

New York: Mandatory Cybersecurity Regulations for Hospitals

New York has taken a prescriptive approach to hospital cybersecurity by implementing strict regulatory requirements. The state is developing a regulation that mandates hospitals to establish and maintain comprehensive cybersecurity programs. These regulations outline substantial and specific actions hospitals must take to protect sensitive patient data and critical healthcare infrastructure.

The associated regulatory impact statement acknowledges the significant financial burden this may place on hospitals, with many expected to incur costs in the millions to comply. While this approach ensures a standardized and enforceable cybersecurity framework, it may pose challenges for smaller hospitals with limited resources. However, state regulators argue that the long-term benefits—protecting patient safety, ensuring continuity of care, and reducing financial losses from cyberattacks—justify the investment.¹

Oklahoma: Incentivizing Cybersecurity Through Legal Protections

In contrast to New York's mandatory regulations, Oklahoma has opted for an incentive-based approach. In 2023, the state passed legislation designed to encourage hospitals to develop robust cybersecurity programs by offering legal protections rather than imposing direct requirements. Specifically, the law establishes an affirmative defense to negligence lawsuits arising from cybersecurity breaches.

To qualify for this defense, hospitals must implement a cybersecurity program that meets specific criteria outlined in the legislation. This approach aims to balance regulatory oversight with flexibility, allowing hospitals to tailor their cybersecurity efforts while providing a strong incentive to meet industry best practices. By reducing potential liability, Oklahoma hopes to encourage widespread adoption of effective cybersecurity measures without imposing costly mandates.²

¹ New York State Department of Health. (2024). *Hospital Cybersecurity Requirements (Proposed Regulations)*. Retrieved from

<https://regs.health.ny.gov/sites/default/files/proposed-regulations/Hospital%20Cybersecurity%20Requirements.pdf>

² Oklahoma State Legislature. (2024). *House Bill 2790 (Enrolled)*. Retrieved from

http://webserver1.lsb.state.ok.us/cf_pdf/2023-24%20ENR/hB/HB2790%20ENR.PDF