



Mercy San Juan hospital won't perform hysterectomy on transgender man 1:49



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Transgender patient sues Dignity Health for discrimination over hysterectomy denial

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More than seven months after a Dignity Health hospital refused a hysterectomy to a Sacramento-area transgender patient, the American Civil Liberties Union filed a lawsuit Wednesday on his behalf.

The lawsuit, filed in San Francisco Superior Court, alleges that Dignity discriminated against Evan Michael Minton, 35, a former state Capitol legislative aide, when he sought a hysterectomy as part of his transition from female to male.

Last summer, Mercy San Juan Medical Center in Carmichael, part of the Dignity Health chain, abruptly canceled Minton's surgery the day before it was scheduled to take place. His doctor eventually performed the procedure at another Sacramento-area hospital, but the initial denial still causes frustration and disappointment, Minton said. After months of reflection, he decided to take legal action against the San Francisco-based hospital chain.

"It devastated me, and I don't want it to affect my transgender brothers and sisters the way it affected me," Minton said Tuesday. "No one should have to go through that."

The case pits the desires of transgender patients seeking sexual reassignment surgery against Catholic doctrines, which bar sterilizations such as hysterectomies in most instances. And it comes as federal and state lawmakers across the country are attempting to roll back protections of transgender persons, according to the ACLU, which joined the firm Covington & Burling in filing the lawsuit.

"Given the national context, where legal protections for transgender people are under attack, it's particularly important that in states like California the law is really clear," said Elizabeth Gill, senior staff attorney for the ACLU Northern California.

She said the hospital's denial is a "clear-cut case of discrimination," based on the state's Unruh Civil Rights Act, which prohibits discrimination against individuals based on their sex, race, religion, age, disability, marital status or sexual orientation. The suit seeks \$4,000, the minimal amount of damages under the law, Gill said.

"We have not been served with the complaint and cannot speak to the allegations until we have the opportunity to review them," Dignity Health Mercy San Juan officials said in a statement Wednesday. "What we can share is that at Dignity Health Mercy San Juan Medical Center, the services we provide are available to all members of the communities we serve without discrimination. We understand how important this surgery is for transgender individuals, and were happy to provide Mr. Minton and his surgeon the use of another Dignity Health hospital for his surgery within a few days.



"We do not provide elective sterilizations at Dignity Health's Catholic facilities in accordance with the Ethical and Religious Directives for Catholic Health Care Services (ERDs) and the medical staff bylaws."

Dignity Health historically has been affiliated with the Catholic church. But today, not all of its hospitals are required to follow Catholic doctrine.

Last August, Mercy San Juan said the procedure went against the hospital’s anti-sterilization policies, which are based on ethical and religious directives issued in 2009 by the U.S. Conference of Catholic Bishops.

“In general, it is our practice not to provide sterilization services at Dignity Health’s Catholic facilities,” said spokeswoman Melissa Jue, in an emailed statement last August. Sterilization procedures, such as hysterectomies or tubal ligations, she said, are permitted by Catholic hospitals only to cure or alleviate a “serious pathology and (if) a simpler treatment is not available.”

After Mercy San Juan denied the hysterectomy, Minton’s surgeon said Dignity Health officials helped her obtain emergency privileges at Methodist Hospital of Sacramento, a Dignity facility that is not bound by Catholic doctrines. The hysterectomy was performed at Methodist in September.

“I don’t blame the staff,” said his surgeon, Sacramento obstetrician gynecologist Dr. Lindsey Dawson, at the time. “I don’t blame the administrators. I blame the (Catholic) doctrines.”

In November 2015, a group of 10 religious entities, including the Conference of Catholic Bishops, opposed inclusion of gender identity in federal health care laws barring sexual discrimination. “We believe, as do many health care providers, that medical and surgical interventions that attempt to alter one’s sex are, in fact, detrimental to patients,” states the letter to the U.S. Department of Health and Human Services. “Such interventions are not properly viewed as health care because they do not cure or prevent disease or illness. Rather they reject a person’s nature at birth as male or female.”

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The letter also states that “surgical alteration of the genitalia, in particular, mutilates the body by taking a perfectly healthy bodily system and rendering it dysfunctional.” It said such medical alterations could potentially expose health care providers to claims of medical malpractice.

Minton’s hysterectomy was part of a series of surgeries to complete his transition from female to male. The Orangevale resident, who came out as transgender six years ago and has been living as a man since, has had a double mastectomy and a phalloplasty, or male organ construction surgery.

“It’s almost magical, just to be able to be congruent with who I am – to have my outer body match my inner self,” Minton said this week. “When I got my complete body, I said, ‘The rest of my life starts here.’ ”



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Evan Minton, denied a hysterectomy at Mercy San Juan for his gender transition in 2016, has sued Dignity Health for alleged discrimination. **Jose Luis Villegas** - jvillegas@sacbee.com

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