

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

CODY FLACK, *et al.*,

Plaintiffs,

v.

WISCONSIN DEPARTMENT OF  
HEALTH SERVICES, *et al.*,

Defendants.

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

**SUPPLEMENTAL DECLARATION OF EMMA GRUNENWALD-RIES**

I, Emma Grunenwald-Ries, declare as follows:

1. I am a transgender woman with gender dysphoria and am enrolled in Wisconsin Medicaid, which I rely on for my healthcare needs. I am member of the proposed class in the above-captioned action. I submit this declaration to supplement the declaration I submitted in this case on October 18, 2018 in connection with Plaintiffs' Motion for Class Certification. I have personal knowledge of the matters stated in this supplemental declaration.

2. As stated in my original declaration, I have been on hormone therapy since February 2018 to treat my gender dysphoria and further my gender transition. After further consultations with my doctors, I now intend to have genital reconstruction surgery, facial feminization surgery, and chest reconstruction surgery as further treatments for my gender dysphoria and to further my gender transition. My primary care physician, Dr. Kathy Oriel, has recommended that I obtain these treatments as part of my gender transition and to treat my gender dysphoria. I am also considering voice feminization surgery and plan to consult with my doctors about that procedure.

3. On January 10, 2019, I had a consultation with Dr. Katherine Gast at UW Health to discuss the first of these treatments, female genital reconstruction, which would include a penectomy, orchiectomy, and vaginoplasty.

4. Following my consultation with Dr. Gast, I provided her letters of readiness for those surgeries from Dr. Oriol and my treating therapist, Jennifer Stubbs at Wild Iris Counseling in Madison. Copies of those letters are attached as Exhibits A and B to this declaration, and will be filed with the Court under seal.

5. Dr. Gast has agreed to perform the surgery but told me that her office is in a holding pattern unless and until Wisconsin Medicaid changes their stance on covering gender-confirming surgery, because right now, any prior authorization for these surgeries will be denied because of exclusion being challenged in this case. The gender services navigator in Dr. Gast's office recently told me that she has prepared the necessary Medicaid approval paperwork for my surgery but will not submit it unless the exclusion is lifted.

6. It is frustrating and upsetting knowing that the only obstacle to obtaining the care I need is the Wisconsin Medicaid exclusion. As I stated in my original declaration, I experience significant gender dysphoria because of my genitalia, chest, and voice, and I don't want to live forever with the amount of discomfort and distress I'm living with right now. I am now living fully as a woman: I have all women's clothes, have painted my nails, wear my hair long, and present outwardly as a woman everyday. The possibility that I might not be able to complete my transition with the surgeries I need causes me significant, daily anxiety, stress, and a lot of worry. This is my life and being able to get these necessary medical treatments will finally allow me to be myself without this constant distress. It pains me to know that I have done everything needed to complete my transition, and have doctors willing to provide me these treatments right away,

but that I cannot obtain this care as long as the exclusion is in place. I have decided to share my story with the Court so that I and other trans Medicaid beneficiaries in Wisconsin can get the health care we need as soon as possible.

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

Executed this 21 day of February, 2019.

  
Emma Grunenwald-Ries