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A court gavel is seen in this illustration photo. (CNS/Reuters/Andrew Kelly)

by Catholic News Service

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A unanimous ruling by the 5th U.S. Circuit Court of Appeals in New Orleans blocking the Biden administration's transgender mandate "is a major victory for conscience rights and compassionate medical care in America," said the attorney who represented the plaintiffs in the case.

"Doctors cannot do their jobs and comply with the Hippocratic oath if the government requires them to perform harmful, irreversible procedures against their conscience and medical expertise," said Joseph Davis, counsel at Becket, a Washington-based religious liberty law firm.

Davis made the remarks about the court's Aug. 26 ruling permanently blocking a U.S. Department of Health and Human Services mandate that would have forced doctors and hospitals to perform gender-transition procedures on their patients even if this violated their conscience and medical judgment.

On Aug. 4, the 5th Circuit heard oral arguments in the case, Franciscan Alliance v. Becerra, which was brought by a Catholic health care network and a group of nearly 19,000 health care professionals.

"Franciscan Alliance and the Sisters of St. Francis of Perpetual Adoration seek to carry on Jesus Christ's healing ministry by providing the best possible care to every person who comes through our doors," said Sr. Petra Nielsen, a Sister of St. Francis of Perpetual Adoration, who is a member of the Franciscan Alliance's corporate board.

"We are simply asking the courts to let us keep caring for all our patients with joy and compassion — as we've done for over 145 years," she said in a statement released by Becket ahead of the oral arguments.

In an Aug. 26 statement, Davis said: "For years, our clients have provided excellent medical care to all patients who need it. Today's ruling ensures that these doctors and hospitals may continue to do this critical work in accordance with their conscience and professional medical judgment."

The 5th Circuit affirmed the lower court's order "permanently enjoining [HHS] from requiring Franciscan Alliance to perform gender-reassignment surgeries or abortions in violation of its sincerely held religious beliefs."

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The government argued it should get more chances to show why it needed religious health care providers to participate in such gender-transition procedures, but the court said other cases showed that permanent protection "was appropriate — including, ironically, cases brought by the ACLU, who had intervened in [the case] to support the government," Becket said in a release about the ruling.

In 2016, the federal government under the Obama administration began implementing a mandate requiring doctors to perform gender transition procedures on any patient, including children, and required private insurance companies — except plans run by Medicare and Medicaid — and many employers to cover gender reassignment therapy or face severe penalties and legal action.

In August of that year, Becket, joined by eight state governments, filed a lawsuit in Texas against the U.S. Department of Health and Human Services on behalf of Franciscan Alliance, a religious hospital network sponsored by the Sisters of St. Francis of Perpetual Adoration, and the Christian Medical & Dental Associations.

After years of litigation, including an appeal to the 5th Circuit and a remand to the lower court, a U.S. District Court granted the doctors and hospitals in the case involved permanent relief from the mandate and protected their medical conscience rights.

The Biden administration appealed to keep the mandate in place. Secretary Xavier Becerra heads HHS under President Joe Biden.

In a separate action, the HHS civil rights office July 25 released proposed regulations that could force health care workers to perform gender transition procedures; require health insurance plans to cover those costs; and likely remove federal conscience protection for those in health care who object to performing abortions.

On Aug. 4, the proposal was published by the Federal Register, opening a 60-day period for public comment that can be submitted at https://bit.ly/3vEM4Bl. The comment period ends Oct. 3.