



NPAIHB

Member Tribes of the Northwest Portland Area Indian Health Board:

- Burns Paiute Tribe
- Chehalis Tribe
- Coeur d'Alene Tribe
- Colville Tribe
- Coos, Siuslaw & Lower Umpqua Tribe
- Coquille Tribe
- Cow Creek Tribe
- Cowlitz Tribe
- Grand Ronde Tribe
- Hoh Tribe
- Jamestown S'Klallam Tribe
- Kalispel Tribe
- Klamath Tribe
- Kootenai Tribe
- Lower Elwha Klallam Tribe
- Lummi Tribe
- Makah Tribe
- Muckleshoot Tribe
- Nez Perce Tribe
- Nisqually Tribe
- Nooksack Tribe
- NW Band of Shoshoni Tribe
- Port Gamble S'Klallam Tribe
- Puyallup Tribe
- Quileute Tribe
- Quinault Tribe
- Samish Indian Nation
- Sauk-Suiattle Tribe
- Shoalwater Bay Tribe
- Shoshone-Bannock Tribe
- Siletz Tribe
- Skokomish Tribe
- Snoqualmie Tribe
- Spokane Tribe
- Squaxin Island Tribe
- Stillaguamish Tribe
- Suquamish Tribe
- Swinomish Tribe
- Tulalip Tribe
- Umatilla Tribe
- Upper Skagit Tribe
- Warm Springs Tribe
- Yakama Nation

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RESOLUTION #2023-04-08

TITLE: Support for Delivery of Gender-Affirming Medical Care for Two Spirit, and American Indian/Alaska Native Transgender, and Gender-Diverse Children, Youth, and Adults

WHEREAS, the Northwest Portland Area Indian Health Board (hereinafter "NPAIHB") was formed in honor of our elders' teachings to realize the wellness of the seventh generation—our grandchildren's grandchildren; and

WHEREAS, the Northwest Portland Area Indian Health Board is a "tribal organization" as defined by the Indian Self-Determination and Education Assistance Act (P.L. 93-638 seq. et al) that represents forty-three federally recognized tribes in the states of Idaho, Oregon, and Washington; and

WHEREAS, in accordance with the definitions of the Indian Self-Determination and Education Assistance Act at 25 U.S.C. Sec. 450b, a tribal organization is recognized as a governing body of any Indian tribe and includes any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; and

WHEREAS, the NPAIHB is dedicated to assisting and promoting the health needs and concerns of Indian people; and

WHEREAS, the primary goal of the NPAIHB is to improve the health and quality of life of its member tribes across the lifespan; and

WHEREAS, NPAIHB supports the health and wellbeing of all American Indian/Alaska Native (AI/AN) people, including children, youth, and adults who are Two Spirit, lesbian, gay, bisexual, transgender (trans), queer or another identity (LGBTQ+); and

WHEREAS, on January 16, 2020, NPAIHB adopted resolution #20-02-04 titled, "Support for Quality Care and Improved Health Outcomes for Two Spirit and LGBTQ+ People;" and

WHEREAS, on April 22, 2021, adopted resolution #21-03-11 titled, "Support for Trans Gender-Affirming Care in IHS, Tribal, and Urban Indian Health Facilities – 2021 Strategic Vision and Action Plan;" and

WHEREAS, trans and gender-diverse individuals have been targeted by many states with legislatures passing laws restricting or banning gender-affirming

medical care and/or criminalizing the provision of gender-affirming medical care to children and youth; and

WHEREAS, state legislation banning or criminalizing gender-affirming medical care has created uncertainty, fear and safety concerns for children, youth, adults, as well as their families and healthcare providers; and

WHEREAS, several states have designated themselves as safe harbors or “sanctuary states” that protect access to gender-affirming medical care for residents of that state; and

WHEREAS, “sanctuary states” are a safe haven for trans and gender-diverse individuals from other states and will not enforce penalties from another state relating to gender-affirming medical care; and

WHEREAS, many Indian Health Service (IHS) and Tribal healthcare facilities are located in states that have legislation banning or criminalizing gender-affirming medical care that would impact Two Spirit and LGBTQ+ individuals, especially those who are trans and gender-diverse; and

WHEREAS, Two Spirit and LGBTQ+ individuals, especially those who are trans and gender-diverse, who already face fear, discrimination or harassment in healthcare settings, will stop seeking necessary healthcare, including behavioral health services, with punitive legislation in their state; and

WHEREAS, Two Spirit and LGBTQ+ individuals, especially those who are trans and gender-diverse, experience health disparities including increased risk of anxiety, depression, HIV, exposure to violence, and suicidality; and

WHEREAS, access to gender-affirming medical healthcare is critical and lifesaving for transgender and gender-diverse individuals, including those ages 18 years or younger; and

WHEREAS, gender-affirming medical care may involve, but is not limited to, puberty blockers, gender-affirming medications, gender-affirming surgeries, and AI/AN centered, culturally-attuned gender-affirming practices and traditions.

NOW THEREFORE BE IT FURTHER RESOLVED, that NPAIHB asserts that Tribal Nations have the inherent sovereign authority to provide gender-affirming medical care to their patients, including Tribal citizens and Indian Health Service beneficiaries, at their Tribal health clinics or to refer any patient to a healthcare facility in a “sanctuary state”; and

BE IT FURTHER RESOLVED that NPAIHB calls on the President and the Administration, including the Department of Health and Human Services, Office of Civil Rights, Indian Health Service, and the Department of Justice to recognize the inherent sovereign authority of Tribal Nations to provide gender-affirming medical care to their patients; and

BE IT FURTHER RESOLVED that NPAIHB calls on the President and the Administration, including the Department of Health and Human Services, Office of Civil Rights, Indian Health Service, and the Department of Justice to conduct regular and ongoing tribal consultations to align policies, protections, and funding opportunities with the inherent sovereign authority of Tribal Nations to provide gender-affirming medical care; and

BE IT FURTHER RESOLVED that NPAIHB calls on the President and the Administration, including the Department of Health and Human Services, Office of Civil Rights, Indian Health Service, and the Department of Justice to protect: Tribal Nations and their patients, including Tribal citizens and Indian Health Service beneficiaries, from being prosecuted for seeking, or accessing gender-affirming medical care; and healthcare providers and caregivers in a state with legislation restricting or banning gender-affirming medical care and/or criminalizing gender-affirming medical care; and

BE IT FURTHER RESOLVED, that NPAIHB calls on the Department of Health and Human Services, Office of Civil Rights, Indian Health Service, and the Department of Justice to adopt policies that support the referral and funding of gender-affirming medical care of patients, including Tribal citizens and Indian Health Service beneficiaries, living in states with legislation banning gender-affirming medical care, and/or criminalizing the provision of gender-affirming medical care; and

BE IT FINALLY RESOLVED, that the Chairman (or Vice Chair in their absence) is hereby authorized and directed to execute this resolution and any documents connected therewith, and the Secretary is authorized and directed to attest to the certification.

CERTIFICATION

The foregoing resolution was duly adopted at the July 25, 2023, Quarterly Board Meeting of the Northwest Portland Area Indian Health Board. A quorum being established; 23 for, 0 against, 0 abstain on July 25, 2023.



Nate Tyler, NPAIHB Vice Chair
Council Member, Makah Tribe

ATTEST:



Greg Abrahamson, NPAIHB Secretary
Vice-Chair, Spokane Tribe of Indians