

# National Council of Insurance Legislators

Summer Meeting

July 17, 2025

*Joint State-Federal Relations & International  
Insurance Issues Committee*

*“Discussion on Federal Healthcare Matters Including  
Reconciliation Bill and Kennedy v. Braidwood”*

# Georgetown University Center on Health Insurance Reforms

Nationally recognized health  
insurance experts

- Part of McCourt School of Public Policy
- Legal & policy analysis
  - Laws and regulations
  - Market trends
- Publish reports, studies, blog posts, white papers
- Technical assistance

# ACA Preventive Services

## Benefit: Level Set

- Group health plans and issuers must cover, without cost-sharing:
  - Preventive services recommended with an “A” or “B” rating by the United States Preventive Services Task Force (USPSTF);
  - Vaccines recommended by the Advisory Committee on Immunization Practices (ACIP); and
  - Women’s and children’s preventive services recommended by the Health Resource and Services Administration (HRSA)
- ~151M Americans have access to free preventive care
- Covered services include screenings for cancer, vaccines, hypertension, diabetes, substance use and depression; pre-natal services, well-woman and child visits, and contraception

# An Evolving Federal Landscape: Uncertainty Ahead

*If an ACIP, USPSTF or HRSA recommendation is rescinded or not ratified, federal law does not require health plans and issuers to cover the recommended item or service.*



# *Braidwood v. Kennedy*: Broad Secretarial Power over Decisions of Advisory Bodies

*Justice Kavanaugh: “We conclude that Task Force members are inferior officers because their work is ‘directed and supervised’ by the Secretary of HHS”*

- **Plaintiffs:**

- Sec. 2713 unconstitutional because members of USPSTF, ACIP, HRSA were improperly appointed.
- As “principal officers” they must be nominated by the President & confirmed by the Senate

- **Defendants (Biden and Trump administrations):**

- Members are “inferior officers” and do not need Senate confirmation

- **Supreme Court:**

- Agreed with defendants
- Secretary may remove members at will and block recommendations before they take effect

# Preserving Preventive Services Access: Options for Lawmakers

*States enforce, oversee protections for state-regulated plans*

- Incorporate preventive services access into state law
  - At least 15 states have already done so
- Review state statutes in light of current risks
- Consider state or regional fallback if federal recommendation process is halted or weakened

# Preserving Preventive Services

## Access: Options for DOIs

- Review State Essential Health Benefits Benchmark
  - Ensure inclusion of recommended items and services
  - Require issuers to adhere to recommendations regarding service frequency, target populations, target age ranges
- Leveraging standardized plans
  - 13 states require standardized health plans
  - Ensure plans include \$0 cost-sharing for high-value preventive benefits
- Market Oversight and Communications
  - Enforce existing law
  - Require advance notice for consumers and policyholders of benefit design changes
  - Inform lawmakers and the public about changes in benefit design that reduce access

# Questions?

## State Health & Value Strategies Roadmap

*By Sabrina Corlette and Tara Straw*

<https://www.shvs.org/protecting-access-to-preventive-services-a-state-roadmap/>

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<https://chir.georgetown.edu/>

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