

U.S. District Court Ruling Jeopardizes Access to Proven, Life-Saving Preventive Care

This ruling will affect millions and erect barriers to care, say patient advocacy groups representing those with cancer, HIV and more.

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On Thursday, March 30, U.S. District Court Judge Reed O'Connor issued his decision on the remedy for his September 2022 ruling that the requirement that Affordable Care Act (ACA)-compliant health insurers cover U.S. Preventive Services Task Force (USPSTF)-recommended services without cost sharing violates the U.S. Constitution. In the decision, Judge O'Connor ruled that the USPSTF coverage requirement must be vacated and cannot be enforced by the U.S. Department of Health and Human Services, and that the remedy applies to all ACA-compliant plans, not just for the plaintiffs who brought the litigation. The remedy is a sweeping decision that threatens access to lifesaving cancer screenings and other preventive screenings and services for millions of people across the country.

In November, patient groups representing millions of people with serious health conditions [submitted an amicus brief](#) urging the U.S. District Court in the Northern District of Texas to preserve the requirement that private health insurers cover USPSTF recommended preventive services without cost sharing as required under the ACA. The brief included scientific data on how preventive care saves lives and is cost-effective.

The 16 patient groups that filed the brief include the American Cancer Society Cancer Action Network, Arthritis Foundation, American Kidney Fund, American Lung Association, Cystic Fibrosis Foundation, The Leukemia & Lymphoma Society, The National Multiple Sclerosis Society, and The AIDS Institute.

A statement from the groups follows:

“This overly broad ruling will have sweeping negative implications for millions of Americans by once again erecting barriers to lifesaving preventive care.

“Numerous research studies have proven the benefits of these services. They ensure people

can prevent, detect and treat their conditions as early as possible, improving health outcomes and saving patients and the health care system money. Whether it's a doctor-recommended colonoscopy that finds a polyp before it becomes cancer, a low dose CT scan that identifies early stage lung cancer, a screening for diabetes that saves someone from developing potentially life-threatening kidney disease, a blood pressure test that alerts someone to their increased risk for a heart attack, quit smoking services that help someone end a tobacco addiction, or medication that prevents the contraction of HIV, these services are critical to people's health.

"Since the ACA was implemented in 2010 and these screenings and services were required to be covered with no cost sharing, preventive and regular care rates have increased. Taking that away from the more than 150 million people that the [U.S. Department of Health and Human Services has found](#) have benefitted from the ACA's coverage of preventive services will negatively impact health outcomes.

"We cannot risk returning to a system wherein every individual has to decipher whether their insurance plan covers a recommended preventive measure, and if so, what their out-of-pocket costs may be and whether they can afford it. The confusion and uncertainty will no doubt be a deterrent to early and effective life-saving interventions.

"On behalf of the millions of patients we represent, we urge the federal government to appeal the underlying ruling that cost-free coverage of USPSTF recommendations is unconstitutional, as well as this wide overreach on remedy."

The full list of groups who joined the amicus are as follows: American Cancer Society, American Cancer Society Cancer Action Network, American Kidney Fund, American Lung Association, Arthritis Foundation, CancerCare, Cancer Support Community, Cystic Fibrosis Foundation, Epilepsy Foundation, Hemophilia Federation of America, The Leukemia & Lymphoma Society, National Minority Quality Forum, National Multiple Sclerosis Society, National Patient Advocate Foundation, The AIDS Institute, and WomenHeart.

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