

ELECTRONIC HEALTH RECORD TECHNOLOGY

The American Recovery and Reinvestment Act of 2009 (the “Stimulus Act”) presents an unprecedented opportunity for eligible professionals and hospitals to receive incentive funds from the Medicare and Medicaid programs to assist them in acquiring electronic health record (EHR) technology. In order to receive these incentives, health care providers must adopt EHR in a timely fashion and demonstrate use of EHR technology in a manner that complies with the requirements of the Stimulus Act.

At Moore & Van Allen, we have an interdisciplinary task force dedicated to EHR issues, comprised of attorneys with the health care, information technology and corporate law experience needed to advise clients on both the acquisition of technology and software necessary to implement EHR systems and compliance with the requirements to qualify for incentives available under the Stimulus Act. Our task force recognizes the significant financial, personnel and time commitment required by providers in connection with EHR adoption and is committed to working effectively and efficiently with our clients to implement EHR successfully.

Health Care Regulatory

The MVA Health Care Team focuses on providing practical, informed and responsive counsel to health care providers throughout the region and nationally. Our goal in providing counsel and advice is to develop solutions that protect clients’ interests and advance their business goals, while meeting regulatory requirements. This regulatory experience, combined with our knowledge of the operational issues faced by providers, gives us the necessary insight to advise clients on the regulatory and practical issues related to EHR adoption.

We understand the specific issues presented by the requirements for qualifying for incentives under the Stimulus Act. We continue to monitor the evolving standards for meaningful use, which could impact the cost and therefore the benefit of Stimulus Act incentives. In addition, we advise clients on negotiating provisions in EHR vendor contracts related to the incentives, such as to address the obligation of a vendor to provide a product that will satisfy the Stimulus Act’s requirements on an ongoing basis.

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Information Technology

The MVA Intellectual Property Transactional Team has extensive experience negotiating business-critical information technology procurement and implementation agreements for our health care client and other clients. Our attorneys have the business and technical expertise necessary to provide informed and practical advice to clients acquiring an EHR platform, including strategies for managing the costs and mitigating the risks associated with licensing EHR software, procuring hardware and engaging outside vendors to install, implement and support an EHR platform.