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Legal Alerts

Hospital Price Transparency: What Hospitals Need to Know About Trump's Executive Order

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On February 28, 2025, President Trump issued Executive Order 14221 ("EO"), which requires the Federal government to "promote universal access to clear and accurate health care prices" and "increase enforcement of price transparency requirements." Within 90 days of this EO, the Secretary of the U.S. Department of Health and Human Services ("HHS") must implement and enforce certain actions, including requiring hospital "disclosure of the **actual prices of items and services, not estimates**." This EO deviates from current Federal hospital price transparency regulations that require hospitals to provide "estimated" out-of-pocket amounts to consumers.[1] It is unknown if interested parties (e.g., American Hospital Association) will seek an injunction to restrain HHS from enforcing this EO.

Additionally, this EO directs HHS to increase enforcement of the Hospital Price Transparency Rule requirements. In 2025, HHS has already initiated seven actions to impose civil monetary penalties against hospitals pursuant to these regulations. As a comparison, there were only three such actions in 2024.

Absent an injunction, hospitals should be prepared for HHS to enforce EO 14221, which requires hospitals to disclose actual prices of items and services to consumers. As HHS increases enforcement activity regarding the hospital price transparency rules, hospitals should evaluate their compliance with this regulation, including the amended regulations that took effect on July 1, 2024, and January 1, 2025. These amendments have new data reporting and formatting requirements for a "machine readable file" that must be used to publicly post the hospital's standard charges for all items and services.[2]

Foster Garvey's health care attorneys provide legal representation and regulatory compliance guidance to hospitals. Please contact one of our health care attorneys if you have any specific questions or need legal services.

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[1] 45 CFR § 180.50(b)(2)(ii)

[2] *See e.g.*, 45 CFR § 180.50

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