

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

CODY FLACK, *et al.*,  
*individually and on behalf of all others similarly  
situated,*

Plaintiffs,

v.

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

Defendants.

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

**SECOND SUPPLEMENTAL DECLARATION OF EMMA GRUNENWALD-RIES**

I, Emma Grunenwald-Ries, declare as follows:

1. I am a class member in the above-captioned action. I submit this declaration to supplement the declarations I submitted in this case on October 18, 2018 [ECF No. 98] in connection with Plaintiffs' Motion for Class Certification, and on April 24, 2019 [ECF No. 161] in connections with Plaintiffs' Motion for Summary Judgment. I have personal knowledge of the matters stated in this supplemental declaration.

2. After the Court granted a preliminary injunction in this case on April 23, 2019, Dr. Katherine Gast at UW Health submitted prior authorizations for female chest reconstruction (breast augmentation) and vaginoplasty. As part of the prior authorization, Dr. Gast submitted letters of support from my primary care physician, Dr. Kathy Oriel, and my treating therapist, Jennifer J. Stubbs, MS, LPC, both explaining that the gender-confirming surgeries were medically necessary for me.

3. Quartz originally denied my request for a vaginoplasty, saying that the denial was partly because I had not documented that I had been seeing a therapist on a monthly basis—

something that is not required by the WPATH Standards of Care for that procedure. After the denial, Dr. Gast supplemented the prior authorization with the additional documentation that Quartz requested, including confirmation that I had been seeing a therapist.

4. On July 1, 2019, Emily Smith, the Gender Services RN Navigator at UW Health, called to tell me that Quartz had approved my vaginoplasty. It was the best phone call of my life. I have experienced significant gender dysphoria related to my genitals for most of my life and simply knowing that I would be able to get medically necessary care to treat my gender dysphoria, made me overwhelmingly happy.

5. While Quartz approved my vaginoplasty, Quartz said it was denying my breast augmentation based on “contract exclusions” that deem the procedure “cosmetic.” Based on the denial letter, it looks like Quartz did not make a determination regarding the medical necessity of this surgery for me, and instead, simply denied the procedure based on Quartz’s own coverage exclusion policy.

6. Dr. Gast resubmitted my prior authorization for breast augmentation in August 2019, and I am still waiting to hear from Quartz whether they will cover the procedure. If they deny prior authorization again, I understand I will have to undergo a lengthy appeals process to challenge that decision. In preparation for another denial from Quartz and the subsequent appeal, I requested an additional letter from my treating therapist for the breast augmentation, which I hope to receive soon.

7. It is frustrating that even after the Court ruled that the State can no longer enforce the Wisconsin Medicaid exclusion and that the State needs to consider the medical necessity of gender-confirming surgeries, my HMO is still denying one of my surgeries based on their own coverage exclusion that presumes that these surgeries are “cosmetic.” When I received the denial

letter from Quartz, I cried the entire day. My heart was racing and I was literally shaking. It was the most devastating letter that I had ever gotten in the mail.

8. I thought the Court's ruling would mean that I was finally going to be able to get all of the care that I needed to treat my gender dysphoria and it is devastating that I have not been able to do so.

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

Executed this 10th day of September, 2019.

  
Emma Grunenwald-Ries