

Now & Next

Healthcare Alert

April 28, 2025

Executive Order targets higher education accreditors with focus on medical education

By Lindsay Maleson, Steven M. Richard, and Matthew Forzano

The EO specifically targets medical education and graduate medical education accrediting bodies for their DEI-based standards and requirements.



What's the impact?

- The Secretary of Education is instructed to hold accrediting bodies accountable through denial, monitoring, suspension, or termination of accreditation recognition.
- Medical schools and GME programs face uncertainty regarding the application of existing DEI-related accreditation standards, with potential litigation and changes in accreditation practices on the horizon.

May 21, 2025, Update: On May 19, 2025, the LCME voted to eliminate Element 3.3, its accreditation standard related to diversity programs and partnerships. The LCME announced that it was taking this action “to remove any real or perceived conflict between the requirements of Element 3.3 and state laws and to ensure that there is a single set of accreditation expectations with which all schools, regardless of their location and current legislative environment, must

comply.” The LCME further announced that its accreditation-related publications would be revised to reflect this change and that medical education programs with existing citations in this area, as well as those preparing for accreditation-related submissions to the LCME, would not be required to provide the LCME with any information related to Element 3.3.

May 13, 2025, Update: On May 9, 2025, the ACGME [announced](#) that it was suspending enforcement of “Common Program Requirement I.C. and Institutional Requirement III.B.8., as well as related specialty/subspecialty-specific requirements,” in light of concerns raised by “multiple constituents in several states and from federal Sponsoring Institutions about their ability to comply with some of the ACGME requirements addressing diversity in light of state or federal laws.” The ACGME will discuss this action at its June 2025 meeting.

Also on May 9, 2025, the LCME updated its [landing page](#) to include a link to “Substantive Changes to LCME Publications,” stating that “[i]n response to feedback and requests for more specificity about what changed in new versions of LCME publications,” the organization has developed the [LCME Publications Change Log](#). The LCME updates do not directly address whether additional changes to its accreditation standards are being made in response to the EO, though it states, “[t]he current expectation is that the Change Log will be updated again in late May 2025, and then again in late July 2025 to detail any substantive changes to upcoming publications.”

President Trump issued an [executive order](#), “Reforming Accreditation to Strengthen Higher Education,” on April 23, 2025, directing the Attorney General and the Secretary of Education to examine and take action against higher education accrediting bodies that “requir[e] institutions seeking accreditation to engage in unlawful discrimination in accreditation-related activity under the guise of ‘diversity, equity, and inclusion’ initiatives.” The order targets accreditors that have DEI-based standards of accreditation for institutions of higher education and specifically directs reviews of the Liaison Committee on Medical Education (LCME), which accredits US allopathic (MD-granting) medical schools, and the Accreditation Council for Graduate Medical Education (ACGME), which accredits both allopathic and osteopathic graduate medical education (residency and fellowship) (GME) programs. The order directs the Secretary of Education to hold accrediting bodies “accountable, including through denial, monitoring, suspension, or termination of accreditation recognition.” In addition, the Secretary of Education is directed to recognize new accreditors and facilitate the process for institutions to change accreditors.

Key directives of the EO for medical and graduate medical education accrediting bodies

The Secretary of Education is directed to “hold accountable” accrediting bodies that require institutions of higher education to engage in DEI initiatives. This includes through the denial, monitoring, suspension, or termination of accreditation recognition by the Department of Education.

The Attorney General and the Secretary of Education, together with the Secretary of Health and Human Services, are also directed to investigate and take action to “terminate unlawful discrimination by American medical schools or graduate medical education entities that is advanced” by the LCME, ACGME, or other GME accreditors, including through DEI-related accreditation standards. The Secretary of Education is further directed to assess whether to suspend or terminate the LCME’s or the ACGME’s accreditation recognition or to take other actions “to ensure lawful conduct” by medical schools, GME programs, and other entities that receive federal funding for medical education.

The Secretary of Education is additionally directed to take steps to ensure that: accreditation requires institutions to provide educational programs free from unlawful discrimination; barriers are reduced that limit institutions from adopting practices that advance credential and degree completion and spur new models of education; accreditation requires that institutions support and prioritize “intellectual diversity” amongst faculty; accreditors do not encourage or force institutions to violate State laws, unless such State laws violate the Constitution or Federal law; and accreditors are prohibited from engaging in practices that result in “credential inflation.”

To facilitate these stated objectives, the Secretary of Education is directed to: resume recognition of new accrediting bodies to “increase competition and accountability in promoting high-quality, high-value academic programs focused on student outcomes”; mandate that accreditors require member institutions to use student outcome data to improve such outcomes, without reference to race, ethnicity, or sex; promptly provide to accreditors any noncompliance findings relating to member institutions issued after an investigation conducted by the Office of Civil Rights under Title VI of the Civil Rights Act of 1964 or Title IX of the Education Amendments Act of 1972; launch an experimental site, pursuant to Section 487A(b) of the Higher Education Act of 1965, to establish new flexible and streamlined quality assurance pathways for higher education institutions; increase the consistency, efficiency, and effectiveness of the accreditor recognition review process; streamline the process for higher education institutions to change accreditors; and update the Accreditation Handbook to ensure a transparent and efficient accreditor recognition and reauthorization process.

Outlook on medical education and GME accreditation

The EO is one of eleven education-focused executive orders issued by President Trump since January 2025, and one of several issued on April 23 alone, and it sits among myriad other executive orders from the administration concerning DEI programs, preferences, and initiatives. As the EO itself notes, some accreditors, like the American Bar Association's Council of the Section of Legal Education and Admissions to the Bar (in February 2025), have already begun to suspend enforcement of DEI-related accreditation standards and requirements in the wake of President Trump's other DEI-related executive orders.¹ In March 2025, the American Psychological Association suspended a requirement that postgraduate programs demonstrate a commitment to diversity in recruiting and hiring efforts.²

Several accrediting bodies have commented on and some have criticized the EO.³ According to news sources, the LCME has provided a statement that it "shares the Administration's goal that medical education programs and their graduates be of the highest caliber," and that it "will work with the Administration to provide requested information and to provide evidence of [its] ongoing commitment to outcomes-based evaluations of medical education program quality with the goal of producing outstanding physicians."⁴ The ACGME has stated that it is "currently evaluating the President's Executive Order and its implications for [its] accreditation standards." It went on to state, "Our Mission is to improve health care and population health by assessing and enhancing the quality of resident and fellow physicians' education through advancements in accreditation and education, and we strive to prepare physicians to provide patients with the highest quality care possible through the education they receive."⁵

Impact on medical schools and GME programs

As of the date of this alert, neither the LCME nor the ACGME has formally revised its published standards or requirements related to DEI. Thus, for medical education programs and GME programs currently undergoing or preparing for accreditation reviews, there is significant uncertainty as to how, if at all, existing DEI-related standards and requirements will be applied by these accrediting bodies. Some programs have already revised or ceased DEI-related

¹ See Josh Moody, *Accreditors Sound Off on Executive Order*, Inside Higher Ed, April 25, 2025.

² See Ellen Barry, "Under Pressure, Psychology Accreditation Board Suspends Diversity Standards," the *New York Times*, March 27, 2025.

³ See Josh Moody, "Accreditors Sound Off on Executive Order," *Inside Higher Ed*, April 25, 2025; Ben Unglesbee, "'The gatekeepers': Trump's action on accreditation sparks concerns over government intrusion," *Higher Ed Dive*, April 24, 2025.

⁴ See Cheryl Clark, "Trump Order Targets Med School, Residency Accreditors Over 'Unlawful' DEI Standards," *MedPage Today*, April 25, 2025; Josh Moody, "Accreditors Sound Off on Executive Order," *Inside Higher Ed*, April 25, 2025; Emma Beavins, "Executive order takes aim at diversity requirements for medical school accreditation," *Fierce Healthcare*, April 24, 2025.

⁵ Id.

initiatives as a result of the Administration's prior DEI-related executive orders, at risk of not complying with accreditation standards. It is not yet clear if this latest EO targeting accrediting bodies will reduce such risk. Litigation and/or settlement agreements around this new EO may ensue, which may further alter the landscape. Medical schools and GME programs are left to navigate these uncertain waters with significant federal funding on the line.

Nixon Peabody's healthcare, graduate medical education, and higher education attorneys are prepared to address these particular concerns and to advise medical education and GME programs on making informed and calculated decisions when confronted with the uncertainty of the current higher education landscape.

For more information on the content of this alert, please contact your Nixon Peabody attorney or:

Lindsay Maleson

516.832.7627

lmaleson@nixonpeabody.com

Steven M. Richard

401.454.1020

srichard@nixonpeabody.com

Matthew Forzano

516.832.7630

mforzano@nixonpeabody.com

