

The Continuing Transformation of Health Law in Virginia

by Jeffrey D. McMahan Jr.

Recently, Virginia served as the kick-off location for AOL founder Steve Case's Rise of the Rest Tour, which celebrates, among other things, innovation. From startups to research and development, Virginia is one of the epicenters in technological advancement. In the spirit of celebrating innovation, the Virginia State Bar Health Law Section is dedicating this issue of the *Virginia Lawyer and Virginia Lawyer Register* to articles exploring how technology and electronic health records are changing the delivery of health care. Included in this publication are articles discussing the broad impact of electronic health records (EHR) on the industry and the unique legal challenges posed by developments in health-care technology, including information privacy and security concerns, an increasing risk of insurance overpayments, new questions and pitfalls in litigation, and challenges unique to senior care.

Every day there are changes in the health-care arena — new legislation is passed, new regulations are implemented, new models of care are introduced, and new technologies are developed. Being a health-care attorney means wearing many hats and staying on top of these various changes. To stay informed, attorneys must play an active role in educating themselves and being involved in the legal community.

The Virginia State Bar Health Law Section is dedicated to making sure that its members are at the forefront of the profession and are leaders in helping health-care providers navigate these dynamic waters. The Health Law Section organizes CLEs, publishes newsletters, and encourages a collegial discourse among its members. In fact, this June the Health Law Section will co-host, along with the Virginia Bar Association's Health Law Section, the 17th Annual Virginia Health Law Legislative Update and Extravaganza. This year's Legislative Update will feature panel discussions

among some of the leading health-care experts in the commonwealth, and in the country, regarding new state legislation, the evolving debate surrounding Virginia's Certificate of Public Need Program, and new developments in telemedicine.

Technology and electronic health records have transformed, and will continue to transform, the way health care is delivered. Whether it be a doctor or other practitioner providing direct patient care, office staff managing patient records or billing for services, patients seeking coordinated care from multiple providers, or attorneys guiding providers through complex legal and regulatory issues, everyone involved in the health-care industry will see dramatic changes in the ensuing years.

The Virginia State Bar Health Law Section's board of governors, composed of me, Jeremy A. Ball (chair), Douglas E. Penner (vice-chair), Daniel D. Santos (secretary), Margaret E. Griffin (past-chair), Beverly H. Binner, Bruce D. Gehle, Patrick J. Hurd, Ishneila I. G. Moore, and Molly E. Trant, sincerely hope that you find this issue of *Virginia Lawyer and Virginia Lawyer Register* insightful and useful to your daily practice. Enjoy.



Jeffrey D. McMahan Jr. is an attorney with Graybill, Lansche & Vinzani LLC in Richmond. He focuses his practice on advising emerging growth companies, as well as venture capital and private equity fund investors, in general corporate and transactional matters and risk mitigation. Many of his clients are health-care companies or involved in the health-care industry, and he has extensive experience advising health-care companies regarding regulatory and corporate issues.