A Cautionary Victory for Now: More About the Supreme Court's Ruling on Preventive Health Care

A roundup of statements on "Kennedy v. Braidwood." The ruling upholds insurance coverage of cost-free preventive services such as cancer screenings, hepatitis testing and PrEP for HIV.

July 2, 2025 By Trent Straube

On Friday, June 27, the Supreme Court issued a decision in Kennedy v. Braidwood that upheld access to certain cost-free preventive health care services, including cancer screenings, statins, hepatitis testing and pre-exposure prophylaxis (PrEP) to prevent HIV.

In short, under the legal guidelines of the Affordable Care Act (ACA, or Obamacare), a panel of experts titled the U.S. Preventive Services Task Force (USPSTF) grade preventive services; health insurance plans must cover services that earn an A or B grade. At question in Kennedy v. Braidwood was whether this panel had constitutional power since they weren't appointed by the president or approved by the Senate. In a 6–3 decision, the court ruled the panel constitutional, with a caveat: The secretary of the Department of Health and Human Services (HHS) has power to appoint and remove members of the task force and to veto their recommendations. The current health secretary is Robert F. Kennedy Jr., a controversial figure known as an anti-vaxxer and AIDS denialist.

For more background on the case, see "Supreme Court Upholds Access to Free Preventive Health Care, Including PrEP for HIV."

In general, the ruling has been deemed a victory for patients and health care access. In recent days, however, a flood of statements from advocacy groups has offered a more nuanced view. Below is a roundup of excerpts from select statements and discussions.

Commentary from the Center for Health Law and Policy Innovation (CHLPI):

> "Although CHLPI and its partners are celebrating this decision, there are potential concerns on the horizon. Secretary Kennedy's recent actions undermining the Advisory Committee for Immunization Practices (ACIP)—which recommends vaccines that must also be covered without cost-sharing under the ACA—have demonstrated his willingness to upend federal bodies charged with making critical decisions about public health and to install unorthodox

candidates on these committees. Whether and how he decides to use his newly clarified powers over the USPSTF could significantly impact whether privately insured individuals continue to be assured robust access to preventive care without cost-sharing.

"Further proceedings in the lower federal courts could also potentially undermine access to preventive care for any recommendations issued between 2010 [when the ACA was enacted] and 2023 [when previous Secretary of HHS Xavier Becerra reappointed all members of USPSTF], as well as access to vaccines recommended by ACIP and preventive services for women and children recommended by the Health Resources and Services Administration (HRSA)….

"Finally, conservative religious employers and private individuals could attempt to build on the Braidwood plaintiffs' success under [Religious Freedom Restoration Act, RFRA] in future litigation or through regulatory advocacy."

Statement from a national coalition including executive directors of Lambda Legal, PrEP4All, the Center for Health Law and Policy Innovation, the Center for HIV Law and Policy, and Equality Federation:

"This case began with plaintiffs objecting to PrEP, claiming it 'promotes homosexuality' and offends their religious beliefs. But this is no isolated grievance—it's part of the same right-wing, religious extremist agenda targeting LGBTQ+ youth, banning gender-affirming care and slashing HIV prevention funding. This case had the potential to upend decades of public health progress and make critical, evidence-based services unaffordable and inaccessible to millions.

"Cancer screenings. Heart disease prevention. STI testing. Mental health care. These services hung in the balance—all because some want to control who is deemed 'worthy' of health and safety.

"Let's be clear: this was never about religious liberty. It has been about using LGBTQ+ people as a scapegoat to push a broader agenda that punishes the vulnerable. And the truth is, most of the people harmed by this decision wouldn't have been queer. They would be working-class families, Black and brown communities, rural Americans and anyone who relies on preventive care to stay healthy and alive.

"We call on Health Secretary Robert F. Kennedy Jr. to follow science and not ideology in upholding the ruling in this case and all of the essential work overseen by HHS. The task forces, expert panels, and research institutions within HHS, like the U.S. Preventive Services Task Force, ACIP, CDC, NIH and HRSA—exist to serve the public, not political agendas. Their recommendations must be based on rigorous evidence, not partisan interference."

Note: you can watch a video discussion on this topic with colaition leaders on PrEP4All's

YouTube channel.

Statement from D. Rashaan Gilmore, BlaqOut Founder and President/CEO:

> "The court's decision to uphold the ACA's preventive care mandate preserves a vital safety net that has helped close health gaps created by racism, stigma and structural neglect. For those of us who have had to fight for every inch of dignity in the health care system, this ruling is not a gift—it's the bare minimum of what justice demands. It affirms that our right to preventive care cannot be dictated by someone else's prejudice or politics. We shouldn't have to earn access to stay alive."

A combined statement from 33 organizations representing millions of patients with serious health conditions and thousands of medical professionals including the American Cancer Society, the American Academy of Pediatrics and the American Medical Association:

> "[We] are applauding the protection of access to lifesaving preventive care without patient cost sharing [and] also emphasizing the importance of maintaining cost-free access to these evidence-based services.
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> "Research has proven that any cost sharing can be a deterrent to accessing critical prevention and early detection and ultimately puts lives at risk. According to a recent American Cancer Society study published in the American Journal of Preventive Medicine, millions of privately insured people would have lost access to breast, colorectal, and lung cancer screenings without cost sharing if the preventive services provision of the ACA had been declared unconstitutional."

Statement from Carl Schmid, executive director of the HIV+Hepatitis Policy Institute:

> "This is a great victory for health care in our country and for everyone who believes in prevention, including the Trump administration. This legal attack was initiated by extreme right-wing social conservatives who sought to make sure that gay men and others could not access PrEP to prevent HIV. We are very pleased the Court upheld the coverage requirement. Now we must focus on making sure insurers comply with and regulators enforce the law, particularly with new, long-acting forms of PrEP. This victory is all the more important now that the Trump administration is seeking to defund much of CDC's HIV and hepatitis prevention programs. While we continue to oppose those proposed funding cuts, we can rest assured that at least for people with insurance, preventive services such as PrEP, HIV and hepatitis testing will be covered at no cost."

Statement from Michele Bratcher Goodwin, the co-faculty director of the O'Neill Institute for National and Global Health Law:

> "This litigation represents a strike against one of [the ACA's] most important provisions—the preventative care mandate. At the heart of this case is the attack on reproductive health

services, including pre-exposure prophylaxis drugs to prevent HIV, HPV vaccines, contraceptive services, and screening and behavioral counseling for STIs.

"Today is a cautious victory. However, one cannot ignore the reality that active attacks on reproductive health care continue, risking health and harm beyond the ability to terminate a pregnancy and extending to life-saving and preserving vaccines, HIV prevention and other treatments."

Statement from Mitchell Warren, executive director of AVAC, an international nonprofit focused on HIV prevention and global health equity:

"Preventive services across health care are cost-saving and life-saving, and I am grateful that the Supreme Court found on the side of evidence, logic, public health, and human rights. There has been enormous progress in the fight to end the HIV epidemic, and just last week the FDA approved the newest form of PrEP, injectable lenacapavir [a twice-yearly shot sold under the name Yeztugo]. Lenacapavir can be a transformative option, but only if it is available to people who want and need it, and today's ruling can make that possible."

Statement from Amy S. Oxentenko, MD, president of the American College of Gastroenterology (ACG):

"Gastroenterologists know firsthand that limiting access to colorectal cancer screening would have deadly consequences. We appreciate that the Supreme Court heard the College's warning [noted in an amicus brief] and urge the U.S. Department of Health and Human Services (HHS) to maintain the USPSTF's essential role moving forward."

Statement from AIDS United:

"We cannot ignore the context in which this case was decided. The U.S. Senate [just passed the so-called "Big, Beautiful Bill" on Tuesday, July 1, and Congress] continues to negotiate its massive proposal to gut Medicaid, the ACA and food assistance—among many other safety net programs on which the nation relies. Health and Human Services has been slow-walking or canceling grant funding, the Trump administration has proposed eliminating HIV prevention programming, and PEPFAR [the President's Emergency Plan for AIDS Relief, a global HIV program] has been decimated. While today's ruling is a reason for celebration—maintaining no-cost access for the over 150 million who have private insurance is critically important—the grave threats to those in our communities who rely on other types of insurance and to the broader safety net that includes rural hospitals keeping their doors open—remain."

Statement from Grabiela D. Hernandez of Justice, Law, and Policy Project (JLPP) and SisterLove, Inc.

"The Supreme Court's decision in Braidwood is a vital victory for reproductive justice and public health. Access to preventive care, including HIV prevention medication like PrEP, is not just a public health issue, it's a matter of bodily autonomy, dignity, and the basic human right

to live free from discrimination. Reproductive justice means ensuring that everyone, especially communities historically denied care, can access the full range of health care services they need to live and prosper. This ruling affirms that preventative care is life-saving care, and it cannot be compromised by political or ideological agendas. While today's ruling is an essential step forward, we must continue to repudiate threats to our rights, our health and our bodies."

Statement from Michael Ruppal, executive director of The AIDS Institute:

"We are thankful that SCOTUS protected preventive care. We urge Congress and the Administration to follow suit by fully funding HIV, viral hepatitis, and STI programs and voting against the health coverage cuts included in Budget Reconciliation bills. The health care infrastructure that ensures access to PrEP and HIV treatment is in jeopardy, and it is all hands on deck to protect the systems that keep people healthy."

Statement from Sarah Kate Ellis, president and CEO of GLAAD, an LGBTQ advocacy group:

"The Supreme Court reaffirmed what so many Americans know and believe: preventive health care is a cornerstone of our health system and health decisions should be left to doctors and individuals. The fact that the Supreme Court considered derailing everyone's access to preventive health care because of a small group of anti-LGBTQ voices reinforces how anti-LGBTQ bias is a danger to public health."

Statement from Harold Phillips, deputy director of programs at NMAC:

"That this landmark ruling was announced on National HIV Testing Day only deepens its significance. It reminds us to get tested, know our HIV status, and stay connected to the prevention and treatment services that keep us healthy and thriving.

"While we celebrate this decision as a powerful affirmation of health justice and human dignity, our work is far from over. We must stay alert and united in resisting any efforts to limit access to preventative services. It's also essential to ensure the future composition of the U.S. Preventive Services Task Force (USPSTF), and the services it endorses, are guided by scientific evidence and remain committed to expanding—not restricting—access to preventive health care."

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