



March 19, 2026

Michael T. Caljouw, Commissioner  
Division of Insurance  
Commonwealth of Massachusetts  
1 Federal Street, Suite 700  
Boston, MA 02110-2012  
[CSSSComplaints@mass.gov](mailto:CSSSComplaints@mass.gov)

**RE: Notice of Compliance Review – OCR Transaction Number: DO-26-672166**

Dear Commissioner Caljouw:

The U.S. Department of Health and Human Services' (HHS) Office for Civil Rights (OCR) is initiating a compliance review<sup>1</sup> of Massachusetts mandate that health insurance plans provide coverage for abortions, codified at Mass. Gen. Laws ch. 176B, § 4H.

HHS enforces multiple Federal conscience laws that prohibit government discrimination and discrimination by government-funded health care entities, including the Weldon Amendment,<sup>2</sup> the Coats-Snowe Amendment,<sup>3</sup> and the Church Amendments<sup>4</sup> with respect to certain Federal programs administered, conducted, or funded by HHS. OCR is responsible for enforcing these laws, including by conducting investigations, initiating compliance reviews, and coordinating with HHS components regarding these laws.<sup>5</sup>

OCR has reviewed Massachusetts' laws and has determined that OCR has sufficient authority and cause to investigate whether Massachusetts is unlawfully coercing entities covered by Federal health care conscience protection laws to provide, pay for, or provide coverage of abortion, or is otherwise discriminating against such entities in violation of these laws. Specifically, OCR has confirmed that Massachusetts has received federal funds subject to the Weldon Amendment.<sup>6</sup>

Accordingly, OCR requests that you respond to the attached Initial Data Request and instructions **within twenty (20) days from the date of this letter** by mail or email to Paula Richardson, Paralegal Specialist, Office for Civil Rights, [Paula.Richardson@hhs.gov](mailto:Paula.Richardson@hhs.gov).

You should not destroy, modify, remove, transfer, or make inaccessible documents that are potentially responsive to this discovery request. Section 1001 of Title 18 of the U.S. Code makes

<sup>1</sup> See 45 C.F.R. § 88.2(a) and (c).

<sup>2</sup> Consolidated Appropriations Act, 2026, Pub. L. No. 119-75, div. B, tit. V, § 507(d), 140 Stat. 173 (Feb. 3, 2026).

<sup>3</sup> 42 U.S.C. § 238n.

<sup>4</sup> 42 U.S.C. § 300a-7.

<sup>5</sup> See 45 CFR Part 88.

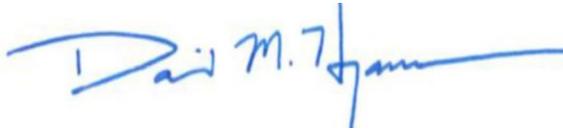
<sup>6</sup> For example, the State of Massachusetts received Medicaid funds in FY 2025, appropriated under LHHS appropriations that are subject to the Weldon Amendment. See [USA Spending results for 93.778, last accessed 3.13.2026](#).

it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

OCR requests that you take all necessary steps to ensure that individuals or entities who file complaints or participate in OCR compliance reviews or investigations are free from harassment, intimidation, and retaliation based on their having filed the complaints or participating in the investigation.

This letter is a notice of a compliance review and does not constitute a finding of violation. OCR encourages you to respond to the data requests and to furnish any additional material for OCR to consider in determining your compliance status. In the case of a failure to respond to OCR's request for information, absent good cause and within a reasonable timeframe, 45 C.F.R. 88.2(e) provides that OCR will adopt a negative inference regarding that failure as a factor in the investigation. The Department also reserves the right to avail itself of any other appropriate remedies applicable to a failure to respond. If you have any questions, please contact the point of contact listed above.

Sincerely,



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David M. Hyams  
Acting Deputy Director  
Policy Division

Enclosure: Data Request

## DATA REQUEST

OCR requests that you provide your submissions in **electronic format within 20 calendar days** of the date on this letter. The electronic copies should be sent by attachment(s) through email to [Paula.Richardson@hhs.gov](mailto:Paula.Richardson@hhs.gov).

Please provide:

- 1) The name, title, and contact information of the individual designated as your point of contact during OCR's review.
- 2) A list of all entities that enforce, administer, or regulate Mass. Gen. Laws ch. 176B, § 4H.
- 3) A narrative description of the roles and responsibilities of each of the entities in your response to request 2 in enforcing, administering, or regulating regarding Mass. Gen. Laws ch. 176B, § 4H.
- 4) A list of all federal funding from the U.S. Department of Health and Human Services received by the entities listed in your response to request 2, either as a direct recipient, pass-through entity, or sub-recipient, for all financial years since the enactment of Mass. Gen. Laws ch. 176B, § 4H and that has been appropriated through any Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, including as part of a consolidated appropriations act or any subsequent continuing resolution.
- 5) A narrative description, with citations, of any exception or exemptions available to the requirements at Mass. Gen. Laws ch. 176B, § 4H, including any exceptions or exemptions that may be available at the discretion of an agency head or other person or entity with the authority to grant exceptions or exemptions from Mass. Gen. Laws ch. 176B, § 4H.
- 6) A list and description of all exceptions or exemptions that have been granted from Mass. Gen. Laws ch. 176B, § 4H, and the rationale for each exemption.
- 7) A list and description of all enforcement actions that have been taken against issuers that fail to cover abortion in all health insurance policies.
- 8) A list of all exception or exemption requests from Mass. Gen. Laws ch. 176B, § 4H that have been denied, and the rationale for each denial.
- 9) A narrative description of Massachusetts efforts to comply with the Weldon Amendment<sup>7</sup> in the context of enforcing, administering, or regulating regarding Mass. Gen. Laws ch. 176B, § 4H.

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<sup>7</sup> Consolidated Appropriations Act, 2026, Pub. L. No. 119-75, div. B, tit. V, § 507(d), 140 Stat. 173 (Feb. 3, 2026), including any previous iterations.

- 10) A list of individuals likely to have knowledge of or information related to your response to these requests. Include the individuals' name, title, contact information, and type of knowledge or information they may have.
- 11) A list of all ongoing or settled lawsuits involving Mass. Gen. Laws ch. 176B, § 4H, and the current status (and, if applicable, disposition) of the lawsuit.
- 12) Any additional relevant information that you would like OCR to consider during its review.

## INSTRUCTIONS

1. In complying with this request, you should produce all responsive documents that are in your possession, custody, or control or otherwise available to you, regardless of whether the documents are possessed directly by you.
2. Documents responsive to the request should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to OCR.
3. In the event that any entity, organization, or individual named in the request has been, or is currently, known by any other name, the request should be read also to include such other names under that alternative identification.
4. When you produce documents, you should identify the paragraph(s) or clause(s) in OCR's request to which the document responds.
5. Documents produced pursuant to this request should be produced in the order in which they appear in your files and should not be rearranged. Although electronic production is preferred, if paper documents are produced, any documents that are stapled, clipped, or otherwise fastened together should not be separated. Documents produced in response to this request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued. Indicate the office or division and person from whose files each document was produced.
6. If a non-electronic production, each folder and box should be numbered, and a description of the contents of each folder and box, including the paragraph(s) or clause(s) of the request to which the documents are responsive, should be provided in an accompanying index.
7. Responsive documents must be produced regardless of whether any other person or entity possesses non-identical or identical copies of the same document.
8. OCR requests electronic documents in lieu of paper productions. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, back up tape, or removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), you should immediately consult with OCR staff to determine the appropriate format in which to produce the information. Documents produced in electronic format should be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in Instructions (5) and (6) above.
9. If any document responsive to this request was, but no longer is, in your possession, custody, or control, or has been placed into the possession, custody, or control of any third party and cannot be provided in response to this request, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control, or was placed in the possession, custody, or control of a third party.

10. If any document responsive to this request was, but no longer is, in your possession, custody or control, state:
  - a. how the document was disposed of;
  - b. the name, current address, and telephone number of the person who currently has possession, custody or control over the document;
  - c. the date of disposition;
  - d. the name, current address, and telephone number of each person who authorized said disposition or who had or has knowledge of said disposition.
11. If any document responsive to this request cannot be located, describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction or unavailability.
12. If a date or other descriptive detail set forth in this request referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
13. The request is continuing in nature and applies to any newly discovered information and/or document, regardless of the date of its creation. Any document not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.
14. All documents should be bates-stamped sequentially and produced sequentially. In a cover letter to accompany your response, you should include a total page count for the entire production, including both hard copy and electronic documents.
15. In the event that a responsive document is withheld on any basis, including a claim of privilege, you should provide the following information concerning any such document: (a) the reason the document is not being produced; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; (e) the relationship of the author and addressee to each other; and (f) any other description necessary to identify the document and to explain the basis for not producing the document. If a claimed privilege applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced. As used herein, "claim of privilege" includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.
16. If the request cannot be complied with in full, it should be complied with to the extent possible, which should include an explanation of why full compliance is not possible.
17. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; (2) documents responsive to the request have not been destroyed,

modified, removed, transferred, or otherwise made inaccessible to OCR since the date of receiving OCR's request or in anticipation of receiving OCR's request, and (3) all documents identified during the search that are responsive have been produced to OCR, identified in a privilege log provided to OCR, as described in Instruction (15) above, or identified as provided in Instructions (9), (10) or (11) above.

18. Section 1001 of Title 18 of the U.S. Code makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

## DEFINITIONS

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail ("email"), instant messages, calendars, contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, power point presentations, spreadsheets, and work sheets. The term "document" includes all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to the foregoing, as well as any attachments or appendices thereto.
2. The term "document" also means any graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotapes, recordings, and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, back up tape, memory sticks, recordings, and removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, electronic format, disk, videotape or otherwise. A document bearing any notation not part of the original text is considered to be a separate document. A draft or non-identical copy is a separate document within the meaning of this term. The term "documents in your possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.
3. The term "communication" or "correspondence" means each manner or means of disclosure, transmission, or exchange of information, in the form of facts, ideas, opinions,

inquiries, or otherwise, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, email, instant message, discussion, release, personal delivery, or otherwise.

4. The terms “and” and “or” should be construed broadly and conjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes the plural number, and vice versa.
5. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, limited liability corporations and companies, limited liability partnerships, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, other legal, business or government entities, or any other organization or group of persons, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
6. The terms “referring” or “relating,” with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.