



WHITMAN-WALKER HEALTH

Mailing Address:

Whitman-Walker at LIZ
1377 R Street, NW, Suite 200
Washington, DC 20009

Statement of Whitman-Walker Health on the Victory in Our Litigation Against the HHS Denial of Care Rule

Yesterday, U.S. District Judge William Alsup in the federal court for the Northern District of California struck down as unlawful HHS’s “conscience protection” rule, which would have encouraged widespread discrimination against LGBTQ people, women needing reproductive health care, and other vulnerable and marginalized people. Judge Alsup joined two other federal judges, in New York and in Washington State, who reached the same conclusion less than two weeks ago.

Judge Alsup ruled that HHS had exceeded its legal authority under the conscience protection laws enacted by Congress. Those statutes were intended primarily to protect doctors and nurses who do not want to be directly involved in performing abortions. By contrast, the HHS rule attempted to give anyone even indirectly involved in health care the right to opt out of helping patients to whom they personally objected – even ambulance drivers and EMTs, persons providing basic information to patients about their options, and nurses and medical assistants involved in follow-up care for patients after surgery. This overreach, the Judge declared, was “in conflict with the balance struck by Congress in harmonizing protection of conscience objections [with] the uninterrupted flow of healthcare to Americans.” Judge Alsup concluded that “[the] rule is so saturated with error ... [that] there is no point in trying to sever the problematic provisions. The whole rule must go.”

This is a tremendous victory for LGBTQ individuals and families, and all stigmatized and marginalized persons who are threatened with discrimination when they need health care. It is also a great victory for Whitman-Walker and other centers committed to the LGBTQ community, and for health care providers and staff committed to fulfilling their ethical obligations to serve all persons needing care, regardless of their personal beliefs or feelings.

It is particularly appropriate that this court ruling was issued during Transgender Awareness Month, and the day before today’s Transgender Day of Remembrance. Transgender

people continue to endure widespread stigma and discrimination in health care, which the HHS rule would have sanctioned.

We are also gratified that Judge Alsup ruled that our individual providers, Dr. Sarah Henn and Dr. Randy Pumphrey, and the individual providers working for some of our co-plaintiffs, have the legal standing to join the litigation as parties to protect the rights of their patients.

Whitman-Walker is grateful for the tremendous efforts of the lawyers who are representing us and our co-plaintiffs in this litigation: Lambda Legal, the law firm Mayer Brown, Americans United for Separation of Church and State, and the Center for Reproductive Rights.

Whitman-Walker remains committed to welcoming care of the highest quality for everyone in our community, and we will continue to fight for our values, and for our community, at every level.

Daniel Bruner, Senior Director of Policy
November 20, 2019