

Cynthia Marcotte Stamer, P.C.

SOLUTIONS LAWYER™

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Helping Management Manage

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Cynthia Marcotte Stamer will be among the panelists discussing “Fiduciary Obligations In the Context of a Data Breach” conference call to be hosted on April 2, 2015 by Fiduciary Responsibility Committee of the American Bar Association (ABA) Real Property Probate and Estate Section Employee Benefits & Other Compensation Committee. During the program, Ms. Stamer and other panelists will discuss the quagmire of fiduciary legal and operational challenges that data breach announcements by health plan vendors and insurers present for employer and union-sponsored health plan fiduciaries and health plans. This discussion will explore selected challenges for plan fiduciaries, administrators and sponsors and will include a discussion of the following issues:

- Who is the fiduciary with responsibility over these matters
- ERISA fiduciary duties to investigate and respond to breaches
- Fiduciary obligations in connection with selection of vendors
- Curtailing data leakage and breach exposure by addressing delegation rights of vendors
- Interaction with HIPAA, IRC, and other laws
- Breach notification and ERISA communication duties
- Operational challenges

An American College of Employee Benefit Counsel, ABA and State Bar of Texas Fellow Martindale Hubble Premier AV Rated (the highest) and recognized as a “Top” attorney in employee benefits, labor and employment and health care law, Ms. Stamer is a practicing attorney, author, public speaker and policy advocate with more than 25 years’ experience working with health plans, insurers, health care providers and others on privacy and data security and other workforce and operational performance, compliance and risk management matters, Ms. Stamer is widely recognized for her extensive knowledge and experience on privacy and data security concerns. In addition to her extensive client work and representation on HIPAA and other privacy and data security matters for health plans, health care providers, technology and other service provider and others. Beyond her extensive client experience, she also is a recognized educator and thought leader on the management of these challenges.

Among other things, Ms. Stamer serves as the scribe for the ABA Joint Committee On Employee Benefits Annual Agency Meeting with the Federal agency that enforces HIPAA, the Office of Civil Rights, a steering committee and faculty member of the Southern California ISSA/HIMSS Healthcare Privacy & Security Summit, conducts training and speaks extensively on privacy and data security requirements and risks, and is the author of a multitude of highly regarded publications and training resources on health information and other data privacy and security compliance and risk management. For additional information about Ms. Stamer and her extensive experience, involvements and publications, see www.cynthiastamer.com.

Ms. Stamer will be joined on the panel by fellow attorneys Lisa A. Van Fleet of Bryan Cave LLP and Charles H. Thuline of Ekman Thuline, P.S. For information about participation in the Conference Call or joining the Committee, see [here](#).

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