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# Trump Trans Care Order Usurps Congress' Power, Suit Says

By **Patrick Hoff**

Law360 (February 4, 2025, 7:38 PM EST) -- The Trump administration overstepped when it issued an executive order cutting off gender-affirming care for people under 19, a group of transgender adolescents, young adults and their families told a Maryland federal court Tuesday, arguing the president is trying to usurp Congressional authority by forcing federally funded hospitals to discriminate.

In a **44-page complaint**, seven families and individuals living in Maryland, New York and Massachusetts accused President Donald Trump, the U.S. Department of Health and Human Services and other federal health agencies of violating the U.S. Constitution and discriminating based on sex and disability. The family and individuals were joined by PFLAG Inc., which is a nonprofit supporting LGBTQ+ people and their families, and the American Association of Physicians for Human Rights Inc., a nonprofit operating as GLMA that comprises approximately 1,000 medical professionals.

The lawsuit is challenging Trump's **Jan. 28 executive order** directing that federal funding be immediately revoked from entities that provide gender-affirming care to patients under 19, following a **Jan. 20 order** instructing that federal funds not be used to promote "gender ideology." According to the complaint, however, these orders are unconstitutional and try to seize Congress' power to allocate federal funds while flying in the face of federal statutes prohibiting discrimination in medical care, such as Section 504 Rehabilitation Act and Section 1557 of the Affordable Care Act.

"Under our Constitution, it is Congress, not the president, who is vested with the power of the purse," the patients and families wrote. "The president does not have unilateral power to withhold federal funds that have been previously authorized by Congress and signed into law, and the President does not have the power to impose his own conditions on the use of funds when Congress has not delegated to him the power to do so."

According to the complaint, decades of medical and scientific literature support guidelines recommending how to safely treat patients with gender dysphoria, a condition in which a person feels significant distress over the conflict between their gender identity and the sex they were assigned at birth. For adolescents, this often includes puberty-delaying treatment and hormone therapy, and if left untreated, gender dysphoria can have a serious impact on the health and well-being of transgender patients, the complaint said.

However, Trump's executive orders prohibit hospitals, medical centers and other entities receiving federal funds from providing gender-affirming care, even though the same treatments can be used for other conditions with comparable risks and side effects, the patients and families wrote.

Additionally, medical institutions across the country almost immediately canceled appointments for gender-affirming care following Trump's Jan. 28 executive order, showing the efforts are having their intended effect, according to the complaint. For example, the patients claimed that many of them had appointments and treatments lined up in the coming days and weeks that were nixed by hospitals in Boston, New York City, Washington, D.C., and Denver, Colorado, in some cases hours before they were set to begin.

The "orders threaten the ability of medical institutions and healthcare providers throughout the U.S. to provide essential health care to their communities, train the next generation of physicians, and support research to address this country's greatest health challenges," according to the complaint.

Joshua Block of the American Civil Liberties Union, who is representing the patients and families, told reporters during a news conference that they plan to ask the court to grant a temporary restraining order blocking the executive orders from being implemented.

"Under our Constitution, it's the laws passed by Congress and signed by the president that control," Block said. "The president can't simply reverse those laws and ask federal grantees to do the opposite of what Congress has required."

Omar Gonzalez-Pagan of the Lambda Legal Defense and Education Fund, who is also representing the patients and families, added that they have experience challenging these types of actions at the state level, including a case over a Tennessee statute heard by the U.S. Supreme Court **in December**.

"Trump's executive order doesn't care about the particular needs of any one individual," Gonzalez-Pagan said. "Rather, it seeks to create a broad attack that eliminates access across a whole host of medical institutions in the United States. We've seen a handful of them already preemptively take inappropriate action by ceasing care, and that's why we're going to court today."

Representatives of the federal government did not immediately respond to requests for comment Tuesday.

PFLAG, GLMA and the families are represented by Joshua Block, Harper Seldin, Chase Strangio and Alexandra R. Johnson of the American Civil Liberties Union Foundation, by Deborah A. Jeon and Zoe M. Ginsberg of the ACLU Foundation of Maryland, by Omar Gonzalez-Pagan, Jennifer C. Pizer, Karen L. Loewy and Nora Huppert of the Lambda Legal Defense and Education Fund Inc., by Laura J. Edelstein, Kai N. Galindo, Madeleine V. Findley, Zachary B. Cohen, Mary-Claire Spurgin, Jocelyn A. Sitton, Lillian M. McGuire and Rebecca M. Diamond of Jenner & Block LLP and by Catherine E. Stetson, Danielle Desaulniers Stempel, Kristina Alekseyeva, Sam H. Zwingli and Jackson Skeen of Hogan Lovells US LLP.

Counsel information for the federal government was not immediately available.

The case is PFLAG Inc. et al. v. Donald J. Trump, in his official capacity as President of the United States et al., case number 1:25-cv-00337, in the U.S. District Court for the District of Maryland.

--Editing by Nick Petruncio.

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