



## → Carolyn V. Metnick

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Carolyn Metnick is a partner in the Corporate Practice Group in the firm's Chicago office and a member of the Healthcare and Privacy & Cybersecurity Teams.

### Areas of Practice

Carolyn represents a range of healthcare industry clients, including hospitals and health systems, physician organizations and digital health companies. She advises on healthcare regulatory and transactional matters with a focus on health information privacy and security.

Carolyn advises clients on a range of privacy and security laws, including HIPAA and the California Consumer Privacy Act (CCPA). She also counsels businesses in data breach investigations and compliance with federal and state breach notification laws. Carolyn is a Certified Information Privacy Professional/United States (CIPP/US) and a Certified Information Privacy Professional/Europe (CIPP/E).

Carolyn also represents healthcare industry clients in transactional matters. She guides clients through joint ventures, mergers and acquisitions, and advises on healthcare regulatory issues. Her background as a former litigator helps inform her transactional work.

### Honors

- *Chambers USA*, 2019-2023
- *The Best Lawyers in America*, Health Care Law, 2016-2024
- *Crain's Chicago Business*, Notable Women in Law, 2024
- *Super Lawyers*, "Rising Star" for Healthcare, 2008-2010, 2013-2018
- *National Law Journal*, Chicago's 40 Under 40, 2013
- Chicago Volunteer Legal Services Distinguished Service Award, 2007

### Articles

- OCR's Updated Tracking Technology Guidance  
*American Health Law Association*, 04.12.2024
- Eye on Privacy: 2023 Year in Review  
01.26.2024

- Avoiding Liability and Fulfilling Fiduciary Obligations in an Evolving Privacy and Security Landscape  
*Governance Institute*, 11.08.2023

Co-Author, "Summary of Recent HIPAA Developments," HIMSS Greater Illinois Chapter, August 2023

Co-Author, "*OCR Guidance on Online Tracking Technologies*," American Health Law Association, Health Information and Technology Practice Group Briefing, April 6, 2023

Co-Author, "*Navigating Data Privacy Questions Post-Dobbs*," Vol. 48, No. 3., Employee Relations Law Journal, Winter 2022

Co-Author, "*Navigating Data Privacy Questions Post-Dobbs*," McDermott On the Subject, July 8, 2022

Co-Author, "*FTC Issues Policy Statement Expanding Interpretation of Health Breach Notification Rule's Scope*," McDermott On the Subject, September 20, 2021

Co-Author, "*OCR Issues Proposed Modifications to HIPAA Privacy Rule to Remove Barriers to Coordination of Care and Reduce Regulatory Burden*," McDermott On the Subject, December 17, 2020

Co-Author, "*Beware Fraud and Abuse Pitfalls in Precision Medicine*," Law360, June 4, 2020

Co-Author, "*OCR Enforcement Waivers of Certain HIPAA Requirements in Furtherance of Telehealth During COVID-19 Pandemic*," McDermott On the Subject, March 23, 2020

Co-Author, "*Regulating the Future of Artificial Intelligence*," American Health Lawyers Association, February 2020

## Healthcare Law Blog Posts

- "Artificial Intelligence Highlights from FTC's 2024 PrivacyCon," April 19, 2024
- "Healthcare Highlights from FTC's 2024 PrivacyCon," April 5, 2024
- "Recent Healthcare-Related Artificial Intelligence Developments," February 26, 2024
- "Caught in the Web: Hospital Associations Sue OCR on Third-Party Web Tracking Guidance," November 7, 2023
- "California Moves to Protect Medical Information Collected Through Reproductive and Sexual Health Applications," October 3, 2023
- "State Attorneys General Pen Letter to OCR Advocating for Greater Privacy Protection of Reproductive Health Care Information," June 27, 2023

## Privacy & Cybersecurity Law Blog Posts

- "Out in the Open: HHS's New AI Transparency Rule," March 21, 2024
- "Regulators Send Warning Letter to Hospitals and Telehealth Providers About Tracking Technology Use," July 24, 2023

## Media Mentions

Change Healthcare cyberattack has upped awareness and questions  
*HIMSS TV*, 05.09.2024

Top Ten 2024: Tracking Technology Remediation, Litigation and Enforcement  
*AHLA Speaking of Health Law*, 03.08.2024

Top Ten Issues in Health Law 2024  
No. 9 - Tracking Technology Remediation, Litigation, and Enforcement  
*AHLA Connections*, 01.2024

## Speaking Engagements

"Digital Health and Artificial Intelligence: Latest Trends and Developments", AHLA, May 3, 2024

"Grappling with the 'Promise and Peril' of AI in the Healthcare Industry?" April 3, 2024

"Transition to Practice - Physician Employment Agreements," Mayo Clinic, Neurology Residents, November 2, 2023

"HHS-OIG's New Health Information Blocking Rule: Covered Actors; Costly Violations; Federal Interagency Coordination," *Strafford*, October 12, 2023

Co-Presenter, "HIPAA Year in Review: Recent Enforcement Actions and Guidance," International Association of Privacy Professionals, Chicago KnowledgeNet, August 2, 2023

"Legal Considerations for Machine Learning in Healthcare: Contractual Issues and Risk Management," *myLawCLE*, June 21, 2023

Co-Presenter, "HIPAA Unwrapped: Latest Enforcement, Guidance, & Trends," Greater Illinois Chapter HIMSS, May 23, 2023

Moderator, "Health Care Transactions, *Trends in Transactions*," American Health Law Association, April 17, 2023

Co-Presenter, "Machine Learning in Healthcare: Regulatory Requirements, Reimbursement Challenges, Privacy and Security Risks," *Strafford Publications*, March 9, 2023

Co-Presenter, "Introduction to Digital Health," McDermott First Year Health Advisory Boot Camp, January 11, 2022

"Healthcare Overview: What You Need to Know about Physician Employment Agreements," Mayo Clinic, Neurology Department, October 27, 2022

Co-Presenter, "Health Data Protection and Management," *Strafford Publications*, May 4, 2022

"What You Need to Know about Physician Employment Agreements," Mayo Clinic, Radiation Oncology Program, March 8, 2022

Co-Panelist, "Mergers & Acquisitions: The Trials, Tribulations and Lessons Learned," Greater Illinois Chapter HIMSS/NYS HIMSS, January 22, 2022

Co-Presenter, "Introduction to Digital Health," McDermott First Year Health Advisory Boot Camp, January 11, 2022

Co-Panelist, "How to GO to Market: Commercializing AI-Based Health Technologies," RESI AI, September 17, 2021

Co-Presenter, "Complying with HIPAA, Privacy Laws and Exceptions During a Public Health Crisis," Strafford Publications, November 24, 2020

Co-Presenter, "A privacy Odyssey: Conducting Privacy Assessments on AI Projects," International Association of Privacy Professionals, AI, November 5, 2020

"What You Need to Know about Physician Employment Agreements," Mayo Clinic, Department of Neurology, Transition to Practice Program, October 19, 2020

Co-Panelist, "Tech Bias: A Health (Equity) Risk Assessment," HLTH VRTL, October 16, 2020

"What You Need to Know about Physician Employment Agreements," Mayo Clinic, Department of Neurology, Transition to Practice Program, October 8, 2020

Co-Presenter, "Precision Medicine: Structuring Collaborations and Avoiding Fraud and Abuse Pitfalls," Strafford Publications, August 20, 2020

Co-Presenter, "Physician Enterprises after COVID-19: Capturing and Assessing Opportunities," McDermott Event, August 6, 2020

Co-Presenter, "Precision Health: Perspectives on Precision Partnering," McDermott Event, June 29, 2020

Co-Presenter, "Understanding OCR HIPAA Enforcement Waivers for Telehealth during COVID-19," McDermott Event, March 30, 2020

"HIPAA Year in Review – What happened last year and what can we expect in 2020?," HIMSS-Greater Illinois Chapter, February 18, 2020

"Artificial Intelligence in Healthcare," The University of Alabama, CLE Alabama, November 15, 2019

Co-Panelist, "Prepare to Protect: Responding to Crisis," Illinois Association of Healthcare Attorneys Annual Symposium, November 6, 2019

## Events

Advising Providers: Legal Strategies for AMCs, Physicians, and Hospitals  
Digital Health and Artificial Intelligence  
New Orleans, LA, 02.05.2024

What's New with HIPAA: Enforcement Trends, Recent Guidance and Proposed Rulemaking  
IAHA 41st Annual Health Law Symposium  
JW Marriott Chicago, 11.09.2023

Telehealth, Digital Health, and AI Fundamentals  
Renaissance Chicago Downtown Hotel, Chicago, IL, 11.06.2023

The New Frontier of ChatGPT and Privacy Implications  
IAPP Privacy. Security. Risk. 2023 Conference  
San Diego, CA, 10.06.2023

HIPAA Year in Review: Recent Enforcement Actions and Guidance  
07.17.2023

Legal Considerations for Machine Learning in Healthcare: Contractual Issues and Risk Management  
Live Video-broadcast through myLawCLE, 06.21.2023

## Memberships

- American Heart Association Go Red for Women Campaign, executive leadership team member, 2018 to present
- American Health Lawyers Association, Transactions Program Planning Committee, 2018 to present; Business Law & Governance Practice Group, vice chair, 2012 to 2018; Governance Affinity Group, co-chair, 2009 to 2012
- Illinois Association of Healthcare Attorneys, president, 2019; board member, 2014 to 2020
- Illinois State Bar Association, Health Law Section Council, member, 2006 to present; chair, 2013 to 2014; vice chair, 2012 to 2013; associate editor of Health Care Lawyer, 2007 to 2008; member of Standing Committee on Professional Conduct, 2006 to 2008
- International Association of Privacy Professionals, member, 2017 to present
- Ballet Chicago, board member, secretary, 2012 to 2015
- The Junior League of Chicago, member, 2004 to present; new member chair-elect, 2009 to 2010; corporate relations chair, 2007 to 2009
- ILHIE Legal Task Force Patient Consent Subcommittee, 2011 to 2012
- University of Chicago Alumni Club of Chicago, board member, 2008 to 2011
- Chicago Bar Association, YLS Health & Hospital Law Committee, co-chair, 2006 to 2009
- Chicago Volunteer Legal Services, child representative/guardian ad litem, 2004 to 2007
- St. Vincent de Paul Center, associate board president, 2005 to 2007; associate board member, 2004 to 2007
- Adjunct Instructor at University of Illinois-Chicago, School of Public Health, Health Policy and Administration Division, 2013 to 2019

## Podcasts & Webinars

Health-e Law Episode 8: What We Heard at HIMSS 2024 with Michael Orlando & Carolyn Metnick  
04.17.2024

Health-e Law Episode 7: Health Vibes at ViVE with Sara Shanti and Carolyn Metnick  
03.21.2024

## Practices

Healthcare

Digital Health

Privacy and Cybersecurity

California Consumer Privacy Act (CCPA)

Corporate

Mergers and Acquisitions

Women in Healthcare Leadership Collaborative

## Industries

Healthcare

Digital Health

Artificial Intelligence

Private Equity

Women in Healthcare Leadership Collaborative

## Education

LL.M., Loyola University Chicago School of Law, 2007

J.D., Santa Clara University School of Law, 2003

B.A., University of Chicago, 2000

## Admissions

Illinois

California

Minnesota

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Northern District of Indiana