

# Hospital Equity and Accountability Project

## Fact Sheet: Gender-Affirming Care and Religious Refusals

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### **Catholic hospital bans on medically necessary health care for transgender people will worsen the state of emergency for transgender people and their families**

Health care services that improve the mental health and overall well-being of gender diverse, transgender, and nonbinary people are supported by decades of medical research and expert guidelines.<sup>1</sup> But access to this lifesaving care for minors— and, increasingly, for adults as well— is threatened by a wave of state and proposed federal-level bans and restrictions. Now, the nation’s Catholic Bishops are moving to make a bad situation worse by doubling down on their previous restrictions that have long sought to prohibit the nation’s thousands of Catholic health facilities from providing gender-affirming care. The result of these newer, more stringent restrictions will be that gender-affirming care may soon be unavailable in large parts of the country where Catholic health systems are the sole or dominant providers of healthcare, including in states without laws banning or restricting such care.

### **What is gender-affirming care and why is it so important to protect?**

Gender-affirming care is individualized, age-appropriate care that can encompass a range of services, including social support, mental health counseling, hormone therapy, and surgeries.<sup>2,3</sup> The World Professional Association for Transgender Health has maintained expert standards to guide the provision of this care since 1979, and the most recent version, released in September 2022, incorporates evidence from dozens of independent systematic reviews and recommendations developed through a consensus-based process that involved more than one hundred experts from around the world.

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<sup>1</sup><https://www.google.com/url?q=https://www.wpath.org/publications/soc&sa=D&source=docs&ust=1689352898977731&usg=AOvVaw2QvkzgHFLkmKATtIEZUC6t>

<sup>2</sup>[Gender-Affirming Care and Young People \(hhs.gov\)](https://www.hhs.gov/gender-affirming-care-and-young-people/)

<sup>3</sup>[https://www.google.com/url?q=https://academic.oup.com/jcem/article/102/11/3869/4157558&sa=D&source=docs&ust=1689352898977585&usg=AOvVaw3YoiafYbhhuP4opnMF1\\_v3](https://www.google.com/url?q=https://academic.oup.com/jcem/article/102/11/3869/4157558&sa=D&source=docs&ust=1689352898977585&usg=AOvVaw3YoiafYbhhuP4opnMF1_v3)

## How has gender-affirming care been under attack in state legislatures?

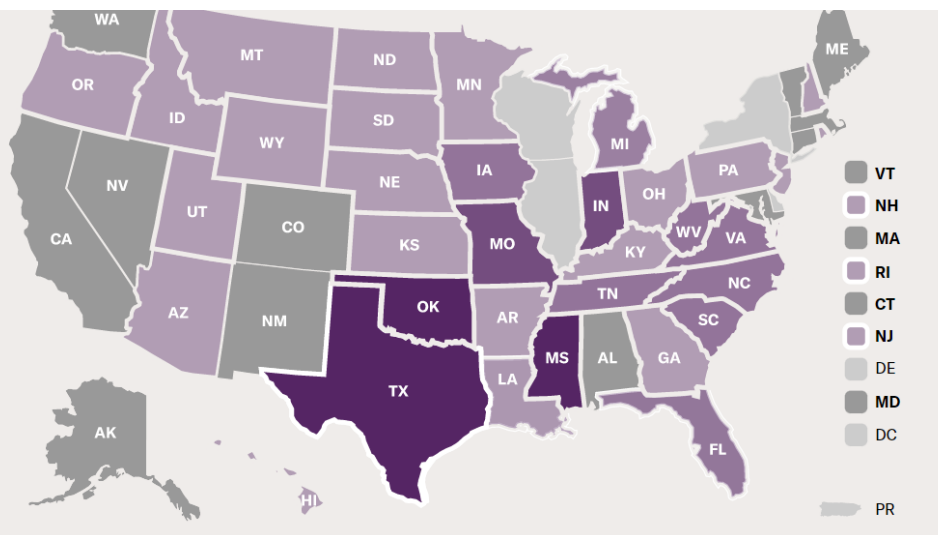
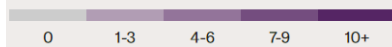
Extremist right-wing lawmakers have introduced more than 130 bills across the country in 2023 alone to outright ban medically necessary health care for transgender youth, establish criminal penalties for providers, block funding to medical facilities that care for transgender people, or prohibit insurance coverage for medically necessary care. Other states have taken administrative action to prohibit Medicaid funding for transgender people of all ages and to investigate for child abuse of parents who support their transgender children. As of September 1, 2023, 22 states had passed laws or taken other steps to ban best-practice care for transgender minors. The status of the laws and the injunctions will change as litigation advances. These bills and other anti-LGBTQIA+ legislation, such as “don’t say gay” laws, increased online harassment, as well as increased violence against LGBTQIA+ people, have prompted the Human Rights Campaign to declare a state of emergency for LGBTQIA+ people. There is hope for a more just future through advocacy, education, and progressive law change.

### The ACLU is tracking **130** Healthcare bills in the U.S.

Choose a state on the map to show the different bills targeting LGBTQ rights and take action. While not all of these bills will become law, they all cause harm for LGBTQ people.

[View past legislative sessions.](#)

Bills per state



ACLU map shows states that have introduced laws targeting LGBTQIA+ people.

Source: ACLU

## How will this dire situation be made even worse by the Catholic Bishops' actions?

The nation's Catholic Bishops are moving to enact stringent prohibitions on health facilities and physician practices owned by or affiliated with Catholic health systems providing transgender people with medically necessary health care. In March 2023, the U.S. Conference of Catholic Bishops issued a [doctrinal note](#) discouraging all Catholic health systems from providing gender-affirming care, claiming that "it is not morally justified." In June, the Bishops took the next step of voting to draft language including a ban on gender-affirming care in the Ethical and Religious Directives for Catholic Healthcare Services (ERDs), which governs the care and operations of Catholic-owned and -affiliated hospitals and health systems.

## How would Catholic health facilities be affected by the new restrictions? Do they provide gender-affirming care now?

Catholic health care facilities include thousands of hospitals, clinics, urgent care centers, ambulatory surgery centers, and physician practices across the country. Four of the ten largest health systems in the United States are run by a Catholic health system, and 1 in 6 acute care hospital beds in the U.S. is part of a Catholic system. The 10 largest Catholic health systems together operate 864 urgent care centers, 385 ambulatory surgery centers, and 274 physician groups.<sup>4</sup> A 2020 Community Catalyst study reported that the number of Catholic hospitals had grown by 28 percent from 2001 to 2020, while most other types of hospitals had declined in numbers. Most concerning, the Community Catalyst study found there are 52 communities with only a Catholic hospital within 35 miles (45 minutes) of the next closest hospital.

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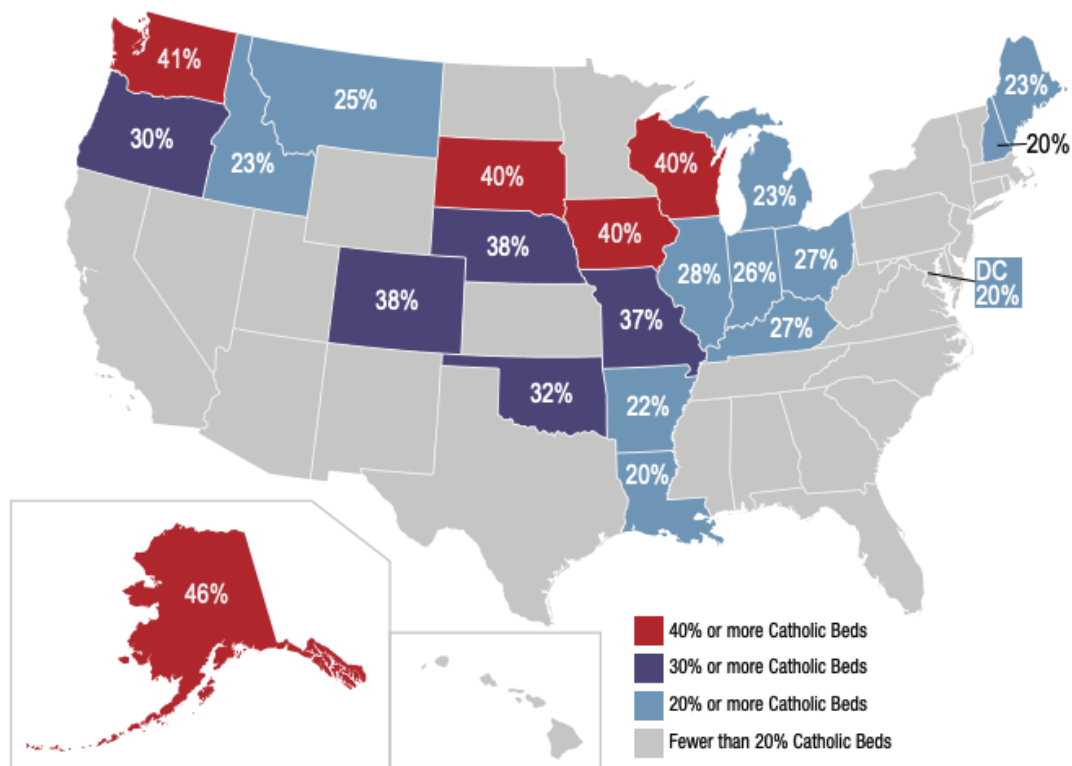
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<sup>4</sup>[Bigger and Bigger: The Growth of Catholic Health Systems - Community Catalyst](#)

While some Catholic health facilities already refused to provide gender-affirming care, a limited number of Catholic-affiliated hospitals, particularly in the large CommonSpirit Health system, have been providing such care. A ban on such care in the ERDs will end such practices and prevent any additional Catholic facilities from beginning to offer gender-affirming care. It would mean the 52 communities with only a Catholic hospital would become “Gender-Affirming Care Deserts.” Moreover, some of the states where gender-affirming care remains legal – such as Oregon, Washington, Colorado, and Illinois – have high percentages of their hospital beds located in Catholic hospitals (see figure 1). So, some geographic regions within these states where Catholic hospitals are the sole or dominant provider of health care would have limited or no access to gender-affirming care.

### States with the most Catholic hospital beds

Percentage of staffed acute care hospital beds that are in Catholic facilities



Map shows states with the most Catholic hospital beds.

Source: Community Catalyst

## Know Your Rights

- Section 1557 of the Affordable Care Act prohibits discrimination on the basis of race, color, national origin, sex, age, and disability in covered health programs or activities; these sex nondiscrimination protections include gender identity.
- Title II of the Americans with Disabilities Act protects qualified individuals with disabilities from discrimination in state and local government programs; in some cases gender dysphoria qualifies as a disability. Gender dysphoria is the clinically significant distress or impairment that can accompany a difference between a person's gender and the sex they were assigned at birth. If left untreated, gender dysphoria can cause intense psychological distress, depression, and suicidal ideation and attempts.
- You can file a complaint with the US Department of Health and Human Services if you or someone you know has experienced discrimination [HERE](#).
- Section 1557 includes your right to sue if you or someone you know has experienced discrimination on the basis of your gender identity.

## You can seek legal advice from

- [Lambda Legal](#)
- [American Civil Liberties Union \(ACLU\)](#)
- [National Center For Lesbian Rights](#)
- [Transgender Law Center](#)
- [Sylvia Rivera Law Project](#)
- [The LGBTQ+ Bar](#)
- [The Transgender Legal Defense & Education Fund](#)

## Action Steps

- **Speak out and expose the harm** of bans or restrictions on gender-affirming care. Write letters to the editor and op-eds.
- **Organize people to speak out** about bans and restrictions on gender-affirming care and who will support legislation that will support the ability of transgender people, like all human beings, to live authentically and safely as their true selves.

- **Continue to follow legislative activity** around LGBTQIA+ rights using this tool [here](#) and take action to oppose harms, and support affirming, measures.
- **Support the Do No Harm Act** which “clarifies that the Religious Freedom Restoration Act (RFRA) is intended to protect religious freedom without allowing the infliction of harm on other people. It would amend RFRA in order to restore the original intent of the legislation by specifically exempting areas of law where RFRA has been used to bypass federal protections.”
- **Vote.**

## Resources

- [Catholic bishops vote to create trans guidelines - The Washington Post](#)
- [National State of Emergency for LGBTQ+ Americans - Human Rights Campaign \(hrc.org\)](#)
- [Mapping Attacks on LGBTQ Rights in U.S. State Legislatures | American Civil Liberties Union \(aclu.org\)](#)
- [Health Care | National Center for Transgender Equality \(transequality.org\)](#)

