

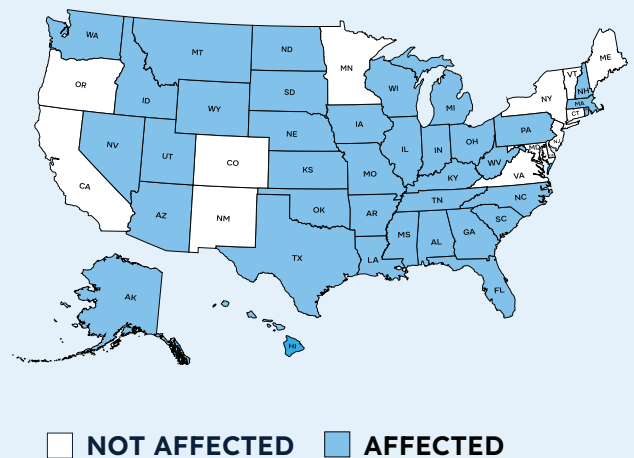
Preparing for the upcoming
Kennedy v. Braidwood
decision on preventive care.

In late June or early July, the Supreme Court will issue a decision in a case threatening to take away free preventive care for people with private insurance. In their lawsuit, the Christian business owners of Braidwood Management in Texas and others argued that they should not have to provide health insurance that fully covers preventive care. They specifically singled out HIV prevention medication, PrEP.

Preventive healthcare, such as cancer screenings, contraception, and HIV prevention medication, is beneficial, effective, and popular. For fifteen years, federal law has required private insurers to fully cover some preventive services. Studies show that adding even a \$10 copay for PrEP results in patients stopping the medication, showing how important free preventive care is for public health and ending the HIV epidemic. Full coverage of preventive care increases access, helps people stay healthy, and reduces racial disparities in health outcomes.

14 states should not be affected by *Kennedy v.*

Braidwood because they already require private insurers to cover the full cost of the preventative services at issue: California, Colorado, Connecticut, Delaware, Maine, Maryland, Minnesota, New Jersey, New Mexico, New York, Oregon, Vermont, Virginia, Washington, D.C.¹ Other states are considering similar protections.



Four paths before the Supreme Court.

Advocates and communities can prepare for four possible outcomes. It is important to remember that the likely outcomes should not apply to people with public insurance, such as Medicaid (in expansion states)¹ and Medicare, or people in the 14 states where private insurance is required to fully cover preventive care.

¹In the ten states that have not expanded Medicaid, it is possible that people with Medicaid could be affected: Alabama, Florida, Georgia, Kansas, Mississippi, South Carolina, Tennessee, Texas, Wisconsin, and Wyoming. KFF, 2025, <https://www.kff.org/status-of-state-medicaid-expansion-decisions/>

Win: Full coverage of preventive care is protected.

The Supreme Court rules against the plaintiffs, Braidwood Management, and protects full coverage of preventive care without cost sharing. For example, this means that PrEP is still fully covered, including any doctor's visits or additional tests needed to remain on PrEP. **This is the best-case scenario for HIV and LGBTQ+ advocates who want to prevent new HIV diagnoses and center the well-being of our communities.**

It is possible that this outcome could allow more political influence over which preventive services are covered by empowering the Secretary of Health, Robert Kennedy. Advocates will be closely watching for any changes to the task force that oversees preventive care coverage.

Partial Win: Full coverage of preventive care depends on federal action.

The Supreme Court rules against the plaintiffs, Braidwood Management, but keeping full coverage of preventive care may depend on the federal government taking further action. Some examples of specific care that would be in limbo include HIV prevention medication PrEP, lung cancer screenings, and hepatitis B screenings. If the federal government does not act, preventive care recommended between 2010 and 2023, including PrEP, could have additional costs. It is unclear if Health Secretary Robert Kennedy and the federal government will act to make sure all services are fully covered, regardless of when they were initially recommended.

For more information about which specific services could be affected, please refer to this [chart](#).

Remand: Full coverage continues for now, but the case goes back to a lower court.

The Supreme Court remands the Braidwood case back to the Fifth Circuit, and nothing changes for now. The Fifth Circuit will have to review the case again. Full coverage of preventive care continues until the Fifth Circuit issues a new decision, which could protect or end full coverage. It is possible that the case goes back to the Supreme Court for a second time, leaving the future uncertain even longer.

Loss: Insurers are no longer required to fully cover preventive care.

The Supreme Court could rule for Braidwood Management and effectively end the requirement that insurers fully cover preventive care. Insurers would be able to charge co-pays for these services, such as PrEP and cancer screenings, or not cover them at all. Health care will be more expensive for 150 million people. Many people who lose free coverage will not be able to afford preventive care, which will lead to more new HIV diagnoses, more severe cancer diagnoses, and more serious illnesses. Racial health disparities affecting Black and Latine communities will worsen. **This is the worst-case scenario for HIV and LGBTQ+ advocates.**

Loss: (continued)

Some insurers may continue to provide free preventive care because it saves money over the long term by reducing chronic illnesses.

People with Medicaid, Medicare, or in the 14 states that have protected access to preventive care should not be affected.

The Supreme Court decision may not follow any of these four paths. If that is the case, advocates will analyze it as quickly as possible and let community members know what to expect.

Educating community members about access to preventive care.

If the Supreme Court maintains full coverage of preventive care, public education on this case is not necessary because most community members will not be affected by the outcome. However, if the decision increases the cost of preventive care, we can help community members understand the consequences.

These messages are intended to be shared after a decision is made. Legal experts will analyze the decision and inform advocates immediately about what it entails. If your audience is in a particular state, customize your message based on whether that state is affected. Only use the state-by-state map for national audiences.

Remand or Partial Win: Free preventive care is still in limbo.

Preventive health care like cancer screenings and PrEP saves lives, saves money, and keeps us healthy. The Supreme Court's *Braidwood* decision means that preventive care stays the same for now, but the future is uncertain. Now it's up to the [Fifth Circuit/Health Secretary Robert Kennedy.] We will keep fighting for lower costs and better access to health care so that everyone can thrive.

Your care is not affected if you have Medicaid (in an expansion state), Medicare, or live in these 14 states: California, Colorado, Connecticut, Delaware, Maine, Maryland, Minnesota, New Jersey, New Mexico, New York, Oregon, Vermont, Virginia, and Washington, D.C.

Learn more here:

<https://www.hivlawandpolicy.org/resources/supreme-court-case-could-change-health-care-coverage-millions-americans-equality>

Loss: Preventive health care costs more.

[Depending on where you live and if/If you live in STATE] and you have private insurance, the Supreme Court just raised your health care costs. The *Braidwood* decision means that some patients will now owe a copay for common preventive health care like cancer screenings, contraception, and the HIV prevention medication PrEP. You can still access this health care, but it will cost more.

Nothing is more important than your health. Please continue to take your medications and go to the doctor when needed. We will keep fighting for lower costs and better access to health care so that everyone can thrive.

Learn more here:

<https://www.hivlawandpolicy.org/resources/supreme-court-case-could-change-health-care-coverage-millions-americans-equality>

Defending Care for Our Communities.

No matter what the Supreme Court decides, we can take steps to protect access to preventive health care and even expand it to address long-standing inequities. Through advocacy and coalition building at the state level we can work to protect or restore full coverage of preventive health care. At a time when the Trump Administration and Congress are working to defund health care and weaken protections, we will continue to vigilantly defend our communities' access to life-saving care.



Last updated on May 23, 2025.

More information about how to responsibly talk about HIV is available in the [HIV Media Guidance from Equality Federation](#).