

May 31, 2024

The Honorable Cathy McMorris Rodgers Chair House Committee on Energy & Commerce U.S. House of Representative Washington, DC 20515 The Honorable Frank Pallone
Ranking Member
House Committee on Energy & Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chair Rodgers and Ranking Member Pallone,

On behalf of the American College of Physicians (ACP), we write to express our pressing concerns regarding the recent cybersecurity incident involving Change Healthcare and its significant and ongoing impact on physicians and the resources needed to continue caring for our patients. We appreciate your leadership and efforts to investigate the incident through several subcommittee hearings. Since the cyberattack on Change Healthcare, many physicians, especially those in smaller practices that serve rural and underserved communities, have continued to have cash flow issues that severely threaten patient access to care and practice viability. We look forward to collaborating with this committee to safeguard patient digital health records, ensure that physicians are adequately compensated for any financial losses they experienced as a result of this cyberattack, and make certain that physicians will not be inappropriately penalized, tasked with breach notification responsibilities, or subject to adverse action because of any Health Insurance Portability and Accountability Act (HIPAA) violations they were not responsible for.

ACP is the largest medical specialty organization and the second-largest physician membership society in the United States. ACP members include 161,000 internal medicine physicians, related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge, clinical expertise, and compassion to the preventive, diagnostic, and therapeutic care of adults across the spectrum from health to complex illness.

Ensure Change Healthcare Provides Financial Support for Physicians

As a result of this cyber attack, physicians across the country have not received payment for care provided and are without the revenue they rely on a necessity to continue to provide care. Steps have been taken to advance payments to physicians on account of cash flow disruptions, but challenges are



One of the main issues of concern that has come up in hearings regarding the cyberattack is that UnitedHealth has taken up much of the health care industry through consolidation.

Because of its aggressive consolidation tactics and size, it became vulnerable to hackers.

set up multi-factor authentication after months of acquiring

Change Healthcare allowed foreign hackers to

claims and billing systems, the largest in the U.S. health care system



consolidation. Additionally, we ask that the committee support policies that would scrutinize in advance and regularly evaluate after approval of all mergers, acquisitions, and buyouts involving health care entities, including insurers, pharmacy chains, large physician groups, and hospitals. Should the committee seek input from the physician community, ACP has members who are willing to testify, as internal medicine represents 24 percent of the physician workforce in this country.

Investigate Predatory Practices used by UnitedHealth

In addition to the continued concerns about cashflow disruptions and access to care, ACP is incredibly disturbed by reports that UnitedHealth has used this recent cyberattack to take advantage of practices that are struggling financially by expediting mergers with UnitedHealth. Due to the attack against its systems, practices have been financially distressed, making them more willing to sell to UnitedHealth. ACP believes it is a predatory practice for UnitedHealth to acquire practices made vulnerable by its own cyberattack. We urge the committee and HHS to investigate these predatory practices and take any corrective or adverse action where appropriate.

Conclusion

Once again, we thank you for your leadership and for holding multiple hearings on the cyberattack. ACP strongly recommends that the committee ensure that physicians impacted by the attack will not be penalized for actions caused by UnitedHealth and Change Healthcare. The College will continue to give feedback to Congress and HHS with our members' perspectives during this challenging time. We welcome the opportunity to support ask that you keep us posted on your ongoing investigation and any new information that may be helpful to our physicians. Should you have any questions, nBT4