

June 26, 2024

Melanie Fontes Rainer, Director
Office for Civil Rights
200 Independence Avenue, SW
Washington, DC 20201

Dear Director Rainer:

Thank you for the prompt response to the letter we sent to Secretary Becerra on May 20th concerning the Change Healthcare cyber incident and breach reporting responsibilities associated with this unprecedented attack likely involving millions of breach patient records.

The undersigned organizations, representing a broad range of clinicians and providers nationwide, continue to navigate the aftermath of this incident dating back to February 21st. We appreciate that your agency has updated the Frequently Asked Questions (FAQs) on your [website](#). Upon reviewing your letter and the updated material, we have received a host of questions that our members simply cannot answer without further assistance and guidance from the Office for Civil Rights (OCR).

We understand that Change Healthcare and United Health Group (UHG) (Change Healthcare/UHG) have not yet reported the bre10.6oO13- (t)-9.9 6 (U)2. an

College of Physicians (ACP)
Medical Association (AMA)
Group Management Association (MGMA)

e Honorable Xavier Becerra

Outstanding Questions Related to Change Healthcare/UHG
Breach Reporting Responsibility

Delegating Breach Reporting

- x Specifically, clarification is needed regarding three OCR communications released on the same date:
 - a. OCR Press Release, May 31: Covered Entities (CEs) “may delegate ” and “would not have additional HIPAA breach notification obligations” if they “

Impact from State Laws

- x Given OCR's [Frequently Asked Questions](#) guidance appears to only apply to federal breach reporting, are OCR and Change Healthcare/UHG coordinating with state officials?
- x In instances where reporting, notification, and remedy requirements are more stringent at the state level, how does OCR anticipate working with state officials to ensure Change Healthcare/UHG compliance?
- x How does OCR anticipate working with clinicians and providers to ensure communications reach providers, including those in rural communities that do not have access to broadband and may best receive information via mailings or FAQ?

Clinicians and Providers with No Direct Relationship to Change Healthcare/UHG

- x Some clinicians/providers are private telehealth companies (e.g., Teladoc, Doctor On Call, etc.)