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A person in New York City holds up a transgender flag Oct. 24, 2018. (CNS photo/Brendan Mc

A person in New York City holds up a transgender flag Oct. 24, 2018. (CNS photo/Brendan McDermid, Reuters)



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The Supreme Court Nov. 1 turned down an appeal from a Catholic hospital in California that was sued for refusing to perform a hysterectomy on a transgender patient.

The court's decision, issued without comment, sends the lawsuit back to state court and avoids examining whether the hospital can be sued for refusing to provide treatment it said would violate its religious beliefs.

Justices Clarence Thomas, Samuel Alito and Neil Gorsuch said the court should have taken the case.

In 2016, Evan Minton sued Mercy San Juan Medical Center near Sacramento for refusing to allow the doctor to perform a hysterectomy on Minton as part of gender transition from female to male. Minton said the treatment denial was a violation of California law that bars discrimination.

The hospital said it does not discriminate against transgender patients, but does not allow its facilities to be used for abortion, sterilization and euthanasia, which are contrary to Catholic teachings.

The hospital called the procedure, which surgically removes the uterus, "elective sterilization" that goes against its ethical and religious beliefs. It also said being required to perform this would go against the Constitution's free exercise clause.

Minton received the surgery three days later at a non-Catholic hospital.

A trial court sided with the Catholic hospital in the suit, saying the three-day delay in the procedure was not a denial of full and equal access to health care under state law.

An appeals court reversed that decision, rejecting the hospital's defense in light of the Supreme Court's ruling in its Smith decision, a 1990 case that has been interpreted as giving state and local governments broad powers over religious practices.

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The Catholic hospital appealed to the Supreme Court in 2020, saying its case "poses a profound threat to faith-based health care institutions' ability to advance their healing ministries consistent with the teachings of their faith."

It also noted that California courts "have held that the First Amendment provides no protection whatsoever to religious health care providers that face coercion to violate their beliefs."

The Supreme Court considered the hospital's petition several times before denying it a review.

A brief in this case filed by the Catholic Health Association said the appeals court decision "portends ill for all religious organizations that serve the public following the

precepts of religious teaching."

The organization, comprised of more than 2,200 Catholic hospitals, health care systems, nursing homes and long-term care facilities across the country, said the lower court's decision "does not overtly bar a religious organization" from following its teachings.

Instead, it said the decision was "more insidious" because in allowing the lawsuit it penalized the hospital and communicates to similar organizations that "following your beliefs comes at a price."

"Given the size of the religious service sector, the adverse impacts of such a rule will be widespread and pernicious" the group said, urging the court "to correct it now."

A brief filed by the Catholic Medical Association and the National Catholic Bioethics Center similarly said the issues presented in this case "will significantly impact Catholic hospitals throughout the country."

It illustrates "potential conflicts between the demands of a small minority of patients" and the obligation that Catholic hospitals have to follow the church's "Ethical and Religious Directives for Catholic Health Care Services," a document that offers moral guidance on health care practices from the theological and moral teachings of the church.

The brief also noted that it is "not the role of the courts — in California or in any forum — to mandate the policy and structural reform to Catholic hospitals that Minton seeks. That policy-setting role resides with the Catholic Church alone."