

Joanne Roskey Quoted on ACA Preventive Services Ruling in Bloomberg Law

"HIV Prevention Drug Uptake Threatened in Obamacare Battle"

BLOOMBERG LAW

06.07.2023

Joanne Roskey commented on the potential impact of a March 2023 ruling by Judge Reed O'Connor of the U.S. District Court for the Northern District of Texas that invalidated a portion of the Affordable Care Act's (ACA) preventive services mandate, including the requirement that health plans and issuers cover without cost-sharing pre-exposure prophylaxis (PrEP) medication that helps prevent HIV infection. Judge O'Connor ruled in *Braidwood Management Inc. et al. v. Xavier Becerra et al.*, No. 4:2020cv00283 - Document 113 (N.D. Tex. 2023), that Braidwood and other plaintiffs in the case with religious objections wouldn't have to cover and pay for PrEP, finding that the ACA's requirement that they do so violated the employers' Religious Freedom Restoration Act (RFRA) rights. Roskey said the RFRA portion of the *Braidwood* decision only applies to the plaintiffs in that case, but "other employers who also hold religious objections to PrEP could try to rely on the decision to exclude coverage, knowing there is legal precedent for not covering the drug for religious reasons." The decision is "significant for people that want to have access to the drug and work for an employer who has a religious objection to providing this type of coverage," she noted.