

ELECTRONIC HEALTH RECORDS

Hall Render attorneys have been providing legal and practical advice related to electronic health records (“EHR”) systems from the time such systems started supplementing paper records. We have extensive experience assisting clients in the process of selecting, acquiring, implementing, using and provisioning access to EHR systems. In addition, we support the ongoing maintenance of EHRs consistent with the dynamic regulatory environment that applies to them, including matters such as configuration of patient portals.

The assistance regularly provided by our IT attorneys includes the following:

- Serving as lead counsel in the negotiation of EHR agreements with all major vendors on behalf of health system, hospital and provider group clients, including associated hosting agreements and data conversion agreements for clients who are transitioning to new vendors.
- With the high profiles that EHR agreements rightly maintain within organizations, our attorneys understand the need to work collaboratively with IT consultants and internal stakeholders to address the various business needs impacted by such agreements, from the financial challenges associated with acquiring these costly systems, to the information security requirements all organizations have, to demands on client resources during implementation. Our depth of experience in such negotiations allows us to help clients quickly finalize vendor agreements and avoid delays on “must have” vendor issues and other obstacles to closing deals.
- Where an EHR implementation is not successful – whether because of poor revenue cycle integration, data conversion challenges or otherwise – we assist clients in investigating the matter, advising on strategies to mitigate problems (e.g., vendor management processes) and the merits of potential claims and negotiating with vendors toward acceptable resolutions.
- Planning and developing programs for the effective use of EHRs, such as the provision of EHR access to community providers – including pursuant to the Anti-Kickback Statute safe harbor and Physician Self-Referral Law (Stark) exception [for EHR donations](#) – as well as health information exchanges, interfacing arrangements, shared data centers and systems, EHR hosting arrangements and shared communications infrastructure.
- Helping clients qualify for available payments and avoid penalties under various regulatory incentive programs related to the use of EHRs.

Our experienced team of IT management consultants at [Hall Render Advisory Services](#) are also available to provide strategic planning and other assistance with EHRs, including structuring engagements appropriately to meet our clients’ needs.

AREAS OF FOCUS

- ARRA HITECH
- Electronic Health Records/EHRs/Electronic Medical Records/EMRs
- Meaningful Use and EHR Incentive Program
- Stark Exception and Anti-Kickback Statute Safe Harbor for EHR/E- Prescribing