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TRAILBLAZERS

HEALTH CARE LAW

DEBORAH GERSH ROPES & GRAY LLP



PIONEER SPIRIT Debbie Gersh started as a transactional lawyer in the 1990s. “Health care clients would often engage two sets of attorneys, one for regulatory work and one for transactional work. So I decided to make my niche in health care regulatory transactional work. I took on health care privacy matters for all the same reasons. I have a passion for health care. My family is in the field.”

TRAILS BLAZED Gersh now focuses on complex, high-stakes matters, including value-based health care. “I was told HIPAA would be a passing fad, but I disagreed. People never like to talk about their health status, and they get upset if their information is shared. I’ve been looking at that long term, focusing on telemedicine as a key to the digital health and privacy piece.” She put together a roundtable in Washington state to start thinking of the implications of privacy from a digital and electronic standpoint. “That has served me well in anticipating those issues.” About five years ago, she began writing about vertical integration. “Vertical integration helps contain and control costs and create efficiencies.” Among her transactions, Gersh was part of a team that secured a landmark victory for LabMD in a case against the Federal Trade Commission. “It changed data security regulatory enforcement and litigation in the United States.” She also worked with a national transportation company on the privacy implications of a novel partnership with health care providers to offer on-demand transportation services. Gersh also advised on the joint venture between Wake Forest/CHES and CHS.

FUTURE EXPLORATIONS Increased consolidation will continue. “Antitrust laws have been favorable. But there will be struggles in finding a new place on privacy. How do we allow for use of that intensely private data to help the common good through research and other activities?”