



May 12, 2022

The Honorable Patty Murray
Chair
Senate Committee on
Health, Education, Labor & Pensions
Washington, D.C. 20510

The Honorable Richard Burr
Ranking Member
Senate Committee on
Health, Education, Labor & Pensions
Washington, D.C. 20510

RE: May 18 “Cybersecurity in the Health and Education Sectors” Hearing

Dear Chair Murray and Ranking Member Burr:

The Confidentiality Coalition thanks you for holding a hearing on, “Cybersecurity in the Health and Education Sectors.”

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.

Cybersecurity incidents are a significant challenge for businesses. From 2020 to 2021, publicly traded companies reported a 118% increase in unauthorized access incidents and a 44% increase in ransomware attacks.¹ These attacks can be harmful to organizations in terms of financial cost² and the unauthorized release of sensitive information. Healthcare organizations are particularly at risk of cybersecurity incidents. In 2021, over 45 million individuals were impacted by cyberattacks on healthcare entities, a record amount,³ and of the 16 sectors

¹ Chris Gaetano, *Cybersecurity incidents soar at public companies*, Accounting Today (April 6, 2022), <https://www.accountingtoday.com/news/cybersecurity-incidents-soar-at-public-companies-says-audit-analytics-report>.

² Heather Landi, *Average cost of healthcare data breach rises to \$7.1M, according to IBM report*, Fierce Healthcare (July 29, 2020), <https://www.fiercehealthcare.com/tech/average-cost-healthcare-data-breach-rises-to-7-1m-according-to-ibm-report>.

³ Heather Landi, *Healthcare data breaches hit all-time high in 2021, impacting 45M people*, Fierce Healthcare (February 1, 2022), <https://www.fiercehealthcare.com/health-tech/healthcare-data-breaches-hit-all-time-high-2021-impacting-45m-people>.

categorized as “critical infrastructure,” healthcare companies reported the most ransomware attacks.⁴

HLC thanks Congress for their work to provide the Cybersecurity and Infrastructure Security Agency (CISA) \$2.6 billion for FY23. This funding will help strengthen readiness efforts by giving CISA the necessary resources to deter cyber threats. As the Committee continues its work to improve cybersecurity for healthcare stakeholders, we encourage CISA to engage with the Department of Health and Human Services (HHS) and the Federal Trade Commission (FTC) to ensure harmonization of existing regulations governing cyber incidents for healthcare stakeholders. The healthcare industry already operates under HHS’ HIPAA Security Rule and the FTC’s Breach Notification Rule. These rules require extensive compliance, and we encourage any further regulatory action to not unnecessarily duplicate or conflict with these rules.

Additionally, the Confidentiality Coalition encourages Congress and federal agencies to ensure that further cybersecurity actions focus on education and support, not punitive action. We thank the Committee for their work to direct HHS to recognize “good cybersecurity hygiene” when considering violations of the HIPAA Security Rule. Given the complex challenges of not only preparing but responding to cybersecurity incidents, these supportive efforts will encourage stakeholders to improve their cyber readiness to better respond to potential threats.

The Confidentiality Coalition looks forward to working with you on ways to improve cybersecurity in healthcare environments. Included is a copy of the Confidentiality Coalition’s [principles](#) on cyber incident reporting. 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

⁴ *Internet Crime Report 2021*, Federal Bureau of Investigation Internet Crime Complaint Center (March 23, 2022), https://www.ic3.gov/Media/PDF/AnnualReport/2021_IC3Report.pdf.