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The views expressed in the *Roanoke Bar Review* do not represent the policy or carry the endorsement of the Association unless specifically noted.

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HIPAA vs. THE INFORMATION BLOCKING RULE: BALANCING PRIVACY AND ACCESS

BY LIZ HEDDLESTON, ESQ.

Patient data is essential to the operation of any healthcare organization. On a basic level, providers need accurate and timely data to deliver the best care possible. Patients need access to their own health information so they can make informed choices about their care.

Patient data is governed by a patchwork of state and federal laws, depending on the type of data and the entity that controls it. At the federal level, two parallel frameworks primarily govern patient data. Most people are familiar with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") – the sweeping law that aims to protect the privacy and security of patient health information. The newer kid on the block is the Information Blocking Rule, which went into effect on April 5, 2021, as part of the 21st Century Cures Act.

Both frameworks regulate how health information may be exchanged and accessed. However, they differ sharply in scope, purpose and enforcement structure. As discussed below, HIPAA is designed to protect the privacy and security of health information while the Information Blocking Rule is aimed at promoting accessibility and interoperability. Navigating these two laws can feel a bit like walking a tightrope.

As we approach 2026, HIPAA enforcement is expected to remain steady, while enforcement of Information Blocking Rule is likely to intensify. In 2025, HHS-OCR announced at least 13 HIPAA settlements, with settlement amounts ranging from \$5,000 to \$1.5 million. The U.S. Department of Health and Human Services, Office for Civil Rights (HHS-OCR) has signaled that HIPAA enforcement will remain active in 2026.

This fall, HHS announced a "crackdown" on information blocking and highlighted additional resources devoted to enforcement of the Information Blocking Rule. If enforcement ramps up as expected, 2026 will likely see the first significant wave of enforcement activity since the regulations went into effect in 2021.

HIPAA

HIPAA is fundamentally a privacy and security law. It aims to protect the confidentiality of patient information while ensuring it can be accessed for healthcare delivery and other important purposes.

To be subject to HIPAA, a person or entity must meet the definition of a "covered entity" or "business associate". Covered entities include healthcare providers, health plans, and healthcare clearinghouses. Business associates are vendors and other third parties that provide services to (or on behalf of) covered entities that require access to PHI.

Many organizations have access to health data but are not governed by HIPAA because they do not meet these definitions. For example, employers that maintain health information about their employees for documenting workplace accommodations, medical leave, or similar purposes are not covered by HIPAA.

HIPAA is broken into four major components: the Privacy Rule, Security Rule, Breach Notification Rule and Enforcement Rule.



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PRESIDENT'S CORNER

BY JON PUVAK, ESQ., PRESIDENT



Happy New Year! Thank you to our editors for another successful issue of the Roanoke Bar Review...

The Roanoke Bar Association has remained active in our 101st year! Most recently, the RBA and the Roanoke Law Foundation partnered for the Santa at the Station event. Although the event had to be rescheduled due to weather that didn't stop the turnout of volunteers and participants on the rescheduled date. We hosted around 275 individuals from a variety of local organizations, such as the Rescue Mission, CHIP, West End Center, and Roanoke City Schools. Attendees had dinner, took pictures with Santa, constructed crafts, toured the attractions at the Transportation Museum, had story time with Mrs. Claus, and picked presents for their parents. Thank you to the volunteers and we hope you will serve again next year. Be sure to check out the photographs of the event in this newsletter.

Our monthly lunch meetings have been well attended and our Program Chair, Dinny Skaff has done a great job lining up interesting speakers. This Fall, we heard from Mayor Cobb, John Hull, the Executive Director of the Roanoke Regional Partnership, award winning sportswriter Roland Lazenby, and Rachel Spencer, Executive Vice President & Senior Strategist at AccessU. For those that missed the meetings, each of these speakers shared their expertise and perspectives on the Roanoke region, Michael Jordan and evolving communication tactics. Dinny has more exciting speakers lined up for the coming months. The speaker for the January meeting will be Dr. Frank Shushok, Jr. the 12th president of Roanoke College. We encourage you to attend all monthly meetings.

Out with the old and in with the new... The Spring will be packed with additional events, including the Bench Bar Conference, CLE programming and Law Day. The revamped Bench Bar Conference will include our form of judicial squares with participants from the state and federal courts. Even more importantly, the Bench Bar Conference is another opportunity for all members to interact and to learn about what is important to the judiciary and the bar.

Award season is approaching. Nominations will open soon for the Frank W. "Bo" Rogers, Jr. Lifetime Achievement Award and the Young Lawyer of the Year Award. The RBA has lots of deserving members and we are excited for the nominations for this year. Watch for upcoming announcements on submitting confidential nominations to our awards committee.

I wish each of you a prosperous 2026!

Jon Puvak is a partner at Gentry Locke.



UPDATE FROM THE WESTERN DISTRICT OF VIRGINIA

BY CHIEF U.S. DISTRICT JUDGE ELIZABETH DILLON

Dear Members of the Roanoke Bar Association,

I write this update to you as we start 2026, so I will focus my message on words of thanks.

Sealed Documents

I am thankful to you, as members of the bar, for your patience and assistance as we navigate the need to provide additional protection for sealed documents in our case management system. Cyberattacks on businesses are prevalent, and the federal courts are not immune from these attacks. Our sealed documents include confidential information belonging to your clients – trade secrets, proprietary information, sensitive medical information, personal identifying information, names of minors, and data about cooperation with and substantial assistance to the government in criminal cases. Because of threats to the security of this information, we had to take steps to protect the information quickly while the Administrative Office of the U.S. Courts (AO) sought to institute nationwide measures.

With the help of our Clerk's Office staff, led by Laura Austin, the Court implemented temporary emergency protocols. Your quick assistance in filing only paper copies of sealed documents under these temporary protocols enabled us to protect this confidential information while the AO was working on nationwide, long-term solutions. Now, you can file sealed documents electronically, but sealed documents on CM/ECF are not available for viewing by the parties, their counsel, or the public. Thus, you do not accomplish service of sealed documents by filing them on CM/ECF. Rather, as counsel, you must serve sealed documents by mail, by agreement, or by other appropriate means permitted by the federal rules. The Court will provide Court-generated sealed documents to counsel of record and/or the parties in paper form by mail or electronically through secure means. Meanwhile, the AO continues its work on measures to further protect and modernize our case management system.

Danville Division

My heartfelt gratitude to former Chief Judge and now Senior Judge Mike Urbanski for his years-long, tireless, and dedicated leadership in advocating for and attempting to secure sufficient funds to make necessary security improvements to the Dan Daniel U.S. Post Office and Federal Building in Danville. Despite these efforts, no funds were forthcoming, and, following an exhaustive search, the Court was told that no replacement space was available. Requiring the public to continue to use a facility with known and serious safety concerns that no reasonable amount of money can rectify is not in the best interests of the public or the Judiciary's budget; thus, the Court regretfully released its space in the Dan Daniel Building, effective no later than December 31, 2025. As of December 1, 2025, the Clerk's Office in Danville will close. The Court has temporarily reassigned the cities and counties within the Danville division to the Roanoke and Lynchburg divisions.

We recognize a continuing need to have a federal judicial presence in Southside Virginia, so we have not asked to close the Danville division or to cease operations in Danville. Rather, we



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MY SUPERLATIVE CASE: WHEN WORDS CROSS THE LINE: LESSONS FROM A \$1 MILLION DEFAMATION VER- DICT

BY ALICHA M. GRUBB, ESQ.



In July 2022, former Virginia state senator Brandon Bell and his wife, Deborah Bell, sent a letter on official Senate letterhead accusing a 15-year-old Cave Spring High School student of sexually assaulting their daughter. Three years later, a Roanoke County jury ruled the accusations were false and defamatory per se, awarding the plaintiff, Jane Doe, \$1 million in damages plus interest.

Background: The dispute began in 2021 when Jane Doe and the Bells' daughter started a same-sex relationship after meeting in band. Both testified the relationship involved kissing and hand-holding, but no sexual activity. After the Bells instructed their daughter to end the relationship, she later claimed Jane Doe touched her back because her hands were cold and kissed her without consent. The Bells then sent the letter accusing Jane Doe of sexual assault "on two occasions."

Defamation Per Se: Virginia law presumes damages for certain false statements, including allegations of crimes of moral turpitude—acts considered base or vile and punishable by imprisonment. The court held that false claims of sexual assault fall under this category, making the Bells' statements defamatory per se.

Qualified Privilege: The Bells argued their letter was protected by qualified privilege, which applies when statements are shared with those having a mutual interest—in this case, school officials. While the court initially recognized this privilege, it can be lost if abused. Abuse occurs when statements are made knowing they are false or with reckless disregard for truth, shared beyond interested parties, or motivated by spite.

Trial Findings: The two main issues at trial were whether the allegations were false and whether the Bells abused the privilege. Evidence showed the "cold hands" incident was a joke, and the kiss occurred after prior consensual kisses and a note from the Bells' daughter expressing eagerness to kiss Jane Doe again. The Bells had no basis to believe either incident was sexual assault, and school officials informed them their daughter admitted lying about continuing the relationship. The Bells only went to police after Jane Doe filed suit—a move their daughter admitted was intended to stop litigation.

After three days of testimony, the jury found both Bells liable for defamation per se and for abusing the privilege. Jane Doe was awarded \$500,000 in compensatory damages, \$500,000 in punitive damages, plus pre-judgment interest.

This case was tried by Alicha Grubb, Jared Tuck and Frank Clay with the paralegal support of Jenny Arthur and Ashleigh Stone.

Alicha Grubb is a partner at Gentry Locke.

LAW LIBRARY UPDATE

BY JOSEPH KLEIN, LAW LIBRARIAN



2025 has been a long and difficult year as my family has had to deal with multiple serious medical situations. I look forward to the holiday season every year, perhaps this year more than most. I can't wait to slow down, spend time with family, and focus on all the things there are to be thankful for even in difficult times. One of my fondest memories is the annual tradition of my daughter, Harper, coming to the Courthouse and helping me decorate the Law Library for the holidays. Regretfully, since the Roanoke Law Library moved to the Main Library this tradition has ended. It is likely that, as she is a freshman in High School, she might be too cool to come and help her dad decorate anyway but it is still a treasured tradition that is no longer in practice. Another thing I regret is that I do not get to see all of my friends from the Bar Association as often in our new location. I truly love working here and I especially love serving you all. Since I don't get to see you as often, I want to send you the season's greetings and wish you a prosperous and productive 2026.

Free Westlaw and Lexis Access

I want to quickly remind you that while we don't have as many books as we once did, with our Westlaw and Lexis Advance access, we have more information at your fingertips than ever before. Whenever the Roanoke Law Library is open there is free access to both Westlaw and Lexis Advance. Both Westlaw and Lexis Advance provide access to Federal and State statutes and case law. Additionally, we have structured our subscription to provide access to many powerful databases that are helpful for general legal practice, especially Virginia resources.

Our Lexis Advance subscription provides access to the official *Code of Virginia*, as well as *Michie's Jurisprudence of Virginia and West Virginia* and *Virginia Forms* which are two of our most used resources. There is also access to some of the most respected Virginia legal treatises including the *Law of Evidence in Virginia*, *Bryson on Virginia Civil Procedure*, and *Harrison on Wills and Administration in Virginia*. Lexis Advance also allows you to research both Civil and Criminal model jury instructions for Virginia.

Our Westlaw subscription provides access to some of the most respected general secondary resources available including the entire *American Jurisprudence* series, *American Law Reports*, *Corpus Juris Secundum*, and the *Restatement of Law* volumes. Westlaw also provides access to the Virginia Practice Series. Additionally, Westlaw provides access to literally thousands of general and state specific treatises on any legal topic you might be interested in.

As I stated above anyone is able to access these databases here at the Roanoke Law Library. If you require anything from any of the resources available and can't make it here I am able to download and/or email those materials to you from both Westlaw and Lexis Advance so don't hesitate to contact me. If you have any questions about either database or anything else regarding the Roanoke Law Library please give me a call at 540-853-2268 or email me at joseph.klein@roanokeva.gov.

OUT OF OFFICE WITH BEN BYRD



When I started practicing law, I found myself overwhelmed (read “annoyed”) by the number of (older) lawyers who told me that I needed to find a “work-life balance”. Those same lawyers were often the ones who were most responsible for tilting the balance more towards work than life, but I digress.

Over the ensuing years, I realized that “work-life balance” is a sham dictated to us by our supervisors. Once I had that moment of clarity, I ignored all discussion about the concept whenever it came up (which was too often). Eventually, I determined that what “work-life balance” really means is that you have some sort of hobby, activity, etc., that you make time for outside of work that isn’t done for any particular reason other than that you enjoy said activity. A hobby of mine that I picked up after I started practicing law, playing the guitar, turned into contributions a larger charitable project started by a podcaster in Indiana.

Since 2018, my friend Greg Simpson has hosted a podcast about the “nerd rock” band They Might Be Giants, a band that we both enjoy listening to (**don’t judge me**). Over the 40 plus years the group has been active, They Might Be Giants has released more than twenty albums, including a few albums of kids’ songs, and has put out more than 1,000 songs in total. The group has made a strangely subtle, but significant, impact on pop culture such that you’ve probably heard their music without realizing it. By way of example and not by limitation, the band did the theme song for *The Daily Show*, *Malcolm in the Middle* and even the kids’ show *Mickey Mouse Clubhouse*. “Birdhouse in Your Soul” is probably the band’s biggest hit. That one came out in 1989 and got them an appearance on Carson’s *Tonight Show* if you’re wondering if the band is getting long in the tooth.

Greg’s podcast goes through each of the band’s songs individually – each song gets an episode. As of now, he’s done over 300 episodes. Each episode involves Greg and his guest discussing the meaning of the song’s lyrics, how they became fans of They Might Be Giants and cover versions of the song that is the subject of the episode. Most of the covers are done by Greg’s friends, a collection of musicians he refers to as the “Covers Crüe”. While most of the musicians live in the United States, a few live abroad. Much like members of the Rebellion in *Andor*, the band has fans everywhere (**again, don’t judge me**).

Greg and I got to know each other after I stumbled onto his podcast a few years after he got it going. I found it on Twitter back when I was still on that site (you know, before it turned into a cesspool of bots and fake accounts), made a comment about it which referenced *The Simpsons* and Greg reached out to me about coming onto the show at some point in the future which I agreed to do (**once again, and I can’t stress this enough, don’t judge me**). I’ve been fortunate enough to appear on the podcast twice, once in 2022 and again in 2025. (Warning if you listen to either episode – “Finished With Lies” is the most recent episode and, in addition to talking about the song, we discuss mental health and a friend’s death from a drug overdose.)

After my first appearance on the podcast, Greg asked me if I would be interested in making cover songs for upcoming

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VIRGINIA STATE BAR UPDATE

BY DANIEL P. FRANKL, ESQ. AND KEVIN W. HOLT, ESQ.

We are pleased to be your representatives from the 23rd Judicial Circuit on Bar Council, the governing body of the Virginia State Bar.

At its annual summer meeting in June, 2025 in Virginia Beach, K. Brett Marston was sworn in as the 87th President of the VSB to serve during the 2025-2026 term. The Honorable Robert S. Ballou, District Judge of the United States District Court for the Western District of Virginia, administered the oath of office to Brett. Many of Brett’s family, friends, law partners and staff were in attendance. Brett is a former RBA President and the first VSB President from Roanoke since Phil Anderson twenty years ago.

Lori Bentley, another former RBA President, won the Local Bar Leader of the Year Award from the Local and Specialty Bar Section of the VSB. Finally, the RBA won a 2025 Award of Merit from the same VSB Section for its Centennial Community Project. The project supported the Legal Aid Society of Roanoke Valley in its office relocation.

In addition, Council took the following significant actions during its June 12 meeting in Virginia Beach.

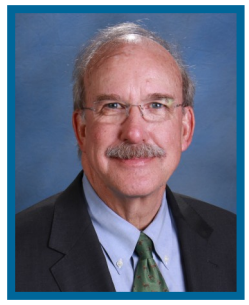
Council unanimously approved petitioning the Supreme Court of Virginia for authority to engage in legislative activity to amend Virginia Code § 54.1-3912 in the 2026 General Assembly Session. The statute, last amended in 1995, imposes a cap of \$250.00 on the VSB’s dues assessment. The rate assessed has remained unchanged since 2000. Since that time, the VSB has had increased costs due to staff salaries and raises, technology expenses, inflation, and increased rent and is operating on a deficit budget.

The VSB proposes to request the General Assembly remove or, alternatively, raise the statutory maximum for annual dues. The statutory change will permit the Supreme Court of Virginia greater flexibility to set the rate of the VSB annual dues and to adjust dues to align with economic conditions and operational requirements.

Council approved, by a vote of 58-1, petitioning the Supreme Court of Virginia to approve amendments to conform Paragraph 13 of the Rules of the Supreme Court of Virginia to Virginia Code § 54.1-3935 by adding a specific mechanism for Bar Council to elect a three-judge Circuit Court for each type of disciplinary proceeding; eliminate restrictions on the imposition of terms for disciplinary suspensions of one year or less; and conform disciplinary board and district committee procedures regarding requests for and consideration of a respondent’s disciplinary record.

Council approved, by vote of 62-1, petitioning the Supreme Court of Virginia to adopt proposed LEO 1901 that discusses the reasonableness of fees when a lawyer uses time-saving tools that rely on generative AI. The opinion concludes that value-based fees can reflect efficiency gains, the specialized skill of effectively incorporating technology, and the value of the lawyer’s services and output, and remain reasonable under Rule 1.5(a).

Council approved, with 51 “yes” votes, 4 “no” votes and 8 abstentions, the creation of four new VSB sections, the Diversity



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The McCammon Group

is pleased to announce our newest Neutral



Mark C. Nanavati, Esq.

Mediator & Arbitrator

Mark Nanavati has joined The McCammon Group to serve as a mediator and arbitrator while continuing his law practice with Sinnott, Nuckols & Logan, P.C. With three decades of experience, he has represented clients across a broad spectrum of matters, including insurance coverage disputes, large-loss tort cases, construction defect litigation, and complex commercial litigation. Mark was recognized as the 2025 “Lawyer of the Year” in Construction Law for Richmond by *Best Lawyers in America*. He is a member of the Virginia Bar Association’s Boyd-Graves Conference, the Lewis F. Powell, Jr. Inn of the American Inns of Court, and the Virginia State Bar’s Construction and Public Contracts Law Section. Mark now brings his years of experience and dedication to The McCammon Group to serve the dispute resolution needs of lawyers and litigants throughout the Commonwealth and beyond.

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PRO BONO CORNER

BY MONA A. RAZA, ESQ.



For the first time since 2007, the Star City hosted the Annual Statewide Legal Aid Conference at the Hotel Roanoke from October 22 through 24. The conference was organized by Virginia Poverty Law Center and was sponsored by several Roanoke law firms and attorneys. Over 450 registrants attended from all over the Commonwealth to refresh their knowledge about topics pertaining to the practice of poverty law including

housing, consumer law, family law, public benefits, etc.; to recommit to service; and to enjoy fellowship with legal aid and pro bono colleagues.

Members of the Virginia State Bar's EGAD (Entry, Growth, and Distribution of Virginia Attorneys) Study Committee gave a presentation on the growing number of communities in Virginia that are becoming "legal deserts." Residents in several communities in southwest Virginia face significant barriers to accessing legal services, because of the decreasing number of attorneys practicing in their communities.

On the final day of the conference, during the legal ethics presentation about navigating the conflicting duties of zealous representation to our clients and our duties as officers of the court and justice system, Judge J. Christopher Clemens administered the oath of fidelity to the Constitutions of the United States and Virginia to a room full of seasoned attorneys wanting to recommit themselves to the rule of law. It was a very meaningful way to end a wonderful conference. Next year's conference will be held in Norfolk.

Mona A. Raza is General Counsel at LASRV.



Participants re-commit to the rule of law



UPDATE FROM THE WESTERN DISTRICT OF VIRGINIA

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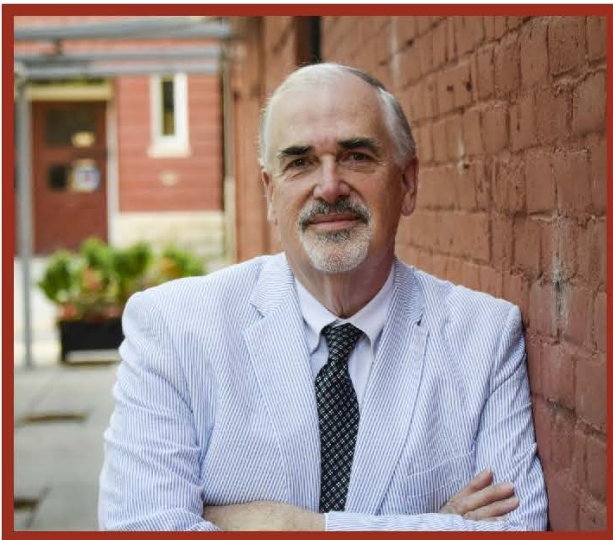
look forward to continuing operations there when we have a safe and secure facility. [For the Court's letter to Chief Judge Albert Diaz and to General Services Administration, please see the Western District of Virginia's website.]

Dedicated Public Servants

Finally, my deepest gratitude to the public servants who worked without pay during the recent government shutdown to continue to provide access to justice in the Western District of Virginia. These persons include the employees of the probation office, clerk's office, and chambers. They also include local attorneys, some members of the RBA, at the Federal Public Defender's Office, the United States Attorney's Office, and those who provide services to indigent defendants as Criminal Justice Act (CJA) panel attorneys. While the federal courts had some money to continue operations after the shutdown, those funds were expended by October 17, and CJA panel attorneys had been working without pay prior to the shutdown because of depleted funds. Nonetheless, criminal and nearly all civil cases continued without disruption. It was a time of financial hardship for many persons, some of whom had just begun new jobs with the Court. Moreover, the fear of not knowing whether or when the next paycheck would arrive undoubtedly took an emotional toll. Thank you for your public service, your commitment, your patience, and the dedication you provide to our system of justice.



Judge Clemens administers the oath of fidelity.

MEDIATION**ARBITRATION****JONATHAN M. APGAR**

Having previously served twenty-one years as both a full time and a retired, recalled circuit court judge, Jonathan M. Apgar has successfully mediated scores of cases. He is also certified in civil mediation by the National Judicial College. He offers skilled mediation and arbitration at a modest cost.

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HIPAA vs. THE INFORMATION BLOCKING RULE: BALANCING PRIVACY AND ACCESS

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The Privacy Rule sets national standards for the use and disclosure of protected health information ("PHI"). It generally prohibits the disclosure of PHI without the consent of the patient unless a specific HIPAA exception applies. The Privacy Rule also gives patients certain rights over their own information, such as the right to access their own records in a timely manner.

The Security Rule requires covered entities and business associates to implement a range of safeguards to protect electronic PHI. It also requires them to conduct a risk analysis to identify security vulnerabilities and to implement a risk management plan to address those risks. The risk analysis must be reviewed and updated on a regular basis in response to operational changes and the evolving threat landscape.

The Breach Notification Rule comes into play when PHI has been compromised or disclosed in an unauthorized manner. Depending on the nature and scope of the breach, covered entities must notify impacted individuals, federal regulators and, in some cases, the media within required timeframes.

Finally, the Enforcement Rule establishes the procedures, investigation process, and penalties used by federal regulators to ensure compliance with HIPAA's privacy, security, and breach notification requirements. There is no private right of action under HIPAA. Instead, HIPAA is enforced by the HHS-OCR, which has secured approximately \$150 million in penalties and formal settlements over the last two decades.

In recent years, HIPAA enforcement activity has focused on three key areas: cyber incidents impacting patient data, compliance with the Security Rule's risk analysis requirements, and patients' right to timely access to their health information. Despite historic efforts to shrink the footprint of federal agencies over the past year, HIPAA enforcement activity has remained steady and is expected to continue.

Information-Blocking Rule

In contrast to HIPAA's focus on privacy, the Information Blocking Rule aims to promote interoperability and data sharing.

The Information Blocking Rule is a complex set of regulations that aims to promote the efficient exchange of electronic health information ("EHI") among providers, patients, and other industry stakeholders. According to policymakers, the ultimate goal is to improve patient outcomes by making it easier to share EHI across different systems, technologies, and electronic health records (EHRs).

The rule prohibits activities that interfere with the access, exchange, or use of EHI, except as required by law or protected by a regulatory exception. By default, patients and authorized parties are presumed to have the right to unimpeded access to electronic health information. The rule views delays, restrictions, or unnecessary hurdles to accessing EHI as presumptively unlawful unless an enumerated exception is met.

The Information Blocking Rule has nine regulatory exceptions that protect activity that may otherwise be considered illegal information blocking. For example, the "Privacy Exception" allows actors to withhold EHI if disclosing it would violate state or federal privacy laws. By the same token, if HIPAA or another privacy law permits (but does not require) disclosure, an actor may still be obligated to disclose the EHI to comply with the Information Blocking Rule.

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VIRGINIA STATE BAR UPDATE

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Section, Local and Specialty Bar Section, Senior Lawyers Section, and Young Lawyers Section. The creation of the four new sections implemented the directives of the Supreme Court of Virginia's April 26, 2025 Order which required the conversion of the conferences into sections by June 30, 2025.

Council also approved with 48 "yes" votes, 2 "no" votes and 1 abstention, VSB leadership to continue communications with the Supreme Court of Virginia regarding the VSB's conferences and sections.

Council also unanimously approved the slate of volunteer candidates to fill vacancies for the 2025-26 term on the Disciplinary District Committees.

At its meeting in Roanoke on October 24, 2025, Council took the following actions.

Council unanimously approved the volunteer attorney candidate to fill a vacancy for an unexpired term of 2027 on the First District Committee and a layperson position on the Tenth District Committee – Section II for a term expiring in 2028.

Council reviewed and adopted, with 55 "yes" votes, 0 "no" votes and 2 abstentions, its policy on individual remote participation in meetings and all-virtual meetings. The Virginia Freedom of Information Act requires that public bodies which use all virtual meetings or allow members to attend in-person meetings virtually "at least once annually adopt a policy, by recorded vote at a public meeting." Virginia Code § 2.2-3708.3(D).

Council unanimously approved the repeal of the current bylaws and the adoption of revised bylaws of the Young Lawyers Section and the Senior Lawyers Section.

As ever, please contact either of us with questions, issues, or concerns. It is our privilege to represent you on Bar Council.

Dan Frankl is Senior of Counsel at Harman Claytor Corrigan & Wellman, PC. and Kevin Holt is a partner at Gentry Locke.

Thank you to our Sponsors of Santa at the Station

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HIPAA vs. THE INFORMATION BLOCKING RULE: BALANCING PRIVACY AND ACCESS

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To receive protection under an exception, an actor's conduct must satisfy all elements of that exception. Conduct that does not meet an exception is examined under a facts and circumstances analysis.

Healthcare providers are one of three categories of entities (a.k.a. "actors") that are required to comply with the Information Blocking Rule. The other categories of "actors" are health IT developers of certified health IT, and health information networks/exchanges (HINs/HIEs). A person or entity must meet the definition of a "actor" to be subject to the Information Blocking Rule.

The Information Blocking Rule is enforced through provider disincentives and civil monetary penalties administered by the U.S. Department of Health and Human Services, Office of Inspector General (HHS-OIG). Penalties vary depending on the type of actor that commits information blocking.

Federal regulators have accepted allegations of potential information blocking since the regulations went into effect, but enforcement has been limited. With the recent announcement of additional resources dedicated to enforcement, 2026 will likely bring an increase investigations and enforcement activity. Regulators are likely to focus on the most serious and clear-cut cases, such as those causing patient harm or financial loss.

Key Takeaways

The legal landscape governing patient data continues to change at a rapid pace. Protecting the privacy and security of patient information remains a key challenge for healthcare providers and other regulated entities. However, as technology advances, regulators are increasingly emphasizing the efficient exchange of electronic health information.

Lawyers representing health care providers or handling patient data should remain aware of HIPAA's longstanding legal frameworks, as well as newer frameworks, such as the Information Blocking Rule. Understanding where the two align—and where they conflict—is increasingly important.

As interoperability mandates expand and enforce increases, legal counsel must help clients navigate competing obligations: protecting patient privacy under HIPAA while avoiding conduct that could be deemed information blocking.

Liz Heddleston helps a wide range of clients in the healthcare industry navigate the complex legal landscape governing healthcare. Liz has devoted her legal career to health law and understands the distinct legal challenges facing healthcare organizations and businesses operating in the healthcare space. She has a broad-based health law practice, providing guidance to healthcare providers and organizations on a spectrum of regulatory, corporate, and operational matters. A significant portion of her practice focuses on health information privacy and security, as well as the evolving legal framework governing the use and exchange of health data.

Save the Date
Bench Bar Conference
February 27, 2026

OUT OF OFFICE WITH BEN BYRD

(Continued from page 4)

episodes. I agreed to do so and corralled my friend Tim Sauls into the project. Tim is a semi-professional musician who can play anything with strings. He taught me how to play guitar and, for more than a decade, we've been playing old-time music together. (Tim's the actual talent. I play rhythm guitar which is sort of like being an offensive lineman in that no one notices you unless something has gone horribly wrong.) Old-time music is big in Virginia and is usually played in a group of two or more people (it's best with at least three). Common instruments for an old-time jam session include the fiddle, banjo, mandolin and guitar.

Because musicians are finicky creatures, Tim had no interest in playing anything other than old-time music and balked at trying to create more traditional covers of They Might Be Giants tunes. Utilizing the skills I've learned from watching good mediators over the years, I suggested that we use old-time tunes for the melody and we could have someone else sing the lyrics of the song we were covering. Greg reached out to a friend of his who lives in Iowa, Rachel Jones, and she agreed to be our group's singer. The result is an interesting mix of traditional old-time music and rock lyrics. Me and Tim record the melody and then email it to Rachel. She then adds the lyrics, masters the track and forwards the finished project to Greg who puts it on his podcast.

As three of us continued to do covers, Greg got me involved with his cover song compilation projects. These consist of Greg and his Covers Crüe putting together albums of They Might Be Giants songs and then selling them on Bandcamp. Any profits go to charitable causes. Greg started doing this to raise funds for one of his students who was undergoing cancer treatment; he ultimately released two separate compilations to help that student's family pay medical bills. Since then, Greg has done compilation albums to raise funds for the NAACP Legal Defense Fund and is currently working on a project for Sandy Hook Promise. One of our cover songs was featured on the Legal Defense Fund album, *Covers By Order*. That song was a combination of the Civil War tune "Seneca Square Dance" (aka "Waiting for the Federals") and the They Might Be Giants song "Prepare". We creatively titled it "Seneca Prepare Dance" (insert Fozzie Bear laughing GIF here). We also have a cover on the yet to be finished project for Sandy Hook Promise. It is yet to be finished because musicians are, somehow, worse with deadlines than lawyers.

If you're interested in learning more about Greg's work, go to [Bandcamp.com](https://bandcamp.com) and search for "This Might Be A Podcast". That will lead you to the compilation projects. Even if you don't like the music, it's worth buying the albums to contribute to a good cause. But more than that, there's never a wrong time to listen to old-time music. Homer Simpson's admonition to Lisa that you "[n]ever, ever stop in the middle of a hoedown[]" can be applied to old-time music – never, ever miss a chance to listen to a good old-time tune.

I never expected a random hobby I picked up in my 30s to evolve into something that helps raise funds to support causes that try and make the world a better place. It just goes to show that you should always be willing to learn something new. And, of course, never refuse a random Twitter message asking you to come on a podcast about a somewhat obscure, nerdy band that you started listening to in high school (yet again, I am asking that you don't judge me).

Ben Byrd is a partner at Munro Byrd, PC.

COURT HOUSE WELCOME BREAKFAST 2025

BY JAMIE WOOD, ESQ.



New attorneys gathered at the Roanoke City Courthouse on October 27 for our Welcome to the Courthouse Event with the judges of the 23rd Judicial Circuit. Attorneys had the opportunity to introduce themselves to our local judges and hear from judges across each level of the Court about the cases they regularly handle and their best tips for attorneys practicing in our circuit. After sharing introductions and breakfast, attorneys had the opportunity to meet the judges and to

observe their court proceedings that day.

Thank you to Judge David B. Carson for organizing this successful event and to all the judges who made time in the morning to participate! This annual event with our state court judges always provides a warm introduction for new attorneys and this year, as is in year's past, many of the participants shared how much they appreciated getting to hear directly from the judges and meet them in a friendly setting.

Young lawyers, stay tuned for information on our Welcome to the Federal Courthouse Event in early 2026!

Jamie Wood is an associate at Woods Rogers Vandeventer Black



SANTA AT THE STATION 2025

BY LORI D. THOMPSON, ESQ.

On December 18, 2025, the Roanoke Law Foundation, together with the Virginia Museum of Transportation, hosted the 19th Annual Santa at the Station. Over 50 members of the legal community, including judges, attorneys, paralegals and legal assistants, together with their family members volunteered to help share the holiday spirit.

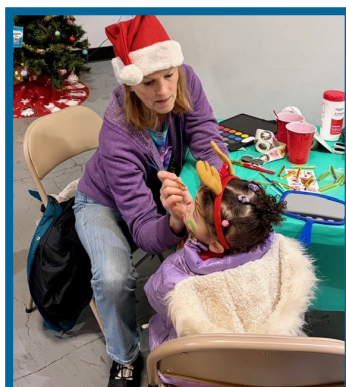
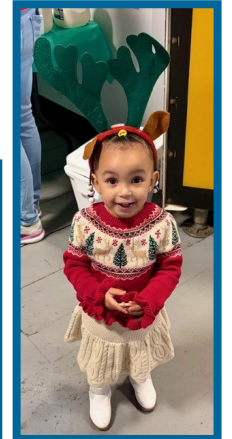
Children and their families currently served by the Roanoke Rescue Mission, Family Promise of Greater Roanoke, the Roanoke Valley TAP Head Start programs, The Legal Aid Society of the Roanoke Valley, RCPS McKinney-Vento Program, and the Child Health Investment Partnership of Roanoke Valley (CHIP) were invited to this annual event organized by the Roanoke Law Foundation. These deserving families enjoyed two-hours of unlimited exploration in the Virginia Museum of Transportation, along with every kid's favorite holiday meal with pizza, chicken nuggets from Chick-fil-a (served by the "Nugget Man" Al McLean), cupcakes, cookies and munchies.

Carolers from the Raleigh Court Presbyterian Choir and friends, led by Hugh Wellons entertained, along with the Chick-fil-a Cow and the RBA's own John Koehler as P.B. Plunger who enhanced the fun. Of course, no holiday would be complete without pictures with Santa (aka Fred Hoffman). Members of Roanoke City's Station One Fire Station joined us to hand out fire safety coloring books to the kids. Children enjoyed face-painting and getting holiday tattoo. And they were invited to stop by "Santa's Workshop" where they created holiday arts and crafts, under the able leadership of Lori Bentley, and "Santa's Sack" led by John Jessee, where they selected and wrapped a special holiday gift to give to family members and care providers this Christmas. Risa Katz-Albert entertained again this year as "Mrs. Claus" reading Christmas stories while the children enjoyed cookies and milk.

We had 276 guests attend this year's event, with approximately 180 children served, so volunteers stayed busy sharing the holiday spirit. And this year marked our first ever wedding proposal during Santa at the Station! Following the event, we delivered left-over pizzas, cookies and supplies to the Rescue Mission which helped provide lunch for their residents the following day.

This event is one of the highlights of the year for those participating, and it would not be possible without the many dedicated volunteers and our sponsors who generously provide financial support to fund this holiday party for families in need. We hope to continue expanding the number of deserving children and families served by this event for our 20th Annual Santa at the Station.

Lori Thompson is a partner at Spilman Thomas & Battle PLLC.



ANNOUNCEMENTS

NEW MEMBERS	UPCOMING EVENTS	OFFICERS																																		
<p>The Roanoke Bar Association welcomes the following new members:</p> <p>Active Members</p> <p>Emily Brooks, Gentry Locke</p> <p>Justin Lugar, Woods Rogers Vandeventer Black</p> <p>Abbey Williams, MichieHamlett</p> <p>Suzanne Pierce, Spilman Thomas & Battle, PLLC</p> <p>Lauren Wert, Legal Aid Society Roanoke Valley</p> <p>Mary Beth Nash, Glenn Robinson Cathey Skaff & White</p> <p>Michael Drougas, Frith Anderson & Peake</p>	<p>Roanoke Bar Association Meetings 2025 - 2026</p> <p>September 9, 2025</p> <p>October 14, 2025</p> <p>November 11, 2025</p> <p>December 9, 2025</p> <p>January 13, 2026</p> <p>February 10, 2026</p> <p>March 10, 2026</p> <p>April 14, 2026</p> <p>May 1, 2026 (Law Day)</p> <p>June 9, 2026</p> <p>Go to www.roanokebar.com for more information on all upcoming events.</p>	<table><tr><td>Jonathan D. Puvak President</td><td>989-9399</td></tr><tr><td>Victor S. “Dinny” Skaff, III President-Elect</td><td>767-2217</td></tr><tr><td>Sarah C. Jessee Secretary-Treasurer</td><td>283-0134</td></tr><tr><td>Amy H. Geddes Past President</td><td>989-0000</td></tr><tr><td>Diane Higgs Executive Director</td><td>342-4905</td></tr></table> <table><tr><th colspan="2">BOARD OF DIRECTORS</th></tr><tr><td>Jennifer A. Baker</td><td>512-1806</td></tr><tr><td>David R. Berry</td><td>983-9396</td></tr><tr><td>Allegra M.C. Black</td><td>857-7111</td></tr><tr><td>Laura M. Carini</td><td>853-5332</td></tr><tr><td>Martha W. Elder</td><td>983-7535</td></tr><tr><td>Andrew S. Gerrish</td><td>725-3370</td></tr><tr><td>Devon Munro</td><td>877-652-6770</td></tr><tr><td>James J. O’Keeffe</td><td>491-0634</td></tr><tr><td>Mona A. Raza</td><td>344-2088</td></tr><tr><td>Justin E. Simmons</td><td>983-7795</td></tr><tr><td>Jaime H. Wood</td><td>983-7785</td></tr></table>	Jonathan D. Puvak President	989-9399	Victor S. “Dinny” Skaff, III President-Elect	767-2217	Sarah C. Jessee Secretary-Treasurer	283-0134	Amy H. Geddes Past President	989-0000	Diane Higgs Executive Director	342-4905	BOARD OF DIRECTORS		Jennifer A. Baker	512-1806	David R. Berry	983-9396	Allegra M.C. Black	857-7111	Laura M. Carini	853-5332	Martha W. Elder	983-7535	Andrew S. Gerrish	725-3370	Devon Munro	877-652-6770	James J. O’Keeffe	491-0634	Mona A. Raza	344-2088	Justin E. Simmons	983-7795	Jaime H. Wood	983-7785
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Email: rba@roanokebar.com