

OCR FAQ on Change Healthcare Cybersecurity Incident

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Background

Change Healthcare experienced a cybersecurity incident in early 2024. The attack took multiple pieces of the nation's health IT infrastructure offline, complicating the healthcare processing and data exchange for many providers. Questions have remained since the resolution of the cybersecurity incident itself related to which party and entity is required to file the US Department of Health and Human Services (HHS) Office for Civil Rights (OCR) mandated breach notifications.

Physician groups, including AHIMA, [sent a letter](#) to OCR Director Melanie Fontes Rainer in May requesting guidance on how to proceed with this reporting. OCR responded with an [FAQ](#) on May 31, 2024 detailing how covered entities should proceed in response to the breach notification requirements.

Summary of FAQ

- A covered entity may delegate the task of providing the required HITECH Act and HIPAA Breach Notification Rule breach notifications to Change Healthcare if Change Healthcare is considered a business associate under HIPAA rules.
 - Only one entity, which could include the HIPAA covered entity provider or business associate, must complete the breach notification requirements.
 - Entities must confirm that Change Healthcare has performed the required breach notification actions to be absolved of breach notification requirements.
- OCR will not begin the 60-day calendar period in which a breach notification is required upon discovery for covered entities until the covered entity has received the required information mandated in the HIPAA rule from Change Healthcare.
 - The 60-day clock for Change Healthcare to notify their covered entity customers begins when the breach is discovered.
- At the time of FAQ posting, OCR had not received a breach report from Change Healthcare.
- OCR has opened an investigation into the breach that is focused on whether a breach of unsecured PHI occurred and Change Healthcare's and UnitedHealth Group's compliance with the HIPAA rules.