



April 22, 2026

Subject: Impact of District Court Decision in *Oregon v. Kennedy*, No. 6:25-cv-2409 (D. Or.) on Providers of Gender-Affirming Care

To: ALL CALIFORNIA HEALTHCARE FACILITIES AND PROVIDERS

California Department of Justice Office of the Attorney General

NOTE: The information on this bulletin is for informational purposes only and is not legal advice. The California Attorney General does not represent individuals in legal matters. You should consider consulting an attorney to better understand your responsibilities.

Gender-Affirming Care Remains Legal in California

Federal law does not prohibit medical professionals from providing gender-affirming care to patients under the age of 19. A recent federal court decision struck down the Trump Administration's latest attempt to end gender-affirming care for minors.

A Federal Court Recently Ruled HHS Secretary Lacks Authority to Exclude Providers from Medicaid and Medicare Because They Provide Gender-Affirming Care to Minors

On December 18, 2025, U.S. Department of Health and Human Services (HHS) Secretary Robert F. Kennedy, Jr. issued a declaration (Kennedy Declaration) claiming that gender-affirming care fails to meet professionally recognized standards of care and therefore HHS may disqualify any doctors or hospitals that provide such care from federal health care programs, including Medicare and Medicaid. In December 2025, Attorney General Bonta joined a coalition of 18 other attorneys general and one governor in [filing a lawsuit](#) in the U.S. District Court for the District of Oregon challenging the Kennedy Declaration.

On April 18, 2026, the district court issued a written decision holding that:

- The Kennedy Declaration is unlawful;
- The Kennedy Declaration lacks any current legal effect;
- The HHS Secretary and HHS, including HHS's Office of Inspector General (HHS-OIG) lack the authority to unilaterally establish standards of care that supersede professionally recognized standards for providing gender-affirming care recognized in the Plaintiff States, including California;
- The HHS Secretary and HHS, including HHS-OIG, lack the authority to exclude providers from federal healthcare programs for providing gender-affirming care in a manner and quality consistent with the professionally recognized standards of care in the Plaintiff States; and
- The HHS Secretary and HHS, including HHS-OIG, are enjoined from initiating enforcement action, enforcing, implementing, giving intent to, or relying on the Kennedy Declaration, or any materially similar policy which supersedes or purports to supersede the professionally recognized standards of care that exist in California and the other Plaintiff States.



What the Legal Decision About the Kennedy Declaration Means for California Providers

- The Kennedy Declaration currently has no legal effect.
- No federal law or regulation states that gender-affirming care for minors fails to meet professionally recognized standards of care.
- HHS, including HHS-OIG, may not rely on the Kennedy Declaration or any materially similar policy to disqualify any doctors or hospitals from any federal health care program, including Medicare or Medicaid, for providing gender-affirming care in a manner and quality consistent with the professionally recognized standards of care in the doctor's or hospital's state.

HHS, including HHS-OIG may not initiate enforcement action or exclude any provider or hospital for providing gender-affirming care in a manner and quality consistent with the professionally recognized standards of care in the doctor's or hospital's state.

The Trump Administration may appeal the court's decision striking down the Kennedy Declaration. The Attorney General's Office is committed to ensuring gender-affirming care is protected in California and intends to defend the district court's decision on appeal.

The Federal Proposed Rules Aiming to Restrict Gender-Affirming Care are Only Proposals and Are Not in Effect at This Time

On December 18, 2025, HHS published two proposed rules:

- [One](#) that would prohibit federal reimbursement for gender-affirming care for minors in Medicaid and the Children's Health Insurance Program (CHIP), and
- [Another](#) that would prohibit [hospitals that](#) perform gender-affirming care for minors from participating in the Medicaid and Medicare programs.

These proposed rules are only proposals. They have not been finalized and do not have any legal effect as of the date of publication of this bulletin.

If the Administration attempts to finalize these proposals, there is a **minimum 30-day period before they can legally take effect.**

The Attorney General's Office is prepared to take further legal action to prevent these rules from going into effect.

Get Help

- If your facility has any questions regarding the Administration's proposed rules, Secretary Kennedy's declaration, or your facility's ongoing obligations under California law, please contact genderaffirmingcare@doj.ca.gov.