



OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

REQUEST TO EXAMINE

To: Texas Children's Hospital
6621 Fannin Street
Houston, Texas 77030-2399

Via FedEx 7721 9084 3931
Via First Class Mail
Return Date: June 19, 2023

Registered Agent:
c/o Lance A. Lightfoot
6651 Main Street, Suite E520
Houston, Texas 77030 USA

Via CMRRR:7004 0750 0000 6764 1805
Via First Class Mail

Re: The Office of the Attorney General's Investigation of Texas Children's Hospital

The Office of the Attorney General, as the representative of the public's interest, is charged under Texas law with the power and duty to protect and enforce the public interest in nonprofit organizations. In this capacity, this Office reviews nonprofit entities to determine compliance with Texas law.

Texas Children's Hospital ("TCH"), is a Domestic Nonprofit Corporation. Pursuant to this office's specific authority under Texas law, including Texas Business and Organizations Code Section 12.151, *et seq.*, the Office of the Attorney General is undertaking an investigation into the organization, conduct, and management of TCH.

In addition, the Office of the Attorney General is issuing this Request to Examine (RTE), requesting that TCH, produce the documents set forth in Attachment "A." You are to make available the documentary material described in Exhibit "A" to the undersigned Assistant Attorney General or other authorized agent(s) identified by the Consumer Protection Division ("Division"). This documentary material shall be produced for inspection and copying during normal business hours at your principal office or place of business, or may be sent electronically or by certified mail to the Office of the Attorney General, 300 W. 15th. Street, 9th Floor, Austin, TX 78701 and is due on **June 19, 2023**. If providing documents electronically, please provide them to Sam Weeks at samuel.weeks@oag.texas.gov. *Please contact one of the persons listed below upon receipt in order to discuss and the logistics of producing the requested documents to the Consumer Protection Division.*

NOTICE

Duty to Supplement

TCH and its board and officers are given notice that this RTE remains effective until the Office of the Attorney General's investigation is complete, and that TCH has a continuing duty to supplement its responses and to continue to produce documents and records that are within the scope of these requests. Additionally, as the investigation progresses, the Attorney General may request additional documents pursuant to one or more Supplemental Requests to Examine.

TAKE NOTICE THAT pursuant to Sections 12.155-12.156 of the Tex. Bus. & Org. Code, a foreign filing entity or filing entity that fails or refuses to permit the Attorney General to examine or make copies of a record, without regard to whether the record is located in this state, forfeits the right of the entity to do business in this state, and the entity's registration or certificate of formation shall be revoked or terminated.

Further, a managerial official or other individual having the authority to manage the affairs of a filing entity or foreign filing entity commits an offense if the official or individual fails or refuses to permit the Attorney General to make an investigation of the entity or to examine or to make copies of a record of the entity. An offense under this section is a Class B misdemeanor.

ISSUED THIS 18th day of May, 2023.

/s/ David Shatto _____

David Shatto, Assistant Attorney General
Consumer Protection Division
Office of the Attorney General
(512) 463-2185 (phone)
(512) 370-9125 (fax)
david.shatto@oag.texas.gov (email)

Other Authorized Agents:

Sam Weeks, Investigator
Consumer Protection Division
Office of the Attorney General
(512) 936-0501 (phone)
(512) 370-9125 (fax)
samuel.weeks@oag.texas.gov (email)

ATTACHMENT “A”

Instructions

1. **Read These Instructions/Definitions Carefully.** Your production must comply with these instructions and definitions.
2. **Duty to Preserve Documents.** All documents and/or other data which relate to the subject matter or requests of this RTE must be preserved. *Any ongoing, scheduled, or other process of document or data destruction involving such documents or data must cease even if it is your normal or routine course of business for you to delete or destroy such documents or data and even if you believe such documents or data are protected from discovery by privilege or otherwise.* Failure to preserve such documents or data may result in legal action and may be regarded as spoliation of evidence under applicable law.
3. **Relevant Dates.** Unless otherwise noted, the requests in this RTE require production of documents from January 1, 2020, to the date of the production of documents in response to this RTE, herein called “the relevant time period.”
4. **Custody and Control.** In responding to this RTE, you are required to produce not only all requested documents in your physical possession, but also all requested documents within your custody and control. A document is in your custody and control if it is in the possession of another person and you have a right to possess that document that is equal or superior to that other person’s right of possession. On the rare occasion that you cannot obtain the document, you must provide an explanation as to why you cannot obtain the document which includes the following information:
 - a. the name of each author, sender, creator, and initiator of such document;
 - b. the name of each recipient, addressee, or party for whom such document was intended;
 - c. the date the document was created;
 - d. the date(s) the document was in use;
 - e. a detailed description of the content of the document;
 - f. the reason it is no longer in your possession, custody, or control; and
 - g. the document’s present whereabouts.

If the document is no longer in existence, in addition to providing the information indicated above, state on whose instructions the document was destroyed or otherwise disposed of, and the date and manner of the destruction or disposal.

5. **Non-identical Copies to be Produced.** Any copy of a document that differs in any manner, including the presence of handwritten notations, different senders or recipients, etc. must be produced.
6. **No Redaction.** All materials or documents produced in response to this RTE shall be

produced in complete unabridged, unedited, and unredacted form, even if portions may contain information not explicitly requested, or might include interim or final editions of a document.

7. **Document Organization.** Each document and other tangible thing produced shall be clearly designated as to which request, and each sub-part of a request, that it satisfies. The documents produced shall be identified and segregated to correspond with the number and subsection of the request.

8. **Production of Documents.** You may submit photocopies (with color photocopies where necessary to interpret the document) in lieu of original hard-copy documents if the photocopies provided are true, correct, and complete copies of the original documents. If the requested information is electronically stored information, it shall be produced in electronic form. Electronically stored information shall be produced with the accompanying metadata, codes, and programs necessary for translating it into usable form, or the information shall be produced in a finished usable form. For any questions related to the production of documents you may consult with the Office of the Attorney General representatives above.

9. **Privilege Log.** For each Document and any other requested information that you assert is privileged or for any other reason excludable from production, please provide a privilege log, wherein you:

- a. Identify that Document and other requested information;
- b. State each specific ground for the claim of privilege or other ground for exclusion and the facts supporting each claim of privilege or other ground for exclusion;
- c. State the date of the Document or other requested information; the name, job title, and address (including city, state and ZIP Code) of the person who prepared it; the name, address (including city, state, and ZIP Code), and job title of the person to whom it was addressed or circulated or who saw it; and the name, job title, and address (including city, state, and ZIP Code) of the person now in possession of it; and
- d. Describe the type and subject matter of the Document or other requested information.

Definitions

1. **“You,” “Your,” “Texas Children’s Hospital,” and “TCH,”** means the entity named on page one of this RTE and includes its past and present directors, officers, employees, agents and representatives, parents and predecessors, divisions, subsidiaries, affiliates, partnerships and joint ventures, and all persons and entities acting or purporting to act under the guidance of or on behalf of any of the above. The terms “subsidiary,” “affiliate,” and “joint venture” refer to any firm in which there is total or partial ownership (25 percent or more) or control between Texas Children’s Hospital, and any other person or entity.
2. The words **“and”** and **“or”** shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of the request, any document(s) that might be deemed outside its scope by another construction.
3. **“Child”** or **“Minor”** means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.
4. **“Communication”** means any conversation, discussion, letter, email, correspondence, memorandum, meeting, note, or other transmittal of information or message, whether transmitted in writing, orally, electronically, or by any other means.
5. **“Concerning”** or **“Relating to”** or **“Related to”** means related to, referring to, pertaining to, concerning, describing, regarding, evidencing, or constituting.
6. **“Document”** is used herein in the broadest sense of the term and means all records and other tangible media of expression of whatever nature however and wherever created, produced, or stored (manually, mechanically, electronically, or otherwise), including without limitation all versions whether draft or final, all annotated or nonconforming or other copies, electronic mail (e-mail), instant messages, text messages or other wireless device messages, voicemail, calendars, date books, appointment books, diaries, books, papers, files, notes, confirmations, accounts statements, correspondence, memoranda, reports, records, journals, scientific or medical studies, registers, analyses, plans, manuals, policies, telegrams, faxes, telexes, wires, telephone logs, telephone messages, message slips, minutes, notes or records or transcriptions of conversations or Communications or meetings, tape recordings, videotapes, disks, and other electronic media, microfilm, microfiche, storage devices, press releases, contracts, agreements, notices, and summaries. Any non-identical version of a Document constitutes a separate Document within this definition, including without limitation drafts or copies bearing any notation, edit, comment, marginalia, underscoring, highlighting, marking, or any other alteration of any kind resulting in any difference between two or more otherwise identical Documents. In the case of Documents bearing any notation or other marking made by highlighting ink, the term Document means the original version bearing the highlighting ink, which original must be produced as opposed to any copy thereof.
7. **“Gender Transitioning and Reassignment Procedures and Treatments”** means any and all procedures or treatments for the purpose of “transitioning” a Child’s biological sex as determined by the sex organs, chromosomes, and endogenous profiles of the child or affirming the child’s perception of the child’s sex if that perception is inconsistent with the child’s biological sex, including but not limited to surgeries or procedures that result in sterilization, mastectomy or

other removal of otherwise healthy or non-diseased tissue, the provision of medications that induce transient or permanent infertility (including puberty suppressing and blocking drugs or supraphysiologic doses of testosterone to females or estrogen to males), and any other treatments or procedures that are provided to address gender identity disorder, gender dysphoria, and any other similar or related conditions.

8. **“Identify”** means the following:

- a. With respect to a natural Person, the complete name, any alias(es), social security number, date of birth, occupation, title(s), job responsibilities, street and mailing address for both home and business at the time in question and at the time of responding (if different), home, cellular, and business telephone numbers, and personal and business email addresses;
- b. With respect to an entity, its name(s), business address(es), legal address(es), state(s) of incorporation, registered or unregistered tradename(s), name(s) under which it does business, or any other affiliated name(s), electronic email domains and websites operated by the entity, tax identification number(s), and the identity of its agent(s) for the service of process; and
- c. With respect to a Document, its Bates or other sequential notation, title, date, location, author(s), signatory(ies), recipient(s), description (*e.g.*, memorandum, letter, contract, form), the number of pages, and a summary of the contents.

9. **“Parent” or “Parental”** includes parent, guardian, or other person acting in loco parentis with legal authority to make health care decisions on behalf of a minor child.

10. **“Person”** means any natural person or any legal entity, including, without limitation, any corporation, company, limited liability company or corporation, partnership, limited partnership, association, or firm.

Requests: Documents to be Produced

In accordance with the requirements set forth in the “Definitions” and “Instructions” sections of this RTE, You are specifically required to respond in writing to each of the following Requests within the time frame set forth below:

Produce within 30 days

1. Documents Related to the policies and procedures of TCH’s use of puberty blockers on Minors in the State of Texas.
2. Documents Related to the development, assessment, and reassessment of TCH’s policies and procedures Concerning the use of puberty blockers on minors.
3. Documents Related to TCH’s use of puberty blockers on Minors with the consent of their Parent.
4. Documents Related to TCH’s use of puberty blockers on Minors without the consent of their Parent.
5. Documents sufficient to Identify any individuals or entities to whom You refer Minor patients for counseling or treatment Relating to Gender Transitioning and Gender Reassignment Procedures and Treatments.
6. Documents sufficient to Identify the patient age range TCH accepts for Gender Transitioning and Gender Reassignment Procedures and Treatments counseling.
7. Documents sufficient to Identify the patient age range TCH accepts for Gender Transitioning and Gender Reassignment Procedures and Treatments treatment.
8. Documents sufficient to Identify the number of times a patient is seen by TCH for Gender Transitioning and Gender Reassignment Procedures and Treatments counseling prior to receiving treatment. Provide the shortest, longest, average, and median number.
9. Documents sufficient to Identify the length of each counseling session a patient accepted by TCH for Gender Transitioning and Gender Reassignment Procedures and Treatments receives. Provide the shortest, longest, average, and median length.
10. Documents Sufficient to Identify any organization that TCH Communicated with, reviewed Documents from, or was influenced or guided by when developing Your own policies and procedures Related to the use of puberty blockers or Gender Transitioning and Gender Reassignment Procedures and Treatments in Texas, including, but not limited to, the World Professional Association for Transgender Health, American Association of Pediatrics, American Medical Association, American Psychological Society, American Counseling Association, Endocrine Society, Tavistock and Portman NHS Foundation, Tavistock Centre and / or Tavistock Institute of Human Relations.

11. All Communications between You and the organizations identified in question #10 Related to Gender Transitioning and Gender Reassignment Procedures and Treatments.
12. All Documents that influenced, informed, or guided your policies and procedures on Gender Transitioning and Gender Reassignment Procedures and Treatments.
13. All studies or opinions reviewed/used/commissioned to support your current Gender Transitioning and Gender Reassignment Procedures and Treatments counseling and treatment decisions.
14. Documents Related to any complaints by patients or Parents of patients Related to Gender Transitioning and Gender Reassignment Procedures and Treatments counseling or treatment.
15. All known studies or opinions that fail to support Your current clinical counseling and treatment decisions Related to Gender Transitioning and Gender Reassignment Procedures and Treatments.
16. Documents Related to any legal action against TCH Related to Gender Transitioning and Gender Reassignment Procedures and Treatments counseling or treatment.
17. Documents sufficient to Identify all information TCH provides to Gender Transitioning and Gender Reassignment Procedures and Treatments patients to ensure the patient can provide informed consent for that care.
18. Documents sufficient to Identify when and why TCH paused Gender Transitioning and Reassignment Procedures and Treatments.
19. Documents sufficient to Identify when and why TCH restarted Gender Transitioning and Reassignment Procedures and Treatments after the pause Identified in request 18.
20. The “Medical and Psychological Care of Gender Diverse Youth” presentation made in partnership with the Baylor College of Medicine and hosted by TCH.
21. All Documents and Communications Related to the presentation identified in request 20.
22. Documents sufficient to Identify the following terms as they are used by TCH: “gender affirmation process,” “social affirmation,” “gender-affirming surgeries,” and “gender dysphoria.”
23. Documents sufficient to Identify the tools and measures utilized to make a determination that a patient meets the criteria for the diagnosis of gender dysphoria.
24. Documents sufficient to Identify any disorders or conditions, whether mental, emotional, physiological, physical, or other, that would exclude the patient from moving forward with Gender Transitioning and Reassignment Procedures and Treatments.
25. Documents sufficient to Identify how TCH manages or determines any situations or exclusions identified in request 24.