

LEGAL UPDATE

U.S. Supreme Court Will Soon Rule on ACA's Mandate for Free Preventive Care



The U.S. Supreme Court is expected to issue a ruling soon in a pivotal legal dispute regarding the constitutionality of a key component of the Affordable Care Act's (ACA) preventive care mandate. The Court's decision in this case, [Kennedy v. Braidwood Management Inc.](#), will impact the requirement for health plans and health insurance issuers to cover, without cost sharing, a wide range of preventive care services, including screenings for colorectal, lung and cervical cancers; medications for chronic conditions, such as cardiovascular disease; screening for HPV; depression and anxiety screenings; and hepatitis B and C virus screenings.

In June 2024, the 5th U.S. Circuit Court of Appeals ruled that a key component of the ACA's preventive care mandate is unconstitutional. However, the 5th Circuit limited its ruling to the plaintiffs in the case, a small group of individuals and businesses from Texas. This means that **health plans and issuers have been required to continue to provide first-dollar coverage for the full range of recommended preventive health services.** However, the Supreme Court's decision could lead to a **nationwide shift in coverage** if the Court rules in the plaintiffs' favor. A ruling is expected by mid-2025.

ACA's Preventive Care Mandate

The ACA requires non-grandfathered health plans and issuers to cover a set of recommended preventive services without imposing cost-sharing requirements, such as deductibles, copayments or coinsurance, when the services are provided by in-network providers. The recommended preventive care services covered by these requirements are:

- Evidence-based items or services with an A or B rating in recommendations of the U.S. Preventive Services Task Force (USPSTF);
- Immunizations for routine use in children, adolescents and adults recommended by the Advisory Committee on Immunization Practices;
- Evidence-informed preventive care and screenings in guidelines supported by the Health Resources and Services Administration (HRSA) for infants, children and adolescents; and
- Other evidence-informed preventive care and screenings in HRSA-supported guidelines for women.

Legal Dispute

In March 2023, the U.S. District Court for the Northern District of Texas [struck down](#) a key component of the ACA's preventive care mandate. The District Court ruled that the preventive care coverage requirements based on an A or B rating by the USPSTF on or after March 23, 2010, the ACA's enactment date, violate the U.S. Constitution. More specifically, the District Court concluded that members of the USPSTF are "principal" officers of the federal government under the U.S. Constitution's Appointments Clause and must be nominated by the president and confirmed by the Senate, which was not the case. Currently, the USPSTF is comprised of 16 volunteers with expertise in preventive medicine and primary care who serve four-year terms and operate under the U.S. Department of Health and Human Services.

The District Court also issued a nationwide injunction, prohibiting the federal government from enforcing the affected preventive care mandates against any health plans or issuers. The Biden administration appealed the District Court's ruling to the 5th Circuit, which covers Texas, Louisiana and Mississippi. The 5th Circuit put the District Court's decision on hold pending its ruling, which means health plans and issuers have been required to fully comply with the ACA's preventive care mandate without interruption. The 5th Circuit [agreed](#) with the District Court that members of the USPSTF had not been validly appointed under the Constitution. However, the 5th Circuit limited its relief to the plaintiffs in the case and held that there was no basis for a nationwide injunction.

On Jan. 10, 2025, the Supreme Court agreed to hear the challenge to the ACA's preventive care mandate during its 2024-25 term. The Supreme Court heard oral arguments in the case on April 21, 2025. The Supreme Court is expected to issue its decision in June or July of 2025.

Possible Impact

If the Supreme Court rules in favor of the federal government, the ACA's preventive care mandate will remain in effect and health plans and issuers will be required to continue covering the full range of recommended preventive care services without cost sharing.

However, if the Court rules that a key component of the ACA's preventive care mandate is unconstitutional, employers will want to consult with their issuers or third-party administrators to assess the impact on their health coverage. The impact may not be immediate, as making significant midyear changes to plan coverage is unusual and may trigger a 60-day advance notice requirement to participants. State laws regarding preventive care coverage requirements would also continue to apply to fully insured health plans. In addition, many employers and issuers may decide to continue providing first-dollar coverage for a broad range of preventive care services to help control future spending on preventable chronic conditions.

Provided by Team Nash

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