

# **Exhibit Y**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

PFLAG, INC.; *et al.*,

*Plaintiffs,*

v.

DONALD J. TRUMP, in his official capacity  
as President of the United States; *et al.*,

*Defendants.*

Civil Action No.

**DECLARATION OF DR. JEFFREY BIRNBAUM, MD, MPH**

I, Jeffrey Birnbaum, hereby declare and state and follows:

1. I am over 18 years of age, of sound mind, and in all respects competent to testify.
2. I have personal knowledge of the facts set forth in this declaration and would testify competently to those facts if called to do so.
3. I am an Associate Professor of Pediatrics at SUNY Downstate Health Sciences University (“SUNY Downstate”) and an adolescent medicine specialist and board-certified pediatrician. I am also the Director of Health & Education Alternatives for Teens (“HEAT”), based at University Hospital at Downstate. I am a clinician-researcher, having spent most of my career caring for teens and young adults living with HIV, and, for the last twenty years, providing gender-affirming medical care. I received my medical degree from SUNY Downstate in 1986 and received my Master of Public Health degree at Columbia University in 1991.
4. I make this declaration in my personal capacity only. It does not necessarily represent the views, positions, or opinions of Downstate Health Sciences University and/or the State University of New York. My statements herein are my own and not made as an employee, representative, or agent of either entity.

5. I am a member of GLMA: Health Professionals Advancing LGBTQ+ Equality.

6. I began my work with HEAT in 1992. HEAT began with a focus of providing comprehensive healthcare and support services to HIV-infected and at-risk youth and young adults. In carrying out that work, HEAT expanded to providing transgender young people with gender affirming medical care. In addition to leading HEAT's research, serving as its medical director, and heading the staff, I am also a day-to-day clinician and medical provider.

7. To do this work, I depend on grant funding, including federal grants. From 2020-2023, I served as Principal Investigator in a grant from the National Institutes of Health (NIH) researching interventions to improve engagement in HIV prevention and care among certain LGBTQ kinship networks. I recently submitted a multi-million-dollar grant proposal to NIH to expand that work into other communities. The primary medical care I provide to HIV+ youth is also funded by the Health Resources and Services Administration (HRSA), which provides grants under Part D of the Ryan White HIV/AIDS Program. These grants are central to enabling HEAT to provide critical medical care to underserved young people.

8. In addition, both SUNY Downstate and University Hospital receive millions of dollars in federal grants, including from the NIH and HRSA. The vast majority of these grants have nothing to do with medical interventions for the treatment of gender dysphoria.

9. All of this federal grant funding is critical to expanding access to health care for vulnerable, underserved populations, to training health care providers to deliver excellent, culturally-competent medical care, and to advancing medical and scientific knowledge—the very purposes of both of these institutions.

10. As a medical provider, I treat patients for a variety of medical conditions, including providing primary care for HIV+ youth. I also treat patients under the age of nineteen for gender

dysphoria, including with pubertal suppression and/or gender-affirming hormones. HEAT does not provide surgical services but will offer referrals to surgeons for medically indicated surgical care to treat gender dysphoria.

11. In addition to providing gender-affirming medical care, I also teach about how to care for transgender patients in the Pediatrics Department at SUNY Downstate. This includes lectures for medical students throughout their education on sexual health and transgender health. I also serve as the faculty co-director of the LGBT healthcare pathway, a student-driven health equity initiative.

12. I am aware that Executive Order 14187, issued on January 28, 2025, instructs federal agencies to ensure that medical institutions receiving federal grant funding—including medical schools and hospitals—do not provide pubertal suppression, hormone therapy, or surgeries as treatment for transgender patients with gender dysphoria who are under the age of 19 years old. I am also aware that Executive Order 14168, issued on January 20, 2025, requires federal agencies to bar federal grant funding of any entity that it considers to promote “gender ideology,” which it defines as recognizing that a person may have a gender identity incongruent with their sex assigned at birth—in short, the recognition of transgender people’s identities.

13. These Executive Orders are an existential threat to my ability to do the work and deliver the medical care I provide daily. They have caused me serious distress and confusion about how to navigate my legal and professional obligations to provide medically necessary treatments free from discrimination to patients in need.

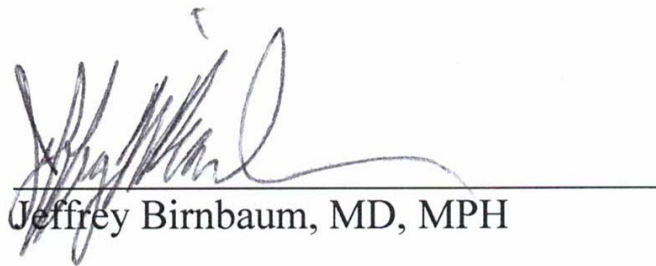
14. The Executive Orders’ requirement that federal grant recipients must end the provision of evidence-based gender-affirming care—regardless of whether that funding has anything to do with gender-affirming care—in order to continue to receive those funds leaves

clinician-researchers like me and our institutions in an impossible position. The loss of federal funding would be catastrophic for my work and for the ability of institutions like mine to fulfill their missions; denying medically necessary gender-affirming care as a condition of maintaining those funds would be catastrophic for my transgender patients.

15. I have spent my career trying to remove barriers to medical care for HIV-affected and transgender young people. These Executive Orders make those barriers nearly insurmountable by threatening medical institutions like mine with the loss of the grant funding that is core to their provision of medical care and research if doctors like me continue to provide medically necessary gender affirming care.

I declare under penalty of perjury that the foregoing is true to the best of my knowledge and belief.

Dated this 4th day of February 2025.



Jeffrey Birnbaum, MD, MPH