

CLIENT ALERT

Executive Order Reemphasizes Healthcare Price Transparency

MARCH 4, 2025

On February 25, 2025, President Trump signed the “Making America Healthy Again by Empowering Patients with Clear, Accurate, and Actionable Healthcare Pricing Information” Executive Order (the EO). The EO aims to increase the transparency of healthcare pricing information, seeking to promote the reimplementation and enforcement of pricing transparency requirements set forth in an executive order issued during President Trump’s first administration.

The EO builds upon an executive order from Trump’s first administration, Executive Order 13877, “Improving Price and Quality Transparency in American Healthcare to Put Patients First” (EO 13877). The implementation of EO 13877 led to a regulation requiring hospitals to display pricing for up to 300 shoppable services in a consumer-friendly manner and provide machine-readable files with negotiated rates for all services.^[1] Another regulation similarly required health plans to post their negotiated rates with providers, out-of-network payments, and the actual price they paid for prescription drugs.^[2]

In justifying the need for this follow-on executive order, the EO referenced several economic analyses that assert various expected benefits for consumers, employers, and insurers as a result of pricing transparency requirements. The EO also asserts that hospital and health plans have not been sufficiently compliant with the regulatory framework that emerged from EO 13877.

The EO therefore directs the Secretaries of the Treasury, Labor, and Health and Human Services to “rapidly implement and enforce” the healthcare price transparency regulations issued pursuant to EO 13877. This includes, by May 25, 2025, taking the following actions:

1. Requiring the disclosure of the actual prices of items and services, not estimates;
2. Issuing updated guidance or proposed regulatory action ensuring pricing information is standardized and easily comparable across hospitals and health plans; and
3. Issuing guidance or proposed regulatory action updating enforcement policies designed to ensure compliance with the transparent reporting of complete, accurate, and meaningful data.

KEY TAKEAWAYS

Hospitals and health plans should carefully review both the new EO and EO 13877, as well as the relevant regulations, to determine—with the assistance of outside advisors as appropriate—whether the consumer-facing pricing practices in effect at their organizations relating to items and services are in compliance with applicable law and regulations. Healthcare organizations should also be alert for additional relevant government guidance addressing standardization requirements for disclosed information that may be forthcoming. As always, healthcare organizations should judiciously consider any relevant contractual obligations regarding the confidentiality of such sensitive commercial information as well as applicable antitrust laws that may be implicated by the disclosure of pricing information in competitive markets and any subsequent discussions with competitors about publicly available pricing information.

[1] 45 C.F.R. pt. 180.

[2] 45 C.F.R. § 147.210, 211, 212.

2 Min Read

Authors

[Julia Lagnese](#)

[T. Reed Stephens](#)

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T. Reed Stephens