

FACT SHEET: Free Preventive Services at Risk in the *Braidwood* Case

In January 2025, the U.S. Supreme Court announced that it would hear arguments in the *Kennedy v. Braidwood Management Inc.* (formerly *Braidwood Management Inc. v. Becerra*) court case challenging the Affordable Care Act's (ACA) no-cost preventive services requirement. The decision by the Supreme Court to take up the case was the latest legal development following a number of decisions by lower courts challenging the authority of the United States Preventive Services Task Force (USPSTF), one of the three bodies tasked with identifying no-cost preventive services. While the plaintiffs also wanted to limit the authority of two other bodies, the Advisory Committee on Immunization Practices (ACIP) and the Health Resources and Services Administration (HRSA), responsible for making preventive services recommendations, the Supreme Court declined to take up this challenge.

Any judicial efforts to restrict cost-free access to services recommended by ACIP or HRSA will have to wait until after a Supreme Court ruling on USPSTF-recommended services, expected in late June or early July, that could eliminate cost-free access to those services recommended after the passage of the ACA in March 2010. In the meantime, private plans nationwide must continue to provide free access to all USPSTF-recommended services, including cancer screenings, HIV prevention medications, and vaccinations.

Authority of Expert Bodies

The ACA relies on three expert bodies that predate the ACA to identify which preventive services to be covered for free. Congress chose to delegate this authority to medical experts to ensure they remain up-to-date and reflect best practices:

- **United States Preventive Services Task Force (USPSTF):** An independent group of national experts that makes determinations for general adult preventive services as well as some for children; those assigned an "A" or "B" rating (about 50 in total) are required to be covered without cost-sharing.
- **Advisory Committee on Immunization Practices (ACIP):** A group of experts selected by the HHS Secretary that develops vaccine recommendations for children and adults, such as what ages should be considered, dosage limits, and other considerations.
- **Health Resources and Services Administration (HRSA):** An agency within HHS that makes coverage recommendations for preventive services and screenings for women, including well woman visits, breastfeeding supports, and contraceptives, and children, including behavioral assessments, newborn screenings, and well-child visits.

Note: The ACA also requires plans to cover certain preventive services as Essential Health Benefits, but those services are not required to be covered without cost-sharing.

Unfortunately, the pending decision by the Supreme Court could affect the more than 150 million people, including 37 million children, with private insurance's access to cost-free preventive care. Depending on how the Supreme Court and other courts in the future decide, recommendations made by not just USPSTF, but also ACIP and HRSA, could be subject to renewed cost-sharing. This would be devastating for people's access to proven, everyday services that they've come to rely on and depend on for free. For example, nearly half of all people would not be willing to pay for some of the most common preventive services, such as prediabetes or mental health screenings.

The following page lists preventive services required to be covered without cost-sharing by the USPSTF, ACIP, and HRSA. While access to only certain USPSTF-recommended services may be affected by an adverse Supreme Court decision, cost-free access to all preventive services, regardless of the recommending body, may be affected by future rulings. Note that the listing on the next page focuses on adult populations; some services listed below may not be covered or covered differently without cost-sharing for all populations or age demographics, such as children.

Entity	Free Preventive Services	
<p>United States Preventive Services Task Force (USPSTF)</p> <p><u>Published Recommendations</u></p> <p><u>Draft Recommendations</u></p>	<ul style="list-style-type: none"> • Abdominal aortic aneurysm screenings • Anxiety screenings for adults and adolescents • Aspirin use to prevent preeclampsia • Asymptomatic bacteriuria in adults screenings • Breast cancer screenings (mammography)(also required by HRSA) • Breast cancer medications for risk reduction • Breastfeeding primary care interventions • Breast cancer screening • BRCA-related cancer risk assessments, genetic counseling, and genetic testing • Cervical cancer screenings (pap testing and HPV testing) • Chlamydia and gonorrhea screenings • Colorectal cancer screenings • Depression and suicide risk screenings for children, adolescents, and adults • Depression screenings • Falls prevention in older adults • Folic acid supplements to prevent neural tube defects • Gestational diabetes screenings (also required by HRSA) • Healthful diet/physical activity for cardiovascular disease behavioral counseling • Healthy weight and weight gain in pregnancy (counseling) • Hepatitis B/C infection screenings • HIV screenings • HIV infection screenings (also required by HRSA) 	<ul style="list-style-type: none"> • Hypertension screenings • Hypertensive disorders of pregnancy screening • Intimate partner violence screenings/counseling (also required by HRSA) • Latent tuberculosis infection screenings • Lung cancer screenings • Obesity in children and adolescents screening • Ocular prophylaxis for gonococcal ophthalmia neonatorum • Osteoporosis screenings • Perinatal depression (preventive interventions) • Prediabetes/type 2 diabetes screenings • Preeclampsia screening/preventive medicine • PrEP for HIV prevention • Prevention of dental caries in children younger than 5 years • Rh(D) incompatibility screenings • Syphilis screenings • Skin cancer prevention (counseling) • Statin use for prevention of cardiovascular disease • STI counseling (also required by HRSA) • Tobacco cessation • Unhealthy drug use screenings • Unhealthy alcohol use in adolescents/adults screenings/counseling • Vision screening in children ages 6 months to 5 years • Weight loss/obesity prevention and behavioral interventions
<p><u>Advisory Committee on Immunization Practices (ACIP)</u></p>	<ul style="list-style-type: none"> • Covid-19 immunizations • Haemophiles Influenza type B immunizations • Hepatitis A/B immunizations • HPV immunizations • Influenza immunizations • Meningococcal immunizations 	<ul style="list-style-type: none"> • Measles/mumps/rubella (MMR) immunizations • Pneumococcal immunizations • Td booster immunizations • Tdap immunizations • Varicella immunizations • Zoster (shingles) immunizations
<p><u>Health Resources and Services Administration (HRSA)</u></p>	<ul style="list-style-type: none"> • Anxiety screenings for adolescent and adult women • Breastfeeding supplies and services • Cervical cancer screenings (HPV testing) • Contraceptive services/counseling 	<ul style="list-style-type: none"> • Diabetes Mellitus screenings post-pregnancy • Obesity prevention in midlife women • Urinary incontinence screenings • Well woman visits

Source: Preventive Services Covered by Private Health Plans under the ACA, as outlined by the Kaiser Family Foundation, here: <https://www.kff.org/womens-health-policy/fact-sheet/preventive-services-covered-by-private-health-plans/>