

Health Information + Technology

Electronic Medical Records (EMRs)

The federal government has set creating a seamless national health information system—including an electronic medical record (EMR) for virtually every American—as a high-priority initiative within the next 10 years. This initiative requires hospitals, physician practice groups (PPGs) and other healthcare providers to implement EMR software systems and enter into inter-provider relationships that enable healthcare providers to record, access and share EMRs with one another in an effective, secure, and consistent manner. Hospitals (called donor hospitals) are charged with procuring EMR software systems who then grant access to PPGs and other healthcare providers affiliated with the Donor Hospital.

Miller Canfield Health Care Law attorneys advise and represent Donor Hospitals in structuring inter-provider contractual relationships and drafting the corresponding contracts that enable Donor Hospitals to grant PPGs and other healthcare providers access to EMR and e-Prescription software, in accordance with the Stark exception and Anti-Kickback Safe Harbor regulations.

We also work with Physician Practice Groups and other healthcare providers to establish and implement policies and procedures that must be followed when:

- implementing, operating, and maintaining EMR software systems
- granting, limiting or terminating access of employees and business associates to EMR software systems and EMRs, and
- giving business associates access to EMR and e-Prescription software

Health Information Privacy and Security

The Miller Canfield Health Law attorneys work with healthcare providers, payors, government agencies, and businesses to:

- develop privacy and security policies, notices of privacy practices, and standard authorization forms
- negotiate business associate agreements and other confidentiality agreements
- investigate and respond to reported privacy violations, and
- reconcile HIPAA and applicable state privacy laws with client initiatives to conduct quality improvement activities, assure patient safety, and perform research

Miller Canfield has developed a proprietary security breach plan, whereby we work with healthcare clients to respond to and analyze security incidents, engage private forensic investigators when appropriate, draft client reports required by law enforcement authorities, and represent clients in the event of related criminal investigations.

System Agreements, Software Licensing and Other Computing Agreements

Miller Canfield has extensive experience in drafting and negotiating all manner of System and Software License and Support of Agreements for hospitals, freestanding surgical centers, physicians and physician groups, health plans, home health agencies, hospice organizations, ambulance service providers, bricks and mortar and on-line pharmacies and community mental health service providers. We regularly draft and negotiate Enterprise Software License Agreements, Beta Software License Agreements, Out-Sourcing Agreements, Disaster Recovery Agreements, Remote Access Telemedicine Agreements, Third-Party Administrator Agreements, and Telephone Call System Agreements.

Certification Commission for Health Information Technology (CCHIT™)

We also work with Health Care IT vendors on service contracts and agreements. When requested, we assist clients in applying for Certification Commission Health Information Technology certification.

Public Policy

Members of our Health Law Group have worked with government commissions, including the Michigan Health Information Network Legal Work Group, and been engaged to assist in national initiatives to promote appropriate use of health information technology to improve quality of care, promote patient safety, and advance scientific discovery.