



*ACS NCCRT Blue Star Conversation*  
**2025 Supreme Court Case Update: How  
*Kennedy v. Braidwood Management* Could  
Affect Insurance Coverage for CRC Screening**

**July 9, 2025**

# Virtual Housekeeping

- 1 Please note the presentation is being recorded.
- 2 We want to hear questions from you via the chat or the Q&A box at the bottom of the screen
- 3 Let's get to know each other– put your name, what state you're from, which organization you represent in the chat, and one emoji describing your summer so far
- 4 Don't forget to complete our evaluation at the end of today's call!

# Objectives for Today's Blue Star Conversation

- To provide ACS NCCRT members with in-depth, up-to-date non-partisan information about the outcome of the *Kennedy v. Braidwood Management* Supreme Court case from known experts and how it may affect their work
- To provide a non-partisan space for ACS NCCRT members to ask questions and discuss the outcome of the *Kennedy v. Braidwood Management* case and how it may affect their CRC screening work
- Share top takeaways

# Ground Rules



## 1 **Nonpartisan Commitment & Discussion Guidelines**

ACS/ACS CAN is a nonprofit, nonpartisan organization. We believe everyone should have a fair and just opportunity to prevent, detect, treat, and survive cancer. We therefore ask that you avoid partisan topics and opinions today.

## 2 **ACS National Roundtable Rules for Engagement**

Rules for engagement clarify the expectations for participation by members and representatives of the ACS NCCRT. Members are expected to respect and comply with these Rules and all other applicable ACS policies.

You can reference the Rules for Engagement anytime on our [website](#).

## 3 **Confidentiality**

This session is being recorded. Please be mindful of our conversation and respectful of others' privacy. Do not identify or discuss specific patients by name.

**Blue Star Conversations** (BSCs) are ACS NCCRT members-only interactive virtual programs, covering new or hot button topics of interest in the colorectal cancer (CRC) space, and facilitated by ACS NCCRT staff and a high-level volunteer moderator, such as a Strategic Priority Team (SPT) Chair





# ACS NCCRT Policy Action Strategic Priority

## Team Charge:

To identify, share, and discuss information on emerging and pressing policy issues around colorectal cancer screening and promote opportunities where SPT members can engage to advance and influence policy change at the local, state, and federal level.

## Co-Chairs:



**Heather Dacus, DO, MPH**  
Director of the Bureau of Cancer Prevention and Control  
*New York State Department of Health*



**Molly McDonnell**  
Vice President of Advocacy  
*Fight Colorectal Cancer*

# Disclosures



**None of our panelists or speakers have any disclosures to make.**

# Today's Panel



**Mary Rouvelas, JD**

Managing Counsel & Legal Advocacy Director  
*American Cancer Society Cancer Action Network*



**Josh Caplan, MA, MPP**

Director of Government Affairs  
*AcademyHealth*



**Molly McDonnell**

Vice President of Advocacy  
*Fight Colorectal Cancer*



# Prevention at Risk:

*Kennedy v. Braidwood Management*

**ACS NCCRT Blue Star Conversation  
on Policy**



**July 9, 2025**

# Affordable Care Act

## ACA:

***Most Private Insurers Must Cover Preventive Services without Cost Sharing***

- **US Preventive Services Task Force (Task Force)**
- **Advisory Comm on Immunization Practices (ACIP)**
- **Health Resources and Services Admin (HRSA) on recs by Women's Preventive Services Initiative**

**= 150+million people**

# Plaintiffs: Individuals and Christian-Owned Businesses



## CLAIMS

### Requirements violate the Appointments Clause of US Constitution

Appointments Clause – Art. II, Sec. 2 says superior officers must be appointed by the president and confirmed by the Senate; inferior officers do not need confirmation

### Religious Freedom Restoration Act:

Violates their religious freedom under the *RFRA* to have to buy coverage for PrEP drug for HIV prevention

# Why Public Health Orgs Care

## *Task Force recommendations include*

Lung cancer screening  
Breast cancer screening  
Tobacco cessation  
Colon cancer screening  
Cervical cancer screening

### **ACIP** – Vaccines

HPV  
Influenza  
COVID-19  
Shingles

### **HRSA**

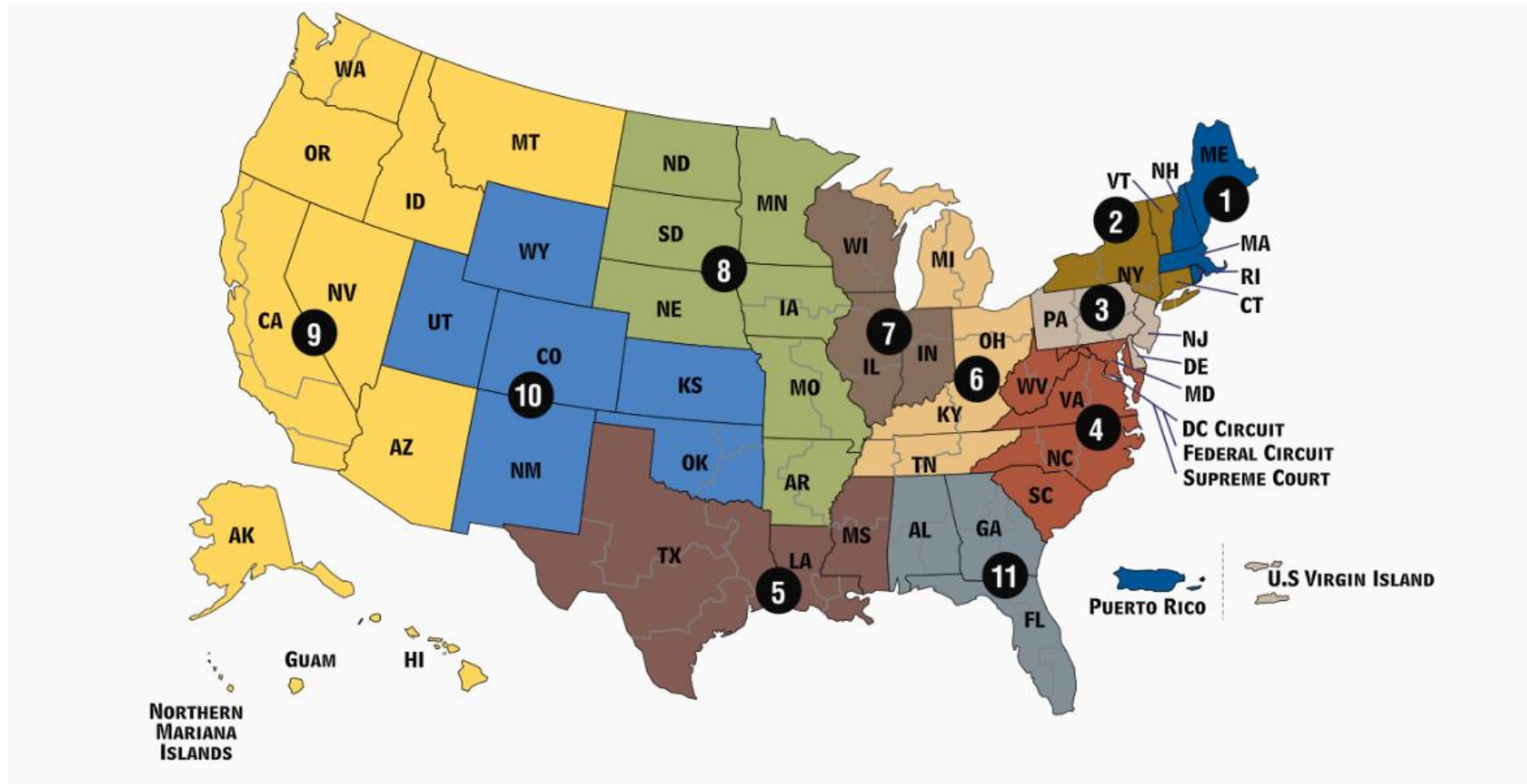
Behavioral health  
Contraception

# Judge O'Connor Ruling in *Braidwood*

- ACA's delegation to Task Force violates the Appointments Clause = unconstitutional = no recs since passage of ACA in March of 2010 enforceable by HHS for *entire nation*
- Upholds delegation to ACIP and HRSA because their recs have to be ratified by DHHS Secretary
- Requirement to cover PrEP violates Braidwood's religious freedom under RFRA (judge says would also apply to HPV vaccine if asked) – this claim then settles

# Geographic Boundaries

## Of United States Courts of Appeals and United States District Courts



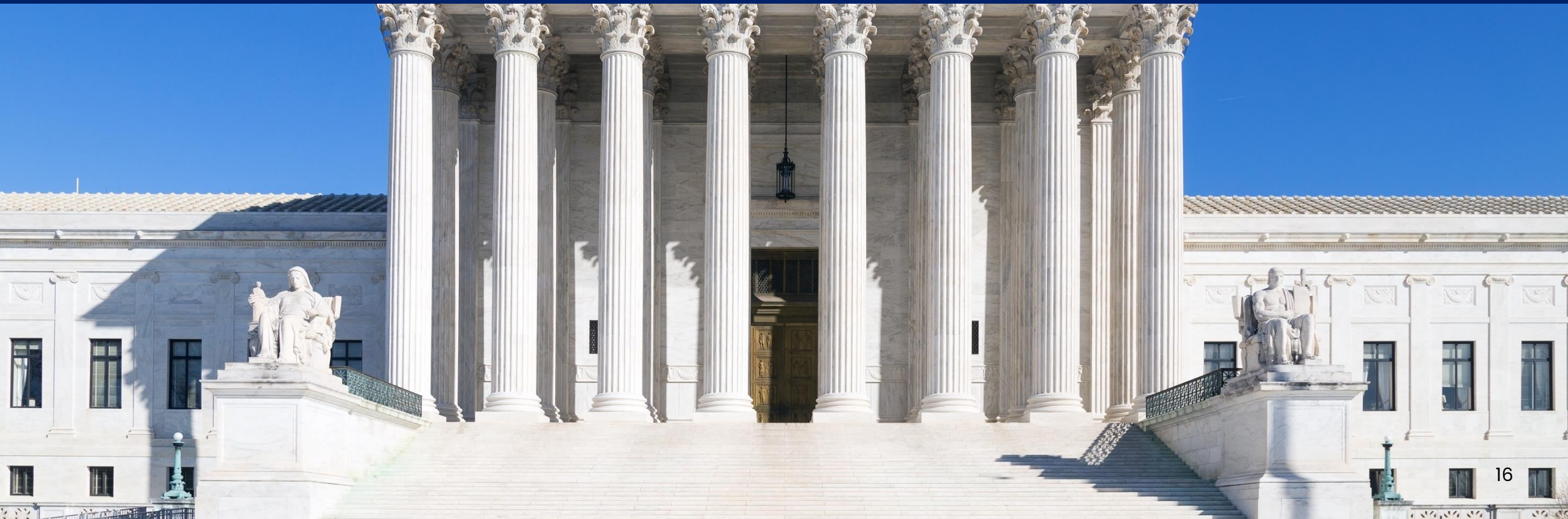


# Fifth Circuit

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- Stay during pending litigation
- Task Force - structure unconstitutional but limits relief to *plaintiffs*
- ACIP & HRSA – may be lawful but depends on actual process of ratification = remand

# Cross-Petitions to the Supreme Court of US



# SCOTUS

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## ONLY ACCEPTED QUESTION ON TASK FORCE

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Held: the structure of the Task Force does not violate the Appointments Clause of the US Constitution because members are “inferior” officer under the supervision of the Secretary of HHS =

Upholds the ACA provision mandating coverage of Task force recommendations

# Panel Discussion

# Q&A



# Calls to Action

- Join ACS CAN's webinar tomorrow, July 10, at 8pm ET, to learn more about the Congress' latest budget bill and the impact on Medicaid
- Plan to join the ACS NCCRT for our next Annual Meeting in Nashville, TN from November 19-21 to learn more about CRC policy and the Policy Action SPT. Registration launches in late August! Learn more at [nccrt.org/2025-annual-meeting/](https://nccrt.org/2025-annual-meeting/)
- Take our survey to let us know what went well and what we can do better!

Take our survey!





# Connect With Us



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[@NCCRTNews](https://twitter.com/NCCRTNews)



[www.nccrt.org](https://www.nccrt.org)

*And scroll to the bottom of our homepage to sign up for CRC News!*

# Thank You

Take our survey!

