



Healthcare Has Legal Issues Beyond Obamacare

Posted in [Medical Device Business](#) by MDDI Staff on October 13, 2014

By Attorney David P. Mierswa



The healthcare industry is facing many legal issues that not only affect healthcare workers, but patients as well.

“Obamacare,” also known as the Patient Protection and Affordable Care Act (PPACA), has been the central topic within the healthcare industry for many years now. The constitutional and implementation issues are among some of the most challenging. In the wake of the PPACA, healthcare providers are facing major compliance issues and cost in the millions.

However, putting aside the PPACA, there are many other legal issues facing the healthcare industry that are just as important. The issue of data breaches is another hot button topic facing the healthcare industry.

As providers switch from paper to complete electronic systems, they face the ever-increasing threat of data breaches as well as compliance with state, federal protective, and privacy laws. Providers that fail to comply are facing lawsuits from the government agencies, patients, and other business entities.

In 2011, for example, the Department of Health and Human Services levied a fine of \$4.3 million against Maryland-based Cignet Health for violations against HIPAA. Providers and device makers should make sure there are contract terms in place dealing with unauthorized access to private healthcare data.

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**David Mierswa will be speaking on:
“Healthcare Contracts, NDA’s and
Healthcare Legal Issues”
MD&M**

**Oct. 16, 2014 • 12:30-1:30 p.m.
Schaumburg Convention Center
1551 Thoreau Drive North, Schaumburg, IL
Attached to the Renaissance Hotel**

Again, this is just one example of the myriad of challenges that medical companies face. Other topics that deserve even more attention include the physician/hospital relationship and violation of Stark Law (limitations on physician referrals); tax exempt status of medical providers; mergers and anti-trust law; labor disputes; medical malpractice; and tort reform.

To deal with all of these issues you need healthcare contracts that include, but are not limited to, the following: nondisclosure agreements; employee contracts; physician agreements; relocation agreements; partnership agreements; purchase and sale contracts; and other contracts. Remember, you are legally protected only as much as your contracts allow!

