

Congress of the United States
House of Representatives
Washington, DC 20515

May 15, 2024

The Honorable Xavier Becerra
Secretary
The U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Becerra:

We write expressing our concerns regarding Change Healthcare/Optum Payment Disruption (CHOPD) accelerated payments to Part A Providers and advance payments to Part B Suppliers. Specifically, we are concerned the current recoupment period does not adequately reflect the harsh realities providers have faced in the wake of the Change Healthcare cyberattack. As stated on your website, the “CHOPD accelerated and advance payments may be granted in amounts representative of up to thirty days (30) of claims payments to eligible providers and suppliers. The average 30-day payment is based on the total claims paid to the provider/supplier between August 1, 2023 and October 31, 2023, divided by three.”¹ Put simply, CMS’ maximum 30-day payment amount, with repayment in full required 90 days after the date issued, is not a sufficient amount of time for those affected and still dealing with the fallout of the cyberattack.

We appreciate your recognition of the need for flexibility to providers thus far, as well as your commitment to ensuring continuity of care for patients. As you know, this has been the most detrimental cyberattack to our health care system in our nation’s history. Providers have continued to face significant cash flow problems as a result of the cyberattack, with reports stating some providers estimate losses of up to \$1 billion a day.² Given the complexity and nature of the circumstances on our health care system, recouping these losses will need time rendering, and its important that CMS provides needed flexibility to these providers.

Due to Change’s presence throughout the health care network, many small, urban, and rural providers have struggled to determine the specific areas where may have been affected by the cyberattack. Health care workers and businesses could spend “months sorting out patient eligibility, filing claims and paying additional staff to handle the extra administrative burden.”³ Unfortunately, many providers that utilize the Change Healthcare network have seen some “of their revenue vanish since systems for filing claims or having them paid went offline Feb. 21.”⁴ With many providers experiencing continued difficulties to recoup their own payments and pay staff for their invaluable services throughout this tumultuous period,

¹ Fact sheets, Change Healthcare/Optum Payment Disruption (CHOPD) accelerated payments to Part A providers and advance payments to part B suppliers. CMS.gov Centers for Medicare & Medicaid Services. (2024, March 9). <https://www.cms.gov/newsroom/fact-sheets/change-healthcare/optum-payment-disruption-chopd-accelerated-payments-part-providers-and-advance#:~:text=These%20payments%20will%20be%20repaid,and%20its%20level%20of%20disruption.>

² Reed, T. (2024, March 11). Health Care Providers losing up to \$1b a day from Cyberattack. Axios. <https://www.axios.com/2024/03/11/hospitals-doctors-cyberattack-losses>

³ Reed, T. (2024, March 11). Health Care Providers losing up to \$1b a day from Cyberattack. Axios. <https://www.axios.com/2024/03/11/hospitals-doctors-cyberattack-losses>

⁴ Reed, T. (2024, March 11). Health Care Providers losing up to \$1b a day from Cyberattack. Axios. <https://www.axios.com/2024/03/11/hospitals-doctors-cyberattack-losses>

it is critical CMS use the statutory flexibilities that it has to provide them realistic timeframe for repayments.

Therefore, we urge you to use the authorities provided to you in the law to adjust and extend the recoupment period for all providers continuing to deal with the fallout of an issue they did not cause. We must ensure providers do not experience any additional hardship in the face of this historic cyberattack so that patients across the nation can continue to receive the health care services they need without interruption.

We look forward to your continued engagement on this issue as we work to strengthen and secure our nation's health care system.



Vern Buchanan
Member of Congress



Gus Bilirakis
Member of Congress