Texas Judge Strikes Down Affordable Care Act Provisions



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A federal judge in Texas recently struck down a key provision of the Affordable Care Act (ACA) that requires most insurers to cover certain preventive care services at no cost to patients, such as cancer screenings, contraception, and HIV prevention treatment. The decision comes nearly four years after the same federal judge ruled that the ACA was unconstitutional, a ruling that was later overturned by the United States Supreme Court.

The ruling blocks an ACA requirement for most insurers to cover certain forms of preventive care such as cancer screenings that were recommended by the Preventive Services Task Force (PSTF), an independent, volunteer panel of national experts in disease prevention and evidence-based medicine. According to the judge's decision, reliance upon recommendations by the PSTF is unconstitutional because the recommendations are not subject to congressional oversight or public comment. Last year, the same judge also struck down provisions of the ACA requiring certain health plans to provide the HIV prevention treatment known as PrEP, which is a pill taken daily to prevent infection, a decision that also undercut the broader system that determines which preventive drugs are covered in the United States, on the same grounds.

The plaintiffs in each of these underlying cases claimed that the mandates in question violate their religious freedom and the U.S. Constitution. The Biden administration and more than 20 states defended the preventive care provisions in court and warned that a ruling to overturn these mandates could create extraordinary upheaval in the U.S. public health system. The Biden administration is likely to appeal this decision.

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