

Protect Our Care Wisconsin: Braidwood v. Becerra judge moves to end guaranteed free preventive health care for more than 150 million Americans

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On March 30, 2023, District Judge Reed O'Connor [struck down](#) portions of the Affordable Care Act (ACA) that require insurers to cover lifesaving preventive services without cost sharing. Judge O'Connor invalidated all of the benefits covered under the [U.S. Preventive Services Task Force](#) (USPSTF), including lifesaving cancer and heart disease screenings, prenatal care, pre-exposure HIV treatments, and more.

This lawsuit was initiated and driven by extremist, [longtime foes](#) of the ACA, abortion rights, marriage equality, vaccination mandates, and diversity policies—and decided by the same Federal District Court judge whose decision [invalidating](#) the entire ACA was [reversed](#) by the Supreme Court in 2021. Judge O'Connor's ruling will once again put Americans at the mercy of insurance companies and employers, who could [eliminate](#) the benefits entirely or start charging for them, increasing costs for patients by thousands of dollars a year and creating major obstacles to care. Guaranteed no-cost coverage of preventive services, including screenings for chronic disease, is a [key factor](#) in expanding access to these services – which together with actions to address other social and structural determinants of health – and advancing health equity.

The ACA's requirement that insurers provide services recommended by the USPSTF without cost-sharing guarantees access to dozens of health services with zero out-

of-pocket costs. Eliminating costs for these lifesaving screenings and services has transformed how preventive care is delivered, saved countless lives, improved health outcomes, reduced disparities in care, and cut consumer health care costs for more than [150 million](#) Americans. Judge O'Connor's decision in the *Braidwood Management (formerly Kelley) v. Becerra* lawsuit ends the requirement that insurance plans cover these lifesaving, no-cost benefits. Here are just [some](#) of the preventive services invalidated by Judge O'Connor:

- GONE – Free, Guaranteed Cancer & Health Screenings. This decision strikes down the ACA requirements that insurers cover screenings for serious health issues including colorectal cancer, lung cancer, hypertension, and prediabetes.
- GONE – Free, Guaranteed Mental Health & Substance Use Screenings. This decision strikes down the ACA requirements that insurers cover screenings for depression and anxiety for children and adolescents, as well as depression screenings for adults. This decision also strikes down the requirement that insurers cover screenings for unhealthy alcohol and drug use and tobacco cessation counseling and products.
- GONE – Free, Guaranteed PrEP. This decision strikes down the ACA requirements that [guarantee](#) access to pre-exposure prophylaxis (PrEP), a drug proven to substantially reduce the risk of contracting HIV. PrEP has been associated with a [significant decrease](#) in the number of new HIV diagnoses.

To read the full fact sheet, visit Protect Our Care's [website](#) or view it as a [PDF](#).