

Obamacare Now has a Transgender Mandate?

Ethical challenges to Obamacare, aka the Affordable Care Act:

? Abortion

? Euthanasia

? Sterilisation

? Contraception

And, forging ahead, Obamacare may be forcing doctors to perform gender transition procedures.

Last year the Administration's Department of Health and Human Services (HHS) issued an interpretation of Obamacare's [Section 1557](#). This forbade discrimination on the basis of "sex". The interpretation, published in the [Federal Register of May 18](#), now forbids discrimination on the basis of "gender identity" as well.

A provider specializing in gynecological services that previously declined to provide a medically necessary hysterectomy for a transgender man would have to revise its policy to provide the procedure for transgender individuals in the same manner it provides the procedure for other individuals.

The case is being handled by the [Becket Fund for Religious Liberty](#). It says that the government does not even require Medicare and Medicaid to cover these same gender transition procedures because HHS found that the risks were high and that the benefits were unclear. An extremely detailed study of the supposed benefits of sex-change operations by the [Centers for Medicare & Medicaid Services](#) (CMS) in June concluded that the case remained unproven. The CMS discovered

that very little research had been done into the health benefits of sex reassignment surgery, but its staff analysed 33 studies published between 1979 and 2015. Its verdict ought to be required reading for every politician and journalist:

this lawsuit sets a terrifying precedent for transgender people. If these cases reach the Supreme Court and it follows the same reasoning it used in Hobby Lobby?—perhaps less likely without Justice Antonin Scalia, but still possible— it would create a society in which transgender people could legally be denied the necessary foundations of life simply because of their identities.

Transgender activists believe that fears of conscience violations are unfounded. “The example unfortunately used by individuals who oppose this is that this is going to force doctors to provide transition surgeries to children [but] this doesn’t take away a doctor’s ability to make informed decisions in the best interest of their patients,” [said Sarah Warbelow](#), legal director for the Human Rights Campaign. “What the doctor can’t do is say, ‘I won’t treat you because you’re transgender.’”

The plaintiffs in *Franciscan Alliance, Inc., v. Burwell* are Franciscan Alliance, a religious hospital network sponsored by the Sisters of St. Francis of Perpetual Adoration, and the Christian Medical & Dental Associations, joined by the states of Texas, Kansas, Kentucky, Nebraska, and Wisconsin.

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