

## HEALTH LAW ALERT



Shook, Hardy & Bacon understands the complex business, regulatory and litigation issues facing health care providers.

The SHB Health Law Practice is nationally renowned for its experience in developing delivery systems; physician/hospital ventures; managed care plans; ambulatory surgical and diagnostic centers; and multi-specialty clinics.

If you have questions relating to the new law, please contact

**James Beck**  
816-559-2280  
jbeck@shb.com



or

**Allen Jones**  
816-559-2029  
agjones@shb.com



### MISSOURI PASSES NEW DATA SECURITY BREACH LAW

Missouri Governor Jay Nixon recently signed into law new requirements pertaining to breaches in the security of personal information. Subject to a few limited exceptions, businesses that maintain the personal information of Missouri residents must now provide statutorily prescribed notices when they discover that the security of the personal information has been breached.

“Breach” is defined as the unauthorized access to and unauthorized acquisition of personal information, maintained in computerized form by a person, that compromises the security, confidentiality or integrity of the personal information. “Personal information” is defined as an individual’s first name or first initial and last name in combination with one of several statutorily prescribed data elements (e.g., social security number, driver’s license number, etc.).

Businesses that maintain their own notice procedures as part of an information security policy for the treatment of personal information, and whose procedures are otherwise consistent with the new law’s timing requirements, are deemed to be in compliance with the its notice requirements if the business notifies affected individuals in accordance with the maintained procedures.

The Missouri Attorney General has exclusive authority under the new law to bring an action to obtain actual damages for a *willful and knowing* violation of the new law **and may seek a civil penalty not to exceed \$150,000 per breach.**

The new law became effective July 9, 2009. ■