

## SUPREME COURT CONFIRMS EMPLOYERS SHOULD CONTINUE TO COVER PREVENTIVE CARE WITHOUT COST-SHARING

In a [recent ruling](#), the United States Supreme Court confirmed that employers with non-grandfathered group health plans must continue to cover ACA-mandated preventive care at no cost to participants. The following services qualify as preventive care for these purposes:

- Services with an A or B rating in the current recommendations of the U.S. Preventive Services Task Force (USPSTF);
- Preventive care and screenings for infants, children, and adolescents in comprehensive guidelines supported by the Health Resources and Services Administration (HRSA);
- Preventive care and screenings for women's health specified in HRSA guidelines; and
- Immunizations recommended by the Advisory Committee on Immunization Practices (ACIP).

The plaintiffs in *Kennedy v. Braidwood Management, Inc.* argued that coverage requirements related to USPSTF recommendations are unlawful because the members of the task force qualify as "principal officers" of the United States whose appointments should be (but have not been and are not currently) subject to a congressional confirmation process. The Supreme Court disagreed with this argument, finding that the USPSTF members instead qualify as "inferior officers" whose appointments do not require congressional approval, and therefore whose preventive-care recommendations remain enforceable.

This ruling affirms that employers without grandfathered plans should proceed "business as usual" regarding preventive-care coverage. In other words, such employers should continue to cover the categories of services listed above at no cost to participants.

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