

# **EXHIBIT 2**

**From:** Parker, Beth [beth.parker@PPACCA.ORG]  
**Sent:** 2/3/2014 10:39:40 AM  
**To:** Rouillard, Shelley@DMHC [Shelley.Rouillard@DMHC.CA.GOV]  
**CC:** Baldwin, Gary@DMHC [Gary.Baldwin@DMHC.CA.GOV]; Maggie Crosby [mccrosby@aclunc.org]; Dipti Singh [singh@healthlaw.org]; Susan Fogel [fogel@healthlaw.org]; Melissa Goodman [mgoodman@aclu-sc.org]  
**Subject:** Exclusion of abortion from health plans

Shelley

We are writing to request another meeting with DMHC to discuss plans that are excluding abortion from their coverage. We received a response from Anthem that they believe their practice complies with the law. As a result, Loyola Marymount employees are currently paying additional premiums for third party coverage of abortion. Santa Clara University also has stated that it believes it can exclude elective abortions from coverage.

If you can let me know some times and dates that would work for your office, we can coordinate at our end.

Thanks so much,

Beth

**Beth H. Parker, Chief Legal Counsel**

Planned Parenthood Affiliates of California | 555 Capitol Mall, Suite 510 | Sacramento, CA 95814

916.446.5247 ext. 102 office | 916.441.0632 fax | 916. 205.7677 cell



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# **EXHIBIT 3**

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**From:** Lark Park [Lark.Park@GOV.CA.GOV]  
**Sent:** 3/18/2014 3:32:50 PM  
**To:** Lowenstein, Sherrie@DMHC [Sherrie.Lowenstein@DMHC.CA.GOV]  
**CC:** Campbell, Donna (CHHS) [Donna.Campbell@chhs.ca.gov]  
**Subject:** FW: Meeting Request- PP Priority Issues  
**Attachments:** Knox-Keene analysis.docx; DMHC Improperly Approved Exclusion of Abortion Services by both Anthem Blue Cross and Kaiser.docx; Reproductive Fairness Act.docx

**From:** Pittman, Brianna [mailto:Brianna.Pittman@PPACCA.ORG]  
**Sent:** Friday, March 14, 2014 12:12 PM  
**To:** Lark Park  
**Subject:** FW: Meeting Request- PP Priority Issues

Hi Lark,

Just wanted to follow up on this email to set up a time to meet about PPAC's priorities this year.

While there, the most timely is a spot bill to address the issue that DMHC has approved, and Catholic Universities have been purchasing, large group employee health plans that exclude certain types of abortions. We met with Donna Campbell at HHS yesterday to discuss this and explore whether there is a regulatory/ administrative fix or if legislation is needed. I believe that HHS will be looking into the issue and talking with both DMHC and the Governor's office, but I wanted to flag it and give you the background we shared with HHS. We have a spot bill to address the issue in case there is not a regulatory fix.

Attached are:

- Summary of the DMHC issue
- Legal analysis of why Knox-Keene does not exclude abortion services
- Draft language for a legislative solution

Please let me know if you have the opportunity to meet with us discuss this issue and our other priorities this year.

Thanks,

Brianna

**From:** Pittman, Brianna  
**Sent:** Tuesday, March 11, 2014 9:23 AM  
**To:** [lark.park@gov.ca.gov](mailto:lark.park@gov.ca.gov)  
**Subject:** Meeting Request- PP Priority Issues

Hello Lark,

I hope you are well. Do you have time to sit down with us to discuss PPAC's priority legislation this year? We have a handful of sponsored bills, including a bill we are looking into that would ensure employers can't exclude abortion or other types of reproductive health care services from their employee health insurance plans. There have been a couple of Catholic Universities that are excluding certain types of services from their health plans, and it appears that DMHC has approved these plans at some level. Please let me know if you would be available to meet sometime this week or next.

Thank you,

Brianna

**Brianna K. Pittman, Legislative Advocate**

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# **EXHIBIT 4**

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**From:** Lowenstein, Sherrie@DMHC [/O=CA/OU=DMHC/CN=RECIPIENTS/CN=SLOWENST]  
**Sent:** 3/18/2014 3:09:29 PM  
**To:** Rouillard, Shelley@DMHC [Shelley.Rouillard@dmhc.ca.gov]; Baldwin, Gary@DMHC [Gary.Baldwin@dmhc.ca.gov]; Green, Marta@DMHC [Marta.Green@dmhc.ca.gov]  
**CC:** Gallardo, Sandra@DMHC [Sandra.Gallardo@dmhc.ca.gov]  
**Subject:** FW: DMHC abortion exclusion & meeting follow up

FYI – Planned Parenthood’s email to CHHS.

**From:** Lark Park [mailto:Lark.Park@GOV.CA.GOV]  
**Sent:** Tuesday, March 18, 2014 2:42 PM  
**To:** Lowenstein, Sherrie@DMHC  
**Cc:** Donna.Campbell@chhs.ca.gov  
**Subject:** FW: DMHC abortion exclusion & meeting follow up

**From:** Pittman, Brianna [mailto:Brianna.Pittman@PPACCA.ORG]  
**Sent:** Monday, March 17, 2014 6:15 PM  
**To:** Campbell, Donna (CHHS) (Donna.Campbell@chhs.ca.gov); Parker, Beth; Maggie Crosby; Katherine Williams (kwilliams@acluca.org); kjohnso1@chhs.ca.gov; kburchil@chhs.ca.gov  
**Cc:** Lark Park  
**Subject:** DMHC abortion exclusion & meeting follow up

Hello Donna,

Thank you again for meeting with us and the ACLU last Thursday about the ongoing issue of DMHC approval of employee plans that exclude abortion coverage. As we mentioned in the meeting, this is of significant concern to Planned Parenthood and many of the reproductive rights groups that we work closely with. While we would prefer to see this resolved without legislation, we are concerned with DMHC’s ability to find a solution, based on several months of conversation and the inconsistencies in DMHC policy on abortion coverage we uncovered in health plan approval documents, all of which led up to our meeting last week.

We really want to find a comprehensive resolution to this issue, whether legislative or administrative. As you know, our deadline to amend the spot bill with substantive language is coming up on Friday and we are at a crossroads. While we know this is complicated and may take a while to completely sort out (especially because DMHC has already approved abortion exclusions for some plans), our folks would feel positive about pursuing an administrative solution, in lieu of legislation this year, if the Administration would agree to:

- Going forward, DMHC will not approve any further plans that exclude coverage for abortion or other reproductive health care service. This includes a clarification that there is no such thing as an elective or voluntary abortion exclusion.

Simply saying that plans only need to cover "medically necessary" abortions has been the source of the issue and does not solve the problem.

- DMHC will rescind their approval of the Anthem Blue Cross & Kaiser plans (along with any other plans that include an abortion exclusion) so that those two providers cannot offer plans to employers in the future that will exclude abortion.

-DMHC will find a solution to fix the already approved plans being offered to employees of LMU for 2014 and SCU for 2015.

I'm looping in Lark Park on this conversation, I've provided her the same background documents that we shared at the meeting. We look forward to engaging with you and DMHC going forward on this issue to ensure that employers cannot deny women coverage of abortion services

All the Best,

Brianna

**Brianna K. Pittman, Legislative Advocate**

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# **EXHIBIT 5**

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**From:** Baldwin, Gary@DMHC [/O=CA/OU=DMHC/CN=RECIPIENTS/CN=GBALDWIN]  
**Sent:** 5/17/2014 6:10:51 AM  
**To:** 'Pittman, Brianna' [Brianna.Pittman@PPACCA.ORG]  
**CC:** Burchill, Kiyomi@CHHS [Kiyomi.Burchill@chhs.ca.gov]; Lowenstein, Sherrie@DMHC [Sherrie.Lowenstein@dmhc.ca.gov]; 'Campbell, Donna (CHHS)' [Donna.Campbell@chhs.ca.gov]  
**Subject:** RE: DMHC Follow up- meeting requirest

Brianna, perhaps we could talk on Monday? Let me know what time works for you.

*Gary L. Baldwin*

*Deputy Director, Plan and Provider Relations*

*Department of Managed Health Care*

*916.324.2560*

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**From:** Campbell, Donna (CHHS) [mailto:Donna.Campbell@chhs.ca.gov]  
**Sent:** Friday, May 16, 2014 3:47 PM  
**To:** 'Pittman, Brianna'  
**Cc:** Burchill, Kiyomi (CHHS); Baldwin, Gary@DMHC; Lowenstein, Sherrie@DMHC  
**Subject:** RE: DMHC Follow up- meeting requirest

Hi Brianna

Thanks for getting back in touch. We are still working through the issues, and DMHC would like to request Planned Parenthood's assistance on some additional information. Would you mind getting in touch with Gary Baldwin (cc'd here)? Appreciate your willingness to assist us on this.

Best,

Donna

**From:** Pittman, Brianna [<mailto:Brianna.Pittman@PPACCA.ORG>]

**Sent:** Thursday, May 08, 2014 5:00 PM

**To:** Campbell, Donna (CHHS)

**Cc:** Burchill, Kiyomi (CHHS)

**Subject:** DMHC Follow up- meeting requirest

Hi Donna,

Would it be possible to schedule a meeting the week of the 19<sup>th</sup> to discuss updates and next steps on this issue? Let me know if that timing works for you that week.

Best,

Brianna

**From:** Campbell, Donna (CHHS) [<mailto:Donna.Campbell@chhs.ca.gov>]

**Sent:** Tuesday, April 29, 2014 11:34 AM

**To:** Pittman, Brianna

**Cc:** Burchill, Kiyomi (CHHS)

**Subject:** RE: DMHC coverage

Hi Brianna

Thanks very much for checking in – I am glad to stay in touch on this matter. We are still working with DMHC on the legal and practical issues relating to the “updated” interpretation, if you will. I hope to have a more thorough progress report for you in mid-May, and at this point, the 6-8 week estimate is still good.

Best,

Donna

Donna Campbell

Deputy Secretary, Office of Legislative Affairs

California Health and Human Services Agency

916-653-1975

[Donna.Campbell@chhs.ca.gov](mailto:Donna.Campbell@chhs.ca.gov)

**From:** Pittman, Brianna [<mailto:Brianna.Pittman@PPACCA.ORG>]

**Sent:** Friday, April 25, 2014 9:57 AM

**To:** Campbell, Donna (CHHS); Burchill, Kiyomi (CHHS)

**Subject:** DMHC coverage

Hello Donna,

Hope you are well. Thank you again for meeting with us last week, we were very pleased to hear about the actions that HHS is taking on this issue. I wanted to check in on HHS & DMHC progress, including where you are in the timeline to finding a solution in 4-6 weeks? Is there anything further that our folks can provide as far as legal analysis or documents? Would it be possible to set up a recurring call over the next couple of week for us to chat? I know we said that you and I would keep in touch on how things are going and the folks who participated in the meeting are getting anxious for word on the issue and will continue want updates as things progress.

Look forward to hearing from you and Happy Friday!

Brianna

**Brianna K. Pittman, Legislative Advocate**

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