CMS Produces Introduction to Administrative Simplification YouTube Video. The Centers for Medicare & Medicaid Services' (CMS) National Standards Group (NSG) produced a new Introduction to Administrative Simplification YouTube video. This video provides an overview of what Administrative Simplification is, why it was established, and how it can help the health care industry reduce burdens and lower costs when they conduct electronic health care transactions. In addition, the video outlines the agency's role in adopting and enforcing new and modified standards and operating rules. It highlights CMS's management of the free, web-based Administrative Simplification Enforcement and Testing Tool, or ASETT, which allows users to test transactions for compliance with HIPAA Administrative Simplification standards and to file a complaint about alleged violations. Learn more about Administrative Simplification here.

OCR Updates Change Healthcare Cybersecurity Incident FAQ Webpage. The Office for Civil Rights (OCR) reported that on July 19, 2024, Change Healthcare filed a breach report with the agency concerning a ransomware attack that resulted in a breach of protected health information. Change Healthcare's breach report to OCR identifies 500 individuals as the "approximate number of individuals affected". This is the minimum number of individuals affected that results in a posting of a breach on the HHS Breach Portal. OCR states that Change Healthcare is still determining the number of individuals affected. The posting on the HHS Breach Portal will be amended if Change Healthcare updates the total number of individuals affected by this breach. HIPAA breach reports filed on the HHS Breach Portal may be amended as the breach report form allows a filer to file an initial breach report or an addendum to a previous report. OCR has updated the answer to question #3 on OCR's "Change Healthcare Cybersecurity Incident Frequently Asked Questions" webpage to address this issue. OCR will continue to update the FAQs as needed.

OCR Settles Complaint with Imaging Network to Resolve a Disability Complaint. OCR announced a settlement with an imaging network located in the Northeast to resolve a civil rights complaint from an individual who uses a wheelchair, and was denied mammography because of her disability. The complaint was based on Section 504 of the Rehabilitation Act (Section 504) and Section 1557 of the Affordable Care Act (Section 1557), which prohibit discrimination on the basis of disability.

The agreement is the result of an investigation by OCR after receiving a complaint from a woman who used a wheelchair and was denied mammography because of her disability. The settlement ensures that the imaging network will comply with the law, including newly issued rules, by having processes and procedures in place to provide people with disabilities the same access to care as for those without disabilities by providing the same appointments, and ensuring access to appropriate equipment. Under the terms of the settlement, the network will:

- Revise its existing policies and practices to make appointments available during normal business hours to all patients; document requests for mobility assistance or other reasonable accommodations; provide patients with a description of available accommodations; and notify patients of their rights under the law.

- Develop a process for individualized assessment of patients who may require reasonable accommodations.
- Train its staff on the new policies to ensure employees understand practices and procedures for interacting with and accommodating individuals with disabilities, techniques for safely assisting individuals with limited mobility to ensure their safe access to and use of medical equipment and examination tables, and The New Jersey Imaging Network's various non-discrimination and non-retaliation obligations.
- Notify patients, staff and the public of rights and protections afforded them by federal law and how to file a discrimination disability-based complaint with HHS.

OCR will monitor the settlement action for two years. A copy of the settlement agreement can be found here.

CISA/FBI Release Advisory on BlackSuit Ransomware Group. The Cybersecurity and Infrastructure Security Agency (CISA) and the Federal Bureau of Investigation (FBI) released an updated advisory on the BlackSuit ransomware group. BlackSuit has launched cyberattacks against the health care sector and others. The Advisory details observed tactics of the group, ransomware techniques, and procedures and indicators of compromise connected with BlackSuit.

CISA encourages network defenders to review the updated advisory and apply the recommended mitigations. See #StopRansomware for additional guidance on ransomware protection, detection, and response. Visit CISA's Cross-Sector Cybersecurity Performance Goals for more information on the CPGs, including additional recommended baseline protections. CISA encourages software manufacturers to take ownership of improving the security outcomes of their customers by applying secure by design tactics. For more information on secure by design, see CISA's Secure by Design webpage and joint guide Shifting the Balance of Cybersecurity Risk: Principles and Approaches for Secure by Design Software.

HHS 405(d) Publishes Post on the Urgent Need for Data Security in Health Care AI. The HHS public-private sector 405(d) Program published a post titled "Do You Know the Risk? The Urgent Need for Data Security in Healthcare AI." The 405(d) post contends that health care is at a critical time and the use of artificial intelligence (AI) could revolutionize opportunities to deliver personalized treatments and leverage predictive analytics. With health organizations increasingly relying on AI to improve the care delivery process and enhance efficiency, there is a clear need for increased deployment of data security measures. The post warns that many current AI applications may not have undergone a comprehensive security evaluation.

New Deputy National Cyber Director Named. The White House's Office of the National Cyber Director (ONCD) announced that Harry Wingo will take in the role of Deputy National Cyber Director. The current National Cyber Director, Harry Coker, Jr., stated: "Harry is an accomplished leader with a unique set of expertise and experiences in the public and private sectors. His lifetime of leadership will greatly contribute to our

team's mission to advance our Nation's security, economic prosperity, and technological innovation through cybersecurity policy leadership."

EHR Use, New Quality Measures Included in CMS Hospital IPPS Final Rule. CMS issued the fiscal year (FY) 2025 Medicare Hospital Inpatient Prospective Payment System (IPPS) and Long-Term Care Hospital (LTCH) Prospective Payment System (PPS) final rule. The final rule details that the increase in operating payment rates for general acute care hospitals paid under the IPPS that successfully participate in the Hospital Inpatient Quality Reporting (IQR) program and are meaningful electronic health record (EHR) users is 2.9%. This reflects a projected FY 2025 hospital market basket percentage increase of 3.4%, reduced by a 0.5 percentage point productivity adjustment. If hospitals fail to successfully participate in the report to IQR program and/or are not meaningful EHR users, their payment update will be decreased. In addition, CMS is adopting seven new quality measures, removing five existing quality measures, and modifying two current quality measures.

CMS is also finalizing two changes to current policies related to data validation and increasing the total number of mandatory electronic clinical quality measures (eCQMs) reported by hospitals over three years. For more Information on the final rule, access these CMS resources:

- IPPS rule and related files
- LTCH PPS rule and related files
- Press release
- Fact Sheet

ASTP/ONC HTI-2 NPRM Officially Published in Federal Register-WEDI to Host MPA. The Assistant Secretary for Technology Policy and Office of the National Coordinator for Health Information Technology (ASTP/ONC) has officially published its Notice of Proposed Rulemaking (NPRM) entitled *Health Data, Technology, and Interoperability: Patient Engagement, Information Sharing, and Public Health Interoperability.* The NPRM seeks to advance interoperability, improve transparency, and support the access, exchange, and use of electronic health information through proposals for: standards adoption; adoption of certification criteria to advance public health data exchange; expanded uses of certified application programming interfaces, such as for electronic prior authorization, patient access, care management, and care coordination; and information sharing under the information blocking regulations. It proposes to establish a new baseline version of the United States Core Data for Interoperability. The NPRM would also update the ONC Health IT Certification Program to enhance interoperability and optimize certification processes to reduce burden and costs and implement certain provisions related to the Trusted Exchange Framework and Common Agreement (TEFCA), which would support the reliability, privacy, security, and trust within TEFCA. Public comments will be accepted until October 4, 2024, at 5pm ET.

SAVE the DATE: WEDI will host a Member Position Advisory (MPA) virtual event Thursday Sept. 12 from 1-3 pm ET to discuss the proposed rule and develop formal comments.