Insurers Must Still Cover Preventive Care … for Now

On May 15, the Fifth Circuit Court of Appeals issued an administrative stay in the *Braidwood v. Becerra* case. This means the U.S. Department of Health and Human Services can continue enforcing Affordable Care Act requirements that private insurance plans cover preventive services recommended by the U.S. Preventive Services Task Force (USPSTF), without any patient cost-sharing. This stay will remain in place while the court considers the Department of Justice's motion for a stay pending appeal. It is unknown at this time how quickly the court will rule on this care and, ultimately, the parties are likely to appear to the Supreme Court.

Upon issuance of the administrative stay, American Academy of Family Physicians responded on social media with the following comment:

The administrative stay in Braidwood v. Becerra is a critical step toward protecting access to care. Yesterday's ruling means @HHSGov can continue to enforce no-cost coverage requirements for preventive services recommended by the U.S. Preventive Services Task Force.

AAFP President Dr. Tochi Iroku-Malize said, "Preventive care services, like vaccines or recommended tests and screenings, are vital to keep our national healthy and reduce health care costs. The American Academy of Family Physicians applauds the Fifth Circuit Court of Appeals' decision to stay the ruling in the case of Braidwood Management, Inc., vs. Becerra. Family physicians know firsthand that loss of free, preventive care could block access to care for millions of patients. We will continue to advocate for equitable, high-quality, preventive care without cost-sharing."

In March, a federal judge in Texas ruled against any federal enforcement of no-cost coverage requirements for preventive services recommended by the U.S. Preventive Services Task Force on or after March 23, 2010 (after passage of the Affordable Care Act). The court's decision was based on the finding that USPSTF members were not appointed in accordance with the Appointments Clause of the United States Constitution, which rendered all of the USPSTF's preventive care recommendations unlawful. Preventive services affected by this ruling include HIV pre-exposure prophylaxis (PrEP), drugs that reduce the risk of breast cancer, lung cancer screening, hepatitis C screening and others.

Related News in Michigan

Meanwhile, a five bill package was introduced in the Michigan House or Representatives that would, if passed, codify in state law many of the most popular provisions of the Affordable Healthcare Act recently under fire in the Texas court case.

House Bills **4619** - **4623** would prohibit insurers from denying health insurance coverage on the basis of gender identity, sexual orientation or expression, or preexisting conditions. The bills would also establish a minimum level of coverage and require coverage for dependents up to 26 years old, while prohibiting annual or lifetime dollar limits on coverage.

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