

OUR PRACTICE

Health Information Technology

Information technology is a fundamental underpinning to the provision of health care. Health Information Technology issues touch every aspect of the health care industry.

Information technology enables the health care system to communicate, analyze and deliver care, from electronic health records to telemedicine, and from clinical decision systems to "big data" health care analytics. Baker Donelson lawyers have the knowledge and experience to address the full spectrum of legal needs faced by organizations struggling with issues they face on a daily basis to ensure the confidentiality, integrity and availability of health information.

In many cases, our clients are leading-edge innovators or first adopters. We provide advice and representation across a range of known and emerging issues, drawing on deep understanding of law and policy to provide context and clear counsel for moving businesses forward.

Clients. Our clients include health care providers, health IT companies, health financing companies, mobile health applications (mHealth), pharmaceutical companies, medical device companies, and medical software developers and vendors.

Regulatory compliance. We advise health care technology clients on issues relating to telemedicine issues, Medicare/Medicaid reimbursement, HIPAA privacy and information security, fraud and abuse, Stark, compliance audits, meaningful use/MIPS requirements, defending government investigations and interpreting the ever-changing regulations that affect information technologies in the health care industry.

Transactions. We advise clients on all types of business transactions involving the purchase and sale of health care technology products and services, including related intellectual property issues. We routinely advise on licensing agreements for content, software and other rights-protected intellectual property. We advise on a full range of commercial and contractual matters, including strategic alliance agreements, joint ventures, data center and web hosting agreements, service and business associate agreements, and financing agreements.

eHealth. eHealth issues continue to have a profound and wide-ranging impact, with new technology developments triggering not only existing and emerging health-care-specific regulations, but a myriad of developing laws and regulations relating to the business use of technology. We offer comprehensive and proactive advice and solutions to these often complex eHealth issues.

Interoperability. As healthcare systems move more and more to care management and care coordination among various providers along the continuum of care, the ability of patient information to be shared in real time becomes crucial. Hospitals, for example, may have financial responsibilities for patients treated at other hospitals. Such hospitals would need to know about that treatment in order to successfully implement their care management responsibilities for that patient. At Baker Donelson, the Health Information Technology (HIT) team is familiar with these challenges and the mechanics of achieving interoperability. We understand the enormous potential of blockchain technology for the implementation of interoperability and have experience with the unique issues that are developing with blockchain technologies and negotiations.

Information privacy and security management. We counsel health information technology clients on a wide array of privacy, data security and cybersecurity issues, including regulatory compliance with applicable federal and state laws. Our team includes lawyers with deep experience in these areas, including numerous Certified Information Privacy Professionals (CIPP), as well as a Certified Information Systems Security Professional (CISSP) – considered the "gold standard" for information security professionals.

Public policy. We provide strategic counsel as well as day-to-day policy representation, working to protect and advance client interests throughout the course of federal policy-making. We work to guide the actions of clients both in anticipation of and as a result of expected health information technology policies.