

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, CITY OF
NEW YORK, STATE OF
COLORADO, STATE OF
CONNECTICUT, STATE OF
DELAWARE, DISTRICT OF
COLUMBIA, STATE OF HAWAII,
STATE OF ILLINOIS, STATE OF
MARYLAND, COMMONWEALTH
OF MASSACHUSETTS, STATE OF
MICHIGAN, STATE OF
MINNESOTA, STATE OF NEVADA,
STATE OF NEW JERSEY, STATE
OF NEW MEXICO, STATE OF
OREGON, COMMONWEALTH OF
PENNSYLVANIA, STATE OF
RHODE ISLAND, STATE OF
VERMONT, COMMONWEALTH
OF VIRGINIA, STATE OF
WISCONSIN, CITY OF CHICAGO,
and COOK COUNTY, ILLINOIS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN
SERVICES; ALEX M. AZAR II, *in
his official capacity as Secretary of the
United States Department of Health
and Human Services*; and UNITED
STATES OF AMERICA,

Defendants.

CIVIL ACTION NO. 1:19-cv-04676-PAE

DECLARATION OF ANNE FOLEY

1. I, Anne Foley, pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct:

2. I submit this Declaration in support of the State of Connecticut's ("the State") litigation against the United States Department of Health and Human Services ("HHS"), Alex M. Azar II, in his official capacity as Secretary of the United States Department of Health and Human Services, and United States of America regarding the recently issued rule entitled Protecting Statutory Conscience Rights in Health Care; Delegations of Authority ("Final Rule"). I have compiled the information in the statements set forth below either through personal knowledge, through the Connecticut Office of Policy and Management ("OPM") personnel who have assisted me in gathering this information from our agency, or on the basis of documents, including the Final Rule, which have been provided to and/or reviewed by me.

3. I am Senior Policy Advisor to the Secretary of OPM and also serve as the Acting Undersecretary of the OPM Health and Human Services Policy and Planning Division ("HHSPP Division"). My educational background includes a B.A. in Social Work from Providence College in 1983, a M.S.W. in Policy and Planning from the University of Connecticut in 1987, and a M.A. in Social Policy from Brandeis University in 2000. I have been employed as Senior Policy Advisor to the Secretary since June 2018.

Background on OPM's Use of HHS Funds

4. OPM is the Connecticut state agency primarily responsible for planning and analyzing the State's budget. OPM also provides management, planning and program evaluation for the Executive Branch agencies of the State. The OPM's HHSPP Division staff work on policies and planning to improve the delivery of health care, long-term services and supports and human services in the State. The HHSPP Division manages grants, and monitors state and national activities that address quality, access and cost issues on a range of topics including health care.

5. As the Acting Undersecretary of the OPM HHSPP Division, I work to facilitate inter-agency coordination and collaboration between the State of Connecticut and the Federal government. My responsibilities include responding to federal legislation, regulation, and policy initiatives and implementing federal programs and mandates. I also work on coordinating federal block grants from HHS for Connecticut state agencies. HHS block grants support diverse programs administered by the State aimed at improving health outcomes for at-risk populations or those with specific medical conditions.

6. In 2018, Connecticut received approximately \$5.5 billion in total HHS funds, according to the HHS Tracking Accountability in Government Grants System. I anticipate the amount of HHS funds in 2019 will be comparable. These HHS funds are essential to maintaining public health in Connecticut.

The Final Rule Could Result in Negative Health Outcomes for the Citizens of the State of Connecticut

7. My understanding of the Final Rule is that if the State, or any sub-recipients of HHS funds, fails to fully comply with the requirements in programs receiving HHS funds, HHS could, in its discretion, revoke some or all of the approximately \$5.5 billion in HHS funds awarded to Connecticut.

8. The loss of HHS funds for Connecticut due to non-compliance by a State agency or by a sub-recipient would result in negative health outcomes to the citizens of Connecticut because it would significantly reduce the ability of the State to provide healthcare to its citizens.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on this 5th day of June, 2019

Anne Foley

ANNE FOLEY

Senior Policy Advisor to the Connecticut Secretary of the
Office of Policy and Management
Acting Undersecretary of the Office of Policy and
Management Health and Human Services Policy and
Planning Division