

# DEVEN C. MCGRAW

## PROFESSIONAL EXPERIENCE

### NON-PROFIT

#### Center for Democracy & Technology (CDT) (Washington, DC)

Director, Health Privacy Project

March '08 – present

As Director of the Health Privacy Project, I focus on developing and promoting workable public policies that ensure individual privacy as personal health information is shared electronically to improve health. Achievements include testifying before Congress on health information technology and privacy issues five times since 2008. I was appointed by HHS Secretary Kathleen Sebelius to the federal Health IT Policy Committee (an advisory body for the Office of the National Coordinator for Health IT) and chair its Privacy and Security Workgroup (the “Tiger Team”), and serve on the Committee’s Meaningful Use and Information Exchange workgroups. I also co-chaired the Confidentiality, Privacy and Security Workgroup, and served on the Personalized Healthcare Workgroup, of the American Health Information Community, which was the primary advisory body to HHS on health information technology during the Bush Administration. I also am a member of the Consumer Partnership for eHealth, serve on the Leadership Committee of the e-Health Initiative and am a member of the Markle Foundation’s Connecting for Health Steering Group.

#### National Partnership for Women and Families (Washington, DC)

Chief Operating Officer

Sept. '05 – March '08

The National Partnership for Women & Families is a nonprofit, nonpartisan organization that since 1971 has been a leading advocate for access to quality health care, policies that help women and men meet the dual demands of work and family, and fairness for women in the workplace. As Chief Operating Officer, I oversaw a staff of 28 and an annual budget of \$5.2 million and provided overall strategic direction and oversight for all of our programs and operations. Responsibilities included:

- Overseeing legislative and executive branch advocacy in all program areas;
- Increasing the visibility of the organization and our programs with key stakeholders and the public;
- Working with program directors to ensure effective implementation of organizational goals; and
- Ensuring the organization met or exceeded its fundraising goals.

Policy Counsel

July '03-June '04

Advocated before Congress, the White House and federal administrative agencies on health care and work/family issues. Successfully negotiated patient safety legislation with broad range of health care provider representatives. Responsibilities included:

- Proposing and implementing legislative strategy;
- Responding to the media;
- Working in coalition with other organizations to advance effective policy initiatives;
- Performing legal and political research and analysis; and
- Directly advocating on behalf of the client before Congressional or agency staff.

**Federal Legislation Clinic, Georgetown University Law Center** (Washington, DC)  
Acting Director and Visiting Associate Professor of Law July '02-July '03  
Supervising Attorney Aug.'00-'02  
Student Spring '84

Advocated before Congress, the White House and federal administrative agencies on behalf of non-profit clients for changes in domestic social policy. As Director, managed and oversaw all legal work performed in the Clinic by staff attorneys and law students on behalf of Catholic Charities USA, the Family Violence Prevention Fund, Bazelon Center for Mental Health Law and Health Privacy Project. As a Supervising Attorney, directly supervised the legal work of students working with Catholic Charities USA. Issues included health care, welfare reform, child welfare, immigration, and domestic violence. Specific accomplishments include:

- Drafting stronger consumer protections for President Clinton's Health Care Reform Proposal (on behalf of the Deputy General Counsel of HHS).
- Securing passage of law authorizing the Attorney General to exempt persons with severe mental disabilities from having to take the Oath of Renunciation and Allegiance;
- Drafting and negotiating with the INS on reasonable accommodations that must be offered by the INS to assist applicants with disabilities in the naturalization process;
- Persuading the Administration for Children and Families to change its policy regarding the provision of federal adoption assistance to special needs children adopted through private agencies; and
- Drafting testimony given by Catholic Charities USA's top lobbyist at a House Ways & Means Subcommittee hearing on a new child welfare funding proposal.

## **LAW FIRM**

**Patton Boggs** (Washington, DC)  
Associate, Public Policy/Health Care June '04-Sept. '05

Represented broad range of health care entities, including pharmaceutical and medical device manufacturers and health care providers, on Medicare and Medicaid reimbursement policy issues, including advocacy before Congress and the Centers for Medicare & Medicaid Services (CMS).

**Ropes & Gray** (Boston, MA)  
Associate, Health Care Department Sept. '95-May '99

Represented non-profit health care institutions (including major academic medical centers) on a variety of regulatory and corporate matters. Facilitated hospital acquisitions of solo and group physician practices; worked on major hospital mergers and other provider affiliations; and advised clients on tax, fraud and abuse, Stark and other legal implications of various integrated delivery system structures.

## **OTHER RELEVANT EXPERIENCE**

**Office of Governor Paul Cellucci and Lt. Governor Jane Swift** (Boston, MA)  
Deputy Legal Counsel June '99-July '00

Conducted research and briefed the Governor and Lieutenant Governor and their staff members on legal and policy issues in the areas of health care, housing, welfare, social services, elder affairs and the state ethics laws. Monitored receivership of Harvard Pilgrim Health Care, one of the state's largest HMOs. Identified, developed and drafted legislative

solutions to particular policy issues, including legislation to establish a new state prescription drug program for seniors.

**National Academy of Sciences/Institute of Medicine** (Washington, DC)  
Consultant Summer '93

Consultant to committee studying the legal and ethical implications of including women as the subjects of clinical research. Assisted in drafting recommendations for committee consideration, researched and wrote sections of the committee's report, and analyzed federal regulations governing research.

**CBS News: CBS Reports and "60 Minutes"** (Washington, DC)  
Assistant Producer April '87- Aug '91

Researched potential stories; assisted in editing, structuring and writing story segments; screened subjects for possible on-camera interviews; prepared background memos and interview questions for producers and correspondents.

### **EDUCATION**

**Georgetown University Law Center** (Washington, DC) J.D., *Magna cum Laude*, May '95. GPA 11/12. Executive Editor, *Georgetown Law Journal*. Order of the Coif. LL.M. in Advocacy, October '02.

**Johns Hopkins Bloomberg School of Public Health** (Baltimore, MD) Master of Public Health (M.P.H.), May '95. Concentration in Health Policy and Management.

**University of Maryland** (College Park, MD) B.S. Journalism (Public Relations), *Magna cum Laude*, and B.A. English, December '86. GPA 3.6/4.0. College of Journalism Commencement Speaker.

### **PUBLICATIONS**

While at the Center for Democracy & Technology (CDT) (written or supervised):

"Privacy and Security Challenges of Improved Patient Engagement," in *Engage! Transforming Healthcare Through Digital Patient Engagement*, Health Information Management Systems Society (HIMSS), Jan Oldenburg, editor. (2013)

"A Policy & Technology Framework for Using Clinical Data to Improve Quality," 12 Hous. J. Health L. & Policy 137-69; Symposium 2012 (written with Alice Leiter).

"Building Public Trust in Uses of HIPAA De-Identified Data," J Am Med Inform Assoc 2013; 20:29-34.

"Achieving the Right Balance: Privacy and Security Policies to Support Electronic Health Information Exchange," California Healthcare Foundation Issue Brief co-authored with Consumers Union, <http://www.markle.org/news-events/media-releases/new-policies-practice-markle-connecting-health-address-challenges-health> (June 2012).

"Consent: Implementing the Individual Participation and Control Principle," one of the Markle Connecting for Health Common Framework Policies in Practice for Health Information Sharing,

<http://www.markle.org/news-events/media-releases/new-policies-practice-markle-connecting-health-address-challenges-health> (April 2012).

“Privacy Protections for California’s Insurance Exchange,” <https://www.cdt.org/report/privacy-protections-californias-insurance-exchange> (March 2012).

“Decentralizing the Analysis of Health Data,” <https://www.cdt.org/paper/decentralizing-analysis-health-data> (March 2012).

“Paving the Regulatory Road to the Learning Health Care System,” 64 Stanford Law Review Online 75, <http://www.stanfordlawreview.org/online/privacy-paradox/learning-health-care-system> (February 2012).

Statement of Deven McGraw, Director, Health Privacy Project, Center for Democracy & Technology, before the Subcommittee on Privacy, Technology and the Law, Senate Judiciary Committee, “Your Health and Your Privacy: Protecting Health Information in a Digital World,” <https://www.cdt.org/testimony/your-health-and-your-privacy-protecting-health-information-digital-world> (November 2011).

Memo on Sorrell v. IMS Health, Inc: “Supreme Court Case Requires Nuanced Understanding of Privacy,” <https://www.cdt.org/paper/memo-sorrell-v-ims-health-inc-supreme-court-case-requires-nuanced-understanding-privacy> (March 2011).

Statement of Deven McGraw, Director, Health Privacy Project, Center for Democracy & Technology, before the Subcommittee on Technology and Innovation, House Committee on Science and Technology, “Standards for Health IT: Meaningful Use and Beyond,” <http://www.cdt.org/testimony/testimony-deven-mcgraw-standards-health-it-meaningful-use-and-beyond> (September 2010).

“Building a Strong Privacy and Security Framework for Personal Health Records,” <http://www.cdt.org/paper/building-strong-privacy-and-security-policy-framework-personal-health-records> (July 2010).

“Encouraging the Use of, and Rethinking Protections for, De-Identified (and “Anonymized”) Health Data,” <http://www.cdt.org/paper/encouraging-use-and-rethinking-protections-de-identified-and-anonymized-health-data> (June 2009).

“Privacy as an Enabler, Not an Impediment: Building Trust Into Health Information Exchange,” to be published in *Health Affairs* March/April 2009 (vol. 28, no. 2) (with James X. Dempsey, Leslie Harris, and Janlori Goldman).

“Privacy and Health Information Technology,” prepared for the Legal Solutions in Health Reform Project of the O’Neill Institute for National & Global Health Law at the Georgetown University Law Center (February 2009).

“Rethinking the Role of Consent in Protecting Health Information Privacy,” <http://www.cdt.org/healthprivacy/20090126Consent.pdf> (January 2009).

Statement of Deven McGraw, Director, Health Privacy Project, Center for Democracy & Technology, before the Senate Judiciary Committee, “Health IT: Protecting Americans’ Privacy in the Digital Age,” [http://www.cdt.org/testimony/20090127\\_mcgraw.pdf](http://www.cdt.org/testimony/20090127_mcgraw.pdf) (January 27, 2009).

“HIPAA and Health Privacy: Myths and Facts (Part 2),”  
<http://www.cdt.org/healthprivacy/20090109mythsfacts2.pdf> (January 2009).

Statement of Deven McGraw, Director, Health Privacy Project, Center for Democracy & Technology, before the Subcommittee on Health, Committee on Ways & Means, “Promoting the Adoption and Use of Health Information Technology,”  
<http://cdt.org/testimony/20080724mcgraw.pdf> (July 24, 2008).

Statement of Deven McGraw, Director, Health Privacy Project, Center for Democracy & Technology, before the Subcommittee on Health, Energy & Commerce Committee, on the Discussion Draft of Health Information Technology and Privacy Legislation,  
<http://www.cdt.org/testimony/20080604mcgraw.pdf> (June 4, 2008).

“Comprehensive Privacy and Security: Critical for Health Information Technology,”  
<http://www.cdt.org/healthprivacy/20080514HPframe.pdf> (May 2008).

Prior to Joining CDT:

Co-author, “Women as Vessels and Vectors: Lessons from the HIV Epidemic,” in *Feminism & Bioethics: Beyond Reproduction* (Susan Wolf ed. 1996) (with Ruth R. Faden and Nancy Kass).

Co-author, “Psychosocial Issues for Children Born to HIV-Infected Mothers,” in *HIV, AIDS & Childbearing: Public Policy, Private Lives* (Ruth R. Faden and Nancy Kass eds. 1996) (with Lawrence Wisdow and Nancy Hutton).

“Financial Incentives to Limit Services: Should Physicians be Required to Disclose these to Patients?” *Georgetown Law Journal*, April 1995.

Co-author, “Trades, AIDS and the Public’s Health: The Limits of Economic Analysis” (Review of *Private Choices and Public Health: The AIDS Epidemic in an Economic Perspective*, Tomas J. Philipson & Richard A. Posner) (with Ronald Bayer and Lawrence O. Gostin), *Georgetown Law Journal*, November 1994.