

24-316 KENNEDY V. BRAIDWOOD MANAGEMENT, INC.

DECISION BELOW: 104 F.4th 930

LOWER COURT CASE NUMBER: 23-10326

QUESTION PRESENTED:

The U.S. Preventive Services Task Force (Task Force), which sits within the Public Health Service of the Department of Health and Human Services (HHS), issues clinical recommendations for preventive medical services, such as screenings and medications to prevent serious diseases. Under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119, health insurance issuers and group health plans must cover certain preventive services recommended by the Task Force without imposing any cost-sharing requirements on patients. 42 U.S.C. 300gg-13(a)(1). The question presented is as follows:

Whether the court of appeals erred in holding that the structure of the Task Force violates the Appointments Clause, U.S. Const. Art. II, § 2, Cl. 2, and in declining to sever the statutory provision that it found to unduly insulate the Task Force from the HHS Secretary's supervision.

CERT. GRANTED 1/10/2025