

LEGAL VICTORY: The Biden Administration Waves White Flag in *FGA v. HHS* Lawsuit on Drug Price Transparency

The Foundation for Government Accountability's successful federal lawsuit holds the Biden administration accountable and protects patients' right to health care transparency.

Naples, FL—Today, the Foundation for Government Accountability (FGA) released a [court filing](#) from the U.S. Department of Health and Human Services (HHS), *et al.* notifying FGA of the government's decision to reverse its position of non-enforcement of Transparency in Coverage (TiC) rules that require group health plans and health insurers to publish prescription drug prices to give purchasers complete pricing information for medications.

The U.S. Departments of Health and Human Services, Labor, and Treasury released [a FAQ document](#) publicly rescinding their [previous order](#) of non-enforcement which FGA had challenged in court as contrary to federal law.

In response to its resounding legal victory in the federal lawsuit [FGA v. HHS](#), FGA released the following statement:

"When the Biden administration decided to take the side of health insurers and drug manufacturers, FGA decided to take the side of patients and their families. We stood up to the federal behemoth in court, and we won," **said Tarren Bragdon, president and CEO at the Foundation for Government Accountability.** "Because of this victory, millions of Americans will have transparent access to the information they need to make informed health care decisions."

"Washington gridlock can make major policy advancements difficult to come by. But FGA is committed to finding ways to make a positive impact across the country and keep the American Dream alive. That's [why we fight](#), and that's why winning matters so much," **added Bragdon.**

The TiC rule aims to provide patients with critical information needed to make informed health decisions, improving health care quality by promoting free-market solutions through price transparency. The Biden administration's refusal to allow agencies to enforce this rule without first following the formal process of withdrawing and amending the rule, which requires a lengthy and transparent notice-and-comment period, violated federal law.

"The Biden administration broke the law when they prohibited agencies from enforcing the drug price transparency rule, and they knew it. That's why they caved in response to FGA's lawsuit by formally reversing their non-enforcement policy on drug price transparency before a federal judge compelled them to do so," **said Stewart Whitson, legal director at FGA.** "Whenever government officials willfully ignore the law, it's crucial they be held accountable. But holding the administration accountable takes resources and skill that those suffering from this refusal often lack. That's where FGA comes in. FGA is proud to step up on behalf of everyday Americans and use the power of the courts to hold elected officials and government bureaucrats accountable, especially when their actions harm patients and their families."

"When FGA engages in a legal battle, we fight to win. Now that the Biden administration has surrendered their position of non-enforcement, and our objective has been fully achieved, it is time to [drop our lawsuit](#) and shift our focus to the next worthy battle," **added Whitson.**

NARRATIVE BACKGROUND:

In 2019, The Trump administration [announced the Transparency in Coverage](#) (TiC) effort to create administrative rules requiring increased transparency and upfront disclosure of health care costs, including prescription drug pricing. The [rule was finalized in 2020](#) and the drug price transparency provision was set to take effect on January 1, 2022. But before the rule could take effect, the Biden administration used an [FAQ guidance document](#) to block enforcement of the Transparency in Coverage rule.

In response, FGA [filed a federal lawsuit](#) against the U.S. Departments of Health and Human Services, Labor, and Treasury for prohibiting the enforcement of the drug price transparency rule. Due to pressure from FGA's lawsuit, the Departments issued [updated FAQ guidance](#) reversing their previous position of non-enforcement.

For more information about FGA's legal efforts, filing, and active lawsuits, [click here](#).

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The Foundation for Government Accountability (FGA) is a non-profit, multi-state think tank that promotes public policy solutions to create opportunities for every American to experience the American Dream. To learn more, visit TheFGA.org.