TITLE: An Action Relating To Health Education And Human Resources And NAABIK’IYATI’: Supporting The Native American Disability Law Center’s Request To The Indian Health Service To Develop Principles And Protocols That Ensure Equal COVID-19 Medical Care Is To Persons With Disabilities

Date posted: April 24, 2020 at 5:47 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0105-20

DATE: April 24, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH EDUCATION AND HUMAN RESOURCES AND NAABIK'ÍYÁTI'; SUPPORTING THE NATIVE AMERICAN DISABILITY LAW CENTER'S REQUEST TO THE INDIAN HEALTH SERVICE TO DEVELOP PRINCIPLES AND PROTOCOLS THAT ENSURE EQUAL COVID-19 MEDICAL CARE IS PROVIDED TO PERSONS WITH DISABILITIES

PURPOSE OF RESOLUTION: This resolution, if approved, will support the Native American Disability Law Center’s request to the Indian Health Service to develop principles and protocols that ensure equal COVID-19 medical care is provided to persons with disabilities

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY

________________________
(Prime Sponsor)

TRACKING NO. 0105-20

THOMAS WALKER

AN ACTION

RELATING TO HEALTH EDUCATION AND HUMAN RESOURCES AND NAABIK'ÍYÁTI'; SUPPORTING THE NATIVE AMERICAN DISABILITY LAW CENTER’S REQUEST TO THE INDIAN HEALTH SERVICE TO DEVELOP PRINCIPLES AND PROTOCOLS THAT ENSURE EQUAL COVID-19 MEDICAL CARE IS PROVIDED TO PERSONS WITH DISABILITIES

WHEREAS:
A. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with the enumerated power to review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo People and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments. 2 N.N.C. §§ 700 and 701 (A)(7).
B. The Health Education and Human Services Committee is a standing committee of the Navajo Nation Council charged with overseeing Navajo Nation policies and priorities to optimize the delivery of social services and health services to the Navajo People and the enumerated power to review and recommend resolutions relating to social services and health. 2 N.N.C. §§ 400 (A) and (C)(4) and 401 (B)(6)(a).
C. COVID-19 is a dangerous and extremely contagious respiratory virus. The COVID-19 virus is pandemic and is spreading at an alarming rate within the Navajo Nation; as
of April 22, 2020, the Navajo Nation has reported 1282 confirmed cases of COVID-19 and 49 related deaths.


E. On March 11, 2020, the Navajo Nation Commission on Emergency Management, with the concurrence of the President and Vice President of the Navajo Nation, declared a Public Health State of Emergency due to the outbreak of COVID-19 in areas surrounding the Navajo Nation. Acknowledging the establishment of the Health Command Center by the Navajo Nation Department of Health, the Commission stated, “Locally, it is acknowledged and understood that the threat of COVID-19 needs to be mitigated to reduce risk of exposure to the Navajo People and the resultant consequential public health impacts.” CEM-20-03-11.

F. The Navajo Nation’s declaration of a Public Health State of Emergency due to the outbreak of COVID-19 is still in effect and has not been downgraded.

G. In 2018, the Navajo Nation enacted Resolution No. CJY-63-18, attached as Exhibit A, to expressly recognize the equal rights of persons with disabilities by adopting the Civil Rights of Individuals with Disabilities Act of 2018.

H. The Native American Disability Law Center’s mission is to advocate so that the rights of Native Americans with disabilities in the Four Corners area are enforced, strengthened and brought in harmony with their communities.

I. Native American persons, including Navajo persons, with disabilities are at high-risk of contracting COVID-19, particularly those persons who are in congregate residential programs, state or tribal operated institutional settings and long-term care facilities.

J. Persons with disabilities, Native American or not, should not be denied medical care on the basis of stereotypes, assessments of quality of life, or judgments about a person’s relative “worth” based on the presence or absence of disabilities; medical care decisions
should be based on individualized assessments of the patient based on the best available medical evidence.

K. Federal and state government decisions regarding the allocation of COVID-19 treatment / life-saving resources should be made on individualized determinations, using current objective medical evidence, not generalized assumptions about a person’s disability.

L. COVID-19 treatment allocation decisions should not be based on misguided assumptions that people with disabilities experience a lower quality of life, that their lives are not worth living, or that a person with a disability has a lower prospect of survival; nor should treatment allocation decisions be based on the perception that a person’s disability will require the use of greater treatment resources.

M. The Navajo Nation finds that it is in the best interest of Navajo people with disabilities and their communities to support the Native American Disability Law Center’s letter to the Indian Health Services, attached as Exhibit B.

N. The Navajo Nation further finds that it is in the best interests of Navajo people with disabilities and their communities to request the Indian Health Service to adopt the principles and protocols set forth in the Native American Disability Law Center’s letter to the Indian Health Services, attached as Exhibit B.

NOW THEREFORE BE IT RESOLVED:

The Navajo Nation hereby supports the Native American Disability Law Center’s letter to the Indian Health Services, attached as Exhibit A, and urges the Indian Health Service to adopt principles and protocols as set forth therein.