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Contact: Adam Gibbs
(262) 903-8835, Adam@theFGA.org

FGA v. HHS: The Fight for Transparent Drug Pricing

The Foundation for Government Accountability launches federal lawsuit to require the Biden administration to enforce drug price transparency rule.

Naples, FL—Today, the Foundation for Government Accountability ([FGA](#)) filed [a federal lawsuit](#) against the U.S. Departments of Health and Human Services (HHS), Labor, and Treasury for lack of enforcement of a drug price transparency rule which requires group health plans and health insurers to publish prescription drug prices to give consumers full pricing information for medications.

The Trump administration [announced the Transparency in Coverage](#) effort in 2019. 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 rule.

“Two years of inaction on drug price transparency is enough. FGA is taking the fight for transparency to federal court to force the Biden administration to follow the law, without exception and without delay,” **said Tarren Bragdon, President and CEO of FGA.** “Patients have a fundamental right to control their own health care decisions and that includes budgeting for medical expenses and prescriptions. Without full pricing information, families are left with higher costs and lower confidence in our health care system.”

“The American people deserve to make informed choices with all cards face up. The Biden administration has made that impossible by putting the needs of Big Pharma before the needs of patients,” **added Tarren Bragdon.** “FGA is fighting for transparency that puts people first.”

The Biden administration’s refusal to enforce this rule effectively repeals the price transparency consumers were expecting to help lower medical expenses. Instead, [more than 1,200 prescription drugs](#) saw their prices increase faster than inflation between 2021 and 2022.

“Refusing to enforce a rule on the books without following the formal process of withdrawing the rule is a violation of federal law. FGA is taking this fight directly to the federal court to order the implementation and enforcement of this drug price transparency rule,” **said Stewart Whitson, FGA legal director.** “There are no excuses left for the Biden administration: Either they are for transparency or against. Since they won’t implement the rule on their own as the law requires, we’re asking the federal court to order them to, delivering the transparency consumers deserve.”

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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.