



2021 Key Accomplishments

Transforming Healthcare Through Innovation and Collaboration: Confidentiality and Security

State of Play: Congress continues to examine the need for national privacy legislation. Both Democrats and Republicans have introduced legislation instituting a national privacy framework, but legislation is not expected to pass in this Congress. In light of the Colonial Pipeline cyber-attack, the House and Senate have both introduced legislation requiring entities that experience cyber attacks to report to the Cybersecurity and Infrastructure Security Agency (CISA) within a limited amount of time. The Biden Administration has also taken a more active role in privacy and security actions. The Federal Trade Commission (FTC) has signaled interest in pursuing privacy regulations without congressional legislation and the Department of Justice (DOJ) has announced that it will use the False Claims Act to prosecute entities who fail to implement proper cybersecurity protections.

Confidentiality Coalition Position: The Healthcare Leadership Council (HLC) leads a broad group of organizations, collectively known as the Confidentiality Coalition, to ensure that policymakers strike the right balance between the protection of confidential health information and the information-sharing needed to provide high quality care. The coalition is active with Congress and the administration on policies related to data exchange, privacy, data security, and cybersecurity. Members believe that regulatory clarity is key to enabling health information flow and support efforts to create a uniform national privacy standard that does not conflict with the HIPAA privacy rule. The coalition also supports efforts to strengthen cybersecurity protections and advocates for federal cybersecurity policies that are focused on education and support.

Confidentiality Coalition 2021 Activity:

November

- Drafted policy principles from the healthcare industry on cyber incident reporting.
- Prepared an issue paper outlining areas of healthcare focus related to cybersecurity.
- Met with the Senate Homeland Security and Governmental Affairs (HSGAC) majority staff to discuss cyber reporting legislation.

October

- Met with the Senate Select Committee on Intelligence (SSCI) majority staff to discuss cyber reporting legislation.
- Submitted [comments](#) to The Sequoia Project on the Common Agreement component of the Trusted Exchange Framework and Common Agreement.
- Consultants from Avenue Solutions gave a presentation to the Confidentiality Coalition on legislative developments on privacy and security.

- Sent a [letter](#) to the Senate Committee on Commerce, Science, & Technology for their hearing “Enhancing Data Security.”

September

- Confidentiality Coalition presented at the 2021 Privacy + Security Forum on proposed revisions to the HIPAA Privacy Rule to reduce barriers to coordinated care.
- Sent a [letter](#) to the Senate Committee on Commerce, Science, & Technology for their hearing “Protecting Consumer Privacy.”
- Alicia Bowers, Enterprise Chief Privacy and Compliance Officer and Todd Greene, Enterprise Chief Information Security Officer for Atrium Health gave a presentation to the Confidentiality Coalition on privacy and security compliance challenges in the healthcare sector.

July

- Submitted [comments](#) to the National Committee on Vital and Health Statistics (NCVHS) Subcommittee on Standards on their request for comments for their August listening session regarding healthcare standards development, adoption and implementation.
- Sent a [letter](#) to the House Committee on Energy and Commerce (E&C) Subcommittee on Consumer Protection and Commerce (CP&C) for their hearing, “Transforming the FTC: Legislation to Modernize Consumer Protection.”
- Greg Garcia with the Healthcare and Public Health Sector Coordinating Council (HSCC) gave a presentation to the Confidentiality Coalition on cybersecurity challenges in the healthcare sector.

June

- Mark Kazmierczak and Ryan Ritterson with Gryphon Scientific gave a presentation to the Confidentiality Coalition on regulation of health data in China.

May

- Hosted a webinar for Capitol Hill staff featuring experts from Confidentiality Coalition members on, “HIPAA: Privacy, Security and New Challenges, Oh My!”
- Submitted [comments](#) to HHS OCR on the proposed rule to make revisions to the HIPAA Privacy Rule to reduce barriers to coordinated care.
- Sent a [letter](#) to the House Committee on Homeland Security Subcommittee on Cybersecurity, Infrastructure, & Innovation for their hearing, “Responding to Ransomware: Exploring Policy Solutions to a Cybersecurity Crisis.”

April

- Met with Representative Jerry McNerney’s (D/CA) staff on national privacy legislation.
- Thomas Millar and Beau Woods with CISA gave a presentation to the Confidentiality Coalition on how CISA is collaborating with stakeholders to respond to cybersecurity threats during the COVID-19 pandemic.

March

- Elisa Jillson, Counsel to the Director of the Bureau of Consumer Protection at the FTC gave a presentation to the Confidentiality Coalition on the FTC’s regulatory outlook for 2021.

February

- Consultants from Avenue Solutions gave a presentation to the Confidentiality Coalition on potential privacy legislation in the 117th Congress.

January

- Confidentiality Coalition Counsel Diane Sacks held a walkthrough of OCR’s proposed changes to the HIPAA Privacy Rule.
- Submitted [comments](#) to the Centers for Medicare & Medicaid Services (CMS) on their proposed rule on provider burden and promoting interoperability.

About the Confidentiality Coalition: 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, and others, committed to advancing effective patient privacy and security protections. Our 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.

As a reminder, all meeting materials and past presentations are available in the "[Members](#)" page of the coalition website at www.confidentialitycoalition.org.