



October 25, 2024

The Honorable Jacky Rosen  
U.S. Senate  
Washington, DC 20510

The Honorable Jason Crow  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Todd Young  
U.S. Senate  
Washington, DC 20510

The Honorable Andy Kim  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Angus King  
U.S. Senate  
Washington, DC 20510

The Honorable Brian Fitzpatrick  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Jon Ossoff  
U.S. Senate  
Washington, DC 20510

The Honorable Maria Elvira Salazar  
U.S. House of Representatives  
Washington, DC 20515

Dear Senators Rosen, Young, King and Ossoff and Representatives Crow, Kim, Fitzpatrick, and Salazar,

On behalf of the American College of Physicians (ACP), I write to commend your steadfast commitment to protecting Americans' health care data with the introduction of the Healthcare Cybersecurity Act, S. 4697/ H.R. 9412. ACP has grown very concerned about the growing threats of cyberattacks on our health care delivery system. From [2010-2022](#), more than 385 million patient records in the United States were exposed in data breaches. In [2023](#), 133 million patient records were obtained illegally through cyberattacks. The Change HealthCare data breach earlier this year is now considered the most extensive health care cyberattack in our nation's history. These cybersecurity incidents have impacted physicians' abilities to care for their patients, raising serious patient safety concerns. Cyberattacks are happening every day to all kinds of health care entities – from small, independent health care practices to large, integrated health systems, as well as cyberattacks on health care records, IT systems, and medical devices. We call on Congress to act now to safeguard patients' personal health information (PHI) and mitigate the harmful effects of malicious cyberattacks on the health care sector with the passage of the Healthcare Cybersecurity Act.

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



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apply scientific knowledge, clinical expertise, and compassion to the preventive, diagnostic, and therapeutic care of adults across the spectrum from health to complex illness.

During the Energy and Commerce Committee's Oversight and Investigations Subcommittee [hearing](#) on the Change Healthcare cyberattack on May 1<sup>st</sup>, UnitedHealth's Chief Executive Officer, Andrew Witty, confirmed that foreign hackers were able to access the personal data of approximately one-third of the American population. The [U.S. Department of Health and Human Services \(HHS\) Office for Civil Rights \(OCR\)](#) underscored that the hack was of "unprecedented magnitude." The hackers stole patient data, including protected PHI, from millions of Americans across the country. The Change HealthCare data breach left many physicians, especially those in private practices serving rural and underserved areas, with significant financial losses. Furthermore, physicians across the country were at risk of being inappropriately penalized, tasked with breach notification responsibilities, and subject to adverse action because of any Health Insurance Portability and Accountability Act (HIPAA) violations.

The Change HealthCare data breach has highlighted how ill-prepared our health care system is to fight against cyberattacks. We do not have the infrastructure and security measures in place to prevent and alleviate the harmful effects caused by cyber intrusions from malicious actors, particularly when the attacks come from foreign adversaries rather than criminals. The College is concerned that the illegally obtained PHI could be used against patients and/or health care professionals when searching for and/or furnishing health services. ACP published a policy position paper in 2021 on [health information privacy](#) in the *[Annals of Internal Medicine](#)*, where we provide [six key principles](#) to improve health information privacy, protection, and use. These principles would safeguard privacy protections for PHI in the growing digital landscape. Specific to cybersecurity, ACP supports the development and implementation of health information privacy and security protections that are comprehensive, transparent, understandable, adaptable, and enforceable. The College recommends that any efforts to expand privacy and security protections should involve all necessary stakeholders (for example, individuals, physicians and other clinicians, policymakers, payers, vendors, developers, researchers, and performance measurement organizations) and build on existing legislation and regulation to target gaps in health information privacy and security protections. Furthermore, ACP supports policy that would expand and extend privacy guardrails to entities that are not currently governed by privacy laws and regulations.

ACP supports the Healthcare Cybersecurity Act, which aims to create a more comprehensive federal response to future cyberattacks by bolstering our nation's health care infrastructure to ensure that the United States will have the right tools and resources available to coordinate information and responses during and after future cyberattacks on the health care sector. This legislation would enhance collaboration between the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) and the Department of Health and Human Services (HHS) – charging both with working together to develop resources and training



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for non-federal entities on cyber threat indicators and appropriate defensive measures. Additionally, it would facilitate the sharing of cyber threat information in the health care sector.

Once again, we applaud the introduction of the Healthcare Cybersecurity Act, and we stand ready to provide our advocacy efforts to ensure that this bill moves forward in Congress. Should you have any questions, please contact Vy Oxman, Senior Associate of Legislative Affairs, at [voxman@acponline.org](mailto:voxman@acponline.org).

Sincerely,

A handwritten signature in black ink, appearing to read "I. Opole", written in a cursive style.

Isaac O. Opole, MBChB, PhD, MACP  
President