

Health Care Technology

As IT and data are rapidly transforming all aspects of health care, innovation is critical to clients' success in effectively addressing the risks and leveraging the opportunities created by complex and inter-connected technological, business and regulatory change. Our Health Care Technology practice group consists of recognized leaders with significant health care and technology industry experience and ranked by *U.S. News & World Report* and *American Health Law Association (AHLA)*.

The size and practice areas covered by our Health Care Technology group enable us to offer multi-disciplinary teams specifically assembled for our clients' projects. We provide actionable, industry-informed strategic advice, and we structure, negotiate and draft agreements in the life cycle of health care technology and data. This includes creating innovative technology, data and IP legal frameworks to support clients' adoption and use of new technology. We handle licensing, software development, complex IT and IP transactions, electronic medical records issues, data use, protection and analytics and cybersecurity, including meeting the challenges of multi-stakeholder, multi-user, multi-vendor health care environments. We also handle matters related to the Internet of Things, Artificial Intelligence, emerging digital medicine technologies, Blockchain, Smart Contracts, new Cloud-based services and outsourcing. We specialize in complex technology transitions involving both the acquisition and divestiture of hospital entities, which requires coordination and relationship-building among multiple service lines to ensure continuity of care. Our experience in a range of industries, both regulated and unregulated, allows us to bring best practices from those industries to health care. We work with health care system legal departments, CIOs, health care technology companies and financial services firms engaged in M&A or investing in health care technology.

Our Health Care Technology group includes former government officials from the Department of Health and Human Services, former in-house counsel at global technology and health care technology companies, former information technology industry professionals, one of the top 100 "Tech Innovators" (Techweek), one of the Thought Leaders in Data (*Who's Who Legal*, 2019), highly ranked attorneys by *Chambers USA*, *Legal500*, *U.S. News & World Report's* Best Lawyers and *Who's Who Legal* in Technology, Outsourcing and Data, committee chairman and members in health care and technology-related American Bar Association sections, officers of CIO and other related associations and a deep bench of health care regulatory and business attorneys. Our lawyers are sought-after speakers at industry and legal conferences, which places us at the forefront of the emerging business and legal issues found at the nexus of innovation, technology and health care.

We are privileged to represent some of the largest health care providers and most sophisticated technology solution providers, including:

- Health information and technology companies
- Hospitals and health systems
- Academic medical centers
- Hospital innovation labs
- Government health systems

- Universities
- Nonprofit entities
- Senior assisted living centers and similar institutions
- Clinic research organizations
- Foundations
- Private equity, hedge funds and other financial institutions making investments in health care and related technology and conducting M&A and other corporate transactions
- Dialysis providers
- Infusion therapy and specialty pharmacy providers

Our group's far-reaching experience in the business and delivery of health care allows us to provide clients with a broad range of health care data and technology services, which include the following areas of focus:

Health Care Licensing & Technology Acquisition Agreements

- Software licensing, development, and customization
- Corporate and information technology services transition planning
- Data licensing for product evaluation and improvement
- Hardware acquisition
- Combined technology and IP agreements
- Vendor and supplier agreements
- Web-based and mobile systems for patient and family engagement and other health care functions
- Digital health and Telehealth agreements
- IT cybersecurity systems
- IT vendor management
- Revenue cycle management
- E-payment and other payments systems

Technology Services & Outsourcing

- Enterprise-scale IT, business process and knowledge process outsourcing and technology services agreements, including offshore radiology and other medical services
- Outsourcing for regulatory compliance
- Outsourcing agreements with specialized health care vendors
- Combination hardware and software services provided on a services model
- Health care systems as IT and data services vendors, and hospital and health system users of such services
- Expanding Health Care IT from pilot phases to deployment across the whole of health care systems
- Health Care Internet of Things and Body Area Networks
- Acquisition of advanced medical treatment equipment
- Hospital back-office IT

Strategic Partnering Agreements

- Collaboration, development and joint venture agreements between health care institutions and technology vendors and data analytics providers
- Technology transfer offices and third parties
- Agreements among hospital and health system innovation labs/investing arms and technology companies

Electronic Medical Records

- Agreements and cross-system integration/interoperability of electronic medical records (EMR), electronic health records (EHR), and personal health information (PHI)
- Aggregation, use and sharing of EMR, EHR and PHI for research purposes, including limited data sets
- Regulatory compliance

Cloud-Based Services

- License and subscription agreements for Cloud-based services
- Cloud agreements tailored to health care operations and technology
- Cloud-based data sharing and data analytics
- Software-, platform-, infrastructure- and data-as-a-service
- Public, private and hybrid Clouds

Health Care IP

- IP counseling, protection and licensing
- Offensive and defensive IP
- Allocation of IP owners and licensing in customized software and collaborative improvements
- IP in-licensing and commercialization and monetization
- University research relationships

Telehealth

- Digital Health
- Telehealth and remote health services, licensing and products
- Wearable devices
- mHealth (mobile health)
- Regulatory compliance, including data protection
- Reimbursement eligibility

Big Data & Infrastructure

- Big data acquisition and analytics, including “AI in the Cloud”
- Data enhanced by AI and machine learning
- Determination and allocation of ownership and license rights
- Data Analytics, data use and data sharing agreements
- Commercialization of data sets
- Regulations applicable to PHI, and research

Privacy

- HIPAA/HITECH
- GDPR (including enhanced compliance obligations respecting Special Categories of Personal Data)
- California Consumer Privacy Act compliance (including the California Privacy Rights Act of 2020)
- State data breach laws
- Federal privacy and data protection laws
- Privacy policies and data use agreements

Data Security & Breaches

- Guidance on best practices and regulatory compliance for data protection, privacy and cybersecurity
- Incident Response
- Pre-incident counseling
- Loss prevention
- Agreements with privacy and cybersecurity vendors
- Ransomware
- Coordination with cyber forensics firms and applicable use of attorney-client privilege
- Privacy audits
- Audit and update older agreements to current standards
- Cybersecurity insurance

M&A & Investment Transactions

- IT, IP and health care counsel in connection with investments and M&A transactions
- Due diligence including IT, IP, regulatory and cybersecurity due diligence

Matters

- Represented a nationwide health care enterprise in investment in joint venture for the outsourcing of the enterprise's acute care and physician revenue cycle management services with a subsidiary of publicly traded corporation. (Project included custom interface development).
- Represented an alliance of the nation's leading nonprofit academic medical centers and their affiliated organizations, in a significant merger, with one of the largest national health care purchasing networks, to create the largest member-owned health care company in the U.S. Among other aspects, the alliance will serve more than 5,200 health system members and affiliates; have more than \$50 billion in purchasing volume, the largest in the industry; and have the industry's most in-depth clinical data combined with the nation's most robust supply chain data to address cost and quality.
- Prepared and negotiated primary outsourcing and ancillary agreements relating to a national hospital and health care group outsourcing the vast majority of its IT functions and operations to a third party vendor.
- Represented a statewide clinical access hospital network in developing and launching a pilot community health portal platform that was funded by federal grants.
- Drafted and negotiated a SaaS agreement between a national hospital and health care provider and a global information and research services company to provide authentication data and services that the provider can use to better authenticate users of potential new products or services.
- Drafted enterprise-wide technology and services procurement and licensing templates, including in connection with large scale telehealth initiatives, for leading provider of health care services and operator of hospitals and health systems.
- Created suite of template agreements for a startup health care management technology platform provider, including platform licensing agreement, portal terms of use and privacy policy, and EULA, all designed to be HIPAA and other health care regulation-compliant.
- Drafted and negotiated software license agreement for sports medicine clinic to manage and make use of client medical records.
- Drafted form "big data" license and co-development agreement for use with a hospital system's enterprise data warehouse
- Prepared and negotiated an information security agreement between a national hospital and health care organization and a global banking and financial institution allowing the launch of a new payment application.
- Drafted form Secondary Data Use Policy for regional Health Information Exchange (HIE).
- Prepared security policies for multi-provider health information exchange.
- Assisted a national hospital and health care group in analyzing the impact of a large information security breach, performing gap analyses and remediating IT policies and procedures in an effort to respond to regulator and prevent future breaches.
- Represented national health care system in complex infrastructure breach of information.
- Drafted and negotiated technology procurement of hardware, software and services around agreement for hybrid SaaS and Enterprise solution for network performance and security assessment for large hospital client.
- Drafted and negotiated hosted software solution agreement for a nursing and palliative care technology platform provider.
- Routinely negotiated information security agreements for national health care administration company.
- Regularly negotiated inbound vendor information security agreements for a Fortune 500 health care network
- Prepared intellectual property and technology terms and negotiated and defended those terms in a physician services agreement that resulted in a prestigious treatment center opening a new center in our client's existing facility.

- Interpreted and provided counsel for local university research branch's obligations under various intellectual property agreements.
- Drafted various technology policies and terms between health care facilities and their guests, including WiFi terms, acceptable use policies, terms governing guests' usage of mobile devices provided by the facility.
- Assisted providers in connection with various technology-related needs, including data protection, privacy law, CAN-SPAM and TCPA compliance.

Publications

October 29, 2025

Joint Commission and Coalition for Health AI Release First-of-Its-Kind Guidance on Responsible AI Use in Healthcare

May 10, 2023

Proposed Regulatory Oversight on the Emerging Use of Artificial Intelligence in Digital Health