

December 14, 2020

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor
and Pensions
U.S. Senate
Washington, D.C. 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor
and Pensions
U.S. Senate
Washington, D.C. 20510

Dear Leader McConnell, Leader Schumer, Chairman Alexander, and Ranking Member Murray:

The undersigned organizations represent the nation's clinicians, hospitals, health systems and foremost experts in health informatics and health information management. We write today to express our strong support for Section 1 of [H.R. 7898](#), which passed the House by voice vote on December 9, 2020. This language can also be found in Section 502 of S. 1895, the Lower Health Care Costs Act, which was reported out of the Health, Education, Labor and Pensions (HELP) Committee on July 8, 2019.

Healthcare organizations are constantly under attack from bad actors seeking to disrupt their operations or unlawfully release patient data. H.R. 7898 gives much-needed protection to healthcare providers who follow recognized security practices to fend off these attacks. Specifically, this legislation would require the U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) to consider a covered entity's use of recognized best practices, such as those established under Section 405(d) of the Cybersecurity Act of 2015, when assessing fines and audits related to the Health Insurance Portability and Accountability Act (HIPAA). This will incentivize the adoption of cybersecurity practices by acknowledging that providers who have been acting in

good faith should not be penalized by OCR and promote increased communication between providers and HHS during the crucial early stages of an attack.

We applaud the bill's sponsors, Rep. Michael Burgess (R-TX) and Rep. Peter Welch (D-VT), as well as Chairman Frank Pallone (D-NJ) and Republican Leader Greg Walden (R-OR), for their leadership on this issue and urge the Senate to swiftly pass this important legislation.

Please contact Cassie Leonard, Director of Congressional Affairs at CHIME, at cleonard@chimecentral.org with any questions you may have.

Sincerely,

American Health Information Management Association (AHIMA)
American Medical Association (AMA)
American Medical Informatics Association (AMIA)
College of Healthcare Information Management Executives (CHIME)
Federation of American Hospitals (FAH)
Premier Healthcare Alliance
The Medical Group Management Association (MGMA)

cc: The Honorable Michael Burgess
The Honorable Peter Welch
The Honorable Frank Pallone
The Honorable Greg Walden