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March 7, 2024

The Honorable Xavier Becerra
Secretary
US Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Becerra,

On March 5, the US Department of Health and Human Services (HHS) released initial information on financial support for providers impacted by the cybersecurity breach at Change Healthcare, with more specific information to come from the Medicare Administrative Contractors (MACs) later this week. Included in the statement is mention of upcoming accelerated payments for hospitals and facilities. Absent from the statement is mention of a parallel advance payment program for physicians, who are equally impacted by disruptions in verification, authorization, and reimbursement functions.

We are aware you have received letters and communication from other provider groups outlining the profound impact the cybersecurity breach has had on the entire health financial ecosystem. We wish to highlight for you here the unique peril facing oncology practices and their patients with this cybersecurity breach and reiterate the urgency of providing assistance to physician practices.

The Association for Clinical Oncology (ASCO) is a national organization that represents nearly 50,000 oncology professionals who care for people living with cancer. ASCO works to ensure that all individuals with cancer have access to high quality, equitable care; that the cancer care delivery system supports optimal cancer care; and that our nation supports robust federal funding for research on the prevention, screening, diagnosis, and treatment of cancer.

Change Healthcare has stated on numerous stakeholder calls and on its website the pharmacy benefit is functioning normally. However, Change Healthcare representatives also acknowledged billing and remittance for infusions remains unresolved. Oncologists routinely take on significant financial risk as they purchase expensive infused drugs and biologics on behalf of their patients and are then reimbursed after the drug is administered. Some practices have

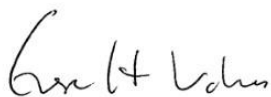
purchased, upfront, tens of millions of dollars a month of drugs^{1,2} for which they are now not being reimbursed. Practices do not have the reserves to cover these punishing costs; worse, until this situation is resolved, practices may not be able to afford to procure additional drugs and supplies for patients' upcoming treatments. This is an untenable situation, compounded by the inability to verify eligibility for health insurance coverage or receive prior authorization determinations.

ASCO is deeply concerned physician practices may not be included in an accelerated and advance payment program. This would be ruinous to many practices, including small practices and those in rural and underserved areas, who cannot afford lengthy periods without reimbursement and often take out lines of credit or even use their personal funds to keep practices viable. It is imperative physician practices be equally considered eligible for any funding to help keep them afloat during this critical time. Approximately half of the care for patients with cancer is provided in the community, and it is unconscionable to omit these providers from any potential solution or mitigation HHS may be able to provide.

ASCO strongly urges HHS, CMS, and the Medicare program to support physician practices by including them in any accelerated or advance payment programs the agency may be considering.

ASCO further calls upon HHS to use any available emergency funds and all of its available authorities, enforcement discretion, flexibilities, and waiver authorities to mitigate the impact on healthcare providers until a permanent resolution is in place. We stand ready to work with you and share additional information on the impact on our members and their patients with cancer.

Sincerely,



Everett E. Vokes, MD, FASCO
Association Chair of the Board

¹ Cimon, M; Beard, M; Amenabar, T. (2024, March 5). How a health-care cyberattack may affect your prescription drug access. The Washington Post.

<https://www.washingtonpost.com/wellness/2024/03/05/change-healthcare-hack-prescriptions-affect/>

² Abelson, R; Creswell, J. (2024, March 5). Cyberattack Paralyzes the Largest U.S. Health Care Payment System. The New York Times. <https://www.nytimes.com/2024/03/05/health/cyberattack-healthcare-cash.html>