Proskauer

Supreme Court Decision Leaves ACA Preventive Services Mandate Intact

Employee Benefits & Executive Compensation Blog on **July 9, 2025**

Posted in: Affordable Care Act, Health and Welfare Plans, Health Plan Compliance

On the last day before the U.S. Supreme Court's summer recess, the Court issued a decision that left in place the Affordable Care Act ("ACA") mandate that requires non-grandfathered group health plans and issuers to cover, without cost sharing, all evidence-based items or services that have a rating of "A" or "B" in the current recommendations of the U.S. Preventive Services Task Force ("USPSTF") when provided in-network.

Specifically, in *Kennedy v. Braidwood Management, Inc.*, the Court addressed a challenge to the constitutionality of the USPSTF and, by extension, the requirement that health plans provide coverage consistent with its recommendations. The Court held that members of the USPSTF are inferior officers whose appointment is constitutionally valid when made by the Secretary of Health and Human Services. As a result of the Court's decision, the ACA preventive services mandate will remain in place.

Takeaways for health plan sponsors? Recognizing the uncertainty created by the ongoing litigation, many health plan sponsors chose to sit tight and not make changes to their preventive services coverage while the *Braidwood* case proceeded through the courts. That course of action turned out to be prescient, given the Court's decision ultimately left the ACA preventive services mandate intact for non-grandfathered group health plan sponsors and issuers.

View original.

Related Professionals

- **Jennifer Rigterink**

Senior Counsel

- **Robert M. Projansky**
  Partner