



eCW Settlement with DOJ and Impact on Providers

eClinicalWorks (eCW) recently entered into a published Settlement Agreement with United States Department of Justice (DOJ) to resolve allegations that eCW falsely obtained certification of its EHR for the Meaningful Use Program. The government alleged that, although eCW software was certified as 2011 and 2014 ONC Certified EHR Technology, the eCW software was not capable of meeting all of the Meaningful Use criteria. As part of the settlement, without admitting liability, eCW agreed to pay \$155 Million in damages to the government and to comply with the terms of a Corporate Integrity Agreement (CIA).

At this point it is not yet clear whether providers who attested to Meaningful Use through the use of eCW software face any exposure. One positive is that the Settlement Agreement and CIA require that eCW provide existing customers certain rights to (i) receive upgrades to the software to comply with the Meaningful Use criteria at no charge, and/or (ii) transfer their data to a new EHR within the next year without charge.

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If you use eCW software and have any questions related to your current or past Meaningful Use attestations, are undergoing or expecting a Meaningful Use audit or have questions related to this settlement, please contact [Jeffry Adest](#), [Terence Russo](#), [John Martin](#), [Cathleen Benites](#) or any other [attorney](#) with whom you work at (516) 393-2200.

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