



SINCE 1912

HEALTH INFORMATION TECHNOLOGY

Health information sharing, and the rules and regulations of software, licensing and technology issues, are important issues to our health care clients, and these issues are coming to the forefront as more is being done to try to curb record hacking with the advances of technology.

Taylor Porter attorneys have a strong commitment to its health care clients to actively monitor the latest state and federal regulatory developments within the health care technology industry, and stay abreast of any data breach stories, and rules and regulations that are affecting the industry.

Taylor Porter's Health Care Practice Team can help clients understand these issues and prepare themselves to take proactive measures in medical records, e-health issues and HIPAA privacy and security to protect the information of their patients.

Representative Matters

- Represented State-designated recipient of Office of National Coordinator (ONC) grant to establish statewide Health Information Exchange (HIE) in all aspects of start-up operations, including:
 - Procurement of HIE software platform, including drafting and negotiation of Software as a Service (SaaS) Agreement;
 - Advice and counsel on HIPAA compliance and other complex – and frequently conflicting – data privacy issues;
 - Drafting and negotiating contracts with hospitals, physician groups and other health care providers to participate in the HIE;
 - Procurement of data analytics software under SaaS Agreement;
 - Advice and counsel to client and interaction with client's stakeholders (hospital association, medical society, state government, etc.) regarding cutting-edge legal, regulatory and operations issues raised by HIE.

- Represented large public hospital system regarding multiple cutting edge legal and business issues raised by transition from integrated, multi-facility electronic health record system (EPIC) to multiple EHR systems with multiple private hospital partners.
- Represented large private, not-for-profit hospital system in drafting and negotiating multiple SaaS agreements to meet a variety of software needs and functions.
- Represented multiple software development companies and information technology vendors in securing protection of intellectual property through copyright registrations, federal trademark registrations, confidentiality and non-disclosure agreements, and software development, licensing and support agreements.
- Assisted biomedical research center in securing federal trademark registrations and licensing of software applications designed for healthier lifestyles and eating habits.
- Assisted multiple clients in designing and implementing security protocols designed to secure and protect confidential data and personal information.
- Represented both licensors and licensees in negotiating and drafting SaaS agreements and similar information technology licensing and support arrangements.
- Drafted and negotiated contracts between owners and vendors for clients across various industries, including education, healthcare and energy, and as it relates to the creation, installation and maintenance of hardware and software, and providing related professional services, including financed leases. Clauses often negotiated include: standard of care, warranty/unintended use, limitation of liability, indemnity, insurance requirements, changes in scope of work, borrowed employees, statutory employer, and rights of offset.



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