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Healthcare Alert

April 2, 2025

Comments sought on eliminating anticompetitive laws in healthcare

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The DOJ Antitrust Division's new Task Force aims to eliminate laws hindering competition in healthcare and other industries. Public input is due by May 26.



What's the impact?

- The Task Force aims to identify and advocate for the removal of state and federal laws that hinder free market competition.
- All stakeholders, including businesses, trade associations, consumers, and advocacy groups, are encouraged to submit comments to help shape the Task Force's efforts.

The US Department of Justice (DOJ) Antitrust Division has announced the launch of the Anticompetitive Regulations Task Force, an initiative it says is aimed at identifying and advocating for the elimination of state and federal laws that hinder free market competition. According to DOJ, the Task Force will prioritize efforts to remove regulatory barriers that increase costs for consumers, restrict business innovation, and limit economic growth.

The Task Force will first focus on key industries, including healthcare, housing, transportation, food and agriculture, and energy. **Comments are due by May 26 at <https://www.regulations.gov/> (Docket No. ATR-2025-0001)** and can be submitted by all stakeholders—businesses, trade associations, consumers, and advocacy groups.

Healthcare and competition

In healthcare, DOJ says the Task Force will work with attorneys, economists, other staff from across the Antitrust Division, and interagency partners to identify regulations that contribute to high costs and restricted access to care by limiting competition among providers, encouraging consolidation, and enabling overbilling practices. Their stated goal is to create a more competitive healthcare market that fosters affordability and quality care for all Americans. In 2018, the DOJ Antitrust Division engaged in a roundtable discussion series on competition and deregulation that culminated in a [report](#), which with respect to healthcare, comments on granting healthcare providers the power of collective action under the McCarran-Ferguson Act, as is afforded payors, and the need to reduce barriers to entry and licensing requirements, which are often imposed by state laws, including Certificate of Need (CON) and Certificate of Public Advantage (COPA) laws.

Balancing federal and state roles in antitrust enforcement

While the Antitrust Division indicates it will work closely with federal and state agencies to implement reforms, advocate for regulatory changes, and explore additional legal avenues to remove anticompetitive barriers, this is at odds with many states with CON laws and more recent oversight, review, and approval of material transactions. For more information, see our recent guidance on legislation in [California](#), [Connecticut](#), [Massachusetts](#), and [New York](#). More is to come from the Anticompetitive Regulations Task Force and states.

Nixon Peabody continues to monitor the new administration's actions and other states on this topic. For more information on the content of this alert, please contact your Nixon Peabody attorney or:

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