

From: DMHC Licensing eFiling

Subject: APL 24-009 - Change Healthcare Cyberattack Response Filing

Date: Monday, May 6, 2024, 8:18 AM

Attachments: APL 24-009 - Change Healthcare Cyberattack Response Filing (5.6.24).pdf

Dear Health Plan Representative:

The Department of Managed Health Care (DMHC) hereby issues this All Plan Letter (APL) 24-009 to request information from plans regarding their response and outreach to enrollees potentially impacted by the Change Healthcare cyberattack.

Thank you.



Gavin Newsom, Governor
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ALL PLAN LETTER

DATE: May 6, 2024
TO: All Health Care Service Plans
FROM: Jenny Mae Phillips, Office of Plan Licensing
SUBJECT: APL 24-009 - Change Healthcare Cyberattack Response Filing

The Department of Managed Health Care (DMHC) issues this All Plan Letter (APL) to request information from plans regarding their response and outreach to enrollees potentially impacted by the Change Healthcare cyberattack.

On February 21, 2024, Change Healthcare experienced a cyberattack significantly impacting its ability to operate and disrupting services used by a substantial number of providers and consumers across the country.

On February 28, 2024, the DMHC requested plans report whether they were impacted by this cyberattack and outage. Plans were required to submit the information with the description "Change Healthcare System Response" to eFiling.

On March 11, 2024, the DMHC issued APL 24-005: Flexibilities to ensure delivery system stability following cyberattack of Change Healthcare. Due to disruptions following the cyberattack, APL 24-005 encouraged plans to take steps to mitigate interference with plan and provider operations, and enrollee care. Since the initial February 21, 2024, cyberattack on Change Healthcare, the DMHC understands that data containing protected health information (PHI), or personally identifiable information (PII) has been compromised.

This APL requests further information from plans regarding their response and outreach to enrollees whose PHI or PII may have been compromised by the cyberattack. Plans are instructed to amend their current "Change Healthcare System Response" filing no later than May 20, 2024, as outlined below.

Filing Requirements

In an Exhibit E-1, please provide the following plan information:

1. The nature of the plan's relationship with Change Healthcare, including whether it contracts with Change Healthcare, including the eFiling number of any Exhibit N-2 oversight policies or contracts between the plan and Change Healthcare submitted to the DMHC;

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2. The eFiling number of the policies and procedures last submitted by the Plan in accordance with Section 1364.5;
3. Whether the plan has conducted an investigation into the Change Healthcare cyberattack and the plan's compliance with the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code) and the results of the investigation;
4. Whether the Plan is aware of any actual disclosures of enrollee PHI or PII related to the Change Healthcare cyberattack; and
5. A description of the information and resources the plan provided to enrollees regarding the Change Healthcare cyberattack, including but not limited to:
 - a. Whether the plan has provided any information on its website directing enrollees to [Change Healthcare's Support Website](#) where it offers free credit monitoring and identity theft protections to anyone impacted;
 - b. Whether the plan has issued any public-facing materials communicating how enrollees can obtain assistance accessing their benefits affected by the incident; and
 - c. Information related to how an enrollee can file a complaint with the plan related to this incident.

The DMHC continues to monitor the impact of this incident on enrollees, providers and plans. Further guidance and requests may be forthcoming as the DMHC continues to monitor and assess the scope of this cyberattack.

For questions, please contact your health plan's assigned reviewer in the DMHC's Office of Plan Licensing.