

Health Informatics

SUMMARY

Technology continues to drive efficiencies in every industry sector, including the health sector. It is our job to help ensure that the legal issues with informational and technological solutions are resolved and do not encumber health care institutions. We assist in the procurement, acquisition and licensing of hardware, software and information technology-related services needed to support the information technology needs of healthcare institutions. We know how technology must be provided in order to comply with privacy laws.

These are uncertain, turbulent times, particularly in Ontario health care technology procurement. We have taken a leading role in the development of cutting edge concepts and best practices in Ontario health care technology procurement. This is evidenced by the significant proportion of procurements we are involved in each year and the track record of our clients returning to us for the timely, pragmatic procurement advice we provide.

Our clients, who range from long-term care facilities and community hospitals to large teaching hospitals, laboratories, CCACs (in Ontario) and private health care companies, have come to expect innovative and practical solutions that demonstrate our understanding of all aspects of their business. In fact, we have negotiated agreements on their behalf with a significant proportion of the health IT-specific industry players, as well as companies that fall outside the health IT field.

We apply a specific methodology to procurement using our database of well over 100 RFIs, RFPs, VORs and other procurement documents that we have advised and worked on in recent years in the Ontario health care setting.

We maintain a close involvement in the health informatics community. Our group is actively involved in the Canadian Organization for the Advancement of Computers in Health (COACH) and is a Founding Institute Member of CHIEF: Canada's Health Informatics Executive Forum.

PUBLICATIONS & PRESENTATIONS

Recent presentations

- Mark Fecenko, "IT Procurement by Healthcare Organizations: Results of a Survey Conducted by HIROC and Borden Ladner Gervais LLP".
- Bonnie Freedman and Daniel Girlando, "Cyber Risk and Resilience," *Ontario Hospital Association*, December 2016.
- Bonnie Freedman, "Challenges in Implementing IT Solutions for Health Care," *IT.CAN Annual Conference*, October 2016.
- Mark Fecenko, "The Procurement Challenge for Hospital Boards: Reconciling the BPS Procurement Directive, Innovation Procurement and eHealth 2.0," *Ontario Hospital Association, Governance Centre of Excellence Magazine*, June 2016.
- Mark Fecenko, "Procurement Directive Requirements: The Legal Governance Considerations," *Ontario Hospital Association*, May 2016.
- Bonnie Freedman, "HIPA and Privacy: A Practical View," *Ontario Hospital Association Conferenc*, January 2016.
- Bonnie Freedman, "De-Mystifying Cyber Risk: Protecting Your Privacy and Reputation in the Information Economy," *Ontario Hospital Association Conference*, December 2015.

- Bonnie Freedman, "Understanding Canada's Anti-Spam Legislation (CASL)," *Ontario Hospital Association Conference*, February 2015.
- Mark Fecenko, "Selected Issues in the Context of IT Procurement," *Procurement Seminar, Niagara Health System*, Niagara Falls, Ontario, 2015.
- Mark Fecenko, "Capital Equipment Procurement: Big Risk, Big Dollar, and Big Results," *St. Joseph's Health System*, Toronto, Ontario, 2014.
- Mark Fecenko, "Selected Issues in the Context of IT Procurement," *Procurement Seminar, Healthcare Materials Management Services*, London, Ontario, 2014.
- Mark Fecenko, "An Executive Perspective," *Procurement Seminar, Ontario Telemedicine Network*, Toronto, Ontario, 2014.
- Mark Fecenko, "IT Procurement and Service Provision in the Ontario Health Sector – Risk and Liability," *HIROC*, Toronto, Ontario, 2014.
- Mark Fecenko, "Providing Practical Advice on the Fly," *Procurement Seminar, Ontario Telemedicine Network*, Toronto, Ontario, 2014.
- Mark Fecenko, "Procuring A Health Information System: Avoiding the \$300 Million Lawsuit," *COACH Magazine*, 2013.
- Mark Fecenko, "Cross your T's and Dot Your I's: Tips and Strategies to Survive in Today's World of Increased Public Scrutiny," *St. Joseph's Health System*, Toronto, Ontario, 2013.
- Mark Fecenko, "Procurement Seminar: Providing Practical Advice on the Fly," *Grand River Hospital*, Kitchener, Ontario, 2013.
- Bradley J. Freedman, "Healthcare IT Procurement — Keys to Success and Managing Risk," *COACH Magazine*, October 2012.
- Bonnie Freedman, "FIPPA Implementation in Hospitals," *Ontario Hospital Association: Principles and Applications of Health Law*, May 2012.
- Mark Fecenko, "Ontario Hospital Procurement 2.0: Ten Things Ontario Public Hospitals Need To Do," *COACH Magazine*, 2011.

Client Bulletins

- "The CFTA and Innovation Procurement — A Primer for Broader Public Sector Entities in the Healthcare Sector," June 2017.

REPRESENTATIVE WORK

- Advised on province-wide information technology initiatives involving more than 100 hospitals with regards to critical care, emergency department, surgical efficiency, and eMPI, WTIS and PACS services.
- Regularly deal with the majority of the major Canadian and U.S. IT product and service providers on behalf of health care institutions for the provision of health information technology solutions, and as a result understand their forms of agreement and their processes for negotiating contracts.
- Advise groups of hospitals, Local Health Integration Networks (LHINs) and multiple-LHINs on the conduct of collaborative IT arrangements that comply with applicable privacy laws. For example, we advised a Local Health Integration Network on privacy and data-sharing principles for a multi-facility shared diagnostic imaging repository.

- Advise both community and teaching hospitals on the conduct of significant IT-outsourcing arrangements. We are advising community and teaching hospitals on the implications of the recent audit reports, guidelines and directives in Ontario on the conduct of their procurement activities of information technology solutions to ensure that they are both efficient and consistent with their obligations.
- Advised a teaching hospital on the spin-off of its PACS technology to a third party and the provision of the PACS services to the hospital through a long-term agreement.