

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

_____)	
EAST TEXAS BAPTIST UNIVERSITY,)	
<i>et al.</i> ,)	
Plaintiffs,)	
)	
v.)	Case No. 4:12-cv-03009
)	
KATHLEEN SEBELIUS, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

STATUS REPORT

At an initial conference held on December 20, 2012, the Court stayed this case and required the parties to submit status reports every 60 days. Pursuant to that order, the government respectfully advises the Court of the status of the ongoing rulemaking, in which defendants are amending the regulations at issue in this litigation.

As this Court is aware, on March 21, 2012, the Department of Health and Human Services (“HHS”), the Department of Labor, and the Department of the Treasury published an Advance Notice of Proposed Rulemaking (“ANPRM”) soliciting comments on potential proposed amendments to the preventive services coverage regulations to establish alternative ways to fulfill the requirements of section 2713 of the Public Health Service Act, 42 U.S.C. § 300gg-13(a)(4), and companion provisions under the Employee Retirement Income Security Act and the Internal Revenue Code, when non-grandfathered health coverage is sponsored or arranged by certain religious organizations that object to coverage of contraceptive services for religious reasons. 77 Fed. Reg. 16,501 (Mar. 21, 2012). The comment period closed on June 19, 2012. HHS, Labor, and Treasury received nearly 200,000 public comments on the ANPRM.

After considering the comments received on the ANPRM, HHS, Labor, and Treasury issued a Notice of Proposed Rulemaking (“NPRM”), which was published in the Federal Register on February 6, 2013. 78 Fed. Reg. 8456 (Feb. 6, 2013). The NPRM provides the public an opportunity to comment on its proposals. HHS, Labor, and Treasury intend to finalize amendments to the preventive services coverage regulations before August 1, 2013. *Id.* at 8458-59.

Respectfully submitted this 18th day of February, 2013,

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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

/s/ Jacek Pruski
JACEK PRUSKI