in the blanks tomorrow, if possible. If it is not possible, I will find us another time in the calendar to have the discussion.

Thank you all.

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

Sent: Wednesday, March 22, 2023 4:13 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

Thank you!

From: (b)(6) (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 –

(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

(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)

I just sent you, and the other, a calendar invitation for Friday. We just need 15minutes of your time to discuss the above reference case and next steps. 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,

Beatriz reminded me that we discussed this case with you and we are awaiting your feedback.

(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

Yes, why don't we also discuss that when we meet next week? I think it will be easier to explain via meeting that getting the consent is normal process.

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) (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)

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>

Sent: Friday, January 6, 2023 4:26 PM

To: Griffin, Chris (HHS/OGC) <Chris.Griffin@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

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（打字电话：1-800-537-7697），你将被连接到一位讲同语种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 (청각 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:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
Recipient:	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>; Stampul, Barbara (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aba3e5fc28844f3399581d12fbec4fcb-Stampul, Ba <Barbara.Stampul@hhs.gov>
Sent Date:	2023/03/22 16:38:31
Delivered Date:	2023/03/22 16:38:00

From:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
To:	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>
CC:	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>
Subject:	RE: TX - hospitals recap
Date:	2022/03/06 10:33:00
Priority:	Normal
Type:	Note

(Removing Dan Barry)

(b)(5)

Thanks,

(b)(6)

(b)(6) (b)(6) (b) (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)

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

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

To: (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)

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)

Best,

(b)(6)

(b)(6) (b)(6) (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)

Sender:	(b)(6) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91 (b)(6)>
Recipient:	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>; 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 10:33:49
Delivered Date:	2022/03/06 10:33:00

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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:	Roman, David (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5d5a5775 <David.Roman@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e90ef156ed05483f959d8c4039d9b906(b)(6) (b)(6)
CC:	Shieh, Daniel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3f0b2318adca4e3284be813503205b01-Shieh, Dani <Daniel.Shieh@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: SB 184 Litigation - Alabama
Date:	2023/05/25 12:32:00
Priority:	Normal
Type:	Note

Thank you both!

(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: Roman, David (OS/OCR) <David.Roman@hhs.gov>
Sent: Thursday, May 25, 2023 12:19 PM
To: (b)(6) (b)(6) (HHS/OCR) (b)(6) (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>
Subject: RE: SB 184 Litigation - Alabama

(b)(6) summed it up nicely. (b)(5)
 (b)(5)

Best, David

From: (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Thursday, May 25, 2023 7:56 AM
To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR) <David.Roman@hhs.gov>
Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>
Subject: RE: SB 184 Litigation - Alabama

Hi (b)(6)

(b)(5)

Thanks, (b)(6)

From: (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Thursday, May 25, 2023 10:26 AM
To: (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR)
<David.Roman@hhs.gov>
Cc: Shieh, Daniel (HHS/OCR) <Daniel.Shieh@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>
Subject: FW: SB 184 Litigation - Alabama

Hi (b)(6) and David,

Did either of you work on this section of the preamble? I assume not but want to confirm.

I was thinking of reaching out to Sarah and Gabriela – does that sound right? Do you have other suggestions?

Thanks,
(b)(6)

(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: Mars, Chayhann (HHS/OGC) <Chayhann.Mars@hhs.gov>
Sent: Thursday, May 25, 2023 10:22 AM
To: (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Cc: (b)(6) (b)(6) (HHS/OCR) (b)(6) Roman, David (OS/OCR)
<David.Roman@hhs.gov>; Soueid, Marie (HHS/OGC) <Marie.Soueid@hhs.gov>
Subject: SB 184 Litigation - Alabama

Good morning,

(b)(5)

Thank you!

Chayhann Mars (*she/her*)

Attorney

Civil Rights Division

Office of the General Counsel

U.S. Department of Health & Human Services

(b)(6) (b)(6)

Chayhann.Mars@hhs.gov

Sender:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABAE032F2B37C91(b)(6)>
Recipient:	Roman, David (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5d5a5775 <David.Roman@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e90ef156ed05483f959d8c4039d9b906(b)(6) (b)(6) Shieh, Daniel (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3f0b2318adca4e3284be813503205b01-Shieh, Dani <Daniel.Shieh@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:	2023/05/25 12:32:07
Delivered Date:	2023/05/25 12:32:00

From:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
To:	Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>; Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>
Subject:	RE: Thoughts on TX
Date:	2022/03/16 09:02:00
Priority:	Normal
Type:	Note

To Lauren's correct email address!

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

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

Email: (b)(6)

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

Sent: Wednesday, March 16, 2022 9:02 AM

To: Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>

Subject: Thoughts on TX

Hi Lauren and Carla,

(b)(5)

Thanks,

(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)

Sender:	(b) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b)(6)>
Recipient:	Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>; Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>
Sent Date:	2022/03/16 09:02:41
Delivered Date:	2022/03/16 09:02:00

From:	(b)(6) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91(b)(6)>
To:	Buchele, Libbie (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac6bf413b4d144e8bffee5aeae9d3a-Buchele, Li <Libbie.Buchele@hhs.gov>
CC:	Huerta, Clare (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ebeac4466f145fda85150d70c792934-Huerta, Clare <Clare.Huerta@hhs.gov>
Subject:	RE: Section 1557 - comment list for initial triage
Date:	2022/10/14 15:14:00
Priority:	Normal
Type:	Note

Thank you!

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

From: Buchele, Libbie (HHS/OCR) <Libbie.Buchele@hhs.gov>
Sent: Friday, October 14, 2022 3:00 PM
To: (b)(6) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Cc: Huerta, Clare (HHS/OCR) <Clare.Huerta@hhs.gov>
Subject: RE: Section 1557 - comment list for initial triage

Here's the location of the requested documents: (b)(6)

From: (b)(6) (b)(6) (b)(6) (HHS/OCR) <Dylan.deKervor@hhs.gov>
Sent: Friday, October 14, 2022 2:22 PM
To: Buchele, Libbie (HHS/OCR) <Libbie.Buchele@hhs.gov>
Cc: Huerta, Clare (HHS/OCR) <Clare.Huerta@hhs.gov>
Subject: RE: Section 1557 - comment list for initial triage

Would it be a pain for you to download and send to me? I'd like to get the team working on these ASAP.

Also can you please send me the link to commentworks and the user guide? I can't seem to find it.

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

From: Buchele, Libbie (HHS/OCR) <Libbie.Buchele@hhs.gov>

Sent: Friday, October 14, 2022 2:19 PM

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

Cc: Huerta, Clare (HHS/OCR) <Clare.Huerta@hhs.gov>

Subject: RE: Section 1557 - comment list for initial triage

Sure. FWIW, I can also download them from comment works. Attached is the first one. Below is the text the way it shows in comment works, where you can see what sections they tagged the excerpts too:

(b)(5)

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(b)(5)

of the Freedom of Information Act

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information Act

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of the Freedom of Information Act

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of the Freedom of Information Act

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of the Freedom of Information Act

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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

(b)(5)

From: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Friday, October 14, 2022 2:14 PM
To: Buchele, Libbie (HHS/OCR) <Libbie.Buchele@hhs.gov>
Cc: Huerta, Clare (HHS/OCR) <Clare.Huerta@hhs.gov>
Subject: FW: Section 1557 - comment list for initial triage

Hi Libbie,

Can you please ask ICF if they can send us the PDFs for the below comments?

Best,

(b)(6)

(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: Gleaton, Soniya <Soniya.Gleaton@icf.com>
Sent: Friday, October 7, 2022 8:04 AM

To: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Festa, Natilee <Natilee.Festa@icf.com>
Cc: Buchele, Libbie (HHS/OCR) <Libbie.Buchele@hhs.gov>; Huerta, Clare (HHS/OCR) <Clare.Huerta@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6)
Subject: RE: Section 1557 - comment list for initial triage

Hello,
Yes, we will prioritize analyzing these submissions. Thank you for the list!

Thanks,
Soniya

From: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Thursday, October 6, 2022 8:53 PM
To: Gleaton, Soniya <Soniya.Gleaton@icf.com>; Festa, Natilee <Natilee.Festa@icf.com>
Cc: Buchele, Libbie (HHS/OCR) <Libbie.Buchele@hhs.gov>; Huerta, Clare (HHS/OCR) <Clare.Huerta@hhs.gov>; (b)(6) (b)(6) (HHS/OCR) (b)(6)
Subject: Section 1557 - comment list for initial triage

Hi Soniya and Natilee,

Great speaking with you today. Can you please prioritize the below 15 comments for initial triage?

(b)(5)

(b)(5)

Thank you,

(b)(6)

(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

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

Washington, D.C. 20201

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

Email: (b)(6)

Sender:	(b)(6) (b)(6) (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91 (b)(6)>
Recipient:	Buchele, Libbie (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac6bf413b4d144e8bffee5aeae9d3a-Buchele, Li <Libbie.Buchele@hhs.gov>; Huerta, Clare (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ebeac4466f145fda85150d70c792934-Huerta, Cla <Clare.Huerta@hhs.gov>
Sent Date:	2022/10/14 15:14:17
Delivered Date:	2022/10/14 15:14:00

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of the Freedom of Information Act

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From:	Pino, Lisa (HHS/OCR) /O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=90674352C007441B96F0F199CDD550C2-PINO, LISA <Lisa.Pino@hhs.gov>
To:	(b) (b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bdec12ad0974eacababe032f2b37c91 (b)(6) (b)(6)
Subject:	RE: TX - hospitals recap
Date:	2022/03/07 15:36:29
Priority:	Normal
Type:	Note

Got it, thank you.

From: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6)
Sent: Monday, March 7, 2022 3:36 PM
To: Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>
Subject: RE: TX - hospitals recap

Thanks, Lisa. I had responded to Marisa as well with the below.

(b)(5)

Thanks,
(b)(6)

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

From: Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>

Sent: Monday, March 7, 2022 3:34 PM

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

Subject: FW: TX - hospitals recap

(b)(6) do you wish to add anything else before I send to OGC- thank you.

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

Sent: Monday, March 7, 2022 3:33 PM

To: Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>

Cc: (b) (b)(6) (b)(6) (HHS/OCR) (b)(6) Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>

Subject: FW: TX - hospitals recap

From: Smith, Marisa (HHS/OCR)

Sent: Saturday, March 5, 2022 5:55 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)

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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)

Best,

(b)(6)

(b)(6) (b)(6) (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)

Sender:	Pino, Lisa (HHS/OCR) /O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=90674352C007441B96F0F199CDD550C2-PINO, LISA <Lisa.Pino@hhs.gov>
Recipient:	(b)(6) (b)(6) (b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bdec12ad0974eacababe032f2b37c91 (b)(6) (b)(6)
Sent Date:	2022/03/07 15:36:27
Delivered Date:	2022/03/07 15:36:29