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March 6, 2024

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201
Dear Secretary Becerra:

On behalf of AMGA, I am writing regarding the cybersecurity incident involving Change Healthcare and the ramifications for medical groups and integrated systems of care. The Department of Health and Human Services and the Centers for Medicare & Medicaid Services (CMS) response to the attack must recognize the threat facing AMGA members and their continued ability to meet the needs of their patients.

Founded in 1950, AMGA represents more than 440 multispecialty medical groups and integrated delivery systems, representing about 175,000 physicians who care for one in three Americans. Our member medical groups work diligently to provide high-quality, cost-effective patient-centered medical care.

AMGA has heard from its members on a number of issues stemming from the attack. These include billing and cash flow disruptions, inability ability to access electronic remittance advice from health plans, prior authorization transmission problems (or outright rejections), issues with patient eligibility checks, as well as transmittal problems for electronic prescriptions. In an effort to keep operations functioning as best as possible, providers have been instructed to use manual or paper claims or direct data entry. Any of these practices are labor intensive and a major departure from regular operations. AMGA also has received reports of groups unable to submit any claims or receive any reimbursements during the outage.

It is critical this cybersecurity incident is resolved as quickly as possible, as any delay to resumption of normal operation activities will result in significant financial hardship to group practices.

AMGA requests HHS use all its authority and tools not only to help restore normal operations, but also protect practices from financial hardship. HHS' March 5 Statement on the Change Healthcare cyberattack states, "CMS recognizes that hospitals may face significant cash flow problems from the unusual circumstances impacting hospitals' operations." AMGA must emphasize that cash flow interruptions are not restricted to hospitals; cash flow issues also threaten medical group practices. AMGA expects any Federal aid or relief would extend beyond hospitals and be available to group practices. The HHS statement references the Federal response during the COVID-19 pandemic, including accelerated payments. CMS made payments

under the Medicare Accelerated and Advance Payment program to both Part A and Part B providers. To quell any possible confusion, the Department should clarify as soon as possible AAP funds will be available to both Part A and Part B providers. In addition, the MACs should begin processing AAP requests as soon as possible. As you recall from COVID-19, group practices simply do not have resources to sustain operations for any meaningful length of time.

I have every confidence HHS and the MACs will work with the provider community to respond as quickly as possible to this cyberattack. AMGA stands ready to offer whatever assistance you may need. We thank you for your consideration. Should you have questions, please contact Darryl M. Drevna, AMGA's senior director of regulatory affairs, at 703.838.0033 ext. 339 or at ddrevna@amga.org.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Penso".

Jerry Penso, M.D., M.B.A.
President and Chief Executive Officer
AMGA