

Health Insurance Plans Will Cover Preventive Care as Court Case Continues

New agreement ensures coverage of prevention services such as PrEP for now, a move applauded in this statement by patient groups for those with cancer, HIV and more.

June 13, 2023 By American Cancer Society Cancer Action Network

Today, June 13, the U.S. Court of Appeals for the Fifth Circuit approved an agreement by the parties on a stay of the remedy in the case of *Braidwood v. Becerra*, pausing the effect of the lower court's ruling that threatens access to U.S. Preventive Services Task Force (USPSTF) recommended preventive services without cost sharing as required under the Affordable Care Act (ACA). The agreement provides that the government will not take any action to enforce the ACA provision against the plaintiffs while the litigation proceeds.

In April, patient groups representing millions of people with serious health conditions submitted an [amicus brief](#) supporting the Department of Justice (DOJ)'s motion asking the Fifth Circuit to issue a stay on the remedy ordered by U.S. District Court Judge Reed O'Connor for the duration of judicial proceedings. The brief included scientific data on how preventive care saves lives and is cost-effective, as well as the negative impact compromising the federal law's guarantee of no cost prevention and screenings would have on health outcomes.

The groups, including the American Cancer Society Cancer Action Network (ACS CAN), Arthritis Foundation, American Kidney Fund, Cystic Fibrosis Foundation, The Leukemia & Lymphoma Society, The National Multiple Sclerosis Society, and The AIDS Institute, issued the following statement in reaction to today's ruling:

"We applaud this stay that essentially maintains continued access to cost-free preventive services coverage while this case is deliberated and are relieved to see such access remain protected in the interim.

"Today's decision ensures that until the case is final, critical coverage for lifesaving prevention and early detection services continue for the more than 150 million eligible individuals who currently have access.

"We know coverage of recommended preventive services without cost-sharing saves lives from

cancer, kidney disease, AIDS and other of our nation's leading diseases. [In fact, even relatively small levels of cost sharing in the range of \\$1 to \\$5 dollars are associated with reduced use of care, including for necessary services.](#)

"On behalf of the millions of people we serve, we will continue to advocate for the Fifth Circuit to overturn the lower court's decision on the merits so access to no-cost preventive services as required under the ACA continues uninterrupted in the long-term future."

The full list of groups who joined the amicus are as follows: American Cancer Society, American Cancer Society Cancer Action Network, American Kidney Fund, 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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