Physicians make voices heard on threat to ACA preventive coverage

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For California infectious disease specialist Stephen Parodi, MD, and others, pre-exposure prophylaxis (PrEP) has become an extremely effective way to help patients prevent HIV infection.

When taken appropriately, the medication reduces HIV infection risk from sexual encounters by 99%. It reduces the risk of infection from injection drug use by 74%. Equally important is the lifestyle counseling—discussions about all sexually transmitted infections, lifestyle modifications and safe sex—that accompanies prescribing and helping patients manage the medication.

But a federal court ruling out of Texas involving the Affordable Care Act (ACA) that allows patients to afford a pricey medication like PrEP with insurance coverage is threatening all of that, and much more.

“The second bigger picture question that really worried me is that this is not just about PrEP. We’re talking about access to vaccines, access to other critical services. Think about cervical cancer screening. You know, other things that are required right now under the ACA are now thrown into doubt,” Dr. Parodi, an AMA member, said during an episode of “AMA Update.”

Dr. Parodi discussed what is at risk if the plaintiffs succeed with their lawsuit and what he is doing with the AMA’s help in the courtroom and with the AMA Integrated Physician Practice Section (AMA-IPPS) to ensure patients have continued access to PrEP and other essential preventative health services.

The lawsuit

“I had to get over my anger over the ruling. And then I said: OK, what can we do and can we take action? And actually, can we take action collectively as the House of Medicine?” said Dr. Parodi, executive vice president of external affairs communications and brand at The Permanente Federation and associate executive director for The Permanente Medical Group in Oakland, California.
The Permanente Medical Group is a member of the AMA Health System Program, which provides enterprise solutions to equip leadership, physicians and care teams with resources to help drive the future of medicine.

The lawsuit Dr. Parodi spoke about is *Braidwood Management v. Becerra*, filed in the U.S. District Court for the Northern District of Texas Fort Worth Division. It involves six people and two businesses that are challenging whether the ACA’s preventative care service requirements are legal under the U.S. Constitution and the Religious Freedom Restoration Act.

Included in that challenge is one employer plaintiff claiming that having to provide PrEP violated their religious doctrines around prevention of HIV infection and potential behaviors that are leading to HIV infections.

The Litigation Center of the American Medical Association and State Medical Societies, along with the American College of Obstetricians and Gynecologists, American Academy of Pediatrics, American Academy of Family Physicians and four other national associations filed an amicus brief (PDF) in *Braidwood*. The brief tells the court that the decision would imperil access to vital preventative care that keeps patients healthier and lowers overall costs for the health care system.

**Physician activism matters**

In addition to talking to the AMA Litigation Center about the case, Dr. Parodi talked to colleagues within the AMA-IPPS, which he serves as a member of the governing council. He said they were supportive in putting together a resolution to raise awareness in the AMA House of Delegates about what was at stake.

He encouraged physicians to get involved when issues arise, to pick up the phone to call fellow physicians.

“If you know someone who’s a part of the AMA, who’s part of the House of Delegates, don’t be afraid, don’t be shy. There are so many people that are willing to help you. And it's not just your fellow physicians. The AMA staff, I have to just say, were extremely helpful for me,” Dr. Parodi said. “Health care is at the forefront when it comes to policy makers, when it comes to now our court system. And it’s really critical and important that physicians are actually involved with these processes.”

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