

OUR PRACTICE

Health Information Technology

Information technology is a fundamental underpinning to the provision of health care. Health Information Technology (HIT) 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, from clinical decision systems to "big data" health care analytics and mobile health to consumer wearables. 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 regulatory, contractual and business strategy is analyzed, understood and managed.

In many cases, our clients are leading-edge innovators or first adopters. We provide advice and representation across a range of known and emerging matters, 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, HIT 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 topics relating to telemedicine issues, Medicare/Medicaid reimbursement, HIPAA privacy and information security, interoperability and information blocking, 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, privacy and security issues and other risk factors for diligence and negotiation. 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, managed service provider agreements and business associate agreements, and financing agreements.

mHealth. mHealth issues arise from the evolving landscape of our mobile society and the expectation that information is available at our fingertips. mHealth continues 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 mHealth issues.

Interoperability and Information Blocking. Federal law requires all members of the health care ecosystem to ensure that health information is available and usable by all actors. As health care systems and their partners 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. At Baker Donelson, the 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 challenges that are developing with blockchain technologies and negotiations.

Our attorneys guide clients through the issues associated with information blocking and the potential fines for violation of the law.

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 brings deep experience in these areas and includes numerous attorneys who are Certified Information Privacy Professionals (CIPP).

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 HIT policies.