

Doctors Sue Over the 'Other Transgender Mandate'

There's another "transgender mandate" made by the Obama Administration that hasn't gotten as much attention as the demand made to public schools—until now.

Texas Attorney General Ken Paxton has announced his state is joining in a federal lawsuit to block implementation of this "other transgender mandate" in which doctors and hospitals receiving federal funding cannot refuse to provide sex-change operations and hormone therapies. Since nearly every physician, hospital and clinic in the country accepts Medicaid and Medicare patients, this new rule from the Department of Health and Human Services effectively applies to all of them.

The new rule was introduced in May and was implemented last month. It continues the Obama Administration's "reinterpretation" that the definition of "sex" means "gender identity," not the biological sex one is born with.

Paxton's office issued a statement following the filing of the lawsuit:

As the Obama Administration has attempted to do in other instances, this new rule interprets "sex" as a state of mind, not a biological fact. When it enacted the law, Congress used the term "sex" as a biological category.

The Obama Administration is now trying to redefine the law so that the term "sex" means ones' "internal sense of gender which may be male, female, neither, or a combination of male and female." But the President does not have the power to rewrite law.

The impact of this new rule on Texas and health care workers is significant. Not only does the rule require taxpayers to

fund all treatments designed to transition to a different sex, it also forces health care workers, including physicians, to provide controversial services.

Under the new rule, a physician that believes that certain treatments are not in a patient's best medical interests may be in violation of federal law. And a physician that, for religious or conscientious reasons cannot perform a particular procedure, chooses to instead refer a patient to another health care provider may also be determined to be in violation of this new rule.

This is the 13th lawsuit Paxton says he has had to bring against the lawlessness of the Obama Administration and its "threats on the constitutional rights of Texans." He said the federal government doesn't have the right to force Texans—or anyone—to pay for medical procedures designed to change another person's sex.

"I am disappointed in the Obama Administration's lack of consideration for medical professionals who believe that engaging in such procedures or treatment violates their Hippocratic Oath, their conscience, or their personal religious beliefs, which are protected by the Constitution and federal law," he said.

The case, which goes under the title *Franciscan Alliance v. Burwell*, includes Speciality Physicians of Illinois, Christian Medical and Dental Associations, and the states of Wisconsin, Nebraska, Kentucky, and Kansas as plaintiffs. Secretary of Health and Human Services Sylvia Burwell and the Department of Health and Human Services are the defendants in the case.

"On pain of significant financial liability, the regulation forces doctors to perform controversial and sometimes harmful medical procedures ostensibly designed to permanently change an individual's sex—including the sex of children," the complaint states. "Under the new regulation, a doctor must

perform these procedures even when they are contrary to the doctor's medical judgment and could result in significant, long-term medical harm. Thus, the regulation represents a radical invasion of the federal bureaucracy into a doctor's medical judgment."