

## U.S. SUPREME COURT TO HEAR CASE CHALLENGING "NO-COST" SCREENINGS UNDER ACA

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The U.S. Supreme Court will consider whether insurance companies must continue covering the full cost of preventive health services under the Affordable Care Act (ACA) next month when it hears oral arguments in *Braidwood Management vs. Becerra*. Plaintiffs in the case object to purchasing health insurance that includes certain recommended preventive services, including abortifacient contraception, pre-exposure prophylaxis to prevent HIV transmission, the human papillomavirus vaccine, and screenings and counseling for sexually transmitted diseases and drug use. Last year, the 5th U.S. Circuit Court of Appeals affirmed the district court's ruling that the ACA's requirement to cover without cost-sharing services recommended by the United States Preventive Services Task Force (USPSTF) is *unconstitutional*.

The Litigation Center of the American Medical Association (AMA) and State Medical Societies filed an amicus brief (friend of the court) with the Supreme Court, contending the ACA's preventative care mandate has saved lives and should continue to do so. The brief urges the Supreme Court to reverse the 5th Circuit's decision and rule that provisions relating to the USPSTF's recommendations are constitutional. If the Court overturns the lower court's ruling, patients will continue to have free access to screenings for breast cancer, colon cancer, and other diseases, as well as preventative services such as smoking cessation, the brief said. Researchers for the AMA studied how the lower-court ruling would impact colorectal cancer incidence, mortality, and care costs. The study determined that out-of-pocket costs would decrease the number of screenings performed, which would lead to an additional colorectal diagnosis for seven out of every 100,000 people and an additional four deaths per every 100,000 annually by 2055. The study also found that costs for colorectal cancer would increase substantially based on increases in diagnoses, especially in later stages. The brief also said 9 million people are now getting screened for breast cancer and an additional 5 million people who are eligible would risk losing no-cost coverage if the lower-court decision stands.

An additional three million people who are now screened for colorectal cancer and 11 million who are eligible may lose access, and 500,000 who are screened for lung cancer and 2.5 million who are eligible would risk losing free screenings.

The Supreme Court will hear oral arguments in the case on April 21st. If the Court upholds the decision, the ACA mandate for no-cost preventive screenings would be outlawed. However, employers and plan sponsors could voluntarily amend their plans to maintain such coverage. We are monitoring this case and will share updates accordingly.

## Questions

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