



Week in Regulation

Steady Stream of Rules Coming Down

DAN GOLDBECK | AUGUST 12, 2024

In contrast to the preceding week's relatively [sparse cohort](#) of rules, this past week actually saw a sizable volume of rules hit the books. There were 18 rulemakings with some kind of measurable economic impact. While many of the actions were fairly modest, there were some significant items. The Department of Health and Human Services (HHS) was the most active agency with multiple rulemakings containing costs in the hundreds of millions of dollars. Across all rulemakings, agencies published \$2.1 billion in total costs and added 3.4 million annual paperwork burden hours.

REGULATORY TOPLINES

- Proposed Rules: 40
- Final Rules: 64
- 2024 Total Pages: 65,435
- 2024 Final Rule Costs: \$1.25 trillion
- 2024 Proposed Rule Costs: \$48 billion

NOTABLE REGULATORY ACTIONS

The most consequential rulemaking of the week from a cost perspective was the [proposed rule](#) from HHS regarding “Health Data, Technology, and Interoperability: Patient Engagement, Information Sharing, and Public Health Interoperability.” The proposal:

Seeks to advance interoperability, improve transparency, and support the access, exchange, and use of electronic health information through proposals for: standards adoption; adoption of certification criteria to advance public health data exchange; expanded uses of certified application programming interfaces, such as for electronic prior authorization, patient access, care management, and care coordination; and information sharing under the information blocking regulations.

HHS estimates that instituting such changes will involve nearly \$745 million in total costs (or \$106 million in annualized terms), with such costs primarily coming in the first three years of implementation.

The most consequential *final rule* of the week also comes from HHS, with its [rule](#) regarding “Medicare Program; FY 2025 Hospice Wage Index and Payment Rate Update, Hospice Conditions of Participation Updates, and Hospice Quality Reporting Program Requirements.” As the title suggests, this is yet another rule primarily focused on adjusting the annual payment levels for certain Medicare programs. This one, however,

also includes some significant new administrative burdens. HHS estimates that the rule will involve nearly 2.5 million hours of paperwork and commensurate costs of \$185 million each year, or roughly \$555 million over a three-year period.

TRACKING THE ADMINISTRATIONS

As we have already seen from [executive orders and memos](#), the Biden Administration will surely provide plenty of contrasts with the Trump Administration on the regulatory front. And while there is a general expectation that the current administration will seek to broadly restore Obama-esque regulatory actions, there will also be areas where it charts its own course. Since the AAF RegRodeo data extend back to 2005, it is possible to provide weekly updates on how the top-level trends of President Biden's regulatory record track with those of his two most recent predecessors. The following table provides the cumulative totals of final rules containing some quantified economic impact from each administration through this point in their respective terms.

TRACKING THE ADMINISTRATIONS

REGULATORY ACTIVITY FROM INAUGURATION DAY TO AUGUST 9th (Year 4)

	FINAL RULES	FINAL RULE COSTS	PAPERWORK HOURS
BIDEN 2021	992	\$1.69T	312.1M
TRUMP 2017	1074	-\$100.1B	199.3M
OBAMA 2009	1339	\$308.5B	251.4M

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After a relative lull in recent weeks, the Biden Administration saw some substantial upward movement in its final rule cost and paperwork totals. The former increased by roughly \$979 million while the latter jumped by nearly 3.2 million hours. The HHS rule discussed above was the main driver of both those trends. The other two administrations had much more subdued weeks. The Trump Administration saw net cost and paperwork reductions of \$74.5 million and roughly 645,000 hours, respectively. A Department of Housing and Urban Development [rule](#) was the primary reason for those decreases. Meanwhile, Obama-era costs and paperwork

increased by \$30.4 million and 156,000 hours, mostly thanks to a handful of routine airworthiness directive rulemakings.

TOTAL BURDENS

Since January 1, the federal government has published \$1.29 trillion in total net costs (with \$1.25 trillion in new costs from finalized rules) and 72.4 million hours of net annual paperwork burden increases (with 34.9 million hours coming from final rules).

