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Trump HHS Wants Hearing Canceled to Weigh Transgender Rule Suit

- Trump's executive actions in conflict with Biden-era rule
- HHS's Section 1557 rule was previously blocked by court

By Ian Lopez

(Bloomberg Law) --

The US Department of Health and Human Services asked a court to cancel planned hearings while the Trump administration reconsiders its position in a legal battle over transgender care discrimination protections.

President Donald Trump's executive actions halting agencies from funding gender-affirming care and stating the government will only recognize two sexes and exclude gender identity give new HHS leadership particular reason "to determine the appropriate course going forward," according to a Thursday court filing.

The filing comes in a 2024 lawsuit by Mississippi's McComb Children's Clinic against the HHS over a rule under President Joe Biden interpreting Section 1557 of the Affordable Care Act as protecting transgender people from health discrimination.

Now under the leadership of acting secretary Dorothy Fink, the HHS' filing asks the US District Court for the Southern District of Mississippi to vacate upcoming status conference and motion hearings. Instead, the HHS is proposing the parties jointly file a status report.

The 1557 rule is among the most controversial from the Biden administration and widely expected to be cut down.

Separate litigation over the rule ultimately led to it being blocked from going into effect. Robert F. Kennedy Jr., whom Trump nominated to lead the HHS and is currently awaiting a Senate vote on confirmation to take office, indicated he would withdraw the rule.

The case is *McComb Childrens Clinic, LTD. v. Becerra*, S.D. Miss., No. 5:24-cv-00048, motion filed 2/6/25.

To contact the reporter on this story: Ian Lopez in Washington at ilopez@bloomberglaw.com

To contact the editors responsible for this story: Zachary Sherwood at zsherwood@bloombergindustry.com; Karl Hardy at khardy@bloombergindustry.com

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