TuSalud

Supreme Court Heard Arguments on Preventive Health Care Coverage. How'd It Go?

Experts weigh in on the SCOTUS case that could decide access to cost-free preventive care, like cancer and hepatitis screenings, heart statins, and PrEP to prevent HIV.

April 25, 2025 By Trent Straube

On Monday, the Supreme Court heard oral arguments in a case that will determine whether health insurers must continue to cover certain preventive services, including some cancer and diabetes screenings, heart statins, tests for hepatitis, and pre-exposure prophylaxis (PrEP) to prevent HIV. A ruling is expected by the end of June.

After assessing the arguments and questions, most experts and advocates believe the justices will uphold the current mandate to cover the preventive services (see a roundup of statements below). But there's a major caveat: The ruling could give more power over deciding which services are covered to the Secretary of the Department of Health and Human Services. Currently, that person is Robert F. Kennedy Jr., a vaccine skeptic and AIDS denialist currently dismantling the nation's federal health department.

On Monday, the Supreme Court heard oral arguments in #Braidwood — a case challenging the ACA's preventive services requirement. @medpagetoday.bsky.social highlighted Andrew Twinamatsiko and @katie-keith.bsky.social's analysis on what the justices' stances may be. www.medpagetoday.com/publichealth...

[image or embed]

— O’Neill Institute (@oneillinstitute.bsky.social) April 23, 2025 at 4:18 PM

The case before the Supreme Court is now known as Kennedy v. Braidwood, formerly Braidwood v. Becerra. The case dates back to a 2022 Texas lawsuit in which Braidwood Management Company, along with a handful of other Christian-owned businesses and individuals, challenged the federal mandate to cover preventive services, namely PrEP, which Braidwood claimed violates the Religious Freedom Restoration Act (RFRA) and “forces religious employers to provide coverage for drugs that facilitate and encourage homosexual behavior, prostitution, sexual promiscuity and intravenous drug use.”

As the case moved through the courts, it became about the system that decides which prevention services must be covered cost-free. Under the current guidelines of the Affordable Care Act (ACA, or Obamacare), the experts of the U.S. Preventive Services Task Force (USPSTF) grade preventive services; services that earn an A or B grade must be covered by health insurance plans. (For a complete list of services with an A or B grade, visit USPreventiveServicesTaskForce.org.)

A new Supreme Court case — Kennedy v. Braidwood Management — is the latest push by right-wing activists to chip away at the ACA.This time, they’re targeting the part of the law that guarantees coverage for preventive care like cancer screenings and HIV prevention meds.

[image or embed]

— Vox (@vox.com) April 14, 2025 at 11:22 AM

In an early ruling in the case, a Texas judge said that because USPSTF members are not appointed by the president nor confirmed by the Senate, the panel is unconstitutional. A federal appeals court in June 2024 agreed but ruled that only the challengers that brought the case no longer have

to cover the prevention services, while other insurers must continue doing so. The case was sent back to a lower court; then, in January, the Supreme Court said it would review the constitutionality of the preventive coverage mandate.

> My read on oral arguments in today's big Obamacare case at the Supreme Court: It's pretty clear a majority will uphold the U.S. Preventive Services Task Force, which decides which care and treatments must be covered by insurance companies. (Cancer screenings, PrEP, etc.) Could even be 6–3, maybe 7–2
> — Mark Joseph Stern (@mjsdc.bsky.social) April 21, 2025 at 11:26 AM

During Monday's arguments, many of the justices focused on the independence of the USPSTF, noted MedPage Today in an article titled "SCOTUS Gives Mixed Signals on ACA's Preventive Care Coverage."

"It's pretty clear a majority will uphold the U.S. Preventive Services Task Force," Slate's Mark Joseph Stern, who covers courts and law, posted on Bluesky. He added: "The one caveat is that the Supreme Court will likely read the ACA to give the Secretary of Health and Human Services significant control over decision by the U.S. Preventive Services Task Force. Normally, that wouldn't be a big deal. With RFK Jr. at the helm, it could be an issue."

> This week, Lambda Legal & a coalition released statements following Monday's SCOTUS arguments in Kennedy v. Braidwood. A ruling is not expected until the end of the Court's term. Read statements: tinyurl.com/2w2tt42aLearn about the case:

lambdalegal.org/case/kennedy...#PreventiveCare #ACA #HIV

[image or embed]

— Lambda Legal (@lambdalegal.org) April 23, 2025 at 5:44 PM

Below is a roundup of select responses from various advocacy groups regarding the Kennedy v. Braidwood case:

Statement by Lambda Legal HIV Project Director, Jose Abrigo:

> “The Braidwood case is about whether science or politics will guide our nation’s public health policy. Allowing ideological or religious objections to override scientific consensus would set a dangerous precedent. Although this case began with an attack on PrEP coverage, a critical HIV prevention tool, it would be a serious mistake to think this only affects LGBTQ people. The real target is one of the pillars of the Affordable Care Act: the preventive services protections. That includes cancer screenings, heart disease prevention, diabetes testing, and more. If the plaintiffs succeed, the consequences will be felt across every community in this country, by anyone who relies on preventive care to stay healthy. What’s at stake is whether we will uphold the promise of affordable and accessible health care for all or allow a small group of ideologues to dismantle it for everyone. We as a country are only as healthy as our neighbors and an attack on one group’s rights is an attack on all.”

Statement by GLAAD President & CEO Sarah Kate Ellis:

> “Today’s Supreme Court hearing in the Braidwood case is a pivotal moment for the health and rights of all Americans. This case, rooted in discriminatory objections to medical necessities like PrEP, can undermine efforts to end the HIV epidemic and also jeopardize access to essential services like cancer screenings and heart disease medications, disproportionately affecting LGBTQ people and communities of color. Religious exemptions should not be weaponized to erode health care protections and restrict medically necessary, lifesaving preventative health care for every American.”

Statement by PrEP4All Executive Director Jeremiah Johnson:

> “We are hopeful that the justices will maintain ACA protections for PrEP and other preventive services; however, advocates are poised to fight for access no matter the outcome.

> Implementing cost-sharing would have an enormous impact on all Americans, including LGBTQ+ individuals. Over 150 million people could suddenly find themselves having to dig deep into already strained household budgets to pay for care that they had previously received for free. Even small amounts of cost-sharing lead to drops in access to preventive services.
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> "For PrEP, just a $10 increase in the cost of medication doubled PrEP abandonment rates in a 2024 modeling study. Loss of PrEP access would be devastating with so much recent progress in reining in new HIV infections in the U.S. This would also be a particularly disappointing time to lose comprehensive coverage for PrEP with a once-every-six-month injectable version set to be approved this summer."

Statement by HIV+Hepatitis Policy Institute Executive Director Carl Schmid:

> "We urge the Court to uphold the preventive services requirement, as supported by the Trump administration. President Trump and Secretary of Health and Human Services Robert Kennedy Jr. are prioritizing prevention as a key component of making our country healthier. Preventing chronic infectious diseases, such as HIV and hepatitis, through testing and PrEP covered by private insurance is critically vital, especially now that the federal government is seeking to reduce spending. Without the coverage requirement, people at risk of HIV and hepatitis will likely forgo accessing the services or depend more on government programs for their testing and PrEP. However, we are not adequately addressing the needs of the uninsured today, and, given current budget constraints, which are bound to get worse, we will certainly not be able to afford the necessary preventive services for the insured without the coverage requirement. If we are to prevent infectious disease and other health conditions, the Court has no choice but to uphold access to these necessary preventive services."

Excerpt from an amicus brief filed by the American Cancer Society and 32 patient and medical professional groups:

> "The ACA preventive services provision requiring private insurers cover Task Force–recommended services without cost-sharing increases patients' ability to receive care that can prevent disease outright, identify conditions early, and reduce the physical and financial burdens of treating severe illnesses. Detecting severe diseases early allows for less invasive, more effective, and lower-cost treatment options and substantially improves patient outcomes. The ACA's preventive care requirements have enabled millions of Americans to obtain preventive care and improved utilization of these vital services nationwide for more than ten years. Reducing insurance coverage for preventive services will lead to worsening patient outcomes, resulting in preventable deaths, and creating higher long-term medical costs.
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> "The court of appeals decision threatens to drastically reduce insurance coverage for Task Force–recommended services, deter utilization of those services, worsen patient outcomes, and potentially increase costs. If fully implemented, it will substantially harm the patients that

amici treat, serve, and support.”

Today, SCOTUS hears Kennedy v. Braidwood, a case with far-reaching implications for public health. Losing preventive care will cost American lives. This is not just an issue for the LGBTQ+ community—it’s an issue affecting all Americans. Learn more from @glaad.bsky.social: tinyurl.com/35nsjn86

[image or embed]

— Lambda Legal (@lambdalegal.org) April 21, 2025 at 11:27 AM

For more background on this case, see “UPDATE: Court Pauses Judge’s Ruling to End Health Coverage of Some Preventive Services” and “Judge’s Decision Would Make Some No-Cost Cancer Screenings a Thing of the Past.”

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http://beta.docker.tusaludmag.com/article/supreme-court-heard-arguments-preventive-health-care-coverage-hiv-prep-cancer-hepatitis-howd-go