



Tracy E. Miller

Member

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Profile

Tracy is the Deputy Chair of the firm's Health Care and Long-Term Care Practice and Co-Chair of the firm's Cybersecurity and Data Privacy Practice. She concentrates her practice on health care, corporate law, compliance and data privacy and security.

Tracy's clients have the benefit of her experience as outside counsel, former general counsel of a large health system and policy maker in seeking solutions to their business, legal, and strategic goals. She assists health care organizations (health systems, hospitals, long-term care and behavioral health providers, health plans, and other health care entities) to tackle the issues presented by the major transition underway in health care delivery, focusing on the legal and strategic challenges posed by new care delivery models - governance, corporate transactions, value-based payment, population health management, corporate compliance, data privacy, cybersecurity, and complex contractual relationships.

Tracy currently advises three organizations building care coordination and population health management arrangements with hundreds of providers under the Delivery System Reform Incentive Payment Program ("DSRIP") in New York State.

Areas of practice include:

- Corporate Law: governance, transactions, reorganization, affiliations
- Corporate Compliance: fraud and abuse laws, policies, effectiveness reviews
- Quality: value-based payment, financial incentives and strategy
- Federal and State Health Reform: new care delivery and reimbursement models
- Data Privacy and Cybersecurity
- Telemedicine
- Ethical issues in medicine.

Major career accomplishments include:

- Serve as counsel to three lead DSRIP entities on matters ranging from corporate formation and structure to compliance plans and policies, contracts with participating organizations, data privacy and security, population health management and value-based payment; advise participating DSRIP organizations;
- As General Counsel of a health system comprised of hospitals, nursing homes, home care providers and health plans, oversaw legal and compliance services;

Education

- Harvard Law School (J.D.)
- Brown University (B.A.)

Bar/Court Admissions

- New York

Practices

- Health Care
- Cybersecurity and Data Privacy
- Exempt Organizations
- Higher Education
- Business and Transactions

- Designed the governance structure for the National Quality Forum which now sets quality measures for all providers across the health care delivery system;
- As first Executive Director of the NYS Task Force on Life and the Law, oversaw development of the extant body of NYS law on treatment decisions; and
- Former Chair, Health Law Section, NYSBA

Honors & Affiliations

- Listed in *The Best Lawyers in America*® 2019, Health Care (Listed for 5 years)
- New York State Bar Association, Executive Committee, Health Law Section
- Past Chairperson, Health Law Section
- American Health Lawyers Association, Former Chair and Vice Chair, Academic Medical Center and Teaching Hospitals Practice Group, Conflict of Interest and Transparency Group.

Representative Presentations

- Moderator, Hot Topics in Labor Law for Home Care Providers, Home Care Association Education and Research, June 13, 2019
- What Every Capital Region Business Needs to Know about Cybersecurity and GDPR, Albany Business Review Smart Series, April 16, 2019
- Converging Tailwinds for Cybersecurity: New Regulatory Mandates, Patient-Driven Care, and Big Data for Population Health Management, New York State Bar Association Health Law Section Annual Meeting, January 16, 2019
- Cybersecurity in Higher Education: Assessing the Legal and Regulatory Landscape, National Association of Colleges and Universities: National Compliance Conference, November 15, 2017
- DSRIP Update: Developments in PPS Collaborations, Funds Flow, and Data Exchange, New York State Bar Association Health Law Section Annual Meeting, January 25, 2017
- Cybersecurity in Higher Education: Regulatory Update and Trends, National Association of Colleges and Universities: N.Y. Affiliate, January 25, 2017
- Applying HIPAA, FERPA and State Confidentiality Laws, New York University, January 19, 2017
- Safeguarding Employees' Data and Protecting Your Data from Employees, Bond's Workplace 2016: Labor, Employment & HR Conference, May 24, 2016
- The Shift to Managed Care and Value-Based Payment under DSRIP: Challenges and Opportunities for Behavioral Health Providers, iHealth Membership Meeting, January 27, 2016
- Cybersecurity Essentials for Not-For-Profit Organizations, Non-Profit Coordinating Committee, November 6, 2015
- DSRIP—Year One and Counting, New York State Bar Association Health Law Section, October 30, 2015
- DSRIP: Challenges and Opportunities for Participating Providers, Home Care Association of NYS Annual Meeting, May 28, 2015
- Implementation of DSRIP, NYSBA Health Law Section Annual Meeting, January 28, 2015

Representative Publications

- "Focusing on Board and Management Duties, Guidance from NYS Attorney General Sets Roadmap for Sale of Not-for-Profit Nursing Homes," *Bond Information Memo*, November 2018
- "European Privacy Regulation Will Impact U.S. Health Care Organizations," *Bond Information Memo*, May 2018
- "NY Cybersecurity Regulations Will Affect Health Care Sector," *Law360*, May 20, 2017
- "Department of Financial Services Issues Final Cybersecurity Regulations With Broad Implications for Health Plans and Health Care Providers," *Bond Information Memo*, May 2017
- "Exemption from Cybersecurity Regulations Sought by Bond for Colleges, Universities and other Not-for-Profit Organizations Granted in Final Regulations Issued by Department of Financial Services," *Bond Information Memo*, February 2017
- "Compliance in an Era of Federal and State Health Reform: Fitting a Square Peg in a Round Hole," *NYSBA Health Law Journal*, Summer/Fall 2016
- "Federal Office for Civil Rights Returns to Proactive HIPAA Enforcement with 2016 Audits," *Bond Information Memo*, March 2016
- "3rd Circ. Writes A Road Map For Cybersecurity Practices," *Law360*, August 26, 2015
- "NY Medicaid Program Pushes Value-Based Purchasing Trend," *Law360*, July 7, 2015
- "DSRIP Legal Update - Opportunities and Challenges for Lead Organizations and Participating Providers," *Bond Health Care Law Information Memo*, February 2015
- "The Sunshine Act's Final Rule: The Challenges and Compliance Risks for Health Care Providers in an Era of Transparency," The Bureau of National Affairs, Inc., *BNA's Health Law Reporter*, March 28, 2013
- "Board Fiduciary Duty to Oversee Quality: New Challenges, Rising Expectations," *NYSBA Health Law Journal*, Summer/Fall 2012
- "Accountable Care Organizations as Harbinger of Things to Come: The Challenges for Long Term Care Providers in an Evolving Healthcare Marketplace," *LTC-SIR Advisor*, December 2011
- "Policy Initiatives Drive Quality of Care to Center Stage for Payers and Providers," *Bloomberg Law Reports*, Health Law, 2011