

## Cancer Screenings Federal Judge's Ruling Allows Insurers to Omit Free HIV-Prevention Drugs and Some



A federal judge in Fort Worth, Texas, has blocked requirements for insurers to provide certain preventive-care services for free, including drugs for HIV prevention and screenings for depression, high blood pressure, sexually transmitted diseases, and some kinds of cancer. U.S. District Judge Reed C. O'Connor of the Northern District of Texas ruled on Thursday in a lawsuit filed by six individuals and two businesses, including Braidwood Management Inc., a Christian for-profit corporation.

In his decision, Judge O'Connor gave nationwide effect to his previous September 2022 decision on the validity of the task force that adopted the mandates under the Affordable Care Act. In that decision, he ruled that coverage mandates adopted by the U.S. Preventive Services Task Force were invalid because task force members were appointed in violation of the appointments clause. O'Connor also ruled in the previous decision that the mandate for HIV-prevention drugs violated the rights of religious plaintiffs under the Religious Freedom Restoration Act.

However, in his latest decision, O'Connor did not decide on a remedy. The plaintiffs wanted the option to purchase health coverage that did not include mandated coverage for services they did not use. Religious plaintiffs objected to HIV prevention coverage because it promoted behavior against their beliefs.

The decision by Judge O'Connor could have significant implications for individuals seeking comprehensive healthcare coverage. Preventive-care requirements adopted by two other groups created by the Department of Health and Human Services secretary, the Health Resources and Services Administration, and the Advisory Committee on Immunization Practices were not invalidated by O'Connor's September decision on the validity of the task force. A United States of Care fact sheet lists the preventive-service mandates adopted by each group.

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Natalie Davis, CEO and co-founder of United States of Care, criticized O'Connor's March 30 decision in a press release, stating that "this decision introduces uncertainty into an aspect of the healthcare system that people have benefited from for nearly a decade: access to preventive care with no out-of-pocket costs. This ruling means that nearly half of Americans, over 151 million, may lose access to free preventive services, such as mental health, weight loss measures, and various cancer screenings that we have all come to depend on."

Davis added, "this is yet another step on the dangerous path to allowing politicians and judges to make healthcare decisions, overruling nonpartisan experts who have the best interests of the public in mind." The ruling has sparked controversy and raised concerns about the potential impact on millions of Americans' access to preventive healthcare services.

In conclusion, Judge O'Connor's decision to block requirements for insurers to provide certain preventive-care services for free, including drugs for HIV prevention and some cancer screenings, could have significant implications for individuals seeking comprehensive healthcare coverage. The decision has sparked controversy and raised concerns about the potential impact on millions of Americans' access to preventive healthcare services.