

# Maryland hospital violated Affordable Care Act in denying medical care to trans patient, court rules

by Brooke Migdon - 01/06/23 5:27 PM ET

The University of Maryland St. Joseph Medical Center violated federal law when it refused to provide gender-affirming surgical care to a transgender man because of his gender identity, a federal court [ruled Friday](#).

Jesse Hammons, a transgender man diagnosed with gender dysphoria, was denied a hysterectomy to remove his uterus in 2020 after his scheduled surgeon discovered Hammons was transgender, citing a **hospital policy that prohibits medical personnel from providing gender-affirming health care to transgender individuals**. [My emphasis – Ed.]

St. Joseph Medical Center, now part of the University of Maryland Medical System (UMMS), was, up until 2012, owned and operated as a Catholic hospital by Catholic Health Initiatives. As a condition of its purchase agreement, UMMS pledged to continue operating St. Joseph “in a manner consistent with Catholic values and principles.”

That includes complying with a “formal reporting mechanism” to ensure the hospital is held accountable for its Catholic identity. The National Catholic Bioethics Center (NCBC) audits the hospital every two years to assess its adherence to a set of religious directives for Catholic health services set by the United States Conference of Catholic Bishops.

While the directives themselves – known as the Ethical and Religious Directives for Catholic Health Services – state that medical procedures that induce sterility “are permitted when their direct effect is the cure or alleviation of a present and serious pathology,” guidelines for transgender health care set by the NCBC are much more stringent.

“Gender transitioning should never be performed, encouraged, or positively affirmed as a good in Catholic health care,” reads a [guidance document](#) issued by the group. It adds that government mandates “do not alter the immorality of gender transitioning interventions” and Catholic hospitals should seek religious exemptions.

“Litigation may be appropriate in response to unjust legal coercion,” the document states.

On Friday, District Court Judge Deborah K. Chasanow ruled that UMMS and St. Joseph Medical Center had violated Section 1557 of the Affordable Care Act – which prohibits discrimination in health care on the basis of sex – in denying Hammons a hysterectomy simply because he is transgender.

“The undisputed facts establish that the decision to cancel Mr. Hammons’ hysterectomy pursuant to a policy that prohibits gender-affirming care was discrimination on the basis of his sex,” Chasanow wrote.

“Defendants have not identified evidence that suggests that Mr. Hammons’s surgery was cancelled for any other reason,” she added. “Therefore, Defendants’ position that the denial of Mr. Hammons’s surgery had nothing to do with his sex or gender identity is simply not supported by any evidence.”

UMMS had tried to remove itself as a defendant in Hammons’ case, arguing that only the funding

recipient for the “specific discriminatory program” – which in this case is St. Joseph Medical Center – is liable under Section 1557.

Chasanow on Friday denied that claim, arguing that UMMS is “undoubtedly” engaged in the business of providing health care through its network of hospitals.

“A plain reading of the statute supports a conclusion that UMMS could be held liable under Section 1557 for discrimination that occurs in any of its hospitals,” she wrote in the ruling.

Hammons in a [statement](#) released by his attorneys at the American Civil Liberties Union (ACLU) said Friday’s win was an important step toward ensuring transgender people are no longer denied equal treatment because of who they are.

“All I wanted was for UMMS to treat my health care like anyone else’s, and I’m glad the court recognized how unfair it was to turn me away,” Hammons said. “I’m hopeful UMMS can change this harmful policy and help more transgender people access the care they need.”

In a statement to The Hill, a UMMS spokesperson said the hospital system is “carefully reviewing” Chasanow’s ruling and disagrees with “many of the conclusions that were reached in this decision.”

“This legal claim stems directly from, and is traceable to, a surgeon mistakenly scheduling a procedure that could not be performed at UM SJMC,” the spokesperson said. “Although our offer to perform gender affirming surgery at a different location was declined by Mr. Hammons, the University of Maryland Medical System remains committed to meeting the unique medical needs of transgender individuals and patients who are routinely scheduled by physicians for appointments and procedures at UMMS member organizations.” **[Draw your own conclusions. Ed]**