Trump Administration Issues Executive Order on Healthcare Price Transparency



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President Trump issued an Executive Order intended to revive efforts to require hospitals and health plans to disclose their prices and rates to patients. The new Executive Order builds on President Trump's efforts to increase healthcare price transparency, which he initiated during his first term with Executive Order 13877 in 2019. The 2019 Executive Order required hospitals to maintain a consumer friendly display of pricing information for up to 300 shoppable services, as well as a machine readable file with negotiated rates for every service provided. Additionally, under the 2019 Executive Order, health plans were instructed to post their negotiated rates with providers, their out of network payments to providers, the actual prices they paid for prescriptions drugs, and to maintain an online tool to permit consumers to access price information.

The new Executive Order requires the Secretaries of Labor, Treasury and Health and Human Services to implement price transparency regulations by late May. Specifically, the three Departments must require healthcare entities to disclose the actual prices of medical items and services, not estimates. Additionally, the Departments must provide current guidance or proposed regulations to facilitate standard, comparable pricing information across hospitals and health plans, and must offer guidance or proposed rules to enforce compliance. In the near future, hospitals should expect an increase in audits by the Centers for Medicare & Medicaid Services that include enforcement actions for noncompliance.

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