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DEPARTMENT OF JUSTICE



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March 16, 2018

Hon. Scott S. Harris
Supreme Court of the United States
1 First Street, Northeast
Washington, DC 20543

RE: *National Institute of Family and Life Advocates, dba NIFLA, et al. v. Xavier Becerra, Attorney General of California, et al.* (Case No. 16-1140)

Dear Mr. Harris:

This case is scheduled for oral argument on Tuesday, March 20. In preparing for argument, it has come to our attention that a factual statement in our brief warrants clarification.

Page 50 of the brief for the state respondents states that clinics that are both Medi-Cal and F-PACT providers "are able to enroll women in full-service publicly funded programs on the spot." *See also* Br. 10, 50-51; J.A. 54-55 (legislative report); Pet. App. 77a (legislative finding). More precisely, F-PACT providers (all of whom are also Medi-Cal providers) are required to provide onsite enrollment in the F-PACT program. *See* Cal. Welf. & Inst. Code § 24003(c). They may also process on-site enrollment under the Medi-Cal Presumptive Eligibility for Pregnant Women program, but only if they have also enrolled as "qualified providers" under that program. *See* 42 U.S.C. § 1396r-1(b)(2)(C).

I would appreciate your bringing this letter to the attention of the Court before the time set for argument.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. A. Klein", written over a horizontal line.

JOSHUA A. KLEIN
Deputy Solicitor General

For XAVIER BECERRA
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cc: David A. Cortman
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