



March 4, 2024

The Honorable Kathy Hochul
Governor
State of New York
New York State Capitol
Albany, NY 12224

Dear Governor Hochul:

I am writing to you on behalf of the New York State Adult Day Services Association. We are passionate that all New Yorkers, especially those enrolled in Medicaid long-term care programs, receive the highest quality of care and support. It is with concern that we bring to your attention the profound impact the recent cyberattack on Change Healthcare is having on providers, particularly affecting their operational and future cash flow.

On February 22, 2024, a range of health care providers including hospitals, diagnostic and treatment centers, Federally Qualified Health Centers, nursing homes, hospices, adult residential facilities, and home care agencies were informed via the Health Commerce System (HCS) about the Department of Health's active monitoring of a cybersecurity incident affecting Change Healthcare, a substantial and diverse health care technology company that is part of Optum and owned by UnitedHealth Group. Regrettably, social adult day care (SADC) providers were left uninformed and only became aware of the incident when they encountered issues submitting claims nearly a week post attack.

It is imperative to underscore the significant challenges resulting from the absence of a comprehensive system to notify and assess the impact on providers not integrated into the HCS, specifically SADC providers and Consumer Directed Personal Assistance Program Fiscal Intermediaries. This lack of a reliable emergency notification system and assessment was profoundly felt during the COVID-19 Public Health Emergency, and we are now facing a similar shortfall in emergency notification, data collection, and analysis. This oversight is alarming, given that our services cater to hundreds of thousands of Medicaid long-term care enrollees who are now at risk due to the exclusion from the State's emergency preparedness plan. The recurrence of this issue signifies an urgent need for targeted support and intervention, stressing the importance of addressing this matter promptly with your office.

As of 2023, the direct care workforce in New York State has grown to more than 560,000, including personal care aides, home health aides, and nursing assistants. These figures underscore the critical role our workforce plays in maintaining the health and well-being of New York's most vulnerable populations.

The average downtime caused by a cyberattack in the United States is 24 days. Given this statistic, the ongoing disruption caused by the Change Healthcare cyberattack poses a grave

threat to the continuity and delivery of critical health care services across the state. The extent of disruption caused by this situation is immense and cannot be exaggerated. It not only jeopardizes the care of patients, but also impacts the direct care workforce, which represents the largest employment sector in New York State. This situation poses a dual threat: compromising the well-being of our most vulnerable populations and destabilizing the livelihoods of hundreds of thousands of workers who are essential to the fabric of our health care system.

In light of the above, I urgently call upon your office to declare an emergency in response to this cyberattack and to request immediate funding assistance from the Federal Emergency Management Agency. This funding is crucial for restoring the integrity of our health care delivery systems and for implementing measures to prevent such incidents in the future.

The welfare of New York's Medicaid long-term care enrollees and the sustainability of our health care services depend on swift and decisive action. I implore you to recognize the severity of this situation and to take the necessary steps to ensure the continued delivery of essential health care services to all New Yorkers.

Thank you for your attention to this matter.

Sincerely,



Ann Marie Selfridge
President
New York State Adult Day Services Association

cc: Angela Profeta, Office of the Governor
Dr. James V. McDonald, Department of Health
Adam Herbst, Department of Health