IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

FRANCISCAN ALLIANCE, INC. et al.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	**Civil Action No. 7:16-cv-00108-O**
	§	
XAVIER BECERRA, Secretary of the United States Department of Health and Human Services; and UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,	§	
	§	
Defendants.	§	

ORDER

Before the Court are Defendants' Motion to Amend/Correct Memorandum Opinion and Order, (ECF No. 208), filed September 13, 2021; Plaintiffs' Response (ECF No. 209) filed September 24, 2021; and Defendants' Reply (ECF No. 210), filed September 28, 2021. The Court notes, as pointed out in Plaintiffs' Response (ECF No. 209), the contradictions between Defendants' previous arguments in this litigation, claiming enforcement of Section 1557 "is purely speculative" (ECF. No. 202, 18), and Defendants' current argument, claiming it has a "statutory obligation[]" to "enforce Section 1557" (ECF No. 208, 4). Regardless, the Motion being unopposed, the Court finds it should be **GRANTED**. The following language is hereby added to the Conclusion of the Court's August 16, 2021 Memorandum Opinion and Order (ECF No. 206):

> HHS does not violate this order by taking any of the above-described actions against Plaintiffs, their current or future members, or those acting in concert or participation with them, including their respective health plans and any insurers or third-party administrators in connection with such health plans, if the agency officials directly responsible for taking these actions are unaware that an entity is a member of one of the Plaintiffs or has a relevant relationship to one of the Plaintiffs/Plaintiff-members.

However, if HHS, unaware that an entity is a member of one of the Plaintiffs or has the relevant relationship to one of the Plaintiffs/Plaintiff-members, takes any of the above-described actions, the member and the relevant Plaintiff may promptly notify a directly responsible agency official of the fact of the member's membership or the entity's relevant relationship to the member and its protection under this order. Once such official receives such notice from the member and verification of the same by the relevant Plaintiff, the agency shall promptly comply with this order with respect to such member or related entity.

SO ORDERED on this **1st day of October, 2021**.

Reed O'Connor
UNITED STATES DISTRICT JUDGE