



## Patricia (Trish) M. Wagner

General Counsel / Chief Privacy Officer

**Washington, DC**  
1227 25th Street, NW  
Suite 700  
Washington, DC 20037  
Tel: 202-861-4182  
Fax: 202-861-3526

[pwagner@ebglaw.com](mailto:pwagner@ebglaw.com)

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Trish Wagner counsels health care and life sciences clients in two of the most complex areas affecting their business: privacy regulations and antitrust issues. A scientist as well as a lawyer, she brings a deep understanding of health care to developing creative, pragmatic strategies to minimize risk.

Trish's privacy clients count on her to guide them through the labyrinth of HIPAA and other privacy laws and regulations that protect patient and consumer information. In addition to traditional health care clients, she excels at working with innovative wellness companies that may be new to health industry privacy laws. She oversees contract terms with payors and vendors, and helps create compliance systems that address diverse state, national, and international privacy regulations. And, in the event of a data breach, she assists in investigations and notifications as well as government and private litigation.

As the health care industry continues to consolidate, Trish helps hospitals and other integrated nonprofit health systems navigate competition issues and secure antitrust clearances from the Federal Trade Commission (FTC), the U.S. Department of Justice, and state antitrust authorities. Her understanding of the relationships among providers, payors, and contractors enables her to argue persuasively about the competitive impact of a particular business combination. And to keep her clients up to date on important antitrust counseling and defense issues, Trish coauthors *Antitrust Byte* client alerts on a biweekly basis.

Before becoming a lawyer, Trish received a doctorate in microbiology and worked as a research microbiologist at institutions, including the Centers for Disease Control in Atlanta, Georgia. She credits her scientific training with allowing her to efficiently analyze complex information and construct a plan of action.

### Experience

- Structured privacy and contract terms for medical technology device and application companies, and advised on their negotiations with payors.

- Counseled adigital provider of health coaching services on the privacy aspects of its contracts with payors and companies it acquired as it expanded its service lines.
- Provides ongoing advice to a regional hospital system to help it acquire multiple physician practices and ancillary providers.
- Convinced the FTC and a state attorney general to allow a nonprofit hospital to acquire a distressed competing hospital by proving its continued operation was essential to the community.
- Helped a health insurer defeat a data breach class certification motion following the loss of a flash drive containing the personal health information of more than 283,000 individuals.
- Assisted a client in successfully responding to an inquiry from the U.S. Department of Health and Human Services' Office for Civil Rights related to a breach of protected health information involving one of the client's vendors.

## **Education**

- Saint Louis University School of Law (J.D., 2000)
  - *cum laude*, Certificate, Health Law Studies Program
- University of Kansas (Ph.D., 1990)
  - Microbiology
- University of Kansas (B.A., 1984)

## **Bar Admissions**

- District of Columbia
- Missouri

## **Practice Areas**

- Antitrust Counseling and Defense
- Behavioral Health
- Data Breach/Cybersecurity Litigation
- Digital Health
- Managed Care
- Mergers, Acquisitions & Divestitures
- Privacy, Cybersecurity, and Data Asset Management

## **Industries**

- Artificial Intelligence

- Health Care and Life Sciences Industry
- Health Plans and Other Insurers
- Hospitals and Health Systems

### **Memberships**

- American Bar Association
- American Health Lawyers Association

### **Recognition**

- *Acritas*, Top 13 Female Acritas Star (2018)
- *JD Supra* Readers' Choice Award, Top Author – Antitrust & Trade Regulation (2020)
- *The Legal 500 United States*, Healthcare: Service Providers and Healthcare: Health Insurers (2016, 2017)
- *Washington DC Super Lawyers*, Health Care (2014, 2015)