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13 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

14 COUNTY OF SANTA CLARA, TRUST
15 WOMEN SEATTLE, LOS ANGELES LGBT
16 CENTER, WHITMAN-WALKER CLINIC,
17 INC. d/b/a WHITMAN-WALKER HEALTH,
18 BRADBURY-SULLIVAN LGBT
19 COMMUNITY CENTER, CENTER ON
20 HALSTED, HARTFORD GYN CENTER,
21 MAZZONI CENTER, MEDICAL STUDENTS
22 FOR CHOICE, AGLP: THE ASSOCIATION
23 OF LGBTQ+ PSYCHIATRISTS, AMERICAN
ASSOCIATION OF PHYSICIANS FOR
HUMAN RIGHTS d/b/a GLMA: HEALTH
PROFESSIONALS ADVANCING LGBTQ
EQUALITY, COLLEEN MCNICHOLAS,
ROBERT BOLAN, WARD CARPENTER,
SARAH HENN, and RANDY PUMPHREY,

24 Plaintiffs,

25 vs.

26 U.S. DEPARTMENT OF HEALTH AND
27 HUMAN SERVICES and ALEX M. AZAR, II,
in his official capacity as SECRETARY OF
HEALTH AND HUMAN SERVICES,

28 Defendants.

Case No. 5:19-cv-2916

**DECLARATION OF NARINDER
SINGH IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

1 I, Narinder Singh, declare:

2 1. I am a resident of the State of California. I submit this declaration in support of the
3 County of Santa Clara's ("County"), and its co-plaintiffs', Motion for Preliminary Injunction. I
4 have personal knowledge of the facts set forth in this declaration. If called as a witness, I could
5 and would testify competently to the matters set forth herein.

6 2. I am the Director of Pharmacy for the County. I have held this position since
7 October of 2003. Prior to my current role, I served as the Director of Pharmacy at the University
8 of Southern California. In my current role as Director of Pharmacy for the County, I am
9 responsible for medication management across the County, overseeing creation of our formulary,
10 and overseeing all pharmacy staff. The County's Pharmacy Department ("Pharmacy
11 Department") employs around 350 pharmacy staff, including technicians and assistants.

12 3. The Pharmacy Department operates twelve pharmacies throughout the County of
13 Santa Clara Health and Hospitals System. Patients can pick up their prescriptions at these
14 pharmacies, and our pharmacy staff also provide medications prescribed to admitted patients.

15 4. The Pharmacy Department operates two of its twelve pharmacy locations under
16 the umbrella of the County Public Health Department. One of these pharmacies provides free,
17 donated medicine to individuals who cannot afford the retail cost of such drugs. The other
18 pharmacy specializes in serving patients with HIV/AIDS, patients with tuberculosis, patients from
19 the Public Health Department's STD clinic, and patients being discharged from the County jail.

20 5. The Pharmacy Department staff support communicable disease control by
21 procuring, storing, maintaining, and distributing essential medications and vaccines during
22 outbreaks; and distributing approximately 20,000 state-funded influenza vaccines, annually, to
23 healthcare providers in Santa Clara County to administer to low-income and elderly residents at
24 no charge. The pharmacies associated with the Public Health Department also oversee all
25 enrollment workers in Santa Clara County for the state-sponsored AIDS Drug Assistance
26 Program, which serves low-income HIV/AIDS patients. In addition, the Pharmacy Department
27 staff support the County's emergency preparedness program should there be a need for mass
28 prophylaxis or rapid response to a chemical incident. We also have a central fill location at which

1 we receive and sort medication for distribution to our other twelve locations.

2 6. The Pharmacy Department fills prescriptions for a variety of medications,
3 including prescriptions for hormonal replacement therapy for transgender people, medication for
4 chemical castration, emergency and oral contraceptives, and the medication for a medical
5 abortion. At some of our pharmacies, there is only one pharmacist on site at any given time.

6 7. We recognize that situations may arise in which appropriate patient care conflicts
7 with a pharmacist's cultural values, ethics, or religious beliefs. Accordingly, the County has a
8 policy allowing its current and prospective medical-staff members and employees to request in
9 writing not to participate in certain patient care that conflicts with the staff member's cultural
10 values, ethics, or religious beliefs. Pharmacists are covered by this policy. A copy of the policy
11 is attached to the Declaration of Paul Lorenz as Exhibit A.

12 8. I understand that pharmacists are required by California regulations to provide a
13 patient consultation for any new prescription or changes in existing prescriptions unless the
14 patient refuses the pharmacist consultation. If a pharmacist employed by the County fails to offer
15 a consultation to a patient, the State Board of Pharmacy could levy fines against the County.

16 9. In the past, a pharmacist voiced an objection to dispensing emergency
17 contraception to patients. To accommodate the objection, if that pharmacist was working shifts
18 where there were multiple pharmacists, the pharmacist would refrain from dispensing emergency
19 contraceptive medication and request that other pharmacists do so instead. If that pharmacist was
20 the only pharmacist on duty, they would call another Pharmacy Department location and request
21 that another pharmacist perform the required patient consultation over the phone. Eventually, that
22 pharmacist was assigned to different position in the Pharmacy Department where they would not
23 be charged with providing care that they objected to.

24 10. Had this pharmacist declined to provide or connect a patient with a consultation,
25 the Pharmacy Department could have been subject to State fines for noncompliance with patient
26 consultation requirements. Further, because sometimes only one pharmacist is on site, advance
27 notice of and planning for religious objections is critical to ensuring that patients can obtain their
28 prescribed medications even if the pharmacist on duty objects to providing certain types of

1 medication, providing medication for certain uses, or serving certain groups of people. If patients
2 encounter obstacles to obtaining prescribed medication due to a pharmacist's personal objections,
3 they may be discouraged from, delayed in, or prevented from obtaining necessary medication.
4 And if the need for a medication is time sensitive, the patient may suffer adverse impacts or lose
5 out on the opportunity to access specific care. For example, a delay in obtaining emergency
6 contraception may result in unplanned pregnancy and the lifelong consequences that flow from it.

7 11. We also rely on certain pharmacists to review new drugs to be added to the County
8 formulary, or the lists of drugs that can be prescribed by County providers. If those specific
9 pharmacists declined to review medications they objected to on religious or ethical grounds to the
10 County's formulary, it would be impossible to order those drugs throughout the entire system
11 until someone else added the drugs. It takes months to train someone to be able to review new
12 drugs for the formulary, and if we were not promptly informed of a pharmacist's objection to
13 adding a drug to our system, it could greatly delay patient and provider access to necessary
14 medication. Further, if we could not ensure that a pharmacist was comfortable with writing the
15 clinical monographs necessary for formulary review before hiring them to work on formularies,
16 this could create inefficiencies and delay the issuance of proper formularies. Similarly, if a staff
17 member in charge of purchasing medications declined to order a drug based on an ethical or
18 religious objection without informing us, it would delay patient access to medication as we would
19 only discover this had been done once we ran out of medication.

20 12. The Pharmacy Department also employs technicians and assistants to perform
21 nonclinical activities, such as delivering drugs or directly handing drugs to patients being
22 discharged or currently being treated in the Emergency Department. Were a technician or
23 assistant to elect not to take drugs to a patient due to a religious or moral objection, this would
24 delay patient access to necessary medication. This would be particularly problematic if the
25 technician or assistant did not inform anyone that they had not delivered the drug and could create
26 a highly dangerous situation in which a pharmacist was unaware that a patient had not received
27 their prescribed medication.

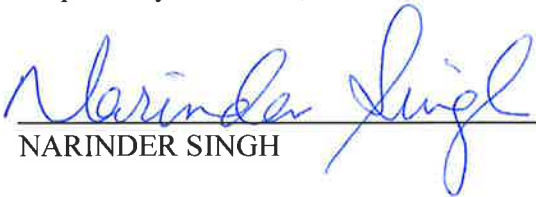
28 13. Additionally, pharmacists work closely with doctors during clinical interventions.

1 During these interventions, doctors may request information regarding a specific drug from the
2 pharmacist. If a pharmacist had a moral or ethical objection to the type of care being provided or
3 the drug being requested, they could refuse to assist the doctor or not provide the requested
4 information. If the doctor was not made aware of the pharmacists' objection, they may not
5 realize that information necessary to provide adequate patient care may have been withheld.

6 I declare under penalty of perjury under the laws of the United States that the foregoing is
7 true and correct and that this Declaration was executed on June 5, 2019 in San José, California.

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Respectfully submitted,


NARINDER SINGH