

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WHITMAN-WALKER CLINIC, INC., *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *et al.*,

Defendants.

Case No. 1:20-cv-1630

**DECLARATION OF CARRIE DAVIS,
CHIEF COMMUNITY OFFICER, THE TREVOR PROJECT**

I, Carrie Davis, declare as follows:

1. I am the Chief Community Officer of The Trevor Project.
2. I am submitting this Declaration in support of Plaintiffs' Motion for a Preliminary Injunction to prevent the revised regulation under Section 1557 of the Affordable Care Act ("ACA"), published by the U.S. Department of Health and Human Services ("HHS") on June 19, 2020 (the "Revised Rule"), from taking effect.
3. The Trevor Project is a 501(c)(3) nonprofit organization incorporated in California with offices in Los Angeles, California; New York, New York; and Washington, DC. The Trevor Project is the leading national organization providing crisis intervention and suicide prevention services to lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) young people under age 25. The Trevor Project directly serves over 200,000 young people every year through their crisis services, suicide prevention, and peer support programs.
4. In order to fulfill its mission to end suicide among LGBTQ young people, The Trevor Project provides a wide array of programs and services for LGBTQ young people, including:

emergency crisis support and counseling available via phone, text, or online messaging; suicide prevention trainings for youths and adults; resources for LGBTQ youth and allies; creation of public service announcements; and online social networking for LGBTQ youth between the ages of 13-24. The Trevor Project also advocates for laws and policies that will reduce suicide among LGBTQ young people.

5. Many of the LGBTQ youth who need The Trevor Project's services often face discriminatory barriers to access to health care services from religiously affiliated organizations. In addition, some of the LGBTQ youth who call The Trevor Project in crisis live in foster care placements, or access services from programs for youth experiencing homelessness.

6. In addition to the direct services it provides to LGBTQ youth, The Trevor Project is also committed to producing innovative research that brings new knowledge and clinical implications to the field of suicidology. To accomplish this, The Trevor Project: (1) partners with external research organizations (such as academic institutions); and (2) analyzes and evaluates existing data collected from Trevor-served youth to produce insights into vulnerable populations, suicidal risk factors, and social factors influencing suicidal ideation and attempts. As part of this work, we know that internalization of anti-LGBTQ animus is a major contributor to depression and other mental health issues among LGBTQ people, and especially LGBTQ youth.

7. The statistics regarding young LGBTQ people and mental health are particularly sobering. Last year, The Trevor Project released the results of its 2019 National LGBTQ Youth Mental Health Survey.¹ With over 25,000 respondents, it is the largest survey of LGBTQ youth

¹ The Trevor Project. (2019). National Survey on LGBTQ Mental Health. New York, New York: The Trevor Project. <https://www.thetrevorproject.org/wp-content/uploads/2019/06/The-Trevor-Project-National-Survey-Results-2019.pdf>.

mental health ever conducted and provides a critical understanding of the experiences impacting their lives. Among some of the key findings of the report from LGBTQ youth in the survey:

- a. 39% of LGBTQ youth seriously considered attempting suicide in the past twelve months, with more than half of transgender and nonbinary youth having seriously considered it;
- b. 71% of LGBTQ youth reported feeling sad or hopeless for at least two weeks in the past year; and
- c. 87% of LGBTQ youth said it was important to them to reach out to a crisis intervention organization that focuses on LGBTQ youth.

8. In the weeks following the 2016 election, The Trevor Project saw a large spike in the number of calls, texts, and online chats to its crisis lines with LGBTQ youth expressing fear and anxiety that they would be discriminated against, that so-called “conversion therapy” would be permitted or promoted, or that they could be targeted to become a victim of hate crimes due to anti-LGBTQ animus. Indeed, in the days immediately following the election on November 8, 2016, The Trevor Project received more calls, texts, and online chats than it had ever received in a single day in four years, more than double its normal daily volume. Many callers worried that their rights would be taken away and they would be subjected to animus-fueled violence. Many callers, especially transgender and gender nonconforming youth, expressed that they were thinking about going back into the closet out of fear.

9. The past few years have proven some of the fears expressed following the 2016 election to be well-founded. The Revised Rule is just one of the latest examples of the current administration’s efforts to roll back the rights of LGBTQ people, and it could not have come out at a worst time. The Revised Rule sends a dangerous and confusing message to health care

providers and LGBTQ patients. In the midst of a global pandemic with serious implications for the LGBTQ youth whom The Trevor Project serves, the last thing our nation needs is for the current administration to suggest, contrary to the Affordable Care Act, that health care providers do not have to treat LGBTQ people, particularly transgender persons, with the same care and respect as everybody else.

10. Following the announcement of the Revised Rule on June 12, 2019 and subsequent publication on June 19, 2019, The Trevor Project has seen a significant number of calls, texts, and online chats to its crisis lines from LGBTQ youth that specifically mention the Revised Rule as a source of worry and distress.

11. Unless enjoined, the Revised Rule will likely further increase the number of LGBTQ youth who need to access The Trevor Project's services. The Trevor Project will receive increased calls from LGBTQ youth who are in crisis because of discrimination and a denial of services from health care providers and due to general stigmatization and deprivation of dignity. In particular, The Trevor Project is already seeing an increased need for crisis services as a result of the COVID-19 pandemic, with many youth expressing anxiety and fear around having or getting COVID-19 specifically because LGBTQ youth are often unable to access affirming or adequate medical care, which can make seeking treatment for potential COVID-19 related symptoms more challenging or stressful than for non-LGBTQ youth.

12. By fostering the impression that providers may discriminate based on gender identity or sexual orientation, the Revised Rule leaves hundreds of thousands of people vulnerable to experiencing discrimination while seeking essential, life-saving care. In particular, the Revised Rule creates confusion and stigma that will adversely affect the mental health of at-risk LGBTQ

youth, many of whom are already reaching out to The Trevor Project in moments of suicidal ideation or crisis, in part because of their lack of faith in healthcare providers.

[Signature on next page.]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 9th day of July, 2020.

A handwritten signature in black ink, appearing to read 'CKD', with a long horizontal line extending to the right.

Carrie Davis