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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

MH and TB, individually,

Plaintiffs,

v.

DAVID JEPPESEN, et al.,

Defendants.

Case N. 1:22-cv-00409-REP

**NOTICE OF SUPPLEMENTAL  
INFORMATION**

The Defendants file this notice of supplemental information to apprise the Court of the attached letter of policy from Idaho Governor Brad Little, dated May 1, 2023, concerning Idaho Medicaid coverage for the specific services requested by Plaintiffs. Because the matter of state policy was previously addressed in each party's briefing on Defendants' Motion to Dismiss, the Court may consider it in connection

with its decision in this matter and may take judicial notice of it as a public record under Federal Rule of Evidence 201.

DATED: May 1, 2023.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By: /s/ Lincoln Davis Wilson  
LINCOLN DAVIS WILSON  
Chief of Civil Litigation and  
Constitutional Defense

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 1, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent of Notice of Electronic Filing to the following parties:

Howard A. Belodoff  
[howardbelodoff@idaholegalaid.org](mailto:howardbelodoff@idaholegalaid.org)

/s/ Lincoln Davis Wilson  
LINCOLN DAVIS WILSON  
Chief of Civil Litigation and  
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**Governor Brad Little**

State Capitol :: Boise, Idaho 83720  
(208) 334-2100 :: gov.idaho.gov



May 1, 2023

Director Dave Jeppesen  
Department of Health and Welfare  
P.O. Box 83720  
Boise, Idaho 83720

Dear Director Jeppesen,

On April 4, 2023, I signed into law House Bill 71, The Vulnerable Child Protective Act, prohibiting children from being provided irreversible sex reassignment surgeries, puberty blockers, or hormones for the purpose of changing the appearance of a child's sex. Additionally, I have previously stated publicly my position that hardworking taxpayers should not be forced to pay for an adult's sex reassignment surgery, especially when evidence exists that such procedures are neither medically necessary nor in the best interest of the patient's mental health.

It has come to my attention that you and the Department of Health and Welfare are currently being sued for having not pre-authorized Medicaid coverage for the sex reassignment surgeries of two young adults. I further understand it has been alleged that it is unclear whether Idaho Medicaid provides coverage for such procedures.

To be clear, I oppose Idaho Medicaid using public funds to pay for irreversible sex reassignment surgeries, puberty blockers, or hormones for the purpose of changing the appearance of any child's or adult's sex. Consistent with House Bill 71, and my stated policy preference as to adults, I hereby direct you and the Department of Health and Welfare to take all appropriate steps to implement a policy consistent with state and federal law excluding the same from Medicaid coverage.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad Little".

Brad Little  
Governor of Idaho

**EXHIBIT  
A**