

December 4, 2020

ATTORNEY GENERAL RAOUL OPPOSES DANGEROUS HHS DEREGULATION THAT THREATENS CRITICAL PROGRAMS

Chicago — Attorney General Kwame Raoul today joined a coalition of attorneys general in submitting comments opposing the U.S. Department of Health & Human Services' (HHS) misguided proposal to automatically "sunset" any HHS regulation that the agency does not review within a short time frame.

The rule would impact all 18,000 of HHS' regulations, putting into jeopardy the department's programs and services nationwide. Under the rule, if not reviewed in the short time frame, these regulations could end, threatening critical programs like Medicaid, food safety and medical and pharmaceutical research. The unlawful rule gives the agency just two years to review the regulations.

"This unprecedented and dangerous rule would put trillions of dollars in federal funding, programs and services at risk for states and their residents," Raoul said. "I urge HHS to abandon this proposal and ensure the seamless continuation of the vital services provided by the department."

In today's comments, Raoul and the coalition argue that this deregulation attempt would mire HHS in red tape during a global pandemic when the country needs the agency's resources most, making it nearly impossible for the new administration to enact new pandemic-related regulations. In addition, the drastic scope of the rule would put trillions of dollars in federal funding on which the states rely at risk.

Raoul and the coalition argue the proposed rule:

- Is unprecedented and dramatic in scope, and poses a threat to the states' health care systems.
- Is legally questionable since it claims to implement the Regulatory Flexibility Act (RFA), which Congress enacted to minimize the impact regulations have on small entities with limited resources. Instead, the rule would add expiration dates to all 18,000 HHS regulations.
- Will drain agency resources and create significant uncertainty for state programs that would have to deal with the consequences if the federal regulations they rely on suddenly expired.
- Is problematic, given it was proposed just a month before a new president takes office and while the country continues to fight the COVID-19 pandemic, and only provides the public only 30 days to comment.

Joining Raoul in today's comments are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington and Wisconsin.