

HEALTH INFORMATION SYSTEMS

AT A GLANCE

McDermott Will & Emery's Health Information Systems Practice Group is at the forefront of legal issues arising from the convergence of health care and technology. McDermott is one of the few law firms that maintain the experience and depth to support an entire practice group focused on health information systems. Our lawyers represent both vendors and users of information systems, providing comprehensive legal services to e-health providers, payors, suppliers and businesses.

Experience

Our health information systems practice combines tech-savvy health lawyers with lawyers experienced in corporate finance, intellectual property, computer/information technology, commercial and e-commerce contracting, executive compensation, state and federal taxation, mergers and acquisitions, antitrust regulation, consumer protection, government contracting, export licensing and international law.

Our practice includes all aspects of representation for health care businesses, including the following:

- Formation, financing and governance of business entities
- Development, marketing and distribution arrangements
- Intellectual property protection
- Licensing agreements
- Systems integration agreements
- Internet and new technology issues
- Joint venture arrangements, mergers and acquisitions
- Privacy, security and both U.S. and international data protection
- Employment and non-competition agreements and issues
- Telemedicine network development

Health care industry clients are both vendors and users of information systems. We advise on the many regulatory challenges associated with engaging health information systems, including HIPAA and European Union privacy, security and data protection, fraud and abuse, the Stark Law, fee-splitting, licensure, corporate practice of medicine, reimbursement, technology assessment, the U.S. Food and Drug Administration, the Federal Trade Commission, the U.S. Department of Health & Human Services/Centers for Medicare & Medicaid Services, non-profit/for-profit joint ventures, tax exemption and intermediate sanctions, health insurance regulatory (including insurance, HMO, PPO, producer, agent, broker, TPA and UR agent licensing and contracting) and accreditation matters.

Hot Topics

We are prepared to handle matters relating to the most current issues in business and law.

- Donating health information technology to physicians
- Stark Law exceptions and anti-kickback safe harbors of e-prescribing and electronic health records
- Hospital credentialing standards for telemedicine
- Data privacy and security, best practices related to addressing security breaches and compliance with state notification laws, including the development of a 50-state database of applicable laws

Scope of Services

- Confidentiality of medical information
- Development arrangements
- Dispute resolution
- FDA regulation
- Fraud & abuse issues
- Government contracts
- Internet & technology issues
- Joint ventures
- Licensing
- Marketing & distribution agreements
- Mergers & acquisitions
- Outsourcing
- Security & data protection

Our Team

15+ lawyers

Contacts

Stephen W. Bernstein

+1 617 535 4062
sbernstein@mwe.com

Bernadette M. Broccolo

+1 312 984 6911
bbroccolo@mwe.com

Daniel Gottlieb

+1 312 954 6471
dgottlieb@mwe.com

Industry Leaders

McDermott lawyers hold leadership positions throughout the United States in the health information systems arena, enabling us to bring knowledgeable and timely industry perspective to client projects. Several of our health information systems lawyers play key roles in the American Health Lawyers Association (AHLA), including leading a series of audio-conferences regarding electronic health records and chairing AHLA's Tech Licensing and IP Affinity Group, the Electronic Health Records Affinity Group and the eHealth Affinity Group within AHLA's Health Information Technology Practice Group. Our lawyers have spoken at many local and national conferences on privacy and security matters, including presentations at the Massachusetts Health Data Consortium, Health Information and Management Systems Society, Public Responsibility in Medicine and Research and HIPAA Summit programs.

Recent Engagements

We represent large and small, global and national organizations in a variety of e-business transactions.

- Serving as outside general counsel to a nonprofit organization established to foster the development of a state-wide system of electronic health records. In this role, we have advised the organization in connection with its ongoing development of three pilot communities that, when implemented, will involve approximately 450 physicians, 600 total clinicians and multiple hospitals.
- Advising several different health plans in connection with multi-state security breaches, and developing a template "rubric" to evaluate and remediate security breaches for a national trade association
- Advising multiple health systems ranging from large academic medical centers to multi-hospital systems to independent physician associations to community hospitals in their development and roll-outs of electronic health records systems for their institutions and medical staffs
- Advising a health system in its development of an innovative community health information network and community clinical data repository, including development of related contracting strategies
- Representation of an alliance of academic medical centers and their affiliated hospitals in their joint venture with a not-for-profit organization that represents medical schools, teaching hospitals and health systems, and academic and scientific societies for the creation of online tools and resources to allow academic medical centers to manage their physician practices more effectively. The transaction involved complex licensing issues associated with the joint venture's use of intellectual property and data owned by the members.
- Representation of a major hospital system in the negotiation and drafting of agreements for the acquisition and implementation of clinical and financial system technology from a leading U.S. supplier of health care information technology solutions, as part of the development of a system-wide technology program connecting multi-state, multi-time zone facilities and enabling real-time sharing of patient information
- Negotiating complex software and technology licenses for various clients
- Negotiating diverse health information technology contracts for various vendors

Our Firm

McDermott Will & Emery is a leading international law firm with a diversified business practice. We represent a wide range of commercial, industrial and financial enterprises, both publicly and privately held. Our clientele include some of the world's largest corporations, small and medium-sized businesses, and individuals.

Currently numbering 1,000 lawyers, we have offices in Boston, Brussels, Chicago, Düsseldorf, Houston, London, Los Angeles, Miami, Milan, Munich, New York, Orange County, Rome, San Diego, Silicon Valley and Washington, D.C. McDermott Will & Emery has a strategic alliance with MWE China Law Offices (Shanghai).