



Position Description

Title: eHealth Exchange In-house Legal Counsel

Reports to: Executive Director

FLSA Status: Exempt, Full Time

Supervisory Responsibility: N/A

Location: Remote

Compensation Range: \$217,900 – \$249,100

POSITION SUMMARY:

The eHealth Exchange Legal Counsel oversees all legal and regulatory matters related to the development and implementation of eHealth Exchange's business strategy, governance and compliance policies, and other day-to-day legal and business duties. This role will create and foster relationships with key stakeholders with eHealth Exchange, its customers, and across the health information exchange ecosystem. This role will also serve as a lead on trust agreements related to policies and governance for health information exchange programs supported by eHealth Exchange. This includes, but is not limited to, the trusted exchange framework and common agreement (TEFCA), CMS interoperability regulations, information blocking rules, and public policy related to the interoperable exchange of health information.

About eHealth Exchange:

eHealth Exchange is a nationwide health data sharing network, which enables the secure sharing of health information among public and private participants, including federal agencies, health systems, healthcare provider organizations, regional and state health data sharing networks, public health, and others in support of better care for individuals and populations.

ESSENTIAL FUNCTIONS:

- Oversee and manage all of eHealth Exchange's legal affairs in coordination with management.
- Identify risks and make recommendations for mitigation.
- Create and manage a legal strategy based on the company's mission and priorities.
- Provide strategic guidance, consultation, and partnership on a comprehensive range of legal and business issues involved in supporting the mission and objectives.
- Advise the Executive Director and Board of Directors on legal, governance, policy, and compliance matters.
- Prepare legal briefs, corporate resolutions, and other corporate governance materials prior to Board meetings and committee meetings as needed.

- Review and advise on contracts for the company in consultation with the Executive Director and COO.
- Provide strategic advisory and legal work in support of TEFCA and other data exchange frameworks eHealth Exchange joins and explores.
- Research legal and compliance issues as they arise to provide legal subject matter expertise.
- Advise management on risk management activities and provide mitigation recommendations.
- Working in close collaboration with the Executive Director and COO, draft, review, and negotiate contracts with customers, collaborators, contractors, governmental contracts, and non-IT related vendors. Work in close coordination with the Executive Director and CIO on reviewing IT-related vendor contracts specific to eHealth Exchange.
- Utilize and manage outside counsel effectively and efficiently.
- Review, digest, and stay apprised of laws, bills, rules, proposed rules, and regulations relevant to the mission, operations, and objectives including those relating to health information privacy, security, and exchange; ensure management is aware of any relevant laws and regulations.
- Perform and/or coordinate initial and periodic information privacy risk assessments and conduct related ongoing compliance monitoring activities in coordination with other compliance and operational assessment functions.
- Manage, in consultation with management, the development, implementation, and ongoing compliance monitoring of all business associate agreements to ensure all privacy concerns, requirements, and responsibilities are addressed.
- Establish and administer a strategy and process for receiving, documenting, tracking, investigating, and acting on all complaints concerning the organization's privacy policies and procedures in coordination and collaboration with other similar functions.
- Maintain expert knowledge of applicable federal and state privacy laws and accreditation standards and monitor advancements in information privacy technologies to ensure organizational adaptation and compliance.
- Create and deliver presentations and other materials on behalf of eHealth Exchange as needed.
- Other duties and special projects as required.

KNOWLEDGE, SKILLS, AND ABILITIES:

- Knowledge of laws, legal codes, court procedures, precedents, government regulations, executive orders, and agency rules
- Ability to work in a highly dynamic, team-oriented environment, with strong interpersonal skills
- Excellent oral and written communication skills
- Exceptional knowledge of HIT, interoperability, and health information exchange
- Excellent analysis and writing skills
- Substantial knowledge in and ability to apply principles of electronic medical record exchange, health information management, project management, and change management

EDUCATION, TRAINING AND EXPERIENCE:

- Must be a licensed attorney in at least one state in the United States
- A minimum of 12+ years of health law experience, including prior experience in the private sector, preferably in the healthcare information technology industry



- Hands-on experience drafting and negotiating complex contracts and other types of agreements
- Demonstrated experience advising companies on their day-to-day legal issues with respect to board operations, bylaws interpretation, conduct of meetings, and registration and filings
- Experience negotiating data network agreements
- Proficiency in MS Outlook, Word, Excel, PowerPoint, Teams, and SharePoint
- Experience with federal contracting including FAR and DFAR preferred

PHYSICAL AND MENTAL REQUIREMENTS:

- Ability to work on a computer for extended periods to include typing and working on a computer monitor
- Ability to stand or sit for extended periods
- Extended working hours and travel may be necessary
- Occasional lifting of 15 to 20 lbs.

“All qualified applicants will receive consideration for employment without regard to race, color, religious creed, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and related medical conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, protected medical condition as defined by applicable state or local law (such as cancer), genetic information, or any other characteristic protected by applicable federal, state or local laws and ordinances.”

Interested individuals should forward Resume to HR@ehealthexchange.org