

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0105-20\_\_

SPONSOR: Eugenia Charles-Newton

**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.**

5-DAY BILL HOLD PERIOD: [Signature]  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 04-29-20  
Eligible for Action: 04-30-20

PROPOSED STANDING COMMITTEE RESOLUTION  
24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY

\_\_\_\_\_  
(Prime Sponsor)

*ORTX*  
*0570 732*

TRACKING NO. 0105-20

*Thomas Walker, Jr.*  
*[Signature]*

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'iyáti' 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

1 of April 22, 2020, the Navajo Nation has reported 1282 confirmed cases of COVID-19  
2 and 49 related deaths.

3 D. The World Health Organization declared a Public Health Emergency of International  
4 Concern on January 30, 2020; the United States Department of Health and Human  
5 Services declared a Public Health Emergency related to the COVID-19 outbreak on  
6 January 31, 2020; and the World Health Organization officially declared a pandemic  
7 due to COVID-19 on March 11, 2020.

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

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

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

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

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

27 J. Persons with disabilities, Native American or not, should not be denied medical care  
28 on the basis of stereotypes, assessments of quality of life, or judgments about a person's  
29 relative "worth" based on the presence or absence of disabilities; medical care decisions  
30

1 should be based on individualized assessments of the patient based on the best available  
2 medical evidence.

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

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

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

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

19  
20 **NOW THEREFORE BE IT RESOLVED:**

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