TuSalud

Supreme Court Upholds Access to Free Preventive Health Care, Including PrEP for HIV

The “cautious victory” protects certain cost-free prevention services, like cancer and hepatitis screenings, statins and HIV PrEP—but it comes with a warning.

June 27, 2025 By Trent Straube

In a “critical win for prevention” and “great victory for health care,” the Supreme Court ruled in Kennedy v. Braidwood to protect access to certain free preventive health care services. For example, insurers must continue to cover at no cost cancer and diabetes screenings, pre-exposure prophylaxis (PrEP) to prevent HIV, tests for hepatitis and sexually transmitted infections (STIs), statins to protect against cardiovascular disease and numerous other services.

Most health care and human rights advocates applauded the decision:

Read our full statement:

lambdalegal.org/newsroom/bra...

[image or embed]

— Lambda Legal (@lambdalegal.org) June 27, 2025 at 11:51 AM

BREAKING: The U.S. Supreme Court has upheld the constitutionality of the Affordable Care Act in Braidwood

v. Kennedy, preserving no-cost access to preventive services—including colorectal cancer screening. Colorectal cancer (CRC) is the second-leading cause of cancer-related death in the U.S.

[image or embed]

— Fight Colorectal Cancer (@fightcrc.bsky.social) June 27, 2025 at 4:07 PM

However, in discussing the case, many health advocates caution that the ruling also came down with a blueprint for dodging the insurance coverage mandate. To read a roundup of advocates' statements about the decision, see "A Cautionary Victory for Now: More About the Supreme Court's Ruling on Preventive Health Care."

But first, some background: 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; those 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.)

Kennedy v. Braidwood (formerly Braidwood v. Becerra) 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 and "forces religious employers to provide coverage for drugs that facilitate and encourage homosexual behavior, prostitution, sexual promiscuity and intravenous drug use."

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.

When the court heard arguments in April, the focus seemed to land on the USPSTF and how much control the secretary of the Department of Health and Human Services could exert over it.

Considering that the current health secretary is Robert F. Kennedy Jr.—an anti-vaxxer and AIDS denialist—that question carries unusual weight.

In fact, the court's 6–3 ruling today did not address questions of religious freedom, as STAT News reports, and instead focused on whether the task force panel members are constitutionally appointed. In short, yes they are. The court agreed that the health secretary has the power to appoint task force members and to veto their recommendations. This also allows for health secretaries to remove task force members and appoint new ones.

Of note, RFK Jr., did something just like that a few weeks ago when he removed all members of the Advisory Committee on Immunization Practices (ACIP), a panel of experts on vaccines, and replaced them with members critical of vaccines. Health experts and advocates condemned the move.

Given that history, RFK Jr. could handpick new members of the USPSTF who could lower the grades of preventive services such as breast cancer screenings or PrEP for HIV. If that happened, health insurers wouldn't be required to cover them under the ACA.

Yale experts have predicted that ending mandatory PrEP coverage would result in 2,000 new HIV cases among gay and bisexual men in one year—and that the harms would affect Black, brown and queer communities the most, precisely the people already at higher risk for HIV and who face more barriers to health care access.

But that worry remains hypothetical. For today, advocates applaud the Supreme Court's decision.

In related news, this ruling arrives as health care prevention services and HIV make national headlines. To learn more, see these articles:

"FDA Approves Twice-Yearly Lenacapavir for HIV Prevention,"

"Ohio Health Department Pauses HIV Services Due to Federal Funding Delays,"

"The Federal Government Is Restricting COVID-19 Vaccine Access,"

"Kennedy's HHS Sent Congress 'Junk Science' To Defend Vaccine Changes, Experts Say" and

"Trump Budget Ends All CDC HIV Prevention Programs While Maintaining Care, Treatment and PrEP."

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