



Maryland
Hospital Association

House Bill 211: Criminal Law- Crimes Involving Computers- Ransomware

Position: *Support with considerations*

Bill Summary

HB-211 prohibits a person from committing a certain prohibited act with the intent to interrupt or impair the functioning of a health care facility, prohibits a person from knowingly possessing certain ransomware with the intent to use that ransomware for a certain purpose, altering and establishing certain penalties, authorizing a victim of a certain offense to bring a civil action for damages against a certain person and providing for the recovery of attorney's fees and court costs in an action brought under the Act.

MHA Position

The health care sector nationwide and in Maryland continues to see an increase in data breaches by cyber criminals drawn to the field's cache of personal and financial data stored for patients and employees. To help curb these attacks and protect personal data, Maryland's hospitals support efforts to improve cybersecurity and to specifically target ransomware, which accounts for 85 percent of all malware attacks affecting the health care sector.

In its 2017 report, the Maryland Cybersecurity Council recommends that a definition of ransomware be included in state statute with increased penalties for committing this crime. The hospital field supports this effort as well as the inclusion of health care facilities as entities that are protected from attacks that interrupt or impair their functioning.

Hospitals are committed to maintaining high standards for the protection of patient information. Federal law requires routine security risk assessments to ensure proper infrastructure is in place to protect against cyberattacks. However, including ransomware as a crime in state statute offers further protection from these attacks, which the health care field — among the most frequent targets of such attacks — needs.

As critical infrastructure organizations that are dedicated to the safety and health of the public, hospitals are committed to strengthening our defense against cyber-attacks. We do ask the committee to considered *clarifying* within the bill that the civil action needs to state that an action can be brought against the perpetrator of the cyber-attack, rather than other parties.

For these reasons, we recommend giving HB-211 a *favorable report with clarification to civil action provision*.