



"Data Privacy & Security Webinar Series - Data Breach Response is a Team Sport"

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Data Breach Response is a Team Sport



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Topics for Today

- Background on cyber attacks and cybersecurity programs
- Steps to take when handling a data event, incident, or breach
 - Before
 - During
 - After
- Potential liability and costs

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Cyber Attacks On the Rise!



Cyber Risk Reality

"[T]here are only two types of companies: those that have been hacked and those that will be. And even they are converging into one category: companies that have been hacked and will be hacked again."

- Robert Mueller, Former Director of FBI, at 2012 RSA Cyber Security Conference



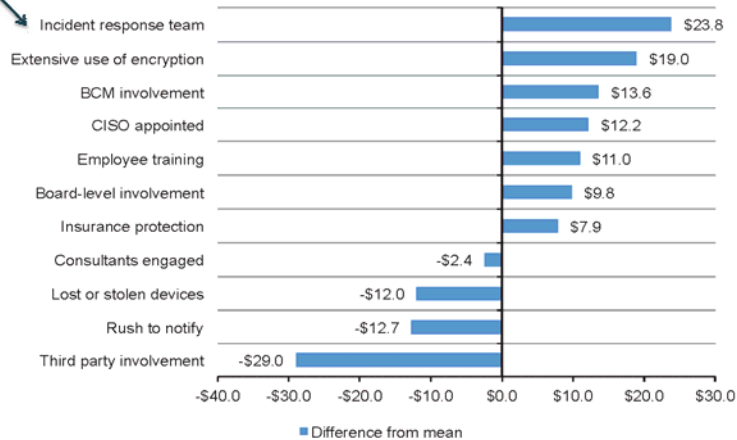
Why Should You Prepare?

- Every breach is unique
- Facts are constantly changing
- Investigations are complex
- High stakes
- Intense pressure
- Many stakeholders with different interests and notification requirements
- Team fatigue, frustration, defensiveness, denial, etc.
- An investigation might not ultimately yield definitive results
- Breaches distract a company from its business goals during and after the investigation

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Figure 7. Impact of 11 factors on the per capita cost of data breach



- Ponemon Institute Research Report (2015)

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Cyber Incident Pain Points

| Pain Points | Description |
|--|---|
| 1 No established cross-functional incident "commander" to coordinate response | A point of contact with the authority to direct incident response across Business Lines has yet to be identified and agreed upon by all parties |
| 2 No cross-organizational considerations or buy-in on incident response plan | Absence of an over arching company incident response plan that can be implemented to coordinate corporate and business unit actions |
| 3 No established data classification to guide response activities and determine severity | Severity levels regarding key data is undefined. No designation of "Crown Jewels." |
| 4 Missing processes or "use cases" for responding to high impact scenarios | No checklists or considerations / memory jogger resources established for incident management and response; no considerations of "high risk" scenarios |
| 5 Cross-functional response procedures, including contact lists, are unavailable | Missing procedures for internal coordination and information sharing across business and geographic areas in order to correlate security incidents; No established/updated contact lists for who to contact during high risk scenarios. |
| 6 Unknown business impact | Inability to determine impact from the lens of financial, information, legal, and public perception |
| 7 Undefined event, incident and breach terms | Lack of categorization of incidents regarding severity or type |
| 8 No detailed event, incident and breach thresholds | Incident response kickoff criteria regarding level of event/incident/breach lacks proper definition (Example: Data breach affecting 1 million or more customers) |
| 9 Lack of pre-canned external communications responses | Lack of preparedness regarding communications with the media and customer base |



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What is a Cybersecurity Program?

- Essentially means preparation for a cybersecurity attack at the Board level
- Goal:
 - To prevent data breaches, loss of business continuity, harm to public, etc.
 - From nation-states, hackers, organized criminals, insiders
- Not an IT program – rather, development of risk management program based on level of risk with Board oversight



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The NIST Framework -- Intent

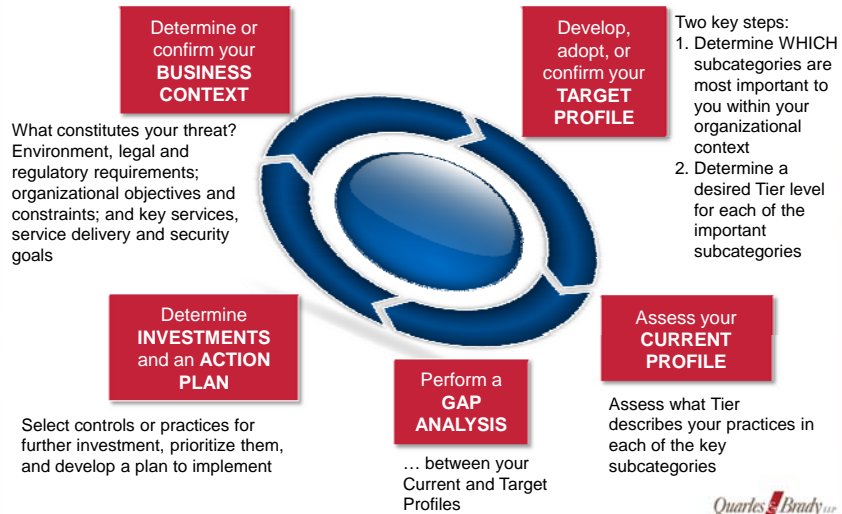
- Framework for Improving Critical Infrastructure Cybersecurity
 - Despite the name, applicable to any organization or business
- A voluntary, risk-based approach to manage cybersecurity risk, in a cost-effective way, based on business needs
- The framework is not law
 - There is no compliance requirement



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The NIST Framework -- In Practice



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Before the Security Incident / Breach

- **Step 1 – Identify “cyber czar” within your organization**
 - Someone who can lead individuals from multiple groups
 - Should have oversight of your cyber security program and security incident response plan
- **Step 2 – Identify what laws, contractual requirements and voluntary guidance and obligations apply to you**
 - Laws depend on industry you are in and what information you actually obtain
 - Voluntary guidance includes industry standards and guidance
 - Voluntary obligations include website statements, obligations with third parties, employee handbooks

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Complex Regulatory Framework

| <u>Personal Information</u> | <u>Health Information</u> | <u>Financial Information</u> | <u>Employee Information</u> |
|--|--|--|---|
| <ul style="list-style-type: none"> • FEDERAL • FTC Act • COPPA • CAN-SPAM • Red Flags Rule • Telemarketing Sales Rule • TCPA • ECPA • STATE • Breach Notification • Point of Sale Collection • State Consumer Protection • Security Obligations • COPPA-like | <ul style="list-style-type: none"> • FEDERAL • HIPAA • HITECH • Health Breach Notification Rule • GINA • STATE • HIPAA-like | <ul style="list-style-type: none"> • FEDERAL • GLB • FCRA • FACTA • STATE • GLB-like | <ul style="list-style-type: none"> • FEDERAL • ERISA • FMLA • Whistleblower Protection Act • STATE • Contract law |

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Before the Security Incident / Breach

- **Step 3 – Identify your “crown jewels” of data**
 - Department of Justice’s “Best Practices for Victim Response and Reporting of Cyber Incidents” (April 2015) (“DOJ Best Practices”)
 - Create matrix of what legal / contractual / voluntary obligations apply *to that data*
- **Step 4 – Create flexible action plan**
 - Start with “worst case” scenario
 - Your IT director contacts you – all of the company’s data has been stolen and sensitive contractual / employee information on the Internet
 - “Mid-level” scenarios – Employee names and Social Security numbers stolen
 - “Mild” scenarios – Unauthorized viewing of information by internal employee, who remains employed and no prior issues

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Before the Security Incident / Breach

- **Step 4 – continued**
 - Identify response team – IT, legal, forensic investigators, communications, public relations, insurance, including external resources
 - Plan various methods to preserve evidence – protect attorney client privileged information
 - Develop related policies & procedures
 - Conduct a table top exercise
- **Step 5 – Have right technology in place**
 - Back-up copies of information – where stored and how to access
 - Logging of security incidents

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Before the Security Incident / Breach

- **Step 6 – Understand insurance policies**
 - Events, data, and assets covered
 - Triggers
 - Exclusions
 - Evaluate new products now being offered
 - Determine how much insurance is needed
 - Determine if there is a panel and if you should hire separate counsel

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Before the Security Incident / Breach

- **Step 7 – Identify vendors, what information they have**
 - Many breaches caused by vendors
 - What assessment procedures are used to evaluate the risk of a vendor that has access?
 - Vendor Due Diligence Checklists
 - Audits
 - Review vendor contracts to evaluate specific data security/protection issues such as:
 - Notification obligations/Security Incident Response Plan
 - General security and data protection expectations
 - Risk assessment/audit information
 - Also, evaluate indemnification, limitation of liability, and insurance provisions

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During the Security Incident / Breach

- **Step 1 – Initial Assessment**

- Notify your response team
- Determine whether data been accessed and exfiltrated
- Do you need to engage forensics consultants or do you have internal expertise?
- Engage counsel to hire forensic consultants
- Determine whether you need to notify your insurance carrier

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During the Security Incident / Breach

- **Step 2 – Determine the facts**

- Identify the information that is compromised
- Note the date and time of the discovery of the incident
- Implement internal reporting and documentation process
- Preserve evidence (backups, images, hard drives, etc.) as appropriate
- Internal communications could be discoverable, so be careful what you say and how you say it

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After the Security Incident / Breach

- **Step 3 – Contain the breach and mitigate harm, to the extent possible**
 - Can you retrieve the lost/stolen device?
 - Can you “wipe” the data from the lost/stolen device or otherwise “mitigate” the situation?
 - Can you arrange for the return of the data (non-disclosure agreement / statement that it will not be further used)?
 - Can you “close” the open “door”?

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During the Security Incident / Breach

- **Step 4 – Determine whether you have a reportable event**
 - Verify whether the “security event” rises to level of a “breach” or “incident” under applicable law (which means you must know which laws are applicable to your company)
 - HIPAA breach
 - State data breach laws
 - Financial information
 - Other?
 - What voluntary obligations apply to you?
 - Contractual agreements
 - Employee handbooks
 - PCI compliance

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During the Security Incident / Breach

- **Step 5 – Other issues to consider in connection with possible reporting obligations**
 - Start with federal law (HIPAA, GLBA)
 - Consider voluntary notification to other state and federal agencies depending upon your industry
 - Also, Contractual Requirements (PCI, etc.)
 - Use Q&B 50-state data breach chart as starting point for state law

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During the Security Incident / Breach

- **Step 5 – continued**
 - Type of Data/Scope
 - Do Any Exceptions Apply?
 - Is There Risk of Harm?
 - Timing of Notification
 - Who Must be Notified?
 - Individual, Owner of Data, Media, Government, Others?
 - Form and Content of Notification
 - Documentation Requirements

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Q&B 50 State Data Breach Chart

State Data Breach Notification Laws

Please note that state data breach notification laws change frequently. The recommended actions an entity should take if it experiences a security event, incident or breach vary depending on the specific facts and circumstances. This Chart is merely a summary of some basic notification requirements that are applicable to persons or entities who "own" or "license" data. For example, this Chart does not cover:

- Requirements for entities that maintain data rather than "own" or "license" data. (Note: entities that maintain data are generally required to notify the owner.)
- Exceptions to the law (e.g., sometimes health care providers, data brokers, financial institutions, insurers, etc. are partially or fully excluded).
- Exceptions to the law regarding good faith acquisition of personal information by an employee or agent of an entity for a legitimate purpose of the entity if the employee or agent does not use the personal information for a purpose unrelated to a legitimate purpose of the entity and does not make further unauthorized disclosure of the personal information.
- The laws that apply in U.S. Territories.
- The manner in which an entity provides notification (e.g., via e-mail, U.S. Mail, etc.).
- The specifics regarding what constitutes public, encrypted, redacted, unsearchable, or non-saleable data.

This Chart is current as of January 1, 2016.

For more information about state data breach notification laws, or other data security matters, please contact your Quarles & Brady Attorney, or either of the following attorneys:

Jessie Rathbun (jessie.rathbun@quarles.com) 414.277.5254, or
John Barlamont (john.barlamont@quarles.com) 414.277.5272.

Receipt and/or review of this Chart does not create an attorney-client relationship.

Updates: We intend to continue updating this Chart as we charge. If you would like to receive updates, please email us to jessie.rathbun@quarles.com.

*States without data breach notification laws.

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After the Security Incident / Breach

- **Step 1 – Notify required / affected parties**
 - Affected persons
 - It takes time to find up-to-date addresses
 - Printing and mailing take lots of resources
 - Law enforcement
 - Government
 - Consumer Reporting Agencies
 - Media

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After the Security Incident / Breach

- **Step 2 – Establish Communications Plan**

- Consider press releases
- Should you establish a toll free number for inquiries / call center?
- “Upper level” team to respond to unique questions / customer inquiries?
- How will media inquiries be addressed?

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After the Security Incident / Breach

- **Step 3 – Hand-Holding**

- Necessary follow-up with Customers, Employees, Board Members
- Identity theft protection
- Follow up hand-holding

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After the Security Incident / Breach

- **Step 4 – Learn from the situation**
 - Identify weaknesses in current plans
 - Undertake Root Cause Analysis & Remediation
 - Reassess Security Incident Response Plan
 - Reassess Privacy & Security Policies/ Procedures
 - Prepare for Litigation / Government Investigation

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Breach Costs

- **FTC Enforcement**
- **Specific Industry Agency Enforcement**
- **State Attorney General/Other Consumer Protection Agencies Enforcement**
- **Class Action and Other Lawsuits**
- **Contractual Liability**
- **Data Breach Remediation and Related Costs**
- **Reputational Costs**
- **Loss of Competitive Advantage/Profits**
- **Ransomware**



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Hot Topics with Damages

- Breach notification costs
- Credit monitoring/protection
- Notification hotline/call center
- Forensic costs
- Identity theft resources



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Emerging Trends in Litigation

- Consumer Class Actions
 - Consumers v. Vendor
 - Generally unsuccessful
- Derivative Lawsuits
 - Shareholders v. Their Company
 - Stuck in the mud
- Business-to-Business
 - Business v. Vendor
 - Most successful
- FTC Oversight
 - FTC v. Vendor
 - Most cases settle – usually requires 20 years of administrative monitoring
- Other Government Oversight
 - Depends



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Questions?

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About The Firm

For over 120 years, Quarles & Brady LLP has provided quality legal services to a wide range of industries on a national and international stage. We've strived to learn our clients' businesses—to see the horizons through their eyes. We don't just counsel, but invest in the success of each client, partnering with them to achieve their business goals. This dedication and investment is what sets Quarles & Brady apart: we provide a true partnership, in every sense of the word.

Quarles & Brady is a multidisciplinary AmLaw 200 legal services provider with more than 475 attorneys practicing at the top of the profession in Chicago, Indianapolis, Madison, Milwaukee, Naples, Phoenix, Scottsdale, Tampa, Tucson, and Washington, D.C. Our national presence allows us to draw upon a group of highly skilled attorneys from all across the country to ensure the right people are working on our clients' matters. We have extensive experience working with the full industrial gamut, from cutting-edge technology to traditional manufacturing, and we have developed an extensive network of relationships with international legal counsel around the world, allowing us to effectively handle important matters for our clients on a global scale.

Our clients include major national and multinational corporations, technology companies, educational and research institutions, municipalities and government agencies, charitable organizations, industry executives, and high-net-worth individuals. They are industry leaders in technology, energy, financial services, health care, insurance, pharmaceuticals, real estate, and manufacturing, to name just a few.

A relationship is an investment, and Quarles & Brady understands the enduring rewards of a solid collaboration. We as a firm strive to see goals and benchmarks through your eyes—and then use our experience and insight to best position you to exceed them. Your challenges are our challenges; your triumphs are our triumphs. With Quarles & Brady, you're not just a client—you're a partner. Our attorneys have extensive experience within a wide range of practice areas and industries, including the following, among others:

- Banking & Financial Institutions
- Bankruptcy & Creditors' Rights
- Business Law
- Energy & Environmental Law
- Franchise & Distribution
- Litigation & Dispute Resolution
- Mergers & Acquisitions and Joint Ventures

- Commercial Transactions
- Data Privacy & Security
- Direct Sales
- Emerging Growth Companies
- Employee Benefits
- Government Relations
- Health Law
- Immigration
- Intellectual Property
- International Services
- Investor Services
- Labor & Employment
- Product Liability Law
- Public Finance
- Real Estate
- Tax
- Tax-Exempt Organizations
- Trust, Estate & Wealth Preservation

John L. Barlament

Partner

John Barlament's practice focuses on two primary areas: Employee Benefits and Data Privacy and Security. Because most health plans are subject to HIPAA, and HIPAA concepts are followed in many other state and federal privacy and security laws, John's experience in the two areas provides a natural overlap. John serves as co-chair of the Firm's Data Privacy & Security Team.

Employee Benefits. In the Employee Benefits area, John Barlament represents employers, third-party administrators, fiduciaries, brokers, and benefit consultants in all aspects of employee benefits law, with an emphasis on health and welfare plan matters. These matters include health care reform questions (Affordable Care Act); ERISA; COBRA and HIPAA.

For multiemployer plans, John is one of the few attorneys in the country who has limited his practice to representing the plans and their trustees on a "sole counsel" basis. That is, in order to ensure consistency in advice among multiemployer plan clients, John does not represent "management trustees" or "labor trustees" -- instead, he represents both, with no bias towards either side.

John's knowledge of benefits law, and his ability to translate it into practical, "plain-English" advice, makes him one of the country's most sought-after attorneys and advisors in the field. He is recognized as a national speaker on these issues and is a contributing author on two of the country's leading manuals in these areas (EBIA's *Consumer-Driven Health Care* and EBIA's *HIPAA Portability, Privacy & Security*).

Data Privacy and Security. Building upon this deep experience with the HIPAA Privacy and Security Rules, John has assisted hundreds of clients with many other privacy and security law issues, including the Gramm-Leach-Bliley Act, data breach notification laws, the Children's Online Privacy Protection Act (COPPA), web site privacy policies, Social Security Number restrictions, the "Red Flags Rule," and international privacy laws (e.g., EU and Canadian privacy laws). He has published articles in this area, including "A Primer on Online Privacy" (*Wisconsin Lawyer* magazine), and was a contributor to the American Bar Association's "International Guide to Privacy." In 2015 he was quoted in a *Wall Street Journal* publication and interviewed on a national *National Public Radio* segment about data breach matters. He also has participated in related groups, including the Consortium for Global Electronic Commerce's E-Security Workgroup.



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Legal Services

- Labor & Employment
- Employee Benefits
- Data Privacy & Security
- Financial Institutions Litigation

Education and Honors

- Duke University School of Law (J.D., *summa cum laude*, 1997)
- St. Norbert College (B.B.A., *summa cum laude*, 1994)

Bar Admissions

- Wisconsin

Professional and Civic Activities

- The Associated General Contractors of Wisconsin (Member, 2008)
- Greater Milwaukee Employee Benefits Council (Member)
- Consortium for Global Electronic Commerce, E-Security Workgroup (Member, 2001–2002)
- International Association of Privacy Professionals (Member)

Professional Recognition

- Listed in The Best Lawyers in America® (2010–present: Employee Benefits (ERISA) Law)

Clients

John has assisted clients and other industry professionals of many stripes, but his primary client types are benefits professionals and employers. Both require actionable advice on a daily basis, along with specific knowledge of benefits laws and regulations that affect their individual businesses.

Benefits professionals conduct business in a constantly shifting environment, as new laws and economic conditions dictate changes and adjustments in plans and priorities with material financial implications. Not only does John offer important advice and trustworthy legal representation, but he helps those clients understand the whys and wherefores behind his advice. He acts as a partner to benefits professionals, not simply a hired gun.

Employers call on John to shape comprehensive programs for them. He can build an employee benefits program from the ground up, overhaul a system in need of it, or keep it finely tuned from month to month and year to year. He helps employers determine how much help they need, then assists them in getting that help, whether it comes from him or other benefits professionals.

Publications and Presentations

01/07/16

"Final Preparation for Filing the 1094 / 1095"

ACA University

01/05/16

Happy New Year! IRS Gives Employers More Time For ACA Reporting!

Labor & Employment Alert

12/15/15

"End of Year Thoughts on FTC Data & Security Requirements"

Safe and Sound

10/30/15

"U.S. Senate Encourages Sharing – of Cyber Threat Indicators, That Is"

Safe and Sound

10/01/15

Data Privacy & Security Webinar Series | Employee Privacy Issues

08/24/15

Employers, Shift into First Gear: IRS Makes Next Move Toward "Cadillac" Tax Rules

Labor & Employment Law Alert

08/19/15

"Target Settles with Visa Card Issuers for Up to \$67 Million"

Safe and Sound

07/28/15

Health Care Reform: What's Resolved and What Is Not

Health Law Update

06/11/15

"FTC and data privacy and security: The unexpected enforcer?"

InsideCounsel

05/12/15

"Waiting for King v. Burwell: Get Knowledgeable and Prepare"

Webinar with MedAssist

04/30/15

"Cybersecurity, Privacy and Data Breaches: How In-House Counsel Can Tame the Risks"

ACC-Wisconsin 2015 Annual Conference

04/22/15

Spring Cleaning Series: The EEOC's Proposed Wellness Program Rules

Employee Benefits Law Alert

03/25/15

"IRS Gives Good Directions On ACA Cadillac Tax"

Law360

03/20/15

Employers, Start Your Engines: IRS Insight into Direction for "Cadillac" Tax Rules

Labor & Employment Law Alert

03/19/15

"Top 3 data privacy, security issues in-house counsel should focus on in 2015"

Wisconsin Law Journal

03/18/15

"Health Care Employers Should Start to Implement Strategies for ACA Reporting, Attorney Says"

Bloomberg BNA

03/05/15

"HIPAA Compliance in a Hazardous World: Checkup for Employer Plan Sponsors and Business Associates"

EBIA Web Seminar

02/09/15

"ACA Requirements and Actionable Data"

The Health Care Administrators Association (HCAA) Executive Forum

02/09/15

Anthem Breach Potentially Affects One in Four Americans

Data Privacy and Security Law Alert

01/28/15

"Employee Privacy Issues: Dealing with a Variety of Challenging Situations"

Commercial Law WebAdvisor Webinar

12/12/14

Federal Court Finds Retailer May Owe Banks a Duty to Protect Consumers' Financial Information

Data Privacy and Security Law Alert

11/03/14

HPID Requirement Update - A Treat, Without a Trick

Employee Benefits Law Alert

10/31/14

Shocking New Wellness Plan Lawsuit Calls Into Question Typical Plan Design

Employee Benefits Law Alert

10/23/14

Five Hot Topics in the Health Plan World

Employee Benefits Law Alert

10/23/14

"Navigating the highway of employee privacy concerns"

InsideCounsel

10/21/14

California Breach Notification AB 1710

Data Privacy and Security Law Alert

10/07/14

"Preparing for Reporting of Minimum Essential Coverage (MEC) and Applicable Large Employer (ALE) Reporting"

ACA University Webcast

07/07/14

Supreme Court Strikes Contraceptive Mandate for Certain Closely Held Corporations

Employee Benefits Law Alert

07/07/14

"Employers need to prepare for upcoming ACA rules"

Milwaukee BizTimes

06/25/14

Broad Florida Information Security Law Impacts Numerous Companies

Technology & Data Privacy Law Update

04/15/14

How to Stop the Bleeding, Hopefully Before it Starts

Data Privacy and Security Law Alert

02/24/14

"Employers Still Have Time to Avoid Penalties, Fees Under ACA, Lawyer Says"

Bloomberg BNA

02/13/14

Final "Pay or Play" Regulations Retain Core Structure but Make Many Changes

Employee Benefits Law Update

01/01/14

"Consumer Driven Health Care & Fringe Benefits"

Employee Benefits Institute of America, Manual (2004-present)

01/01/14

"HIPAA Portability, Privacy and Security Manual"

Employee Benefits Institute of America, Manual (2002-present)

12/05/13

"Mental Health Parity: The Final Regulations Are Here"

ACA University Webcast

12/01/13

"Flexible Spending and Health Savings Accounts"

Arizona Republic

11/15/13

"Affordable Care Act: Employers strategize to save health costs"

Milwaukee Business Journal

11/14/13

"Health Care Reform: What's Next?"

Tax Aspects of the Affordable Care Act Webinar

10/02/13

"New Information Reporting Under Health Care Reform Proposed Rules for Code §§ 6055 and 6056 Returns and Statements"

EBIA Web Seminar

09/11/13

Keeping it Straight: Essential Health Benefits and Annual, Lifetime, and Maximum Out-of-Pocket Limits

Employee Benefits Law Alert

09/04/13

"Confused Employers Post-Windsor, Here Are Some Answers"

Law360

09/03/13

"What Small Businesses Need to Do for Obamacare Before Oct. 1"

BloombergBusinessweek

08/30/13

Treasury and IRS Issue Ruling Clarifying Tax Treatment of Employee Benefits for Same-Sex Couples

Employee Benefits Law Alert

08/29/13

"Obamacare Still Lets Employers Discriminate-for Now"

Businessweek

08/21/13

"ACA Update: Return or Exchange?"

Alliance Learning Circle

07/11/13

Agencies Issue Final Contraceptive Coverage Relief for Religious Employers

Employee Benefits Law Alert

07/03/13

In Stunning Announcement, "Pay or Play Rule" Delayed One Year

Employee Benefits Law Alert

06/27/13

Supreme Court Issues Decisions Affecting Health, Welfare, and Retirement Benefits for Same-Sex Couples

Employee Benefits Law Alert

06/26/13

"BigLaw Attys Praise High Court's Gay Marriage Rulings"

Law360

06/20/13

New COPPA Regulations Coming: Are You Sure You are Ready?

Data Privacy and Security Law Update

06/14/13

Agencies Issue Final Rules Regarding HIPAA Nondiscriminatory Wellness Plans

Employee Benefits Law Alert

06/01/13

"Exchanges: Federal/State Update/Impact"

AAPPO

05/17/13

DOL Issues Exchange Notices and Revised COBRA Election Notice

Employee Benefits Law Alert

05/17/13

IRS Issues Rules on Minimum Value and Effect of Wellness Plans, HRAs and HSAs

Employee Benefits Law Alert

04/01/13

"Employer Health Plans Under the New HIPAA Rules: Action Steps for Compliance"

03/04/13

"It's Your Business...to know about Health Care Reform"

Columbus Community Hospital

01/30/13

"The (ACA) Affordable Care Act's Top Legal Issues for Employers in 2013: Pay or Play and Beyond"

22nd Annual National Health Benefits Conference & Expo

01/03/13

New Pay or Play Regulation Makes Significant Changes, Offers Some Relief

Employee Benefits Law Alert

12/26/12

Employers, Insurers Face New "Reinsurance" Fee of \$63 Per Covered Life, Among Other Changes

Employee Benefits Law Update

12/19/12

New "PCORI" Fee Impacts Employers and Health Insurers

Employee Benefits Law Update

12/03/12

Health Care Reform "Flood" of Guidance Begins

Employee Benefits Law Alert

11/15/12

"Health Care Guide: Take 5 - John Barlament"

The Milwaukee Business Journal

10/24/12

"SBCs for Employer Health Plans Revisited: Compliance for Major Medical, HRAs, and Other Plans"

EBIA Web Seminar

10/18/12

"Pay or Play: Understanding the Affordable Care Act"

International Foundation of Employee Benefit Plans

10/15/12

"Prepare to 'Pay or Play' with Affordable Care Act"

Milwaukee BizTimes

10/09/12

Collective Bargaining and the Affordable Care Act

Labor & Employment Law Update

09/24/12

New Health Care Rules on the 90-Day Waiting Period and "Full-Time" Employee Status

Employee Benefits Law Alert

09/10/12

"Pay, Play or Just Pray?: Delving into the Nuances of the 'Pay or Play' Rule"

2012 Blue National Summit

09/06/12

"Grandfathered Health Plans and Changes to Flexible Spending Accounts"

Wisconsin Manufacturers & Commerce Affordable Care Act Seminar: What You Need to Know to Be Compliant

08/16/12

"Plotting Your Course: Health Care Reform Following the Supreme Court Decision"

Alliance Learning Circle

06/29/12

The "Individual Mandate" Upheld Under Congress' Power to Tax; Parts of Medicaid Expansion Upheld
Health Care Reform

06/05/12

IRS Guidance on Health FSAs and \$2,500 Contribution Limit

Employee Benefits Law Alert

05/24/12

"Preparing for (and Surviving) a HIPAA Audit"

International Foundation Education Benefits Compensation

04/27/12

New Guidance on Computing Taxes Payable by Plan Sponsors and Insurers

Employee Benefits Law Alert

04/19/12

"The 'Nuts and Bolts' of the New Rules for SBC Compliance"

Health Care Administrators Association Webinar

04/04/12

"Final SBC Guidance for Employer Health Plans: Getting Ready for New Open Enrollment Disclosures"

Thomson Reuters/EBIA

02/24/12

Health Care Reform Summary

Employee Benefits Law Update

02/22/12

Key Takeaways from Plan Service Provider Fee Disclosure Final Regulations

Employee Benefits Law Alert

02/16/12

Blizzard of New Guidance: Final SBC Rules, New FAQs on Pay or Play and Changes to Contraceptive Rules

Employee Benefits Law Alert

02/09/12

"Ongoing IRS Guidance on Form W-2 (PPACA) -- Practical Tips for Complying"

International Foundation of Employee Benefit Plans

12/29/11

New San Francisco Health Care Requirements May Impact Employers With San Francisco Employees

Employee Benefits Law Alert

12/13/11

"Race" to Submit Final ERFP Requests Begins

Employee Benefits Law Alert

12/08/11

Delayed Effective Date for SBC Rules is Good News for Employers

Employee Benefits Law Alert

12/08/11

New Medical Loss Ratio Rules Impact Employers with Fully Insured Health Plans

Employee Benefits Law Alert

11/17/11

Have the "HIPAA Police" Finally Arrived? HHS Launches Formal Audit Program

Employee Benefits/Health Law Update

11/01/11

"Managing Privacy and Participant Expectations"

57th Annual Employee Benefits Conference

10/14/11

"Health insurance plans must cover women's preventive services next year"

The Milwaukee and Southeastern Wisconsin BizTimes

09/15/11

"SPDs for Group Health Plans"

EBIA Webinar

09/06/11

New Research Fee Begins, but Little Guidance for Employers

Employee Benefits Law Alert

08/29/11

Health Care Reform Developments: Important Court Decision, Along With New Exchange, Tax Regulations

Employee Benefits Law Update

08/29/11

New Guidance on Health Care Reform's Summary of Benefits and Coverage

Employee Benefits Law Alert

08/05/11

New Preventive Care Regulations Expand Services Many Plans Must Cover - Including Contraceptives

Employee Benefits Law Alert

06/28/11

"Quarles & Brady Adds Employee Benefits Atty In Wis."

Law360

04/07/11

"IRS Provides Guidance on W-2 Reporting of Employer-Sponsored Group Health Plan Coverage"

Client Alert

02/01/11

"Computations of Health Benefit Costs On W-2 Ignore Tax Treatment, Attorney Says"

Bloomberg BNA Daily Tax Report

11/10/10

"Understanding the New Federal Health Care Law"

08/20/10

"Claims and Appeal Rules Significantly Modified Under New Regulations"

Client Alert

08/19/10

"The Patient Protection and Affordable Care Act Summary"

Client Alert

07/20/10

"Navigating Health Care Reform"

WageWorks Teleweb Seminar

07/06/10

"IRS, DOL, & HHS Issue Interim Final Regulations on Annual and Lifetime Coverage Limits, Preexisting Condition Exclusions, Coverage Rescission, Emergency Coverage, and Provider Selection"

Client Alert

07/01/10

"Implementation Strategies for New Health Care Legislation"

07/01/10

"Patient Protection and Affordable Care Act (PPACA) 2010-2011 Requirements: Enrollment Action Items for Employer-Sponsored Plans"

Private Client Presentation

07/01/10

“Grandfathered Health Plan Guidance Has Landed: Are You “Grandfathered” or Not?”

International Foundation of Employee Benefit Plans

06/22/10

“Health Care Reform Compliance Alert IRS, DOL & HHS Issue Final Regulations on Grandfathered Plan Status”

Client Alert

06/03/10

“Changes in 2010 and 2011 for Employer-Sponsored Plans: Health Care Reform Drill Down”

Employee Benefits Institute of America

06/01/10

“HIPAA Privacy and Security: The New Requirements”

06/01/10

“Health Care Reform: It’s Here, the Effect on Employers, TPAs and Benefit Consultants”

TPAs and Benefit Consultants

06/01/10

“Health Care Reform: What Corporate Employers Need to Know – Tactically and Strategically”

06/01/10

“OTC Restrictions, Health FSA Limits, and Simple Plans (Health Care Reform Drill Down)”

06/01/10

“HCR: The Next 18 Months”

AAPPO Webinar

06/01/10

“Health Care Reform: The Impact to Your Company”

05/10/10

“Update: Health Reform Makes Important and Immediate Change in Tax Treatment of Employer-Provided Health Insurance Coverage; IRS Announces that Employer-Provided Health Insurance Coverage is Never Wages for FICA/FUTA Purposes”

Client Alert

05/01/10

“Health Care Reform: What Employers and Benefit Consultants Need to Know and Do”

Wisconsin Manufacturers and Commerce (WMC) Briefing Series

04/20/10

“Congress Extends COBRA Premium Subsidy to Cover Involuntary Terminations Through May 31, 2010”

Client Alert

04/14/10

“ERISA Compliance for Health & Welfare Plans”

Employee Benefits Institute of America (EBIA) Employee Benefits Seminars (Minneapolis, Minnesota)

04/14/10

“HSAs, HRAs and Consumer-Driven Health Care”

Employee Benefits Institute of America (EBIA) Employee Benefits Seminars (Minneapolis, Minnesota)

04/12/10

“Health Reform Makes Important and Immediate Change In Tax Treatment of Employer-Provided Health Insurance Coverage in Wisconsin”

Client Alert

04/01/10

“Wellness Plans and Smoking Cessation Programs: Impact on the Bottom Line, Interaction with the Law, and Implementation Strategies”

04/01/10

“Health Care Reform: What Does It Mean For Your Company?”

04/01/10

“Timeline of Health Care Reform Changes”

Client Alert

03/31/10

“Congress Passes Reconciliation Act Amending the Patient Protection and Affordable Care Act”

Client Alert

03/24/10

“Health Reform Legislation Signed; Will Impact All Employers and Health Plans”

Client Alert

03/12/10

“Congress Extends and Expands COBRA Premium Subsidy Program: Employers Must Review Participant Roles for Participants Eligible for COBRA Based Upon Reduction in Hours”

Client Alert

03/01/10

“Dependent Child Health Insurance Mandate”

Client Alert

Jennifer L. Rathburn

Co-Chair, Data Privacy & Security Team

Jen Rathburn's strong foundation in health care law has expanded and evolved in recent years to include a strong focus on data management, data breach and privacy, and security issues—in the health care industry, as well as the financial and global business world. Jen has positioned herself to provide knowledgeable counsel to the full range of business clients dealing with cutting-edge privacy and cybersecurity issues.

In the area of health care, she works tirelessly to help clients comply with the myriad health care laws and to develop practical compliant solutions. Specifically, Jen counsels clients on regulatory compliance; contracts and other transactional issues; licensing and certification requirements; Medicare and Medicaid and other third-party payor reimbursement issues; Joint Commission Accreditation standards; medical staff issues; informed consent questions; and more.

In the area of information privacy and security, Jen provides advice on everything from privacy and security laws to investigations and security breaches, as well as bringing her deep and broad experience in all things concerning data management to the table. Jen also lived in Europe when the European Union was being formed, and this firsthand experience has been the basis for her appreciation of and sensitivity to global privacy issues throughout her career. She now brings this dedication to her efforts on behalf of her clients facing 21st century challenges in a truly global, digital world.

Legal Services

- Data Privacy & Security
- Health & Life Sciences
- Hospitals & Health Systems
- Health Information Technology, Privacy & Security
- Long-Term Care

Education and Honors

- St. Louis University School of Law (J.D., *magna cum laude*, 2000)
 - Health Law Certificate
 - *St. Louis University Law Journal*
- University of Kentucky (B.A., *magna cum laude*, 1996)
 - Major: B.A. in Psychology
 - Phi Beta Kappa



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- Rijksuniversiteit Groningen, The Netherlands
 - ISEP Program

Bar Admissions

- Illinois
- Wisconsin

Professional and Civic Activities

- Midwest Cyber Security Alliance (Founder)
- American Bar Association (Member, Health Law Section)
- American Health Lawyers Association (Member)
- American Health Information Management Association (Member)
- International Association of Privacy Professionals (Member)
- Aurora Psychiatric Hospital, Inc. (Member, Behavioral Health Advisory Committee)
- Curative Care Network (Member of Board of Directors)

Professional Recognition

- Listed in The Best Lawyers in America® 2015-2016 (Health Care Law)
- Selected for inclusion in Wisconsin Super Lawyers®—Rising Stars Editions 2006–2008 (Health Care)

Health Care Experience

Jen has a wide range of experience handling health care issues for companies, including advising clients with:

General Health Care Counsel

- Regulatory compliance issues and program development
- Health care fraud and abuse issues
- Transactional advice and provider and vendor contracts
- Provider and health plan licensing and certification requirements
- Medicare, Medicaid, and third-party payor reimbursement issues
- Joint Commission Accreditation Standards
- Medical staff issues
- Issues pertaining to informed consent for treatment

Health Information Privacy & Security/Technology

- Advises clients in the areas of federal privacy and security laws, including HIPAA, FERPA, GINA, and the Confidentiality of Alcohol and Drug Abuse Treatment Records (42 CFR Part 2), as well as state law governing the confidentiality of medical records.
- Counsels clients on handling privacy and security investigations and assists clients through the security breach notification process.
- Provides guidance on privacy and security issues faced by clients as they implement interoperable electronic medical record systems and other technology involving health information.

- Advises clients on obtaining incentives for certifying, adopting, and implementing electronic health records and meeting meaningful use requirements.
- Provides guidance and assists in the development and implementation of health information exchanges and data warehouses for associations, multispecialty physician groups, integrated delivery systems, and other clients.
- Drafts and negotiates agreements regarding disclosures of health data for benchmarking, research, treatment, health care operations, and public health purposes.
- Counsels clients on how employer-focused laws (OSHA, DOT, workers' compensation, etc.) affect the maintenance of occupational health records and negotiates occupational health contracts.
- Advises and negotiates agreements with and on behalf of health plans, disease management companies, TPAs, wellness companies, and employers on the privacy and security issues affecting the use and disclosure of health plan enrollee and employer health data.
- Advises clients on the privacy and security issues associated with websites that gather, use, and disclose health information and drafts Website Privacy Policies and Terms of Use that address the interplay between health care and website privacy requirements.

Privacy & Security Experience

Jen has a wide range of experience handling privacy and cybersecurity issues for companies, including advising clients with:

- Big Data
- Data monetization
- De-identification/anonymization
- Privacy and security policies and procedures, including website, enterprise-wide, and department-specific policies and procedures and privacy notices
- Vendor and customer agreement negotiation regarding privacy and security provisions
- International data transfers
- Privacy and security risk assessments
- Vendor management practices, including preparation of vendor due diligence checklists and potential liability issues
- Board and management oversight of privacy and security programs
- Security incident response plans
- Post-data-breach-incident review and development of a regulator and customer communication plan, preparation of legal notices and incident-specific FAQs
- Pre- and post-data-breach-incident vendor and customer contract review, management, and negotiation

Jen also works with strategic partners in forensics and investigation, IT technical and physical security compliance and management, cybersecurity, data classification, data analytics, public relations, and crisis management.

Presentations/Publications

02/15/16

"Top Ten Health Law Issues 2016"

"Cybersecurity," AHLA Connections

01/20/16

"BDA Cybersecurity Webinar: Practical Guidance for Broker Dealers"

Bond Dealers of America

01/04/16

"Approved – Cybersecurity Act of 2015"

Safe and Sound

12/15/15

"End of Year Thoughts on FTC Data & Security Requirements"

Safe and Sound

10/30/15

"U.S. Senate Encourages Sharing – of Cyber Threat Indicators, That Is"

Safe and Sound

10/29/15

"Cybersecurity and Data Breach Overview for Universities"

WACO 2015 Meeting

10/23/15

"(Privacy): Responding to the BIG Breach"

HIPAA Collaborative of Wisconsin 2015 Fall Conference

10/21/15

"Data Breach: Never Say Never"

Wisconsin Security Summit - Cybersecurity Strategies for IT and Business Leaders

10/15/15

"Recommendations on Effective Communication with Your Board of Directors about Cyber Security Issues"

Midwest Cyber Security Alliance

10/13/15

OCR Is On Fire: OCR Launches Mobile App Platform, Promises Access Guidance and Indicates Audits Are Coming Soon

Health Law Alert

08/19/15

"Target Settles with Visa Card Issuers for Up to \$67 Million"

Safe and Sound

07/08/15

FFIEC Issues New Cybersecurity Assessment Tool for Financial Institutions

Financial Institutions Law Alert

06/29/15

"Don't Be Such a Hack: How to Develop a Cybersecurity Program to Help Protect Your Company from Cyber Crime"

AHLA 2015 Annual Meeting

06/16/15

"Focus on Cyber Security: Ways to Prepare For and Manage the Risk of a Cyber Attack"

FCPA Chicago Boot Camp

06/11/15

"FTC and data privacy and security: The unexpected enforcer?"

InsideCounsel

06/01/15

"The cyber threat to medical devices in the US"

Cyber Security Law & Practice

05/13/15

"Medical Records & The Law: 2015"

Wisconsin Medical Society

04/30/15

"Cybersecurity, Privacy and Data Breaches: How In-House Counsel Can Tame the Risks"

ACC-Wisconsin 2015 Annual Conference

03/19/15

"Top 3 data privacy, security issues in-house counsel should focus on in 2015"

Wisconsin Law Journal

02/12/15

"Utility Cybersecurity - Emerging Risks and Evolving Regulations"

02/09/15

Anthem Breach Potentially Affects One in Four Americans

Data Privacy and Security Law Alert

12/18/14

"Big Data, Big Risk: Strategies to Mitigate Risks Associated with Data Monetization"

InsideCounsel

12/12/14

Federal Court Finds Retailer May Owe Banks a Duty to Protect Consumers' Financial Information

Data Privacy and Security Law Alert

11/28/14

"FDA Tries to Get Ahead of New Era of Cyber-Terrorism"

Pharmaceutical Compliance Monitor

11/20/14

"Cybersecurity: What Your Bank Needs to Know from a Compliance, Regulatory, and Risk Standpoint—Part 2"

Office Locations and Webinar

11/07/14

"It Could Happen to You: The Ethical Obligations Implicated by Data Security"

Co-presenter at Quarles & Brady's 2014 Annual Legal Ethics Seminar

10/21/14

California Breach Notification AB 1710

Data Privacy and Security Law Alert

10/17/14

"Birds of a Feather Comply Together: An Analysis of the Relationship Between Covered Entities and Business Associates When Navigating the HIPAA Breach Notification Rules"

Co-presenter for the HIPAA COW Fall Conference, Madison WI

09/11/14

"Fear and Loathing of Data Monetization"

Co-presenter at Quarles & Brady's Business Law Training Seminar

06/25/14

Broad Florida Information Security Law Impacts Numerous Companies

Technology & Data Privacy Law Update

06/11/14

"Don't Be Such a Hack: Recognizing the Cybersecurity Risks to Your Company"

Co-presenter at the Quarles & Brady 8th Annual Specialized CLE for In-House Counsel, Phoenix, AZ

06/09/14

"Security & Data Breach Current Hot Topics"

Co-presenter at the 111th Arizona Bankers Association Convention & Meeting, Sedona, AZ

04/15/14

How to Stop the Bleeding, Hopefully Before it Starts

Data Privacy and Security Law Alert

02/28/14

"The HIPAA Omnibus Rule Turns One: How are Business Associates Enjoying Being Invited to the Party?"

Co-presenter for the ABA Health Law Section 15th Annual Conference on Emerging Issues in Health Care Law, Phoenix, AZ

02/20/14

"HIPAA Security Breaches and the Cloud"

Co-presenter, Healthcare CIO Forum, Chicago, IL

01/01/14

"HIPAA/HITECH Resource Guide"

American Health Lawyers (AHLA) Manual

08/28/13

"HIPAA HELP! Last-minute Compliance Reminders for Employers to Meet New HIPAA Rules by the September 23rd Deadline!"

Co-presenter at the WISACCA and Quarles & Brady seminar

08/23/13

"Hang on to your Breaches: The Compliance Date is Coming Soon!"

Co-presenter at the State Bar of Wisconsin Health, Labor, and Employment Law Institute

08/07/13

"Am I a Business Associate? Now What?"

Co-presenter for Vendormate webinar

06/20/13

New COPPA Regulations Coming: Are You Sure You are Ready?

Data Privacy and Security Law Update

06/13/13

"Data Breaches Are on the Rise: How to Protect Your Assets"

Co-presenter at the Quarles & Brady 7th Annual Specialized CLE for In-House Counsel

06/11/13

"HIPAA Help: Am I A Business Associate? Now What?"

Vendormate blog

06/01/13

"State Healthcare Privacy Laws Survey"

Co-author for the American Health Lawyers Association

06/01/13

"New HIPAA Compliance Obligations For Business Associates"

Vendormate Newsletter

05/02/13

"The Do's and Don'ts of the New HIPAA Fundraising, Marketing & Sale of PHI Requirements"

Co-presenter for Quarles & Brady's HIPAA Webinar Series

04/15/13

"Management of Occupational Health Records Whitepaper"

Co-author for the HIPAA COW Privacy Network Group Whitepaper

03/28/13

"Breach Notification Under the HIPAA Final Rule: Out With the Old (Risk of Harm Standard) and In With the New (Low Probability Standard)"

Co-presenter at Quarles & Brady's HIPAA Webinar Series

02/25/13

HIPAA Final Rule Analysis: Will the New Breach Rule Result in More Notifications?

Health Law Update

02/22/13

HIPAA Final Rule On Breach Notification: Shark Or Minnow? (Discuss Amongst Yourselves)

Health Law Update

01/22/13

HIPAA Rule Update: Extended Compliance Time for "Grandfathered" Agreements

Health Law Update

01/18/13

It's Finally Here! HHS Releases the Final Rule to Modify the HIPAA Privacy, Security, Breach Notification and Enforcement Rules

Health Law Update

01/17/13

"Do You Know Where Your Company's Personal Information Is? Strategies for Managing and Protecting Personal Data in a Complex Regulatory Landscape"

Co-presenter at Quarles & Brady's Business Law Training Seminar

10/09/12

"Privacy Update 2012: Creating a Corporate Privacy Program"

Co-presenter for the Association of Corporate Counsel: Wisconsin Chapter, Milwaukee, Wisconsin

06/06/12

"Data Breach Hypothetical"

Co-presenter at the International Association of Privacy Professionals Practical Privacy Series, Chicago, Illinois

03/30/12

"Tips For Employers To Identify HIPAA Issues"

Co-author for the American Health Lawyers Association Health Care Weekly, Vol. X, Issue 13

09/23/11

"Legal Aspects of Occupational Medicine Records and Related Privacy Laws"

Co-presenter for the Wisconsin Medical Society, Madison, Wisconsin

09/01/11

"Medical Privacy Enforcement and Penalties: HIPAA Gets Teeth"

Co-author for chapter of Inside the Minds: Health Care Law Enforcement and Compliance, Leading Lawyers on Understanding Recent Trends in Health Care Enforcement, Updating Compliance Programs, and Developing Client Strategies

07/26/11

"Managing Occupational Health Data Under Health Care Reform and Privacy Laws"

Co-presenter for Melamedia Webinar

06/29/11

"Substance Abuse and Mental Health Records: What Can You Release"

Co-presenter at the Lorman National Teleconference

06/01/11

HHS Pulled a Fast One - Proposed Expansion of HIPAA's Accounting Requirements

Health Law Update

05/18/11

"Security Breaches & Increased Government Enforcement: How to Protect Your Assets"

Co-presented at the Information Systems Audit and Control Association (ISACA) Meeting, Brookfield, Wisconsin

04/16/11

"Nuts and Bolts of Physician Employment Agreements"

Presenter at the Medical College of Wisconsin Department of Anesthesiology Meeting - "Anesthesiology: Transition into Practice," Sheboygan, Wisconsin

03/31/11

Amicus Brief to the United States Supreme Court

Sorrell v. IMS Health Inc. on behalf of the National Association of Chain Drug Stores and the American Society for Automation in Pharmacy regarding the use, marketing and sale of prescriber identifiable data

10/08/10

"Substance Abuse and Mental Health Records: What Can You Release"

Co-presenter at the Lorman National Teleconference

09/24/10

"Occupational Medicine: Unique Privacy and Contracting Issues"

Co-presenter at the Central States Occupational and Environmental Medicine Association (CSOEMA) Annual Fall Meeting

09/17/10

Two Months Since Issuance of the Meaningful Use Rules: Questions Remain Despite CMS Guidance

Health Law Alert

08/02/10

Staying Vigilant, Covered Entities! The Interim Breach Notification Rule is Still in Effect!

Health Law Update

07/14/10

More HIPAA, Anyone?

Health Law Update

05/14/10

Helpful Guidance from OCR on Conducting a Security Risk Analysis

Health Law Update

Margaret Utterback

Partner

Margaret Utterback is the current chair of the Madison Business Law Practice Group and former co-chair of the firm's Data Privacy & Security team. She practices in the areas of commercial finance, data privacy and security, commercial law, and mergers and acquisitions. She has experience representing clients in corporate transactions, including acquisitions and divestitures. In addition, her practice includes health care mergers and acquisitions and public finance transactions as borrower's counsel. Ms. Utterback's recent projects include:

- Counsel for independent nonprofit hospital in an affiliation transaction resulting in a new sole member, and a secondary transaction transferring the stock of a wholly owned insurer to the new member.
- Counsel to publicly and privately held clients in connection with negotiating and restructuring credit facilities.
- Counsel to commercial lenders and borrowers in single lender and syndicated credit transactions and secured and unsecured financings.
- Counsel to privately held clients in connection with response to data breaches, including breaches resulting from attacks on point of sale systems, stolen equipment, and inadvertent breaches.
- Counsel to privately held clients in connection with development and implementation of data security breach response plans, document retention policies, and "Bring Your Own Device" policies.
- Counsel to retail and manufacturing clients in connection with acquisition by privately held companies.
- Representation of clients in connection with e-commerce transactions, including drafting of privacy policies and terms of use, and negotiation of internet hosting agreements, ASP agreements, and internet terms and conditions of sale.
- Representation of health care and senior living facilities as borrowers in connection with tax-exempt bond financing projects and other transactions.
- Negotiation and drafting of commercial agreements, including manufacturer's representative agreements, broker agreements, confidentiality agreements, letters of intent, supply agreements, standard terms and conditions of sale and purchase, power purchase agreements, and third-party legal opinions.



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Legal Services

- Business Law
- Data Privacy & Security
- Mergers & Acquisitions
- Banking & Financial Institutions
- Health Information Technology, Privacy & Security
- Business Law for Health & Life Sciences

Education and Honors

- University of Notre Dame, Mendoza College of Business (Certificate of Executive Management, 2013)
- University of Wisconsin Law School (J.D., *magna cum laude*, 2001)
 - Wisconsin Law Review (Senior Note and Comment Editor, 2000–2001; Member, 1999–2000)
- United States Naval Academy (B.S., 1987)
 - *with merit*

Bar Admissions

- Wisconsin

Court Admissions

- U.S. District Court, Western District of Wisconsin, 2001

Professional and Civic Activities

- University of Wisconsin Madison Law School, Adjunct Faculty (2011–2013)
- Wisconsin Bar Association (Member, 2001–present)
- American Bar Association (Member, 2001–present)
- International Association of Privacy Professionals (Member)
- Blue and Gold Officer (2000–2013)
- Board of Directors, Children’s Theatre of Madison, Inc. (2011–present)

Professional Recognition

- Listed in The Best Lawyers in America® (2013–present: Corporate Compliance Law; Corporate Law)
- Selected for inclusion in Wisconsin Super Lawyers®–Rising Stars Editions 2008–2010 (Business/Corporate)

Languages

- French

Publications

07/09/15

"What directors should know about a company's readiness to deal with a data breach"

Inside Counsel

02/09/15

Anthem Breach Potentially Affects One in Four Americans

Data Privacy and Security Law Alert

12/12/14

Federal Court Finds Retailer May Owe Banks a Duty to Protect Consumers' Financial Information

Data Privacy and Security Law Alert

10/21/14

California Breach Notification AB 1710

Data Privacy and Security Law Alert

06/25/14

Broad Florida Information Security Law Impacts Numerous Companies

Technology & Data Privacy Law Update

04/15/14

How to Stop the Bleeding, Hopefully Before it Starts

Data Privacy and Security Law Alert

06/20/13

New COPPA Regulations Coming: Are You Sure You are Ready?

Data Privacy and Security Law Update

12/08/11

"Online Terms & Conditions: Use, Practice and Enforceability"

Quarles & Brady's Business Law Training

12/16/10

Bill Would Exempt Many Businesses, Health Care Providers from the FTC's Red Flags Rule

Business Law Update

12/01/10

Tax Law Changes for 2011 Affect Municipal Bonds

Public Finance Law Update

06/01/10

Oops, They Did it Again: The FTC Extends the Red Flags Rule Deadline Until December 31, 2010

Business Law Alert

05/01/10

“Full Disclosure: Policies and practices when your customers’ information is at your Website”

AFP Exchange

02/23/10

Build America Bonds: IRS Sends Out Questionnaire to Issuers of Build America Bonds Regarding Post Issuance Compliance

Public Finance Law Update

02/02/10

Recovery Zone Facility Bonds: Waiver and Reallocation of Allocations; Counties Permitted to Issue Industrial Revenue Bonds Under WI 2009 Senate Bill 440

Public Finance Update

11/03/09

It's Déjà Vu All Over Again . . . Again: FTC Delays Red Flags Rule until June 1, 2010; Congress May Exempt Small Employers

Business Law Alert

08/31/09

Red Flag Rules: Is My Business Covered by the Red Flags Rule?

Corporate Services Update

**SEMINAR ATTENDANCE FORM
AND
CONTINUING LEGAL EDUCATION CREDIT
FOR ATTORNEYS**

**PLEASE COMPLETE THE INFORMATION BELOW TO VERIFY ATTENDANCE AND CHECK
THE BOX BELOW IF REQUESTING SUBMISSION FOR CLE CREDIT. RETURN YOUR
COMPLETED CLE FORM TO SHERI KOTAS VIA EMAIL (SHERI.KOTAS@QUARLES.COM) OR
FAX (414-978-8864) NO LATER THAN ONE WEEK POST SEMINAR DATE. THANK YOU.**

" Data Privacy & Security Webinar Series - Data Breach Response is a Team Sport "

Tuesday, February 23, 2016
12:00 - 1:00 p.m. (CT)

**1.0 hour of continuing legal education credit will be applied for in Florida, Illinois, Indiana, Virginia
and Wisconsin. We will issue a Certificate of Attendance to Arizona attendees as the State Bar of
Arizona does not approve or accredit CLE activities for the Mandatory Continuing Legal Education
requirement.**

***If you are member of another jurisdiction that does not honor CLE credit from AZ, FL, IL, IN, VA, or
WI, we will be happy to provide the materials needed in order for you to apply for CLE credit.
Please contact Donna Key, our CLE Coordinator, at donna.key@quarles.com***

I hereby attest that I have attended ____ hr. of this educational program and would like credit to be
applied for in _____.
(please write in state(s) where CLE credit is needed)

Signature _____
Date

ARDC # (Illinois Certified Only) _____

Bar # (not needed for Q&B attys) _____

Name: _____

Title: _____

Business Name: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Business Phone: _____ Email: _____

Please check here if your contact information is new so that we may update our records.

***Please return your completed CLE Form to Sheri Kotas via email (sheri.kotas@quarles.com) or fax
(414-978-8864) no later than one week post seminar date. Thank you.***