



Herb Glose

Partner

Buffalo

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Education

- University at Buffalo School of Law, *Cum Laude*, JD
- University of Notre Dame, *Magna Cum Laude*, BA

Practices & Industries

- Corporate
- Data Security & Technology
- Financial Institutions & Lending
- Health & Human Services Providers
- Health Care

Admitted to Practice

- New York

Court Admissions

- US Bankruptcy Court for the Western District of New York
- US District Court for the Western District of New York

Biography

With over 30 years of legal experience, Herb primarily concentrates his practice on health care matters, specifically handling the exchange of electronic health information. This work includes representing health information exchanges (HIEs) in organizational planning, governance, regulatory compliance, contract negotiations, and building and implementing business-sustainability strategies.

He is actively involved in policy development that affects the exchange of data by providers, payors, and consumers of health services at the federal and state levels as well as the evolving fields of health-data analytics and telehealth. He also advises numerous hospital clients and medical practices on the use of electronic medical records.

Herb additionally has extensive experience in business law, representing commercial entities and not-for-profits from start-up through succession planning and including real estate transactions. He also handles buy-sell transactions, mergers, and the affiliation of both for-profit and not-for-profit entities.

Herb works closely with numerous HIEs across New York State, drafting and updating policies to comply with ever-evolving NYS and federal laws on data privacy and security, protected health information (PHI), and personally identifiable information (PII). He assists with security incident investigations and breach responses, and Herb drafts and negotiates contracts for clients with vendors providing cybersecurity certification and risk assessment services.

Bar Associations

- Bar Association of Erie County, Health Law and Corporations Committee Member and Former Municipal and School Law Committee Chair
- New York State Bar Association, Health Law Section

Selected Memberships & Affiliations

- Northeast Telehealth Resource Center
- Strategic Health Information Exchange Collaborative (SHIEC)

Representative Experience

- Represented four regional health information organizations (RHIOs) in developing the Statewide Health Information Network of New York (SHIN-NY), including research on cutting-edge privacy, security, and consent issues for governmental, public, and private collaborations. Continues representing multiple RHIOs in organizational planning, governance, regulatory compliance, contract negotiations, mergers, and building and implementing business-sustainability strategies.
- Represents numerous not-for-profits in collaborations ranging from affiliation through consolidation of operations and mergers.
- Represented several health-information exchanges in the development of form contracts for participation in the exchange as well as health-care information technology vendor form contracts.
- Represented not-for-profit regional health-information exchanges in the transition of operations, including required NYS Department of Health, Attorney General, and NYS Supreme Court approvals.
- Guided a client through document review, negotiation, and a compliance audit for participation in the nationwide eHealth Exchange.
- Handled the multi-state merger of a dental-supply company.
- Represented New York State-based companies in investigations by the NYS Attorney General alleging privacy law violations.
- Represented a regional food processor in a series of strategic acquisitions to achieve presence in 48 adjacent states.
- Handled succession planning and implementation for dozens of private companies including office-supply companies, medical practices, and commercial laundries.

- Represented companies in security incident investigations of downstream vendors relating to protected health information (PHI).
- Represented a company in the purchase and sale of an energy facility and operations.
- Represented a collaboration of hospitals and health-insurance companies in the formation of a regional health-information exchange.
- Represented companies in the purchase and sale of an oil and gas industry involving pipeline and refinery regulation.
- Represented a not-for-profit as a “surviving corporation” in a merger with a health-services agency and its subsidiary foundation.
- Spearheaded governance review and succession implementation for multiple area not-for-profit corporations.
- Served as outside general counsel to a performing provider system (PPS) in the acquisition of a Rochester-area regional health home network.
- Served as counsel to a NY Regional Health Information Organization (RHIO) in its merger with another RHIO that doubled the scope of the client's service base.
- Served as outside counsel to a Buffalo-based industrial laundry business in the sale of its business to a publicly traded competitor.

Prior Experience

- Hiscock & Barclay, LLP, Partner
- Harris Beach, PLLC, Partner
- Giardino & Schober, LLP, Partner
- Moot & Sprague, Associate-Partner

Selected Community Activities

- Sisters Hospital Foundation (Catholic Health Systems), Board of Directors Member
- United Way of Erie County, Board of Directors General Counsel
- Diocese of Buffalo Upon This Rock Campaign, Oversight Committee Member
- Canisius High School Charity Auction (Gambit), Chair
- Taste of Buffalo, Board of Directors Member and General Chair

Selected Honors

- *The Best Lawyers in America*®: Banking and Finance Law, 2023–2024; Corporate Law, 2024
- Selected to *Super Lawyers* Upstate New York: Health Care, 2013–2023
- Martindale-Hubbell AV Preeminent Peer Review Rated for Very High to Preeminent Ethical Standards and Legal Ability, 2010–2018
- Central Amherst Little League, Coach of the Year, 2004
- Atlanta Olympic Committee, Olympic Torch Run Community Hero, 1996

Selected Speaking Engagements

- SHIEC, “10 Most Important HIE/Vendor Contract Issues Impacting Your Bottom Line” Webinar
- United Way Not-for-Profit Board Governance Training, “Best Practices in Nonprofit Board Governance”
- The Knowledge Congress Live Webcast Series, “Statewide Health Information Network for New York (SHIN-NY): Regulations and Impact on Health Care Providers in New York State”
- New York State Bar Association Health Law Section Annual Meeting, “Statewide Health Information Network for New York”

Selected Media

- SHIEC Member Newsletter, “Cyber Liability Insurance: Pitfalls in Coverage”

Selected Alerts & Blog Posts

- CMS Approves NYS 1115 Waiver Amendment (New York Health Equity Reform)
- NYS Submits 1115 Waiver Amendment (Health Equity Reform) to CMS
- Unpacking the Impact of the Newly Effective Information Blocking Rule
- Class-Action Lawsuit Claiming Business Interruption Brought Swiftly After Ransomware Attack
- Update: NYS Department of Health Re-Publishes Proposed SHIN-NY Regs