

Electronic Health Records

Polsinelli's Health Care practice advises clients on all aspects of obtaining and implementing electronic health record systems, as well as structuring arrangements that facilitate integration and care coordination among health systems and community health care providers. The strength and depth of our national platform allows us to advise on all issues implicated by electronic health records ranging from the selection of an electronic health records vendor, through negotiation of the purchase agreement, to the development of offerings to community health care providers in compliance with regulatory requirements, including the Anti-Kickback and Stark Law requirements governing the subsidization of certain electronic health record items and services. Our firm also assists hospitals and health care providers in obtaining incentive payments from the government under the 2009 American Recovery and Reinvestment Act for the acquisition and "meaningful use" of electronic health records systems.

Our health care attorneys focus their efforts on helping clients achieve maximum value from their electronic health records systems by structuring arrangements that allow them to use their systems to achieve their business objectives in an era of health care reform.

We help our clients to structure arrangements involving accountable care organizations, clinically integrated networks and health information exchanges designed to use electronic health records systems to freely exchange and share clinical information to improve patient care in compliance with applicable laws.

Our Electronic Health Records group also frequently advises clients in the following areas:

- Assisting in the development of vendor RFPs for purchasing or upgrading electronic health records systems, negotiating vendor agreements and counseling on contractual issues
- Advising on compliance with meaningful use requirements
- Advising on all aspects of arrangements to subsidize electronic health records technology for health care providers, including the development of participation criteria, drafting and negotiating compliant electronic health records subsidy agreements, and advising on related issues, such as antitrust, tax-exemption, and fraud and abuse concerns
- Advising on legal and compliance issues related to the implementation of shared electronic health records platforms across non-affiliated provider organizations, and preparing policies and procedures to govern such shared platforms
- Advising on the creation and implementation of patient portals to electronic health records systems to meet meaningful use requirements, including drafting of terms and conditions for use and privacy policies to govern such portals
- Assessing proposed health information exchange models, negotiating participation agreements with public health information exchanges, and structuring private HIE arrangements. Our deep resources include, 50 state privacy law and health information exchange law research.