



October 5, 2021

The Honorable Maria Cantwell
Chair
Senate Committee on
Commerce, Science, & Transportation
Washington, D.C. 20510

The Honorable Roger Ricker
Ranking Member
Senate Committee on
Commerce, Science, & Transportation
Washington, D.C. 20510

Dear Chair Cantwell and Ranking Member Wicker:

On behalf of the Confidentiality Coalition, we thank you for holding a hearing on, “Enhancing Data Security.”

The Confidentiality Coalition is composed of a broad group of hospitals, medical teaching colleges, health plans, pharmaceutical companies, medical device manufacturers, vendors of electronic health records, biotech firms, employers, health product distributors, pharmacies, pharmacy benefit managers, health information and research organizations, patient groups, and others founded to advance effective patient confidentiality protections. The Coalition’s mission is to advocate policies and practices that safeguard the privacy and security of patients and healthcare consumers while, at the same time, enabling the essential flow of patient information that is critical to the timely and effective delivery of healthcare, improvements in quality and safety, and the development of new lifesaving and life-enhancing medical interventions.

Cyber attacks in the healthcare sector are a severe and growing threat that must be addressed. A February 2021 study found that cybersecurity attacks rose 55% in 2020 versus 2019, impacting over 26 million patients.¹ These attacks resulted in over \$13 billion in additional costs on healthcare stakeholders.² The COVID-19 public health emergency (PHE) has further exacerbated the risk of cybersecurity attacks, particularly through increased use of ransomware. From March – July 2020, there was a 72% increase in ransomware attacks.³ These attacks are not only causing financial and operational challenges but pose major health risks to patients.

The Confidentiality Coalition applauds Congress for their work in providing the Cybersecurity and Infrastructure Security Agency (CISA) \$650M in the *Consolidated Appropriations Act*. We also support proposals by President Biden to increase CISA’s annual funding. Providing federal agencies the tools to respond to ransomware attacks will allow healthcare stakeholders to work

¹ Scott Ikeda, *Healthcare Cyber Attacks Rise by 55%, Over 26 Million in the U.S. Impacted*, CPO Magazine (February 26, 2021), <https://www.cpomagazine.com/cyber-security/healthcare-cyber-attacks-rise-by-55-over-26-million-in-the-u-s-impacted/>.

² *Id.*

³ *COVID-19 Pandemic Sparks 72% Ransomware Growth, Mobile Vulnerabilities Grow 50%*, Skybox Security (July 21, 2020), <https://www.prnewswire.com/in/news-releases/covid-19-pandemic-sparks-72-ransomware-growth-mobile-vulnerabilities-grow-50--817268901.html>.

with these agencies in responding to attacks and working to improve cybersecurity infrastructure for future events.

The constantly evolving landscape of cybersecurity attacks has been a significant challenge for healthcare stakeholders to prepare and respond. We appreciate Congress' decision to pass legislation last year that would grant the Secretary of Health and Human Services (HHS) the authority to recognize satisfactory cybersecurity practices implemented by HIPAA covered entities and their business associates when determining fines for breaches of protected health information that are the result of a cyberattack. Additionally, the Coalition supports efforts by the federal government to focus on educating impacted entities. Identifying the causes of an attack and working with affected parties on prevention will help ward off future attacks and will create a culture of collaboration on cybersecurity improvements.

The Confidentiality Coalition looks forward to working with you on ways to improve cybersecurity in healthcare environments. Please feel free to contact me at tgrande@hlc.org or 202-449-3433 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Tina O. Grande". The signature is written in a cursive, flowing style.

Tina O. Grande
Chair, Confidentiality Coalition and
Executive VP, Policy, Healthcare Leadership Council