

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

CODY FLACK and
SARA ANN MAKENZIE,

Plaintiffs,

v.

WISCONSIN DEPARTMENT OF
HEALTH SERVICES and
LINDA SEEMEYER, in her official capacity
as Secretary of the Wisconsin Department of
Health Services,

Defendants.

Case No. 3:18-cv-00309-wmc
Judge William Conley

DECLARATION OF CLIFFORD KING, MD, PHD

I, Clifford King, MD, PhD, declare as follows:

1. My name is Clifford King, MD, PhD. I am a plastic and reconstructive surgeon in private practice in Wisconsin. I specialize in providing transition-related surgeries for transgender people. In my practice, I treat transgender patients consistent with the World Professional Association for Transgender Health's Standards of Care ("WPATH Standards of Care"), the internationally accepted standards of care for the treatment of gender dysphoria.

2. I received my M.D. and Ph.D. from the Georgetown University School of Medicine. I completed a residency in general surgery at the State University of New York in Brooklyn, New York, and completed fellowships in plastic and reconstructive surgery at the University of Michigan Medical School and the Medical College of Wisconsin. I am Board Certified by the American Society of Plastic and Reconstructive Surgeons.

3. On March 24, 2017, I had a consultation with Cody Flack, a plaintiff in the above-captioned case, in my office in Madison, Wisconsin. Mr. Flack is a transgender man with a

diagnosis of gender dysphoria. The purpose of the consultation was to discuss chest reconstruction surgery (specifically, double mastectomy and male chest reconstruction) as part of his gender transition and treatment for gender dysphoria. At the time of the consultation, Mr. Flack had been on appropriate hormone replacement therapy (testosterone) since August 2016. During the consultation, Mr. Flack and I discussed the associated risks and benefits of the surgery and the postoperative course.

4. At the consultation, Mr. Flack provided me with letters of support from Daniel Bergman, MS, LPC, NCC, his treating therapist; Amy DeGueme, MD, ECNU, his endocrinologist; Erich G. Metzler, MD, the physician who performed his hysterectomy and oophorectomy; and Maryam Shittu, MD, his primary care physician at the time. In their letters, each provider offered their medical opinion that Mr. Flack has gender dysphoria and meets the criteria for male chest reconstructive surgery. I also reviewed Mr. Flack's medical records from his treating providers.

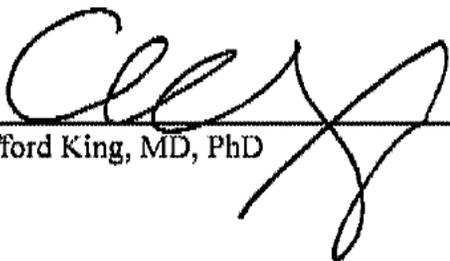
5. Based the consultation, I determined that Mr. Flack met the criteria for obtaining chest reconstruction under the WPATH Standards of Care.

6. On July 18, 2017, after determining that Mr. Flack was eligible for chest reconstruction and before scheduling him for surgery, I submitted a request for prior authorization to Wisconsin Department of Health Services (DHS) for Wisconsin Medicaid coverage for Mr. Flack's surgery. On August 2, 2017, that request was denied because "transsexual surgery is a non-covered service."

7. I am prepared to schedule and perform the chest reconstruction surgeries on Mr. Flack if DHS approves a prior authorization for Wisconsin Medicaid coverage.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 21st day of May, 2018.


Clifford King, MD, PhD