

What to Address in an EMR Contract

Before you sign a contract for an electronic medical record (EMR) with an EMR vendor, you need to ensure that key elements are outlined appropriately in the document. This provides the opportunity to ensure that your clinic's specific requirements will be delivered, and will help to avoid delays as you implement your EMR.

The following information assists you and your EMR vendor to finalize your contract. While each clinic's contract will be specific to its individual needs, the following suggestions are meant to support you through the contracting process. While this checklist provides things to consider, it does not replace legal advice.

<input type="checkbox"/> Physician Costs	Understand how part-time, casual or locum physicians who will use the EMR impact your clinic costs. Include details in your contract.
<input type="checkbox"/> Licensing Staff and Allied Health Professionals	Understand the process and costs involved when allied health professionals or clinic staff join or leave the clinic. Include details in your contract.
<input type="checkbox"/> Exit Clauses	Discuss with the EMR vendor how one-time and recurring fees are impacted when a physician leaves your clinic, especially during implementation. Include details in your contract. Confirm that the clinic practice agreements with your colleagues address the implications of physicians leaving your clinic during the EMR implementation process.
<input type="checkbox"/> Forms	Determine what forms you need and what the EMR vendor offers as part of the solution. Ask to review sample forms to determine if they meet your needs. Confirm that the forms you require are or are not included in the contract's quoted price and if they are available at go-live.
<input type="checkbox"/> User-Created Templates and Letters	Identify exactly which templates and letters you need at go-live and discuss with the EMR vendor to determine if there will be any costs incurred to provide them.
<input type="checkbox"/> Network Requirements	The EMR vendor may offer a standard network package. Ensure that the EMR vendor has assessed your environment to identify necessary changes. Include details in your contract.
<input type="checkbox"/> Functionality	Include functionality details and implementation timelines in the contract.
<input type="checkbox"/> Releases and Updates	If the vendor has an established release and update schedule, discuss establishing terms in your contract for notification and possible training.
<input type="checkbox"/> Hardware Availability	The EMR vendor may offer a standard package of hardware. If you need hardware outside the standard offer, ask if the EMR vendor is willing to provide this and at what cost. Confirm it is compatible with the chosen EMR.
<input type="checkbox"/> Hardware Installation	New hardware installation and existing hardware configuration is usually done during regular operating hours. If your clinic makes alternative arrangements, include details in your contract. Include details about who is responsible for moving or installing any existing hardware to be used with the new EMR.
<input type="checkbox"/> Hardware Configuration and Certification Costs	There may be costs associated with integrating existing hardware into the new EMR, including certification costs. Include details in your contract. Clarify who is responsible for ongoing maintenance and replacement of existing hardware. Ask for information about the standards the hardware must conform to and how you will be notified if the standards change.

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<input type="checkbox"/> Maintenance/Warranty for New Hardware	Include all warranty and maintenance details for any new hardware provided by the EMR vendor.
<input type="checkbox"/> Maintenance Costs for Certified Hardware	There may be costs associated with maintaining existing hardware that was certified by the EMR vendor. Ask who is responsible for maintaining the certified hardware, and include details in your contract.
<input type="checkbox"/> Training	Discuss your training needs with the EMR vendor. Ensure you understand what level of training is being provided to each person in the clinic and how many hours of training are included. Determine if the training will be in person or online. Document provisions for designated super-users and an approach for training future EMR users. Training is generally conducted during regular operating hours. If your clinic makes alternative arrangements, include details in your contract.
<input type="checkbox"/> Satellite Offices	Ensure costs associated with EMR setup in any associated satellite clinic offices are detailed in your contract.
<input type="checkbox"/> Termination Clause	Understand the termination services and associated fees provided. Include details, as well as timeframes, in your contract.
<input type="checkbox"/> Material Breach	Include details about what constitutes a material breach of contract such as failure to pay invoices or failure to make the EMR available. Include responsibilities of both the physician/clinic and the vendor.
<input type="checkbox"/> Indemnification Clauses	Include an indemnification provision in favour of the physician in relation to any disputes over intellectual property. The Canadian Medical Protective Association (CMPA) recommends that the agreements also provide indemnification in relation to breaches of patient privacy, inappropriate use of confidential medical information or any breach in the security of medical records of patients. The CMPA has crafted a sample contract provision with general language that is suitable and appropriate as a general mutual indemnity between both parties (website: www.cmpa-acpm.ca).
<input type="checkbox"/> Timelines	Request that the EMR vendor document the timelines for any deliverables that are included in your contract. Include implementation, training, functionality, releases, updates, templates and any other item that needs to be scheduled.
Terms of escalation	Discuss the process for addressing issues and include the terms or method for escalating disputes in your contract.