News



Leaves frame the U.S. Supreme Court building in Washington. (OSV/Reuters/Will Dunham)

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The Supreme Court preserved a key part of the Affordable Care Act's preventive health care coverage requirements on Friday, rejecting a challenge from Christian employers to the provision that affects some 150 million Americans.

The 6-3 ruling comes in a lawsuit over how the government decides which health care medications and services must be fully covered by private insurance under former President Barack Obama's signature law, often referred to as Obamacare.

Justice Brett Kavanaugh wrote for the court's majority. Justice Clarence Thomas dissented, joined by Justices Samuel Alito and Neil Gorsuch.

The plaintiffs said the process is unconstitutional because a volunteer board of medical experts tasked with recommending which services are covered is not Senate-approved.

The Supreme Court found that's not necessary because the panel answers to the Secretary of Health and Human Services. "In short, through the power to remove and replace Task Force members at will, the Secretary can exert significant control over the Task Force — including by blocking recommendations he does not agree with," Kavanaugh wrote.

President Donald Trump's administration defended the mandate before the court, though the Republican president has been a critic of his Democratic predecessor's law. The Justice Department said board members don't need Senate approval because they can be removed by the health and human services secretary.

Medications and services that could have been affected include statins to lower cholesterol, lung cancer screenings, HIV-prevention drugs and medication to lower the chance of breast cancer for women.

The decision protects access to free preventive care for millions of Americans, according to Alan Balch, CEO of the nonprofit Patient Advocate Foundation. He said research shows that the prospect of even small bills can stop people from getting care.

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"We are all relieved that we don't have to deliver bad news today to the patients we serve," Balch said in a statement.

The group GLBTQ Legal Advocates & Defenders applauded the continued preventive care coverage while noting "deep concern" about the power of the HHS secretary to hire and fire members of the panel. "We must be vigilant about the politicization of the Task Force going forward," the group said in a statement.

The case came before the Supreme Court after an appeals court struck down some preventive care coverage requirements. The U.S. 5th Circuit Court of Appeals sided with the Christian employers and Texas residents who argued they can't be forced to provide full insurance coverage for things like medication to prevent HIV and some cancer screenings.

Well-known conservative attorney Jonathan Mitchell, who represented Trump before the high court in a dispute about whether he could appear on the 2024 ballot, argued the case.

The appeals court found that coverage requirements were unconstitutional because they came from a body — the United States Preventive Services Task Force — whose members were not nominated by the president and confirmed by the Senate.

Thomas agreed, writing that appointment by the president and confirmation by the Senate is the rule and Congress must explicitly adopt any alternatives, and that didn't happen with the Obamacare board. "It is the law, whether we agree with it or not," he wrote.