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 11 CITY AND COUNTY OF SAN FRANCISCO

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 CITY AND COUNTY OF SAN  
 16 FRANCISCO,

17 Plaintiff,

18 vs.

19 ALEX M. AZAR II, Secretary of U.S.  
 Department of Health and Human Services;  
 20 ROGER SEVERINO, Director, Office for  
 Civil Rights, Department of Health and Human  
 21 Services; U.S. DEPARTMENT OF HEALTH  
 AND HUMAN SERVICES; and DOES 1-25,

22 Defendants.

Case No. 3:19-cv-2405-JCS

**DECLARATION OF DR. GRANT COLFAX IN  
 SUPPORT OF CITY AND COUNTY OF SAN  
 FRANCISCO'S MOTION FOR  
 PRELIMINARY INJUNCTION**

Hearing Date: July 12, 2019  
 Time: 10:30 a.m.  
 Judge: Hon. Joseph C. Spero  
 Place: Courtroom G, 15th Floor  
 Trial Date: Not set

1 I, Dr. Grant Colfax, declare as follows:

2 1. I have personal knowledge of the facts set forth in this declaration and, if called as a  
3 witness, could and would testify competently to the matters set forth below.

4 2. I am Director of the San Francisco Department of Public Health (“SFPDH”). I have  
5 served in this position since February 2019.

6 3. Prior to becoming Director of SFPDH, I served as director of Marin County’s  
7 Department of Health and Human Services for nearly four years. Prior to that, I worked as Director of  
8 HIV Prevention and Research at SFPDH, and as the Director of the Office of National AIDS Policy at  
9 the White House. I attended Harvard College and Harvard Medical School, and completed my  
10 residency at University of California, San Francisco.

11 4. The mission of SFPDH is to protect and promote health and well-being for all in San  
12 Francisco. SFPDH is dedicated to reducing health inequities and providing inclusive care to *all*  
13 patients.

14 5. For example, SFPDH established Gender Health SF to provide access to transgender  
15 surgeries and related education and preparation services to eligible transgender adult residents.  
16 Currently, SFPDH also provides a range of health services to transgender residents such as primary  
17 care, prevention, behavioral health, hormone therapy, specialty, and inpatient care.

18 6. SFPDH strives to achieve its mission through the work of two main branches—the  
19 Population Health Division and the San Francisco Health Network.

20 7. **San Francisco Health Network:** Through the San Francisco Health Network  
21 (“SFHN”), SFPDH administers a complete health care system including primary care for all ages,  
22 dental care, emergency and trauma treatment, medical and surgical specialties, diagnostic testing,  
23 skilled nursing and rehabilitation, and behavioral health to residents of, and visitors to, San Francisco,  
24 and within the county jail system.

25 8. SFHN includes two hospitals: Zuckerberg San Francisco General Hospital (“ZSFG”)  
26 and Laguna Honda Hospital.

27 9. ZSFG is a licensed general acute care hospital and trauma center owned and operated  
28 by the City and County of San Francisco. ZSFG delivers over one thousand babies a year, has been at

1 the forefront of HIV/AIDS care from the beginning of the AIDS crisis, and provides inpatient medical  
2 and psychiatric treatment. ZSFG also routinely provides both first- and second-trimester abortion care  
3 at the Women's Options Center.

4 10. The hospital provides care for approximately one in eight San Franciscans a year,  
5 regardless of their ability to pay. As the City's safety net hospital, ZSFG provides the highest-quality  
6 services, including to many patients covered through Medi-Cal (California's Medicaid program). As  
7 the only level one trauma center serving a region of more than 1.5 million people, it provides life-  
8 saving emergency care to individuals and victims of mass tragedies like airplane crashes and natural  
9 disasters. With the busiest emergency room in San Francisco, ZSFG receives one-third of all  
10 ambulances in the City, and treats nearly four thousand patients with traumatic injuries, annually.  
11 ZSFG's emergency department regularly treats people experiencing ectopic pregnancies and other  
12 emergent complications from pregnancy whose treatment may necessarily result in the termination of  
13 the pregnancy. ZSFG's emergency department also regularly treats rape victims, and its rape protocol  
14 requires offering the patient emergency contraception, consistent with the medical standard of care.  
15 Many of ZSFG's programs focus on providing life-saving care in emergency situations.

16 11. Laguna Honda Hospital provides a full range of skilled nursing services to adult  
17 residents of San Francisco who are disabled or chronically ill, including specialized care for those with  
18 chronic wounds, head trauma, stroke, spinal cord and orthopedic injuries, HIV/AIDS, and dementia.

19 12. In addition to these two hospitals, SFHN includes fourteen clinics throughout the  
20 community where patients can access health care services, including primary care, pediatric care,  
21 vaccinations, phlebotomy, asthma care, cardiology, HIV prevention and treatment services,  
22 dermatology, physicals, dental care, cancer care, family planning, and prenatal care.

23 13. The Maternal, Child and Adolescent Health ("MCAH") Section of SFDPH also offers a  
24 wide range of services to patients through SFHN. MCAH focuses on the most vulnerable children and  
25 families, filling what would otherwise be a serious public health gap. Its aim is to reduce health  
26 disparities and improve health outcomes by strengthening the public health systems and services that  
27 address the root causes of poor health.

1           14. Behavioral Health Services (“BHS”) is also part of the comprehensive SFHN. BHS  
2 operates the County Mental Health Plan and provides San Franciscans with a robust array of services  
3 to address mental health and substance use disorder treatment needs. Treatment services include: early  
4 intervention/prevention; outpatient treatment (including integrated medical and behavioral health  
5 services); residential treatment; and crisis programs.

6           15. The Transitions Division of SFHN serves severely mentally ill individuals who have  
7 multiple complex characteristics—including mental health issues, being medically compromised, and  
8 those with cognitive impairments.

9           16. The Managed Care Section oversees the contracts under which the SFHN provides  
10 medical and mental health care to members of managed care programs including those operated by the  
11 San Francisco Health Plan, which is the government entity that administers the Medi-Cal managed  
12 care plan for the City and County of San Francisco, and by private insurance plans.

13           17. SFHN is also the lead entity in the Whole Person Care Pilot designed by the State of  
14 California to serve the multiple medical and mental health care needs of adults experiencing  
15 homelessness and high users of multiple systems.

16           18. **Population Health Division:** SFDPH also includes a Population Health Division  
17 (“PHD”). This division addresses public health concerns, including consumer safety, health  
18 promotion and disease prevention, and the monitoring of threats to the public’s health.

19           19. PHD consists of ten integrated branches that work together to assess and monitor the  
20 health status of San Francisco and implement traditional and innovative public health interventions.

21 For example:

- 22           • Applied Research, Community Health Epidemiology, and Surveillance coordinates data  
23 collection, processing, management, analysis and interpretation related to health and morbidity  
24 in San Francisco.
- 25           • Bridge HIV is a global leader in HIV prevention, research, and education. Operating as a  
26 clinical trials unit within SFDPH, Bridge HIV conducts innovative research that guides global  
27 approaches in HIV prevention. The Department’s contributions in the early fight against  
28

1 HIV/AIDS has made it a trusted and renowned resource for understanding HIV infection and  
2 disease.

- 3 • Community Health Equity and Promotion includes the core public health functions of  
4 informing, educating and supporting communities. Through the use of comprehensive  
5 approaches across the spectrum of prevention, the Branch plans, implements, and evaluates  
6 prioritized community initiatives, including promoting active living, preventing HIV, other  
7 sexually transmitted infections, viral hepatitis, and the effects of trauma.
- 8 • Disease Prevention and Control integrates core public health communicable disease functions,  
9 along with specialty care and treatment, and laboratory diagnostics. It is responsible for  
10 interacting with SFDPH health delivery systems in order to coordinate and maximize disease  
11 screening and other prevention activities in primary care and the hospitals.
- 12 • And Emergency Medical Services Agency (“EMS”) manages and prepares for all types of  
13 medical emergencies in San Francisco. Among other things, they direct, plan, monitor,  
14 evaluate, and regulate the San Francisco EMS System in collaboration with system and  
15 community providers.

16  
17 20. I am familiar with the new U.S. Department of Health and Human Services (“HHS”)  
18 regulations entitled, “Protecting Statutory Conscience Rights in Health Care; Delegations of  
19 Authority” (the “Final Rule”).

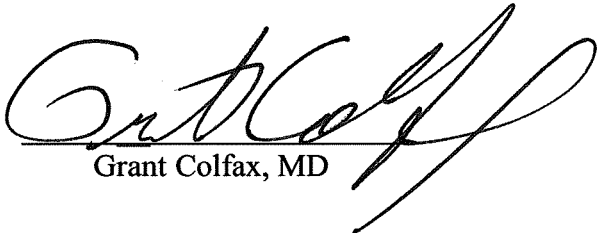
20 21. The Final Rule puts SFDPH to an impossible choice.

21 22. If the Final Rule goes into effect and SFDPH is required to comply with it, SFDPH’s  
22 mission to protect and promote health and well-being for *all* people in San Francisco will be  
23 undermined. Based on my years of experience in the public health field, including as a practicing  
24 physician, I expect that patients will delay seeking medical care based on fear of being discriminated  
25 against or mistreated in healthcare facilities. Delays in seeking care lead to worse individual and  
26 public health outcomes as well as higher costs to the healthcare system. In addition, If SFDPH cannot  
27 involuntarily transfer personnel who refuse to perform their job duties—like receptionists or  
28

1 schedulers who refuse to schedule patients for medically necessary services—our hospitals and clinics  
2 will not be able to function efficiently, significantly compromising patient care for everyone.

3 23. On the other hand, if SFDPH refuses to comply with the Final Rule and HHS  
4 terminates funding to SFDPH, the result would be catastrophic. Virtually all of the services and  
5 programs discussed above would be impacted. SFDPH would have to restructure the entire public  
6 health system with a drastic reduction in services. Hospital beds, behavioral health clinics, primary  
7 care clinics, and emergency services would all have to be significantly reduced. Hundreds of  
8 employees would likely lose their jobs. People in need of urgent and emergent health care might not  
9 be able to receive timely services, and could die as a result. In the event of an earthquake or other  
10 catastrophic event, the health and safety of the entire region could be compromised. In short,  
11 termination of all HHS funds would cause a loss of critical health care capacity for San Francisco and  
12 the region.

13  
14 I declare under penalty of perjury that the foregoing is true and correct and that this declaration  
15 was executed on June 3, at San Francisco, California.

16  
17   
18 Grant Colfax, MD