

Evaluation Only. Created with Aspose.HTML. Copyright 2013-2020 Aspose Pty Ltd. BOHF23SPDLT/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: 2022/03/06 11:41:00

Priority: Normal

Type: Note

Minus Stephanie and Lauren.

(b)(5)

(b)(5)

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

Phone: (b)(6)

Email: (b)(6)

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

Sent: Sunday, March 6, 2022 11:31 AM

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

Cc: Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>

Subject: Re: (b)(5)

(b)(5)

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

Sent: Sunday, March 6, 2022 10:17:46 AM

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

Cc: Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>

Subject: RE: (b)(5)

Thanks, Melanie. (b)(5)

(b)(5)

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

Phone: (b)(6)

Email: (b)(6)

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

Sent: Saturday, March 5, 2022 10:08 PM

To: Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>

Cc: Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov> (b)(6) (HHS/OCR)

(b)(6); Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Smith, Marisa (HHS/OCR) <Marisa.Smith@HHS.GOV>; Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>

Subject: Re: (b)(5)

Stephanie,

(b)(5)

Hope that helps.

Melanie

(b)(5)

Sent from my iPhone

On Mar 5, 2022, at 9:27 PM, Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov> wrote:

Hi Melanie,

(b)(5)

Best,
Stephanie

(b)(5)

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

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

Sent: Saturday, March 5, 2022 3:49 PM

To: (b)(6) (HHS/OCR) (b)(6); Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: RE: (b)(5)

Yes, understood. (b)(5)

(b)(5)

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

Sent: Saturday, March 5, 2022 1:25 PM

To: Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: Re: (b)(5)

Yes, I would think so. (b)(5)

(b)(5)

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

Sent: Saturday, March 5, 2022 12:37:01 PM

To: (b)(6) (HHS/OCR) (b)(6); Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: Re: (b)(5)

(b)(5)

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

Sent: Saturday, March 5, 2022 12:25:14 PM

To: Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: Re: (b)(5)

(b)(5)

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

Sent: Saturday, March 5, 2022 12:05 PM

To: Rodriguez, Paul (HHS/OGC); (b)(6) (HHS/OCR); Rainer, Melanie Fontes (OS/IOS); Pino, Lisa (HHS/OCR); Akpa, Stephanie (HHS/OCR); Wiggins, Audrey (HHS/OGC)

Subject: RE: (b)(5)

(b)(5)

From: Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>

Sent: Saturday, March 5, 2022 12:02 PM

To: Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; (b)(6) HHS/OCR); (b)(6); Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: RE: (b)(5)

(b)(5)

Paul R. Rodríguez

Deputy General Counsel

U.S. Department of Health and Human Services

(b)(6) (cell)

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

Sent: Saturday, March 5, 2022 11:58 AM

To: (b)(6) (HHS/OCR) (b)(6); Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: RE: (b)(5)

(b)(5)

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

Sent: Saturday, March 5, 2022 10:08 AM

To: Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: Re: (b)(5)

(b)(5)

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

Sent: Friday, March 4, 2022 8:40:16 PM

To: (b)(6) (HHS/OCR) (b)(6); Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: Fwd: (b)(5)

Hi,

(b)(5)

Thoughts?

Melanie

Sent from my iPhone

Begin forwarded message:

From: "Oni K. Blair" <oblair@aclutx.org>

Date: March 4, 2022 at 8:06:26 PM EST

To: "Rainer, Melanie Fontes (OS/IOS)" <Melanie.Rainer@hhs.gov>, "Pino, Lisa (HHS/OCR)" <Lisa.Pino@hhs.gov>, "Akpa, Stephanie (HHS/OCR)" <Stephanie.Akpa@hhs.gov>, (b)(6) (HHS/OCR) (b)(6), "Rodriguez, Paul (HHS/OGC)" <PaulR.Rodriguez@hhs.gov>, "Wolff, Kate (ACF)" <Kate.Wolff@acf.hhs.gov>, "Pugh, Carrie (OS/IEA)" <Carrie.Pugh@hhs.gov>, "Figueroa, Marvin (HHS/IEA)" <Marvin.Figueroa@hhs.gov>

Cc: "Clemencia, LaTanya (HHS/IOS) (CTR)" <LaTanya.Clemencia@hhs.gov>, "Wolff, Kate (OS/IOS)" <Kate.Wolff@hhs.gov>, Sarah Labowitz <slabowitz@aclutx.org>

Subject: RE: (b)(5)

HHS Team,

You all have been amazing this week. We in Texas, specifically our team at the ACLU, are grateful for your leadership and clear guidance on providing healthcare and support for trans youth.

I am sure you are following the legal proceedings here already. Additionally, I am sharing this [link to a news story](#) on Texas Children's Hospital's decision to pause hormone therapies for gender-affirming care. (I've included the article at the bottom.) While your guidance was clear, providers remain afraid of running afoul of state government. The threat in Texas has produced a chilling effect. I share this to inform your next steps and future engagement with healthcare providers.

Thank you,
Oni

Oni K. Blair

Pronouns: she/her

Executive Director

American Civil Liberties Union of Texas

P.O. Box 8306, Houston, TX 77288-8306

with offices in Austin, Brownsville, Dallas, and El Paso

713.942.8146 | oblair@aclutx.org

aclutx.org  [cidimage001.gif@01D6E8E6.5D680AB0](#)  [cidimage002.jpg@01D6E8E6.5D680AB0](#)



[cidimage003.png@01D6E8E6.5D680AB0](#)

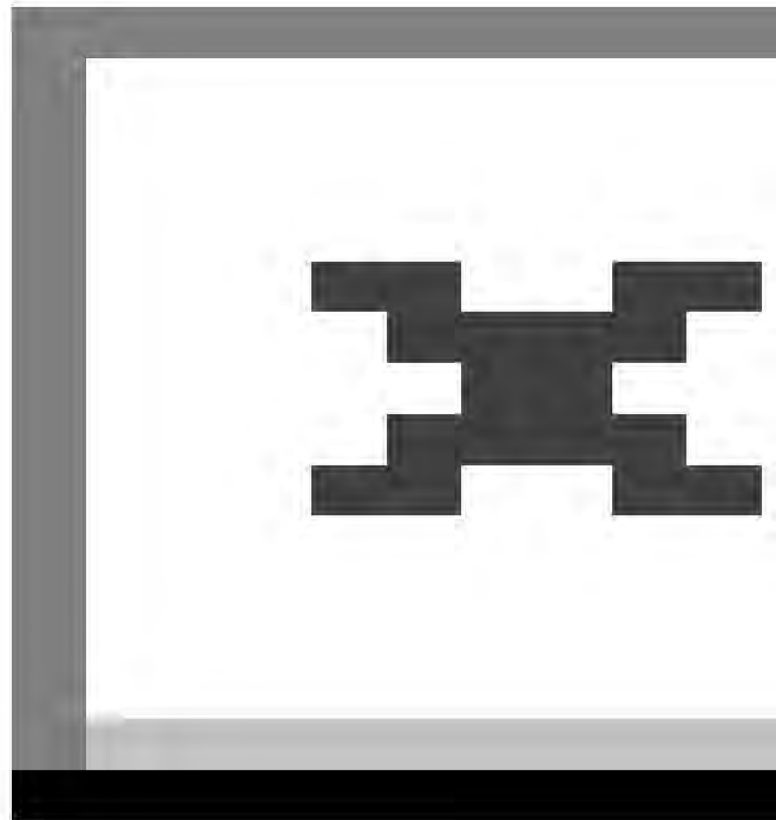
<https://www.houstonchronicle.com/news/houston-texas/houston/article/Texas-Children-s-Hospital-pauses-hormone-16978565.php>

Texas Children's Hospital pauses hormone therapies for gender-affirming care after Abbott and Paxton directive

Julian Gill, Gabrielle Banks, Staff writer

March 4, 2022 Updated: March 4, 2022 5:43 p.m.

[Comments](#)



One of the Texas Children's Hospital buildings is shown in the Texas Medical Center Thursday, Oct. 21, 2021 in Houston.

One of the Texas Children's Hospital buildings is shown in the Texas Medical Center Thursday, Oct. 21, 2021 in Houston.
Melissa Phillip, Houston Chronicle — Staff photographer

Texas Children's Hospital has "paused" hormone-related prescription therapies for gender-affirming care in response to the controversial directive from state leaders to investigate medical treatments for transgender youth as child abuse, according to a statement from the hospital.

"The mission of Texas Children's Hospital is to create a healthier future for all children, including transgender children, within the bounds of the law," the statement reads. "After assessing the Attorney General's and Governor's actions, Texas Children's Hospital paused hormone-related prescription therapies for gender-affirming services. This step was taken to safeguard our healthcare professionals and impacted families from potential criminal legal ramifications."

Armed with a non-binding opinion by Attorney General Ken Paxton, Gov. Greg Abbott has made it clear that he thinks parents who support gender-affirming care for transgender children should be treated as child abusers. Paxton's opinion last week followed multiple failed attempts by Republican state lawmakers in the GOP-led Texas Legislature to pass measures that would punish parents and health care providers who support gender-affirming care for transgender children.

Abbott and Paxton, who are Republicans, are both seeking re-election and made their announcements shortly before Tuesday's GOP primary.

A Travis County district judge on Wednesday temporarily stopped the state's child welfare agency from investigating possible child abuse charges against the parents of a 16-year-old who underwent gender-affirming health care.

But the court stopped short of blocking such investigations statewide — at least for now.

Lou Weaver, a transgender man and community advocate for transgender children and adults, said very few facilities offer gender-affirming care for children, and Texas Children's is among the biggest programs in Texas that offered it.

"This is a truly frightening time for trans youth and their parents and guardians," he said. "The doors to life-saving health care are literally being shut in their faces."

UT Southwestern's children's hospital in Dallas shut down services for new patients at the end of the last legislative session due to political pressure, Weaver said.

According to reports, GENECIS, a program at Children's Medical Center Dallas that offers hormone treatment for transgender youth, also stopped taking new transgender minor patients for gender-affirming prescriptions.

Weaver said teens who already have a prescription should be OK, but those who haven't begun puberty blockers or hormones would have to seek help elsewhere. He said people in the community are already going into a "headspin," especially because TCH announced the official pause on a Friday afternoon.

They are likely already determining whether they'll have to go out of state or to Mexico for care, he said.

Taylor Goldenstein contributed to this report.

julian.gill@chron.com

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: 2022/03/06 11:41:12

Delivered Date: 2022/03/06 11:41:00

Message Flags: Unread Unsent

From: Grove, Matthew R. (HHS/OS) /O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=USER2DE66CA5 <Matthew.Grove@HHS.GOV>

Rainer, Melanie Fontes (OS/IOS) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c7242f10a494d45bab72c452ecd9f80-Rainer, Mel <Melanie.Rainer@hhs.gov>;

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

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

Subject: RE: OMB letter

Date: 2022/05/06 17:24:15

Priority: Normal

Type: Note

(b)(5)

Thanks.

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

Sent: Friday, May 6, 2022 1:44 PM

To: Grove, Matthew R. (HHS/OS) <Matthew.Grove@HHS.GOV>; (b)(6) HHS/OCR) (b)(6); Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>

Subject: FW: OMB letter

(b)(5)

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

From: Mara Youdelman <youdelman@healthlaw.org>

Sent: Friday, May 6, 2022 10:52 AM

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

Subject: OMB letter

Hi Melanie,

I wanted to forward the attached as an fyi. It was also sent to WH.

Thanks and I hope you have a great weekend,
Mara

Mara Youdelman (she/her/hers)
Managing Attorney, DC Office
National Health Law Program
1444 I Street NW, Suite 1105
Washington, D.C. 20005
Direct: 202-683-1999
youdelman@healthlaw.org
www.healthlaw.org
[@marayoudelman](https://www.instagram.com/marayoudelman)



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Rainer, Melanie Fontes (OS/IOS) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c7242f10a494d45bab72c452ecd9f80-Rainer, Mel <Melanie.Rainer@hhs.gov>;
(b)(6) (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group
Recipient: (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bdec12ad0974eacababe032f2b37c91 (b)(6)
(b)(6);
Schuham, Aaron (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c4b426dc641841c0b8fc53bcc4f4b5a2-Schuham, Aa <Aaron.Schuham@hhs.gov>
Sent Date: 2022/05/06 17:24:13
Delivered Date: 2022/05/06 17:24:15

To: Funn, Sherrette (OS/OCIO/CDO) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userf11b82b9 <Sherrette.Funn@hhs.gov>
Subject: RE: Nondiscrimination in Health Programs and Activities: 0945-New-30D
Date: 2022/10/14 14:08:11
Priority: Normal
Type: Note

We have the information that was included in the NPRM. There is also the supplemental statement, which I thought

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

From: Funn, Sherrette (OS/OCIO/CDO) <Sherrette.Funn@hhs.gov>
Sent: Friday, October 14, 2022 2:05 PM
To: (b)(6) (HHS/OCR) (b)(6)
Subject: RE: Nondiscrimination in Health Programs and Activities: 0945-New-30D

They are requesting the information in detail so if the public wants to make recommendation or comments.

Sherrette Funn

Paperwork Reduction Act Report Clearance Officer
Office of the Secretary
Department of Health and Human Services
200 Independence, S.W. suite 345F
Work cell# (b)(6)

From: (b)(6) (HHS/OCR) (b)(6)
Sent: Friday, October 14, 2022 2:01 PM
To: Funn, Sherrette (OS/OCIO/CDO) <Sherrette.Funn@hhs.gov>
Subject: RE: Nondiscrimination in Health Programs and Activities: 0945-New-30D

And this isn't public anywhere?

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

From: Funn, Sherrette (OS/OCIO/CDO) <Sherrette.Funn@hhs.gov>
Sent: Friday, October 14, 2022 2:00 PM
To: (b)(6) (HHS/OCR) (b)(6)
Subject: RE: Nondiscrimination in Health Programs and Activities: 0945-New-30D

The ICR package, SS-A, SS-B, Instruments.

Sherrette Funn

Paperwork Reduction Act Report Clearance Officer
Office of the Secretary
Department of Health and Human Services
200 Independence, S.W. suite 345F
Work cell# (b)(6)

From: (b)(6) HHS/OCR (b)(6)
Sent: Friday, October 14, 2022 1:43 PM
To: Funn, Sherrette (OS/OCIO/CDO) <Sherrette.Funn@hhs.gov>
Subject: RE: Nondiscrimination in Health Programs and Activities: 0945-New-30D

What constitutes the package? I am not familiar with this process. Is this what is included in the NPRM?

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

From: Funn, Sherrette (OS/OCIO/CDO) <Sherrette.Funn@hhs.gov>
Sent: Friday, October 14, 2022 1:40 PM
To: (b)(6) (HHS/OCR) (b)(6)
Subject: FW: Nondiscrimination in Health Programs and Activities: 0945-New-30D

Hi (b)(6)
Please see message below, and answer the commenter. Thanks

Sherrette Funn

Paperwork Reduction Act Report Clearance Officer
Office of the Secretary
Department of Health and Human Services
200 Independence, S.W. suite 345F
Work cell# (b)(6)

From: Dania Douglas <douglas@healthlaw.org>
Sent: Friday, October 14, 2022 1:35 PM
To: Funn, Sherrette (OS/OCIO/CDO) <Sherrette.Funn@hhs.gov>

Cc: Mara Youdelman <youdelman@healthlaw.org>

Subject: Nondiscrimination in Health Programs and Activities: 0945-New-30D

Dear Sherette,

I am writing because I am trying to track down the PRA package that accompanies this OCR information collection. Could you direct me to where I can find the package. Thank you.

--

Dania Douglas (she/her/hers)
Senior Attorney
National Health Law Program
202-365-0209
douglas@healthlaw.org
www.healthlaw.org



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Recipient: Funn, Sherrette (OS/OCIO/CDO) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userf11b82b9 <Sherrette.Funn@hhs.gov>

Sent Date: 2022/10/14 14:08:28

Delivered Date: 2022/10/14 14:08:11

Message Flags: Unread Unsent

Huggins, Michael (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9597596b8c4d4b8d9faf4922101a611b-Huggins, Mi <Michael.Huggins@hhs.gov>;
Frohboese, Robinsue (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=57b8853f66da4cb99818c9e2632f77f8-Frohboese, <Robinsue.Frohboese@HHS.GOV>;
Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>
CC: Clemencia, LaTanya (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddcb1a258a28428e80db417c431ed29d-Clemencia, <LaTanya.Clemencia@hhs.gov>

Subject: RE: (b)(5)

Date: 2022/08/17 13:00:45

Priority: Normal

Type: Note

I can reach out to Charlotte, Jocelyn,

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

Phone: (b)(6)

Email: (b)(6)

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

Sent: Wednesday, August 17, 2022 12:55 PM

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

(b)(6); Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>

Cc: Clemencia, LaTanya (HHS/OCR) <LaTanya.Clemencia@hhs.gov>

Subject: RE: (b)(5)

Hi Robinsue,

Thanks for the flag! (b)(5)

(b)(5)

Thanks again!

Michael Huggins, Esq., M.P.P. (he/him/his)

Senior Advisor to the Director
Office for Civil Rights
U.S. Department of Health and Human Services

From: Frohboese, Robinsue (HHS/OCR) <Robinsue.Frohboese@HHS.GOV>
Sent: Wednesday, August 17, 2022 12:51 PM
To: Huggins, Michael (HHS/OCR) <Michael.Huggins@hhs.gov>; (b)(6) (HHS/OCR)
(b)(6); Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>
Subject: RE: (b)(5)

(b)(5)

(b)(5) Thanks, Robinsue

From: Huggins, Michael (HHS/OCR) <Michael.Huggins@hhs.gov>
Sent: Wednesday, August 17, 2022 12:39 PM
To: (b)(6) (HHS/OCR) (b)(6); Jee, Lauren (HHS/OCR)
<Lauren.Jee1@hhs.gov>; Frohboese, Robinsue (HHS/OCR) <Robinsue.Frohboese@HHS.GOV>
Subject: (b)(5)

(b)(5) (b)(5)

(b)(5)

(b)(5)

(b)(5)

Michael Huggins, Esq., M.P.P. (he/him/his)
Senior Advisor to the Director
Office for Civil Rights
U.S. Department of Health and Human Services

Recipient: Huggins, Michael (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9597596b8c4d4b8d9faf4922101a611b-Huggins, Mi <Michael.Huggins@hhs.gov>;
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Clemencia, LaTanya (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddcb1a258a28428e80db417c431ed29d-Clemencia, <LaTanya.Clemencia@hhs.gov>

Sent Date: 2022/08/17 13:01:02

Delivered Date: 2022/08/17 13:00:45

Message Flags: Unread Unsent

Stoneking, Alissa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group
To: (FYDIBOHF23SPDLT)/cn=Recipients/cn=94f8b512d96049bb906cc4fc89e12f2d-Stoneking,
<Alissa.Stoneking@hhs.gov>

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

Subject: FW: NHeLP and Partners Sue to Block Florida's Anti-Transgender Medicaid Health Care Rule

Date: 2022/09/07 13:18:27

Priority: Normal

Type: Note

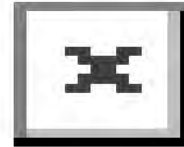
Hi Alissa,

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

From: (b)(6) (HHS/OCR) (b)(6)
Sent: Wednesday, September 7, 2022 1:09 PM
To: (b)(6) (HHS/OCR) (b)(6); Barron, Pamela (HHS/OCR)
<Pamela.Barron@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>
Subject: FW: NHeLP and Partners Sue to Block Florida's Anti-Transgender Medicaid Health Care Rule

From: National Health Law Program <nhelp@healthlaw.org>
Sent: Wednesday, September 7, 2022 1:05 PM
To: (b)(6) (HHS/OCR) (b)(6)
Subject: NHeLP and Partners Sue to Block Florida's Anti-Transgender Medicaid Health Care Rule

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LGBTQ+ and Health Groups Sue to Block Florida's Anti-Transgender Medicaid Health Care Rule

FLORIDA – Health advocacy and LGBTQ+ groups [National Health Law Program](#), [Florida Health Justice Project](#), [Lambda Legal](#), and [Southern Legal Counsel](#), together with international law firm [Pillsbury Winthrop Shaw Pittman LLP](#), filed a federal lawsuit today challenging Florida's anti-transgender health care [rule](#) denying coverage for transgender Medicaid beneficiaries' medically necessary gender-affirming medical care.

The lawsuit, [*Dekker, et al., v. Marstiller, et al.*](#), was filed in the U.S. District Court for the Northern District of Florida against the Florida Agency for Health Care Administration (AHCA), on behalf of four plaintiffs: August Dekker (he/him) and Brit Rothstein (he/him), as well as two minors identified under pseudonyms, Susan (represented by her parents Jane and John Doe) and K.F. (represented by his mother, Jade Ladue).

"It has been extremely stressful to have to worry about whether I will be able to get the medical care that I need and which is recommended by my doctors. This new Medicaid rule denies me the ability to access treatment that I cannot otherwise afford. Everyone deserves to exist in a way that feels safe, yet this ban will impact so many transgender Medicaid beneficiaries like me with very negative effects on our physical and mental health and our lives. It's truly awful and unfair to feel like the state is targeting your existence," said **plaintiff August Dekker, a 28-year-old transgender man from Hernando County, Florida.**

The rule adopted by the Florida Agency for Health Care Administration (AHCA), which oversees Florida's Medicaid Program, went into effect on August 21 and has left thousands of transgender people in Florida without access to critical medical care for the treatment of gender dysphoria. AHCA finalized the rule on August 1 after ignoring expert testimony and thousands of public comments during the rule-making process earlier this summer.

"We believe providing our daughter with the medical care that she needs and is recommended by her doctors for her gender dysphoria is imperative to ensure her health and well-being. The state's decision to stop covering medically necessary gender-affirming medical care through Medicaid is tragic. It is cruel and dehumanizing. It's frustrating to know that the same medications and care that are provided to other children for different medical reasons, will not be provided to our child. We are concerned about the message the State of Florida is sending to young transgender people like our daughter by excluding them from the Medicaid coverage to which they otherwise would be entitled simply because of who they are." said **Jane and John Doe, parents of plaintiff Susan**, a 12-year-old transgender girl, who all are proceeding anonymously.

QUOTES FROM ORGANIZATIONS:

"Medicaid is meant to ensure access to necessary health care for people most in need and those with the fewest resources. ACHA's decision will take away life-saving care from Medicaid beneficiaries only because they are transgender. Without Medicaid coverage, our clients will not have access to these important health care services. ACHA's rule is callous." said **Abbi Coursolle, Senior Attorney at the National Health Law Program**.

"With this indefensible rule, the state is targeting low-income transgender Floridians. The rule intends to cut-off access to medically necessary care for the plaintiffs and other transgender individuals covered by Medicaid," said **Katy DeBriere, Legal Director at Florida Health Justice Project**. "Not only is this rule illegal, but it would serve to perpetuate health inequities by eliminating access to safe, reliable healthcare for some of our most marginalized residents. Florida Health Justice Project will not let the state flout its obligations under the Medicaid program and the constitution of the United States."

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mission statement to “Better Health Care for All Floridians.” Everyone should have access to essential, medically necessary health care, and this rule excludes some of the people most in need in Florida. We are proud to stand alongside the brave plaintiffs we represent and our partners in challenging this unlawful policy.” said **Omar Gonzalez-Pagan, Counsel and Health Care Strategist at Lambda Legal.**

“The State of Florida has chosen to ignore the evidence, the science, and the consensus of medical professionals in a shameful effort to gain political points,” said **Simone Chriss, Director of the Transgender Rights Initiative at Southern Legal Counsel.** “This dangerous, scientifically-flawed ban strips medically necessary, life-saving healthcare away from the transgender Floridians with the least access to resources. As long as the state of Florida continues to attack the basic human and civil rights of its transgender community, we will continue holding to the fire the feet of those enacting the discriminatory measures.”

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Stoneking, Alissa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group
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(b)(6)

Sent Date: 2022/09/07 13:18:31

Delivered Date: 2022/09/07 13:18:27

Message Flags: Unread Unsent

From: (b)(6) [REDACTED] (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08DEC12AD0974EACABABE032F2B37C91-(b)(6)>

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To: Rainer, Melanie Fontes (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c7242f10a494d45bab72c452ecd9f80-Rainer, Mel <Melanie.Rainer@hhs.gov>;

Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@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: Allen, Marc (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cc610a88e103410889da97b4a20e69b8-Allen, Marc <Marc.Allen@hhs.gov>;

Ittelson, Alesdair (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac3de2b7a35f4f47bcf0622e9e6c8d5e-Ittelson, A <Alesdair.Ittelson@hhs.gov>;

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

Subject: RE: Lambda Legal Suit Against Florida

Date: 2022/09/08 11:36:00

Priority: Normal

Type: Note

Thanks, Audrey!

(b)(5)

(b)(6) [REDACTED] Esq., MSW (she/her)

Senior Advisor to the Director

Phone: (b)(6) [REDACTED]

Email: (b)(6) [REDACTED]

From: Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Sent: Thursday, September 8, 2022 11:31 AM

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

(b)(6) [REDACTED] Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>

Cc: Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Greenberg, Mark H (HHS/OGC)

<MarkH.Greenberg@hhs.gov>; Allen, Marc (HHS/OGC) <Marc.Allen@hhs.gov>; Ittelson, Alesdair (HHS/OGC) <Alesdair.Ittelson@hhs.gov>; Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>
Subject: Lambda Legal Suit Against Florida

Aloha! FYSA -- Our friends in the CMS Division of OGC shared this link with us this morning:
https://www.lambdalegal.org/sites/default/files/legal-docs/downloads/filed_complaint_against_ahca.pdf

Audrey J Wiggins
Deputy Associate General Counsel
Civil Rights Division
Office of the General Counsel
U.S. Department of Health & Human Services

(b)(6)

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Rainer, Melanie Fontes (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c7242f10a494d45bab72c452ecd9f80-Rainer, Mel <Melanie.Rainer@hhs.gov>;
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Sent Date: 2022/09/08 11:36:50
Delivered Date: 2022/09/08 11:36:00

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To: 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>

Subject: RE: NHeLP and Partners Sue to Block Florida's Anti-Transgender Medicaid Health Care Rule

Date: 2022/09/07 13:11:00

Priority: Normal

Type: Note

Thank you! And duh, Lambda and NHeLP!

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

Senior Advisor to the Director

Phone: (b)(6)

Email: (b)(6)

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

Sent: Wednesday, September 7, 2022 1:09 PM

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

Subject: FW: NHeLP and Partners Sue to Block Florida's Anti-Transgender Medicaid Health Care Rule

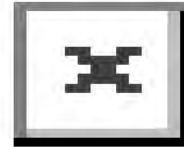
From: National Health Law Program <nhelp@healthlaw.org>

Sent: Wednesday, September 7, 2022 1:05 PM

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

Subject: NHeLP and Partners Sue to Block Florida's Anti-Transgender Medicaid Health Care Rule

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QUOTES FROM ORGANIZATIONS:

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

Sent Date: 2022/09/07 13:11:24

Delivered Date: 2022/09/07 13:11:00

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

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To: 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

Date: 2022/03/01 13:29:00

Priority: Normal

Type: Note

FYI

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

Phone: (b)(6)

Email: (b)(6)

From: Lareau, Alyssa (CRT) <Alyssa.Lareau@usdoj.gov>

Sent: Tuesday, March 1, 2022 1:16 PM

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

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

FYI

Alyssa C. Lareau

Pronouns: she/her/hers

Attorney, Federal Coordination and Compliance Section

Co-Chair, LGBTI Working Group

U.S. Department of Justice - Civil Rights Division

4 Constitution Square, 150 M Street, NE, Washington, DC 20530

Direct: (202) 305-2994 [voice]

alyssa.lareau@usdoj.gov

www.justice.gov/crt/fcs

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

From: Sharon McGowan <SMcGowan@lambdalegal.org>

Sent: Tuesday, March 1, 2022 12:50 PM

To: Lareau, Alyssa (CRT) <Alyssa.Lareau@usdoj.gov>

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

FYI

=====

LAMBDA LEGAL PRESS RELEASE, Tuesday, March 1, 2022

Contact Tom Warnke: C: 213-841-4503; twarnke@lambdalegal.org

=====

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/doe_20220301_petition

###

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

Sent Date: 2022/03/01 13:29:08

Delivered Date: 2022/03/01 13:29:00

From: (b)(6) HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08DEC12AD0974EACABABE032F2B37C91-(b)(6)>
Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group
To: (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>

Subject: FW: Leadership Conf. Health Care Task Force meeting

Date: 2022/10/06 14:11:00

Priority: Normal

Type: Note

(b)(5)

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

Senior Advisor to the Director

Phone: (b)(6)

Email: (b)(6)

From: Mara Youdelman <youdelman@healthlaw.org>

Sent: Thursday, October 6, 2022 1:56 PM

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

Subject: Leadership Conf. Health Care Task Force meeting

Hi Dylan,

I think we'd discussed having Melanie join an upcoming Health Care Task Force meeting but wasn't sure if we nailed down which one. We do have a meeting next week, Oct. 12 from 11-12. If she is still interested in joining us, we'd be happy to host her. Or we can plan for another month. I'm sure folks would love to hear about OCR's upcoming agenda beyond 1557.

And good luck reviewing all the 1557 comments!
Mara

Mara Youdelman (she/her/hers)
Managing Attorney, DC Office
National Health Law Program
1444 I Street NW, Suite 1105
Washington, D.C. 20005
Direct: 202-683-1999
youdelman@healthlaw.org
www.healthlaw.org
[@marayoudelman](https://twitter.com/marayoudelman)



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

Sent Date: 2022/10/06 14:11:16

Delivered Date: 2022/10/06 14:11:00

From: (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08DEC12AD0974EACABABE032F2B37C91-(b)(6)>
Section 1557 (OCR) /o=ExchangeLabs/ou=Exchange Administrative Group
To: (FYDIBOHF23SPDLT)/cn=Recipients/cn=fde70138c07442e5ab7a347fb5a9b10b-df73f6b6-a6 <Section1557OCR@HHS.GOV.onmicrosoft.com>
Subject: FW: Collecting race/ethnicity data in Medicaid/CHIP
Date: 2022/09/12 12:02:00
Priority: Normal
Type: Note

FYI – data collection!

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

From: Mara Youdelman <youdelman@healthlaw.org>
Sent: Monday, September 12, 2022 11:36 AM
To: Rainer, Melanie Fontes (OS/OCR) <Melanie.Rainer@hhs.gov>; (b)(6) (HHS/OCR) <(b)(6)>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>
Subject: Collecting race/ethnicity data in Medicaid/CHIP

Hi all,

Wanted to share this recent publication with you --
<https://healthlaw.org/resource/demographic-data-collection-in-medicaid-chip-cms-authority-to-collect-race-ethnicity-data/>

Executive Summary

CMS must collect information on Medicaid and CHIP enrollees' race and ethnicity to understand program quality and monitor equitable access. Yet, CMS has not formally required state Medicaid programs to collect or report race and ethnicity information in a uniform manner. As a result, data on racial and ethnic health disparities in these programs lacks completeness, reliability, and consistency. This brief outlines CMS's current authority to engage in race and ethnicity data collection and provides several actions that CMS can take right now to improve demographic data collection.

Mara Youdelman (she/her/hers)
Managing Attorney, DC Office
National Health Law Program

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youdelman@healthlaw.org
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Section 1557 (OCR) /o=ExchangeLabs/ou=Exchange Administrative Group
Recipient: (FYDIBOHF23SPDLT)/cn=Recipients/cn=fde70138c07442e5ab7a347fb5a9b10b-df73f6b6-a6
<Section1557OCR@HHS.GOV.onmicrosoft.com>

Sent Date: 2022/09/12 12:02:13

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Mara Youdelman <youdelman@healthlaw.org>;

Rainer, Melanie Fontes (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c7242f10a494d45bab72c452ecd9f80-Rainer, Mel

To: <Melanie.Rainer@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: Collecting race/ethnicity data in Medicaid/CHIP

Date: 2022/09/12 11:57:00

Priority: Normal

Type: Note

Thanks so much, Mara!

(b)(5)

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

Senior Advisor to the Director

Phone: (b)(6)

Email: (b)(6)

From: Mara Youdelman <youdelman@healthlaw.org>

Sent: Monday, September 12, 2022 11:36 AM

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

(b)(6); Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>

Subject: Collecting race/ethnicity data in Medicaid/CHIP

Hi all,

Wanted to share this recent publication with you --

<https://healthlaw.org/resource/demographic-data-collection-in-medicaid-chip-cms-authority-to-collect-race-ethnicity-data/>

Executive Summary

CMS must collect information on Medicaid and CHIP enrollees' race and ethnicity to understand program quality and monitor equitable access. Yet, CMS has not formally required state Medicaid programs to collect or report race and ethnicity information in a uniform manner. As a result, data on racial and ethnic health disparities in these programs lacks completeness, reliability, and consistency. This brief outlines CMS's

current authority to engage in race and ethnicity data collection and provides several actions that CMS can take right now to improve demographic data collection.

Mara Youdelman (she/her/hers)
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Mara Youdelman <youdelman@healthlaw.org>;
Rainer, Melanie Fontes (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c7242f10a494d45bab72c452ecd9f80-Rainer, Mel
Recipient: <Melanie.Rainer@hhs.gov>;
Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>
Sent Date: 2022/09/12 11:57:34
Delivered Date: 2022/09/12 11:57:00

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Stoneking, Alissa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group
To: (FYDIBOHF23SPDLT)/cn=Recipients/cn=94f8b512d96049bb906cc4fc89e12f2d-Stoneking, <Alissa.Stoneking@hhs.gov>

Subject: FW: NHeLP and Partners Sue to Block Florida's Anti-Transgender Medicaid Health Care Rule

Date: 2022/09/07 14:51:00

Priority: Normal

Type: Note

Here is the florida case.

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

Senior Advisor to the Director

Phone: (b)(6)

Email: (b)(6)

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

Sent: Wednesday, September 7, 2022 1:09 PM

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

Subject: FW: NHeLP and Partners Sue to Block Florida's Anti-Transgender Medicaid Health Care Rule

From: National Health Law Program <nhelp@healthlaw.org>

Sent: Wednesday, September 7, 2022 1:05 PM

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

Subject: NHeLP and Partners Sue to Block Florida's Anti-Transgender Medicaid Health Care Rule

The National Health Law Program protects and advances the health rights of low-income and underserved individuals and families. We advocate, educate, and litigate at the federal and state levels to advance health and civil rights in the U.S.



LGBTQ+ and Health Groups Sue to Block Florida's Anti-Transgender Medicaid Health Care Rule

FLORIDA – Health advocacy and LGBTQ+ groups National Health Law Program, Florida Health Justice Project, Lambda Legal, and Southern Legal Counsel, together with international law firm Pillsbury Winthrop Shaw Pittman LLP, filed a federal lawsuit today challenging Florida's anti-transgender health care rule denying coverage for transgender Medicaid beneficiaries' medically necessary gender-affirming medical care.

The lawsuit, *Dekker, et al., v. Marstiller, et al.*, was filed in the U.S. District Court for the Northern District of Florida against the Florida Agency for Health Care Administration (AHCA), on behalf of four plaintiffs: August Dekker (he/him) and Brit Rothstein (he/him), as well as two minors identified under pseudonyms, Susan (represented by her parents Jane and John Doe) and K.F. (represented by his mother, Jade Ladue).

"It has been extremely stressful to have to worry about whether I will be able to get the medical care that I need and which is recommended by my doctors. This new Medicaid rule denies me the ability to access treatment that I cannot otherwise afford. Everyone deserves to exist in a way that feels safe, yet this ban will impact so many transgender Medicaid beneficiaries like me with very negative effects on our physical and mental health and our lives. It's truly awful and unfair to feel like the state is targeting your existence," said **plaintiff August Dekker, a 28-year-old transgender man from Hernando County, Florida.**

The rule adopted by the Florida Agency for Health Care Administration (AHCA), which oversees Florida's Medicaid Program, went into effect on August 21 and has left thousands of transgender people in Florida without access to critical medical care for the treatment of gender dysphoria. AHCA finalized the rule on August 1 after ignoring expert testimony and thousands of public comments during the rule-making process earlier this summer.

"We believe providing our daughter with the medical care that she needs and is recommended by her doctors for her gender dysphoria is imperative to ensure her health and well-being. The state's decision to stop covering medically necessary gender-affirming medical care through Medicaid is tragic. It is cruel and dehumanizing. It's frustrating to know that the same medications and care that are provided to other children for different medical reasons, will not be provided to our child. We are concerned about the message the State of Florida is sending to young transgender people like our daughter by excluding them from the Medicaid coverage to which they otherwise would be entitled simply because of who they are." said **Jane and John Doe, parents of plaintiff Susan**, a 12-year-old transgender girl, who all are proceeding anonymously.

QUOTES FROM ORGANIZATIONS:

"Medicaid is meant to ensure access to necessary health care for people most in need and those with the fewest resources. ACHA's decision will take away life-saving care from Medicaid beneficiaries only because they are transgender. Without Medicaid coverage, our clients will not have access to these important health care services. ACHA's rule is callous." said **Abbi Coursolle, Senior Attorney at the National Health Law Program**.

"With this indefensible rule, the state is targeting low-income transgender Floridians. The rule intends to cut-off access to medically necessary care for the plaintiffs and other transgender individuals covered by Medicaid," said **Katy DeBriere, Legal Director at Florida Health Justice Project**. "Not only is this rule illegal, but it would serve to perpetuate health inequities by eliminating access to safe, reliable healthcare for some of our most marginalized residents. Florida Health Justice Project will not let the state flout its obligations under the Medicaid program and the constitution of the United States."

"The new rule adopted by Florida's Agency for Health Care Administration endangers the health, well-being, and very lives of Florida's transgender Medicaid beneficiaries. It represents a cruel and deplorable action; one that is motivated by politics and bias rather than medicine and science. It also represents the complete abdication of AHCA's own mission statement to "Better Health Care for All Floridians." Everyone should have access to essential, medically necessary health care, and this rule excludes some of the people most in need in Florida. We are proud to stand alongside the brave plaintiffs we represent and our partners in challenging this unlawful policy." said **Omar Gonzalez-Pagan, Counsel and Health Care Strategist at Lambda Legal**.

"The State of Florida has chosen to ignore the evidence, the science, and the consensus of medical professionals in a shameful effort to gain political points," said **Simone Chriss, Director of the Transgender Rights Initiative at Southern Legal Counsel**. "This

dangerous, scientifically-flawed ban strips medically necessary, life-saving healthcare away from the transgender Floridians with the least access to resources. As long as the state of Florida continues to attack the basic human and civil rights of its transgender community, we will continue holding to the fire the feet of those enacting the discriminatory measures."

[Read full press statement](#)

[Read Complaint](#)

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Recipient:	Stoneking, Alissa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94f8b512d96049bb906cc4fc89e12f2d-Stoneking, <Alissa.Stoneking@hhs.gov>
Sent Date:	2022/09/07 14:51:23
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From: (b)(6) (HHS/OCR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BDEC12AD0974EACABABE032F2B37C91-(b)(6)>

To: <douglas@healthlaw.org>

CC: Funn, Sherrette (OS/OCIO/CDO) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userf11b82b9 <Sherrette.Funn@hhs.gov>; Mara Youdelman <youdelman@healthlaw.org>

Subject: RE: Nondiscrimination in Health Programs and Activities: 0945-New-30D

Date: 2022/10/14 15:09:00

Priority: Normal

Type: Note

Hi (b)(6)

Please find attached the Supporting Statement for this ICR. We do not have any forms, etc. as this relates to recordkeeping and not an information collection per se.

Let me know if you have any questions!

Best,

(b)(6)

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

Senior Advisor to the Director

Phone: (b)(6)

Email: (b)(6)

From: Funn, Sherrette (OS/OCIO/CDO) <Sherrette.Funn@hhs.gov>

Sent: Friday, October 14, 2022 1:40 PM

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

Subject: FW: Nondiscrimination in Health Programs and Activities: 0945-New-30D

Hi (b)(6)

Please see message below, and answer the commenter. Thanks

Sherrette Funn

Paperwork Reduction Act Report Clearance Officer

Office of the Secretary

Department of Health and Human Services

200 Independence, S.W. suite 345F

Work cell# (b)(6)

From: Dania Douglas <douglas@healthlaw.org>

Sent: Friday, October 14, 2022 1:35 PM

To: Funn, Sherrette (OS/OCIO/CDO) <Sherrette.Funn@hhs.gov>

Cc: Mara Youdelman <youdelman@healthlaw.org>

Subject: Nondiscrimination in Health Programs and Activities: 0945-New-30D

Dear Sherette,

I am writing because I am trying to track down the PRA package that accompanies this OCR information collection. Could you direct me to where I can find the package. Thank you.

--

Dania Douglas (she/her/hers)
Senior Attorney
National Health Law Program
202-365-0209
douglas@healthlaw.org
www.healthlaw.org



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<douglas@healthlaw.org>;

Recipient: Funn, Sherette (OS/OCIO/CDO) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userf11b82b9 <Sherette.Funn@hhs.gov>;
Mara Youdelman <youdelman@healthlaw.org>

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Delivered Date: 2022/10/14 15:09:00

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To: Barron, Pamela (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d55f83440f074842ac94e1f27f11fa9e-Barron, Pam <Pamela.Barron@hhs.gov>
Montoya, Luben (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user4a33cd57 <Luben.Montoya@hhs.gov>; Hyams, David (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d894f7b1a28749e8ba7ec5eeba49d75f-David.Hyams <David.Hyams@hhs.gov>; Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>
CC:

Subject: RE: Question on interpreter assessments

Date: 2022/12/02 09:44:00

Priority: Normal

Type: Note

Many thanks (b)(5)

(b)(5)

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

Senior Advisor to the Director

Phone: (b)(6)

Email: (b)(6)

From: Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>

Sent: Thursday, December 1, 2022 7:27 PM

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

Cc: Montoya, Luben (HHS/OCR) <Luben.Montoya@hhs.gov>; Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>

Subject: RE: Question on interpreter assessments

Hi (b)(6)

Yes – I'll ask Luben to take a look.

I know that interpreters need to be qualified – not certified.

(b)(5)

Best,

Pam

From: (b)(6) (HHS/OCR) (b)(6)
Sent: Thursday, December 1, 2022 4:47 PM
To: Barron, Pamela (HHS/OCR) <Pamela.Barron@hhs.gov>
Cc: Montoya, Luben (HHS/OCR) <Luben.Montoya@hhs.gov>; Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>; Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>
Subject: FW: Question on interpreter assessments

Hi Pam,

(b)(5)

Thank you,

(b)(6)

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

Senior Advisor to the Director

Phone: (b)(6)

Email: (b)(6)

From: Mara Youdelman <youdelman@healthlaw.org>

Sent: Wednesday, November 30, 2022 2:23 PM

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

Subject: Re: Question on interpreter assessments

Thank you!!!!

On Wed, Nov 30, 2022 at 1:08 PM de (b)(6) (HHS/OCR) (b)(6) >wrote:
Hi Mara,

I am so sorry, this completely slipped through the cracks – thank you for resending!

I'll take a look and hope to get back to you later this week.

Best,

(b)(6)

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

Senior Advisor to the Director

Phone: (b)(6)

Email: (b)(6)

From: Mara Youdelman <youdelman@healthlaw.org>

Sent: Wednesday, November 30, 2022 11:06 AM

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

Subject: RE: Question on interpreter assessments

Hi (b)(6)

Just circling back on this – would love to get any thoughts you have!

With a recent update, the HR department of this hospital has advised that peer reviews/observations are sufficient for documenting proficiency of interpreters; again, to minimize their exposure to issues around disparate impact. But peer review seems very subjective and may not be available for all languages. The interpreter manager would like to implement third party assessments from an independent entity, both for staff interpreters and to qualify bilingual clinical staff who speak to LEP patients without the use of an interpreter. But it doesn't seem there's anything from OCR, CMS or HHS specifically on this issue which is why she reached out to me.

Thanks and I hope you had an enjoyable Thanksgiving!
Mara

From: Mara Youdelman [mailto:youdelman@healthlaw.org]

Sent: Tuesday, November 8, 2022 3:49 PM

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

Subject: Question on interpreter assessments

Hi (b)(6)

I'm not sure if you're the right person to ask but I thought I'd start with you. I got the below question from a manager of an interpreter department at a hospital.

The individual leads the interpreting department. She's had five years total at the hospital, 2 as the interpreter manager. She has a team of 30 interpreters; eight nationally certified ASL interpreters, 1 CoreCHI Mandarin interpreter, and the rest are Spanish interpreters (three hold their CCHI).

There is no record of proficiency assessments for any interpreter in their system and no competencies developed for interpreters. There also is no process in place to qualify bilingual clinical staff to speak directly to patients in their preferred language without the use of an interpreter.

The interpreter manager conducted spoken language interpreter proficiency assessments through two external organizations (CCCS and ASL interpreter proficiency assessments through UpHealth/Martti (our VRI/OPI vendor)) from May - Aug 2022. Two Spanish interpreters and two ASL interpreters did not pass the proficiency assessments. The Spanish interpreters were noted by the assessing organization as potentially being dangerous to patient safety.

The interpreter manager worked with the HR department to develop a 90-day professional development plan for these two interpreters which included: peer-shadowing (being shadowed and shadowing others), coaching, a company paid 40-hour medical interpreter training through ALTA, re-assessment at 45 days with CCCS and reassessment again at 90 days with ALTA (to ensure no bias in assessment).

The HR department is now saying that the interpreter department cannot include any information about the 3rd party assessments in any corrective action for anyone on the interpreter team and can't use a 3rd party assessment tool to ensure proficiency prior to hiring future interpreters. Their reason is because these assessments are not "legally validated and, specifically, they haven't been legally validated for disparate impact." They shared in part:

...non validated assessments is something that is a strict no for either the hiring process or proficiency test. You may have to research on various alternative processes or legally valid assessments recognized by other organizations to evaluate the proficiency of the interpreters.

They also are not in support of a requirement that all spoken language interpreters to be nationally certified within 18-months of hire because certification is not a CMS guideline.

There are other issue about the competency of bilingual providers but the issue is starting with interpreters.

It seems this may bring in employment law issues but given the civil rights implications of having not qualified interpreters providing services, it seems it's also an OCR issue.

I can also reach out to folks at CMS given hospital accreditation but thought I'd start with you to see if this has come up previously.

Thanks!

Mara

--

Mara Youdelman (she/her/hers)

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Washington, DC 20005
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Montoya, Luben (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user4a33cd57 <Luben.Montoya@hhs.gov>;
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Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>
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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: 2022/03/06 11:43:00

Priority: Normal

Type: Note

Minus Stephanie and Lauren.

(b)(5)

I can join for the calls.

Thanks,

(b)(6)

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

Phone: (b)(6)

Email: (b)(6)

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

Sent: Sunday, March 6, 2022 11:31 AM

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

Cc: Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>; Akpa, Stephanie (HHS/OCR)
<Stephanie.Akpa@hhs.gov>

Subject: Re: (b)(5)

(b)(5)

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

Sent: Sunday, March 6, 2022 10:17:46 AM

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

Cc: Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>; Akpa, Stephanie (HHS/OCR)

<Stephanie.Akpa@hhs.gov>

Subject: RE: (b)(5)

Thanks, Melanie. [Moving everyone except Carla, Marisa, Lauren, and Stephanie to BCC.]

(b)(5)

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

Phone: (b)(6)

Email: (b)(6)

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

Sent: Saturday, March 5, 2022 10:08 PM

To: Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>

Cc: Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; (b)(6) HHS/OCR)

(b)(6) Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>; Carter, Carla (HHS/OCR) <Carla.Carter@HHS.GOV>; Smith, Marisa (HHS/OCR) <Marisa.Smith@HHS.GOV>; Jee, Lauren (HHS/ASL) <Lauren.Jee@hhs.gov>

Subject: Re: (b)(5)

Stephanie,

(b)(5)

Hope that helps.

Melanie

(b)(5)

(b)(5)

(b)(5)

Sent from my iPhone

On Mar 5, 2022, at 9:27 PM, Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>wrote:

Hi Melanie,

(b)(5)

Best,
Stephanie

(b)(5)

(b)(5)

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

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

Sent: Saturday, March 5, 2022 3:49 PM

To: (b)(6) HHS/OCR) <(b)(6)>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: RE: (b)(5)

(b)(5)

From: (b)(6) (HHS/OCR) (b)(6)
Sent: Saturday, March 5, 2022 1:25 PM
To: Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>
Subject: Re: (b)(5)

(b)(5)

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Sent: Saturday, March 5, 2022 12:37:01 PM
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Subject: Re: (b)(5)

(b)(5)

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From: (b)(6) (HHS/OCR) (b)(6)
Sent: Saturday, March 5, 2022 12:25:14 PM
To: Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>
Subject: Re: (b)(5)

(b)(5)

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From: Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>
Sent: Saturday, March 5, 2022 12:05 PM
To: Rodriguez, Paul (HHS/OGC); de Kervor, Dylan (HHS/OCR); Rainer, Melanie Fontes (OS/IOS); Pino, Lisa

(HHS/OCR); Akpa, Stephanie (HHS/OCR); Wiggins, Audrey (HHS/OGC)

Subject: RE: (b)(5)

(b)(5)

From: Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>

Sent: Saturday, March 5, 2022 12:02 PM

To: Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; (b)(6) HHS/OCR) <(b)(6)>; Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: RE: (b)(5)

(b)(5)

Paul R. Rodríguez

Deputy General Counsel

U.S. Department of Health and Human Services

(b)(6) (cell)

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

Sent: Saturday, March 5, 2022 11:58 AM

To: (b)(6) HHS/OCR) <(b)(6)>; Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: RE: (b)(5)

(b)(5)

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

Sent: Saturday, March 5, 2022 10:08 AM

To: Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: Re: (b)(5)

(b)(5)

(b)(5)

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

Sent: Friday, March 4, 2022 8:40:16 PM

To: (b)(6) (HHS/OCR) <(b)(6)>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: Fwd: (b)(5)

Hi,

(b)(5)

Thoughts?

Melanie

Sent from my iPhone

Begin forwarded message:

From: "Oni K. Blair" <oblair@aclutx.org>

Date: March 4, 2022 at 8:06:26 PM EST

To: "Rainer, Melanie Fontes (OS/IOS)" <Melanie.Rainer@hhs.gov>, "Pino, Lisa (HHS/OCR)" <Lisa.Pino@hhs.gov>, "Akpa, Stephanie (HHS/OCR)" <Stephanie.Akpa@hhs.gov>, (b)(6) (HHS/OCR) <(b)(6)>, "Rodriguez, Paul (HHS/OGC)" <PaulR.Rodriguez@hhs.gov>, "Wolff, Kate (ACF)" <Kate.Wolff@acf.hhs.gov>, "Pugh, Carrie (OS/IEA)" <Carrie.Pugh@hhs.gov>, "Figueroa, Marvin (HHS/IEA)" <Marvin.Figueroa@hhs.gov>

Cc: "Clemencia, LaTanya (HHS/IOS) (CTR)" <LaTanya.Clemencia@hhs.gov>, "Wolff, Kate (OS/IOS)" <Kate.Wolff@hhs.gov>, Sarah Labowitz <slabowitz@aclutx.org>

Subject: RE: (b)(5)

HHS Team,

You all have been amazing this week. We in Texas, specifically our team at the ACLU, are grateful for your leadership and clear guidance on providing healthcare and support for trans youth.

I am sure you are following the legal proceedings here already. Additionally, I am sharing this [link to a news story](#) on Texas Children's Hospital's decision to pause hormone therapies for gender-affirming care. (I've included the article at the bottom.) While your guidance was clear, providers remain afraid of

running afoul of state government. The threat in Texas has produced a chilling effect. I share this to inform your next steps and future engagement with healthcare providers.

Thank you,
Oni

Oni K. Blair

Pronouns: she/her

Executive Director

American Civil Liberties Union of Texas

P.O. Box 8306, Houston, TX 77288-8306

with offices in Austin, Brownsville, Dallas, and El Paso

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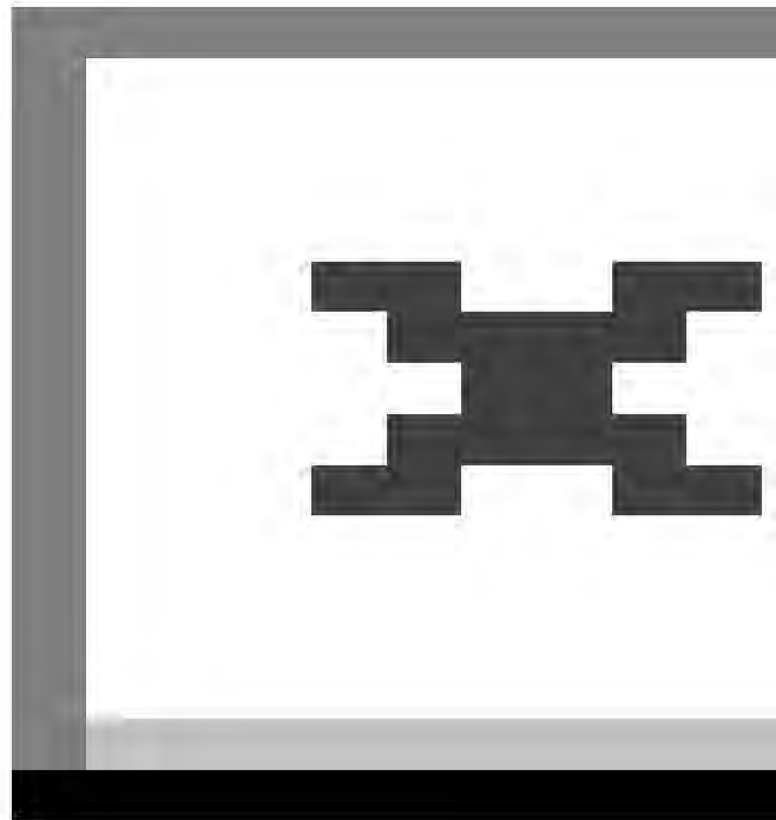
<https://www.houstonchronicle.com/news/houston-texas/houston/article/Texas-Children-s-Hospital-pauses-hormone-16978565.php>

Texas Children's Hospital pauses hormone therapies for gender-affirming care after Abbott and Paxton directive

Julian Gill, Gabrielle Banks, Staff writer

March 4, 2022 Updated: March 4, 2022 5:43 p.m.

[Comments](#)



One of the Texas Children's Hospital buildings is shown in the Texas Medical Center Thursday, Oct. 21, 2021 in Houston.

One of the Texas Children's Hospital buildings is shown in the Texas Medical Center Thursday, Oct. 21, 2021 in Houston.
Melissa Phillip, Houston Chronicle — Staff photographer

Texas Children's Hospital has "paused" hormone-related prescription therapies for gender-affirming care in response to the controversial directive from state leaders to investigate medical treatments for transgender youth as child abuse, according to a statement from the hospital.

"The mission of Texas Children's Hospital is to create a healthier future for all children, including transgender children, within the bounds of the law," the statement reads. "After assessing the Attorney General's and Governor's actions, Texas Children's Hospital paused hormone-related prescription therapies for gender-affirming services. This step was taken to safeguard our healthcare professionals and impacted families from potential criminal legal ramifications."

Armed with a non-binding opinion by Attorney General Ken Paxton, Gov. Greg Abbott has made it clear that he thinks parents who support gender-affirming care for transgender children should be treated as child abusers. Paxton's opinion last week followed multiple failed attempts by Republican state lawmakers in the GOP-led Texas Legislature to pass measures that would punish parents and health care providers who support gender-affirming care for transgender children.

Abbott and Paxton, who are Republicans, are both seeking re-election and made their announcements shortly before Tuesday's GOP primary.

A Travis County district judge on Wednesday temporarily stopped the state's child welfare agency from investigating possible child abuse charges against the parents of a 16-year-old who underwent gender-affirming health care.

But the court stopped short of blocking such investigations statewide — at least for now.

Lou Weaver, a transgender man and community advocate for transgender children and adults, said very few facilities offer gender-affirming care for children, and Texas Children's is among the biggest programs in Texas that offered it.

"This is a truly frightening time for trans youth and their parents and guardians," he said. "The doors to life-saving health care are literally being shut in their faces."

UT Southwestern's children's hospital in Dallas shut down services for new patients at the end of the last legislative session due to political pressure, Weaver said.

According to reports, GENECIS, a program at Children's Medical Center Dallas that offers hormone treatment for transgender youth, also stopped taking new transgender minor patients for gender-affirming prescriptions.

Weaver said teens who already have a prescription should be OK, but those who haven't begun puberty blockers or hormones would have to seek help elsewhere. He said people in the community are already going into a "headspin," especially because TCH announced the official pause on a Friday afternoon.

They are likely already determining whether they'll have to go out of state or to Mexico for care, he said.

Taylor Goldenstein contributed to this report.

julian.gill@chron.com

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Sent Date: 2022/03/06 11:43:41
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Greenberg, Mark H (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fdb0cbe5760845cc9a98373b9088d7f2-Greenberg, <MarkH.Greenberg@hhs.gov>;

CC: Allen, Marc (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cc610a88e103410889da97b4a20e69b8-Allen, Marc <Marc.Allen@hhs.gov>;

Ittelson, Alesdair (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac3de2b7a35f4f47bcf0622e9e6c8d5e-Ittelson, A <Alesdair.Ittelson@hhs.gov>;

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

Subject: RE: Lambda Legal Suit Against Florida

Date: 2022/09/08 12:50:06

Priority: Normal

Type: Note

Thank you both.

From: Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Sent: Thursday, September 8, 2022 11:31 AM

To: Rainer, Melanie Fontes (OS/OCR) <Melanie.Rainer@hhs.gov> (b)(6) (HHS/OCR) (b)(6) Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>

Cc: Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Greenberg, Mark H (HHS/OGC) <MarkH.Greenberg@hhs.gov>; Allen, Marc (HHS/OGC) <Marc.Allen@hhs.gov>; Ittelson, Alesdair (HHS/OGC) <Alesdair.Ittelson@hhs.gov>; Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>

Subject: Lambda Legal Suit Against Florida

(b)(5)

Audrey J Wiggins
Deputy Associate General Counsel
Civil Rights Division

Office of the General Counsel
U.S. Department of Health & Human Services

(b)(6)

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

Rodriguez, Paul (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=755d69b6e04e4aa8981d68258e0aaf7c-Rodriguez, <PaulR.Rodriguez@hhs.gov>;

Recipient: Greenberg, Mark H (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fdb0cbe5760845cc9a98373b9088d7f2-Greenberg, <MarkH.Greenberg@hhs.gov>;

Allen, Marc (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cc610a88e103410889da97b4a20e69b8-Allen, Marc <Marc.Allen@hhs.gov>;

Ittelson, Alesdair (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac3de2b7a35f4f47bcf0622e9e6c8d5e-Ittelson, A <Alesdair.Ittelson@hhs.gov>;

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

Sent Date: 2022/09/08 12:50:05

Delivered Date: 2022/09/08 12:50:06

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To: (b)(6)
Rainer, Melanie Fontes (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c7242f10a494d45bab72c452ecd9f80-Rainer, Mel <Melanie.Rainer@hhs.gov>

Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>;
CC: Besaw, Rebecca (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6bdf80b9ec8a47b6b2d86b558bd8bc31-Besaw, Rebe <Rebecca.Besaw@hhs.gov>

Subject: RE: TN challenge filed

Date: 2023/04/20 21:33:52

Priority: Normal

Type: Note

(b)(5)

From: (b)(6) HHS/OCR) (b)(6)
Sent: Thursday, April 20, 2023 5:48 PM
To: Mataka, Arsenio (HHS/OASH) <Arsenio.Mataka@hhs.gov>; Rainer, Melanie Fontes (OS/OCR) <Melanie.Rainer@hhs.gov>
Cc: Jee, Lauren (HHS/OCR) <Lauren.Jee1@hhs.gov>; Besaw, Rebecca (HHS/OCR) <Rebecca.Besaw@hhs.gov>
Subject: TN challenge filed

https://lambdalegal.org/newsroom/tn_20230420_lgbtq-advocates-sue-tennessee-to-block-dangerous-transgender-healthcare-ban/

Link isn't up on the press release yet, but I'll circulate when I have it (b)(5)

(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., (b)(6)
Washington, D.C. 20201
Phone: (b)(6)
Email: (b)(6)

UPCOMING LEAVE: May 29 – July 8, 2023

Sender: Mataka, Arsenio (HHS/OASH) /O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEB10ADFD4454326B57CA91571E4BC76-MATAKA, ARS <Arsenio.Mataka@hhs.gov>

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

Recipient: Rainer, Melanie Fontes (OS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c7242f10a494d45bab72c452ecd9f80-Rainer, Mel <Melanie.Rainer@hhs.gov>;
Jee, Lauren (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc5a273e16824884903f0d2afc8cb225-Jee, Lauren <Lauren.Jee1@hhs.gov>;
Besaw, Rebecca (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6bdf80b9ec8a47b6b2d86b558bd8bc31-Besaw, Rebe <Rebecca.Besaw@hhs.gov>

Sent Date: 2023/04/20 21:33:50

Delivered Date: 2023/04/20 21:33:52

Evaluation Only. Created with Aspose.HTML. Copyright 2013-2020 Aspose Pty
From: Ltd.DIBOHF23SPDLT)/CN=RECIPIENTS/CN=3C984BA53AF54D46B78D185808AEE48C-AKPA, STEPH
<Stephanie.Akpa@hhs.gov>

To: 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>;

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

Rodriguez, Paul (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=755d69b6e04e4aa8981d68258e0aaf7c-Rodriguez,
<PaulR.Rodriguez@hhs.gov>;

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

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

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

Smith, Marisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=user200ad5a8 <Marisa.Smith@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: (b)(5)

Date: 2022/03/05 22:12:26

Priority: Normal

Type: Note

Thank you, Melanie! (b)(5)

(b)(5)

Sent from my iPhone

On Mar 5, 2022, at 10:07 PM, Rainer, Melanie Fontes (OS/IOS)
<Melanie.Rainer@hhs.gov> wrote:

Stephanie.

(b)(5)

Hope that helps.

Melanie

Here is the list they sent last week—

(b)(5)

(b)(5)

Sent from my iPhone

On Mar 5, 2022, at 9:27 PM, Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov> wrote:

Hi Melanie,

(b)(5)

Best,
Stephanie

(b)(5)

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

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

Sent: Saturday, March 5, 2022 3:49 PM

To: (b)(6) (HHS/OCR) (b)(6); Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Wiggins,

Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: RE: (b)(5)

Yes, understood. These hospitals are getting stuck in a bind between requirements of federal law and this state policy/law, or whatever it is.

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

Sent: Saturday, March 5, 2022 1:25 PM

To: Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: Re: (b)(5)

(b)(5)

Get Outlook for iOS

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

Sent: Saturday, March 5, 2022 12:37:01 PM

To: (b)(6) (HHS/OCR) <(b)(6)>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: Re: (b)(5)

(b)(5)

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

Sent: Saturday, March 5, 2022 12:25:14 PM

To: Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: Re: (b)(5)

(b)(5)

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

Sent: Saturday, March 5, 2022 12:05 PM

To: Rodriguez, Paul (HHS/OGC); (b)(6) HHS/OCR); Rainer, Melanie Fontes (OS/IOS); Pino, Lisa (HHS/OCR); Akpa, Stephanie (HHS/OCR); Wiggins, Audrey (HHS/OGC)

Subject: RE: (b)(5)

(b)(5)

From: Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>

Sent: Saturday, March 5, 2022 12:02 PM

To: Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; (b)(6) HHS/OCR); (b)(6); Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: RE: (b)(5)

(b)(5)

Paul R. Rodríguez

Deputy General Counsel

U.S. Department of Health and Human Services

(b)(6) (cell)

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

Sent: Saturday, March 5, 2022 11:58 AM

To: (b)(6) HHS/OCR); (b)(6); Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: RE: (b)(5)

(b)(5)

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

Sent: Saturday, March 5, 2022 10:08 AM

To: Rainer, Melanie Fontes (OS/IOS) <Melanie.Rainer@hhs.gov>; Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: Re: (b)(5)

(b)(5)

OGC, I know HHS and DOJ sometimes have different approaches so I of course defer to your thoughts.

Get [Outlook for iOS](#)

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

Sent: Friday, March 4, 2022 8:40:16 PM

To: (b)(6) (HHS/OCR) (b)(6); Pino, Lisa (HHS/OCR) <Lisa.Pino@hhs.gov>; Akpa, Stephanie (HHS/OCR) <Stephanie.Akpa@hhs.gov>; Schuham, Aaron (HHS/OGC) <Aaron.Schuham@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Wiggins, Audrey (HHS/OGC) <Audrey.Wiggins@hhs.gov>

Subject: Fwd: (b)(5)

Hi,

(b)(5)

Thoughts?

Melanie

Sent from my iPhone

Begin forwarded message:

From: "Oni K. Blair" <oblair@aclutx.org>

Date: March 4, 2022 at 8:06:26 PM EST

To: "Rainer, Melanie Fontes (OS/IOS)" <Melanie.Rainer@hhs.gov>, "Pino, Lisa (HHS/OCR)" <Lisa.Pino@hhs.gov>, "Akpa, Stephanie (HHS/OCR)" <Stephanie.Akpa@hhs.gov>, "de Kervor, Dylan (HHS/OCR)" <Dylan.deKervor@hhs.gov>, "Rodriguez, Paul (HHS/OGC)" <PaulR.Rodriguez@hhs.gov>, "Wolff, Kate (ACF)" <Kate.Wolff@acf.hhs.gov>, "Pugh, Carrie (OS/IEA)" <Carrie.Pugh@hhs.gov>, "Figueroa, Marvin (HHS/IEA)" <Marvin.Figueroa@hhs.gov>

Cc: "Clemencia, LaTanya (HHS/IOS) (CTR)" <LaTanya.Clemencia@hhs.gov>, "Wolff, Kate (OS/IOS)" <Kate.Wolff@hhs.gov>, Sarah Labowitz <slabowitz@aclutx.org>

Subject: RE: (b)(5)

HHS Team,

You all have been amazing this week. We in Texas, specifically our team at the ACLU, are grateful for your leadership and clear guidance on providing healthcare and support for trans youth.

I am sure you are following the legal proceedings here already. Additionally, I am sharing this [link to a news story](#) on Texas Children's Hospital's decision to pause hormone therapies for gender-affirming care. (I've included the article at the bottom.) While your guidance was clear, providers remain afraid of running afoul of state government. The threat in Texas has produced a chilling effect. I share this to inform your next steps and future engagement with healthcare providers.

Thank you,
Oni

Oni K. Blair
Pronouns: she/her
Executive Director
American Civil Liberties Union of Texas
P.O. Box 8306, Houston, TX 77288-8306
with offices in Austin, Brownsville, Dallas, and El Paso
713.942.8146 | oblair@aclutx.org
aclutx.org
<image001.gif>

<image002.jpg>

<image003.png>

<https://www.houstonchronicle.com/news/houston-texas/houston/article/Texas-Children-s-Hospital-pauses-hormone-16978565.php>

Texas Children's Hospital pauses hormone therapies for gender-affirming care after Abbott and Paxton directive

[Julian Gill](#), [Gabrielle Banks](#), Staff writer
March 4, 2022 Updated: March 4, 2022 5:43 p.m.

[Comments](#)
<image004.jpg>

One of the Texas Children's Hospital buildings is shown in the Texas Medical Center Thursday, Oct. 21, 2021 in Houston.
Melissa Phillip, Houston Chronicle — Staff photographer

Texas Children's Hospital has "paused" hormone-related prescription therapies for gender-affirming care in response to the controversial directive from state leaders to investigate medical treatments for transgender youth as child abuse, according to a statement from the hospital.

"The mission of Texas Children's Hospital is to create a healthier future for all children, including transgender children, within the bounds of the law," the statement reads. "After assessing the Attorney General's and Governor's actions, Texas Children's Hospital paused hormone-related prescription therapies for gender-affirming services. This step was taken to safeguard our healthcare professionals and impacted families from potential criminal legal ramifications."

Armed with a non-binding opinion by Attorney General Ken Paxton, Gov. Greg Abbott has made it clear that he thinks parents who support gender-affirming care for transgender children should be treated as child abusers. Paxton's opinion last week followed multiple failed attempts by Republican state lawmakers in the GOP-led Texas Legislature to pass measures that would punish parents and health care providers who support gender-affirming care for transgender children.

Abbott and Paxton, who are Republicans, are both seeking re-election and made their announcements shortly before Tuesday's GOP primary.

A Travis County district judge on Wednesday temporarily stopped the state's child welfare agency from investigating possible child abuse charges against the parents of a 16-year-old who underwent gender-affirming health care.

But the court stopped short of blocking such investigations statewide — at least for now.

Lou Weaver, a transgender man and community advocate for transgender children and adults, said very few facilities offer gender-affirming care for children, and Texas Children's is among the biggest programs in Texas that offered it.

"This is a truly frightening time for trans youth and their parents and guardians," he said. "The doors to life-saving health care are literally being shut in their faces."

UT Southwestern's children's hospital in Dallas shut down services for new patients at the end of the last legislative session due to political pressure, Weaver said.

According to reports, GENECIS, a program at Children's Medical Center Dallas that offers hormone treatment for transgender youth, also stopped taking new transgender minor patients for gender-affirming prescriptions.

Weaver said teens who already have a prescription should be OK, but those who haven't begun puberty blockers or hormones would have to seek help elsewhere. He said people in the community are already going into a "headspin," especially because TCH announced the official pause on a Friday afternoon.

They are likely already determining whether they'll have to go out of state or to Mexico for care, he said.

Taylor Goldenstein contributed to this report.

julian.gill@chron.com

Akpa, Stephanie (HHS/OCR) /o=EXCHANGELABS/ou=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/cn=RECIPIENTS/cn=3C984BA53AF54D46B78D18580BAEE48C-AKPA, STEPH <Stephanie.Akpa@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>;
(b)(6) [REDACTED] (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bdec12ad0974eacababe032f2b37c91 (b)(6) [REDACTED]
Rodriguez, Paul (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=755d69b6e04e4aa8981d68258e0aaf7c-Rodriguez, <PaulR.Rodriguez@hhs.gov>;
Recipient: Pino, Lisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=90674352c007441b96f0f199cdd550c2-Pino, Lisa <Lisa.Pino@hhs.gov>;
Wiggins, Audrey (HHS/OGC) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ba0233584cf046d892c27f25674ff982-Wiggins, Au <Audrey.Wiggins@hhs.gov>;
Carter, Carla (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user71ef86df <Carla.Carter@HHS.GOV>;
Smith, Marisa (HHS/OCR) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user200ad5a8 <Marisa.Smith@HHS.GOV>;
Jee, Lauren (HHS/ASL) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a7771eca5c9448a8bb1f8860affd22c0-Jee, Lauren <Lauren.Jee@hhs.gov>

Sent Date: 2022/03/05 22:12:21

Delivered Date: 2022/03/05 22:12:26

From: Rainer, Melanie Fontes (OS/IOS) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9C7242F10A494D45BAB72C452ECD9F80-RAINER, MEL>
To: Mccluskie, Sean (HHS/IOS) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2357b6b202dd4e049b1ea05d63172060-Mccluskie, <Sean.Mccluskie@hhs.gov>
CC: Ramirez, Angela (HHS/IOS) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6048cf978c14b6aa77be44bb2c618e0-Ramirez, An <Angela.Ramirez@hhs.gov>
Subject: RE: deliberative
Date: 2022/03/28 12:03:00
Priority: Normal
Type: Note

Hey Sean,

(b)(5)

Melanie

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

From: Rainer, Melanie Fontes (OS/IOS)
Sent: Sunday, March 27, 2022 7:53 PM
To: Mccluskie, Sean (HHS/IOS) <Sean.Mccluskie@hhs.gov>
Cc: Ramirez, Angela (HHS/IOS) <Angela.Ramirez@hhs.gov>
Subject: deliberative

(b)(5)

Melanie << File: deliberative tps.docx >>

Melanie Fontes Rainer (she/her/ella)
Counselor to the Secretary
U.S. Department of Health and Human Services

Cell: (b)(6)
Melanie.Rainer@hhs.gov

1. Budget Info:

(b)(5)

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(b)(5)

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

Sender: Rainer, Melanie Fontes (OS/IOS) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9C7242F10A494D45BAB72C452ECD9F80-RAINER, MEL>
Mccluskie, Sean (HHS/IOS) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2357b6b202dd4e049b1ea05d63172060-Mccluskie, <Sean.Mccluskie@hhs.gov>;
Recipient: Ramirez, Angela (HHS/IOS) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6048cf978c14b6aa77be44bb2c618e0-Ramirez, An <Angela.Ramirez@hhs.gov>

Sent Date: 2022/03/28 12:03:51

Delivered Date: 2022/03/28 12:03:00