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Judge Overturns ObamaCare “Gender Reassignment” Regulation

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A Texas federal judge has struck down a controversial part of the Obama-era Patient Protection and Affordable Care Act — ObamaCare — that required doctors to perform “gender reassignment” surgeries, even if they disagree with such procedures on religious or medical grounds.



On October 15, Judge Reed O’Connor of the North District of Texas, who in 2016 had issued a preliminary injunction against the ObamaCare transgender mandate, struck down the regulation in his ruling in a pair of lawsuits filed by more than 19,000 healthcare professionals and several religious organizations.

In his ruling, O’Connor said that the ObamaCare regulation violated the federal Religious Freedom Restoration Act (RFRA), which was implemented to allow for such contingencies. O’Connor wrote that the “Court now holds that the Rule violates the [Administrative Procedures Act] and RFRA. Accordingly, the Court vacates and remands the Rule for further consideration.”

Becket Fund for Religious Liberty, which represented some of the plaintiffs in the lawsuits, recalled that the 2016 ObamaCare regulation, issued by the Department of Health and Human Services, required virtually every medical professional “to perform gender-transition procedures on any patient referred by a mental health professional, even if the doctor believed the treatment could harm the patient. Doctors who refused to violate their conscience would have faced severe consequences, including losing their job.”

Becket noted that O’Connor’s ruling “aligns with two previous court decisions, accepted medical research, and a recent HHS proposal, keeping the government out of the private medical decisions of patients.”

Luke Goodrich, vice president and senior counsel at Becket Law, applauded O’Connor’s decision, saying that “it is critically important that doctors are able to continue serving patients in keeping with their consciences and their professional medical judgment, especially when it comes to the personal health choices of families and children. Doctors cannot do their jobs if government bureaucrats are trying to force them to perform potentially harmful procedures that violate their medical and moral judgment.”

The *Christian Post* noted that O’Connor has been at the center of several healthcare and LGBT-related cases in recent years. “He ruled last December that the Affordable Care Act’s individual mandate was unconstitutional,” recalled the conservative, Christian news site. Additionally, in 2016 O’Connor “blocked an Obama administration guidance advising public schools to allow students to access



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bathrooms and locker rooms in accordance with their gender identities, something critics felt would jeopardize the privacy rights of children.”

And in 2015, the judge “temporarily blocked regulations that would have allowed the Family and Medical Leave Act benefits to extend to same-sex couples.”

Newsweek noted that “LGBTQ advocates denounced O’Connor’s decision, arguing that it is an attack on transgender rights and will allow hospitals to deny treatment to trans patients.” Additionally, the Democrat-led House Ways and Means Committee called the ruling “just the latest act in the Trump Admin’s crusade to dismantle our nation’s healthcare system and turn back the clock on human rights.”

By contrast, Luke Goodrich of the Becket Fund called the ruling “a major victory for compassion, conscience, and sound medical judgment,” adding that “our clients look forward to joyfully continuing to serve all patients, regardless of their sex or gender identity, and continuing to provide top-notch care to transgender patients for everything from cancer to the common cold.”

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