



## Stacy Walton Long

Partner

Office: Indianapolis

[slong@kdlegal.com](mailto:slong@kdlegal.com)

p: 317-238-6356

f: 317-636-1507

Stacy Long represents and advises the firm's healthcare clients regarding many significant legal issues, including security breach incidents and risk assessments involving Protected Health Information and other personal information under HIPAA/HITECH and other Federal and State laws governing the privacy and security of such information, as well as corporate compliance and regulatory matters. Ms. Long also counsels and advises clients on HIPAA/HITECH compliance programs, as well as breach notification obligations and audits initiated by Federal and State governmental agencies. Ms. Long also counsels clients on a variety of medical staff issues, including peer review matters and medical staff bylaws. She also represents individual professionals and healthcare providers in licensing and disciplinary matters, as well as employment-related matters, and works with mental health providers on confidentiality matters and commitment proceedings.

In addition to her health care practice, Ms. Long represents clients in State and Federal courts in a variety of litigation matters, including tort claims, preservation of mental health records, commitments to mental health facilities, breach of contract, commercial collections, landlord-tenant disputes, commercial foreclosures, and other commercial disputes. In addition, Ms. Long has represented corporate clients on-site with their day-to-day operations, including negotiating, reviewing, and drafting contracts.

Ms. Long has served as a member of the firm's Diversity Committee since its inception.

### Education

- J.D., *cum laude*, University of Illinois College of Law, Champaign, Illinois, 2004
  - Harno Scholar
  - Rickert's Award Nominee for excellence in Trial Advocacy
  - American Bar Association Negotiation Competition - Finalist
  - Black Law Student Association
- B.A., University of Illinois, Urbana, Illinois, 2001
  - Dean's List

### Bar & Court Admissions

- Indiana (2004)
- U.S. District Court for the Northern District of Indiana (2004)
- U.S. District Court for the Southern District of Indiana (2004)

## Practices

- Litigation and Dispute Resolution
- Health Care Litigation
- Data Privacy and Cybersecurity
- Health Information Privacy/HIPAA
- Pharmacy Law
- In-House Counsel Services
- Professional Licensing
- Artificial Intelligence (AI)
- Medical Staff, Credentialing and Peer Review

## Industries

- Health Care

## Representative Experience

- Represent Covered Entities with HIPAA Security Risk Assessments and Privacy Audits, Business Associate Agreements, compliance policies and procedures under HIPAA/HITECH, proper uses and disclosures of Protected Health Information, and breach notification obligations
- Represented a rehabilitation center in prevailing on judicial review of an administrative matter involving denial of Indiana Medicaid payments
- Represented a mental health facility which prevailed on an appeal of a commitment order
- Represented mental health facilities in commitment hearings and hearings contesting the release of mental health records
- Represented an individual plaintiff who prevailed in a bench trial against an Employee Stock Ownership Plan ("ESOP"), where the Court found that the ESOP violated the Employee Retirement Income Security Act of 1975 ("ERISA") and the terms of the ESOP itself in its payment of ESOP benefits to terminated participants
- Counsel in several matters involving issues of breach of contract in Federal and State courts
- Representation of several major financial institutions and corporations relating to commercial collections and commercial foreclosures

## Professional Associations

- Member, The National Association of Health Services Executives (National and Indianapolis Chapters)
- Board Member, Indianapolis Legal Aid Society
- Member, Past Board Member, Executive Women in Healthcare
- Member - Healthcare Section; Litigation Section, Indianapolis Bar Association
- Member, Indiana State Bar Association
- Member, American Health Lawyers Association

- Member - Healthcare Section; Litigation Section, American Bar Association
- Former Board Member, Girls Inc.
- Finance Committee Member, Fairbanks

### Awards & Recognitions

- Champaign Urbana Schools Foundation (CUSF), Centennial High School Distinguished Alumni Award Award, 2024
- Indiana Super Lawyers Rising Stars, 2009-2018
- Lawyers of Color Hot List Honoree, 2014

### Seminars & Presentations

- Co-Presenter, "Rural Health Compliance 101," Indiana Rural Health Association Annual Rural Health Conference
- Co-Presenter, "Understanding Mental Health Commitments in Indiana," Options Behavioral Health, May 17, 2023
- Co-Presenter, "Understanding Regulations to Guide Effective Strategy," Indiana Rural Health Association Spring Rural Summit, April 11, 2023
- Co-Presenter, "A Changing Landscape: Navigating Indiana's New Abortion Restrictions," Indiana Osteopathic Association Winter Update, December 2, 2022
- Co-Presenter, "Overview of HIPAA, Recent Enforcement Actions, and Best Practices to Prevent HIPAA Violations," Franklin College Physician Assistant Program, June 29, 2022
- Presenter, "Information Blocking: Overview and Best Practices," Indiana Rural Health Care Association Annual Conference, June 15, 2022
- Co-Presenter, "Overview of HIPAA, Recent Enforcement Actions, and Best Practices to Prevent HIPAA Violations," Franklin College Physician Assistants Program, 2021
- Co-Presenter, "HIPAA Refresher and Recent Updates, OCR's Latest Enforcement Actions and Compliance Guidance During COVID-19," Indiana State Bar Association, 2020
- Presenter, "Overview of HIPAA and Recent Enforcement Actions and Best Practices to Prevent HIPAA Violations," Indiana Osteopathic Association's '20 Virtual Annual Spring Update Live (formerly 123rd Annual Spring Update), April 2020
- Co-Presenter, "Negotiating Your Anesthesiologist Assistant Employment Agreement and Understanding Your Supervisory Requirements," Indiana University School of Medicine, Anesthesiologist Assistant Program, Department of Anesthesia, 2019
- Co-Presenter, "Overview of Recent OCR Guidance and Enforcement Actions," Indiana State Bar Association 10th Annual Health Law Symposium, 2019
- Presenter, "Negotiating Physician Employment Agreements," Indiana School of Medicine, Department of Dermatology, 2019
- Presenter, "What's New in Health Care Law? Overview of Recent Federal Enforcement Actions and Indiana Medical Malpractice Cases," Indiana Medical Group Management Association, Webinar, 2019
- Co-Presenter, "Overview of HIPAA and Recent Enforcement Actions and Best Practices to Prevent HIPAA Violations," Franklin College Physician Assistants Program, 2019
- Presenter, "Patient Privacy and Security: Overview of HHS Settlements and Best Practices," 122nd Annual Spring Update of the Indiana Osteopathic Association, 2019
- Presenter, "Documentation in Medical Records and the Importance Under HIPAA," OrthoIndy, 2019
- Presenter, "Changes and Best Practices for Physician Opioid Prescribing," KriegCast (Podcast), 2019

- Presenter, "Negotiating The Divide: Tips and Strategies for Negotiating Your Employment Agreement," Indiana University School of Medicine Office of Diversity Affairs, 2019
- Presenter, "Negotiating Physician Employment Agreements and Anesthesiology Services Agreements," Women in Anesthesiology - Indiana Conference, 2018
- Presenter, "Negotiating The Divide: Tips and Strategies for Negotiating Your Employment Agreement," Indiana University School of Medicine Office of Diversity Affairs, 2018
- Presenter, "Negotiating Physician Employment Agreements," 93rd Annual Fall Convention of the Indiana Podiatric Medical Association, 2018
- Presenter, "Texting and Emailing Under HIPAA," Krieg DeVault LLP Webinar, 2018
- Presenter, "HIPAA, Indiana Privacy Laws and Ethical Considerations Regarding Personal Health Information," Selah House, 2017

## Publications

- Co-Author, "Don't Forget About the Leap Year - Annual HIPAA Breach Notification Deadline Fast-Approaching," February 13, 2024
- Co-Author, "The OIG's New Unified Compliance Resource Tool: You've Been "Voluntold" to Comply," November 29, 2023
- Co-Author, "Hold on a Minute! Indiana Legislature Changes the Rules for Emergency Detentions," June 7, 2023
- Co-Author, "Business Associate Fined Under HIPAA For Maintaining PHI on Unsecured Server," June 6, 2023
- Co-Author, "Don't Let Expiration of Emergency COVID Waivers Leave You With Unlicensed Members of the Care Team," August 11, 2021
- Co-Author, "Time for a Check Up: HIPAA Privacy Rule Modified for the First Time Since 2013," March 23, 2021
- Co-Author, "Show Me the Records: OCR Holds Providers Accountable Under HIPAA Right of Access Initiative," January 27, 2021
- Co-Author, "Speak Now or Forever Hold Your Peace: HHS Proposes Modifications to the HIPAA Privacy Rule," December 10, 2020
- Co-Author, "OCR Relaxes Enforcement for Pandemic-Related Disclosures of PHI During Public Health Emergency," April 5, 2020
- Co-Author, "Failure to Encrypt Mobile Devices Results in a \$3 Million Mistake," February 4, 2020
- Co-Author, "Failure to Report HIPAA Breaches Results in Costly Fine and Corrective Action Plan," February 4, 2020
- Co-Author, "Genetic Information Under HIPAA," February 4, 2020
- Co-Author, "How to Protect Your Health Care Organization from the Next HIPAA Breach," American Alliance of Orthopaedic Executives E-Newsletter, November 22, 2019
- Co-Author, "The Nuts and Bolts of Telemedicine in Indiana," Indianapolis Medical Society Bulletin, Volume CXXVI, Issue 7, July 2019
- Co-Author, "Telemedicine Tips for Indiana Care Providers and Counsel," The Indiana Lawyer, July 9, 2019
- Co-Author, "Direct HIPAA Enforcement Liability for Business Associates," June 9, 2019
- Co-Author, "HHS Announces Changes to Maximum Monetary Penalties for HIPAA Violations," May 21, 2019
- Co-Author, "Updated INSPECT Requirements Will Streamline Practitioner Obligations," May 1, 2019
- Co-Author, "Going, Going, Gone - Important Medical Records Considerations for Physicians Planning to Close Their Practice," March 25, 2019
- Co-Author, "OCR Breaks All-Time Record in 2018 with Final HIPAA Settlement for the Year," February 17, 2019

- Co-Author, "Are you ready for changes to Medicare Part D prescription requirements?" February 4, 2019
- Co-Author, "The HIPAA "Top Ten" For Health Care Board Members," January 23, 2019
- Co-Author, "Expanded Medicaid Treatment Options for Individuals with Substance Use Disorder and Serious Mental Illness," December 17, 2018
- Co-Author, "Failure to Terminate Access to PHI Leads to HIPAA Violation," December 17, 2018
- Co-Author, "Lights, Camera, Sanction," October 25, 2018
- Co-Author, "HIPAA Assessments... Here's Looking at You!" August 22, 2018
- Author, "Illinois Medicaid Proposes Changes to Certain Psychiatric & Behavioral Health Payments," June 12, 2018
- Co-Author, "Importance Of Having A Contingency Plan," May 23, 2018
- Co-Author, "OCR Issues Guidance on the Performance of a HIPAA Risk Analysis v. a Gap Analysis," May 9, 2018
- Co-Author, "Indiana Legislature Modifies Medical Consent and POST Statutes," March 26, 2018
- Author, "Have You Conducted A Risk Assessment In A While? If Not, It Could Cost You \$400,000," May 17, 2017
- Author, "Failure To Have A Business Associate Agreement Could Be A \$31,000 Mistake," May 17, 2017
- Co-Author, "Be Prepared: Submission of Breach Notifications Due to HHS by March 1, 2017," February 23, 2017
- Co-Author, "Implantable Cardiac Devices Raise Cyber-Security Concerns," January 30, 2017

## Certifications

- Legal Lean Sigma® White Belt