



Edward F. Shay



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Edward F. Shay restricts his national practice in Health Law to a range of intertwined issues involving payor-provider relationships, value based purchasing, disease management and emerging health information applications and developments. His practice currently focuses on health information exchange, electronic health information management and databases, and donation of electronic health records. For over ten years, Shay has worked extensively with HIPAA's transactions, privacy and security requirements and how those and other health information rules impact emerging technologies such as electronic health records, and the stewardship of health information databases. He has represented stakeholders on matters involving health information ownership, licensing, and protection, and matters involving commercialization and secondary use of health information.

Since the early 1990s, Mr. Shay has worked with managed care regulation, Medicare risk programs, now Medicare Advantage, and provider sponsored networks. In diverse health care regulatory and transactional engagements, he has represented community and specialty hospitals, provider sponsored networks, health plans, reinsurers, disease management vendors, pharmaceutical companies, long term care providers and diagnostic companies. With over thirty-five years of practice restricted to Health Law, Mr. Shay draws on a broad background in health care regulation and payment transactions involving health care enterprises.

Mr. Shay is a member of the American Health Lawyers Association, Chair of its Health Information and Technology Practice Group and a contributor to several publications of the HIT Practice Group, including a briefing on "Legal Barriers to Electronic Health Records" and a briefing on the "Standards for Privacy of Individually Identifiable Health Information." He has written on a regular basis for the [Health Law Handbook](#) series published by West Group, and he lectures extensively on health law topics, especially on e-health matters and compliance with HIPAA rules on privacy, security and transactions. Mr. Shay is a Commissioner on the Electronic Health Network Accreditation Commission (EHNAC), the leading organization accrediting health care clearinghouses. In addition, he is a member of the Editorial Advisory Board of "Briefings on HIPAA and Health Information Security," an HcPro publication.

Mr. Shay is listed in the health law section of *The Best Lawyers in America* for the current year and has been listed for numerous preceding years.

Areas of Practice

[Health Law](#)

[White Collar Defense, Compliance & Risk Management](#)

[Information Technology](#)

[Electronic Discovery](#)

[Data Protection](#)

[Business Law & Litigation](#)

Bar Membership

Pennsylvania

Publications

Shay, EF, *Transparency and the Law*, Ch. 3, [Health Law Handbook](#), West, 2008.

Shay, EF, and DeLoss, GE, Electronic Discovery and Electronic Health Records: The Impact of "e-Discovery" Involving EHR Upon Healthcare Entities, *Health Lawyers News*, May, 2007.

- Shay, EF, "Physician Impacts of Consumer-Directed Health Plans," *Physicians News Digest*, January 2006.
- Shay, EF, "Legal Barriers to Implementing Electronic Health Records," *Physicians News Digest*, May, 2005.
- Shay, EF, "Contracting with Medicare Advantage Plans" A Post & Schell E-flash, February 17, 2005
- Shay, EF, "HIPAA And Insurance: The Last Compliance "To Do", *Compliance Today*, July, 2004.
- Shay, EF, "Vulnerability to Counterfeit Drugs," *Physicians News Digest*, May, 2004.
- Shay, EF, Co-author of a monograph entitled "Lawyers as HIPAA Business Associates", part of the *Health Lawyers: Expert Series* published by the American Health Lawyers Association, 2004.
- Shay, EF, "A Survey of Security in Electronic Health Information," *2000 Health Law Handbook*, West Group (2000).
- Shay, EF, "Healthcare and the Internet," *Physician's News Digest*, Online Edition, March 2000.
- Shay, EF, "Managed Care Contracting for Ancillary Services," *1999 Health Law Handbook*, West Group (1999).
- Shay, EF, "Legal Implications of the Healthcare Informatics Revolution," *Physician's News Digest*, March 1999.
- Shay, EF, "Confidentiality in a Paperless System," *Physician's News Digest*, July 1997.
- Shay, EF, "Genetic Information and Insurance," *1997 Health Law Handbook*, Clark Boardman Callahan, Co. (1997).
- Shay, EF, "Managed Care Liability," *Physician's News Digest*, November 1996.
- Shay, EF, "Restructuring Medicare: Lessons from Medigap," *1996 Health Law Handbook*, Clark Boardman Callahan, Co. (1996).
- Shay, EF, "State Health Insurance Reforms and Purchasing Alliances," *1995 Health Law Handbook*, Clark Boardman Co. 1995
- Shay, EF, "Developments in Employers Sponsored Health Benefits," *1994 Health Law Handbook*, Clark Boardman Co. 1994.
- Shay, EF, "Regulation of Employment-Based Health Benefits," *Employment Health Benefits: A Connection At Risk*, Institute of Medicine, 1993.
- Shay, EF, "Health Benefits and the Older Worker," *The Philadelphia Lawyer*, Vol. 55, No. 2, p. 32.
- Shay, EF, "Medicare Secondary Payor Program," *1990 Health Law Handbook*, Clark Boardman Co. 1990.
- Shay, EF, "Commentary - Self-insurance: Does It Work?," *Philadelphia Business Journal*, July 2, 1990.
- Shay, EF, "Developments in Certificate of Need," *1989 Health Law Handbook*, Clark Boardman Co. 1989.
- Shay, EF, "Stricter Standards for Nursing Homes," *Physician's News Digest*, April 1988.
- Shay, EF, "Health Care Counsel Face Challenges," *1372 The Retainer* 16 (April 15, 1980).
- Shay, EF, "Pennsylvania Law of Hospital Supervision: Its Origin and Present Meaning," *51 Temple Law Quarterly* 187 (1978).
- Shay, EF, "Title V, A Poor Children's Health Crisis," *VI Clearinghouse Review* 5 (May 1973).

Publications - Full Text Available

[Survivor Business Associates and the Risks of Legacy ePHI](#)
[Identity Theft Prevention Program Deadline Postponed; Overview of Program Requirements](#)
[HIPAA Lessons Learned From HHS-Providence Resolution Agreement](#)
[FTC Announces Two Public Workshops and Roundtables on Emerging Health Care Competition and Consumer Issues](#)
[Health Care Providers and the Red Flag Rules: Time is Running Out](#)

[How Hip is HIPAA?...A 'QPO' Will Save You Time and Save Your Client Money](#)
[CEO HIPAA Transaction Alert: Get a Contingency Plan](#)
[Fundraising was Hard Enough before April 14: The Privacy Rule Hits Charity Work](#)
[Can HIPAA Survive Transactions?](#)
[Legal Disclosures: Know what the Privacy Rule Says about Responding to Subpoenas](#)
[Pay Attention to HIPAA's Hidden Private Right of Action](#)
[Consider the Pros and Cons of OHCAs](#)
[Take a Look at How Your HIPAA Compliance Plan Affects Your Insurance](#)
[Start Thinking about Enforcement for Transactions and Code Sets Now](#)
[Avoid These Pitfalls and Use Common Sense when Handling Business Associate Agreements](#)
[Avoid Scrutiny from HHS with Appropriate Policies and Procedures for Patient Complaints](#)
[Marketing and Privacy: Take Aim at a Moving Target](#)
[Pay Close Attention to these Important Business Associate Agreement Provisions](#)

Court Admissions

Supreme Court of Pennsylvania
 U.S. Court of Appeals, Third Circuit
 U.S. District Court for the Eastern District of Pennsylvania

Education

Doctor of Jurisprudence, George Washington University National Law Center, 1969
 Bachelor of Arts, Colgate University, 1966

Classes/Seminars/Speaking Engagements

Lecture (2008)- "Provider Profiling and the New Metrics" 14th Health Law Institute, Pennsylvania Bar Institute.

Lecture (2007)- "New Rules for Electronic Discovery," Association of Academic Health Centers.

Lecture (2007)- "Ensuring Health Record Integrity," AHIMA 2007 National Convention.

Lecture (2007)- "Plans, Providers and Transparency" 13th Health Law Institute, Pennsylvania Bar Institute.

Lecture (2007)- "Plans, Providers and Transparency," Annual Meeting, American Health Lawyers Association.

Lecture (2006)- "Plans, Providers and Transparency" Law Conference for Health Plans, Insurers, and Providers, American Health Lawyers Association.

Lecture (2006) "Rise of the Infomediaries" Masters Program, American Health Lawyers Association.

Lecture (2006)- "HIPAA Enforcement: EPHI and the Road to Ruin," 12th Health Law Institute, Pennsylvania Bar Institute.

Teleconference (2005)-"Interoperable Electronic Health Records: Malpractice, Antitrust and Other Concerns." Part IV of series by American Health Lawyers Association.

Lecture (2005) - "Legal Barriers to Electronic Health Records," 11th Health Law Institute, Pennsylvania Bar Institute,

Lecture (2004) - "Electronic Health Records and Theories of Liability" American Health Lawyers Association, Riding the Electronic Health Record Tidal Wave: An Exploration of the Potential Legal Barriers to the Interoperable EHR.

Lecture (2004) - "Counterfeit Drugs: Mad Cow for the Drug supply?" Pennsylvania Bar Institute, Tenth Annual Health Law Institute.

Lecture (2004) - "Health Care Privacy and Confidentiality Disputes: Administrative, Civil and Criminal Developments", a nationwide audio conference sponsored by the Health Care Compliance Association.

Lecture (2004) - "HIPAA Transactions Update", Institute On Medicare and Medicaid Payment Issues, American Health Lawyers Association.

Lecture (2004) - "First Year of HIPAA Privacy Enforcement: Mistakes, Myths, and Measures to Take", HcPro national audio conference.

Lecture (2004) - "HIPAA and Medical Records" Pennsylvania Bar Institute, Mastering Medical Records.

Lecture (2004) - First Year of HIPAA Privacy Enforcement: Mistakes, Myths, and Measures to Take", an HcPro national audio conference.

Lecture (2004) - HIPAA Transactions Update, Institute On Medicare and Medicaid Payment Issues, American Health Lawyers Association.

Lecture (2004) - Health Care Privacy and Confidentiality Disputes: Administrative, Civil and Criminal Developments", a Health Care Compliance Association nationwide audio conference.

Lecture (2004) - Counterfeit Drugs: Mad Cow for the Drug supply? Pennsylvania Bar Institute, Tenth Annual Health Law Institute.

Lecture (2003) – Pennsylvania Bar Institute, Ninth Health Law Institute, HIPAA Transaction Update.

Lecture (2003) – American Health Layers Association, "HIPAA Transactions and Code Sets: Countdown to October 16th."

Lecture (2003) – American Health Lawyers Association, "Bracing for an Industry Wreck."

Lecture (2003) – Pennsylvania Bar Institute, "HIPAA's Information Security Standards: The Next Big Hurdle."

Lecture (2003) – American Physical Therapy Association national seminar series, HIPAA Privacy Review.

Lecture (2003) – American Health Lawyers Association, Institute on Medicare and Medicaid Payment Issues, Privacy and Payment.

Lecture (2003) – American Health Lawyers Association, Institute on Medicare and Medicaid Payment Issues, HIPAA Transactions Update.

Lecture (2003) – Health Care Compliance Association, Dealing with PHI in the Data, A HIPAA Felony?

Lecture (2003) – Bracing for An Industry Wreck in October: Financial Disruption in the Transition to HIPAA Standard Transactions.

Lecture (2002) – Pennsylvania Bar Institute, Fall HIPAA Round-Up.

Lecture (2002) – Health Care Compliance Association, HIPAA and Insurance Risk.

Planner/Presenter, "HIPAA Compliance: Everything But Privacy," Program: Eighth Annual Health Law Institute, March 12-13, 2002, Pennsylvania Convention Center, Philadelphia, Pennsylvania.

Lecture: 2002 – Strategies XI, American College of Cardiology, The HIPAA Legislation. Lecture (2002) – American Health Lawyers Association, Pre-Summit on Privacy.

Lecture: (2002) — TEPR 2002- Managing HIPAA, Legal, Regulatory and Contract Issues for E-Health Services.

Lecture: (2002) – Health Care Compliance Association Compliance Institute, HIPAA Compliance.

Lecture: (2002) – Insurance Law Institute, Pennsylvania Bar Institute, Current Topics in Health Insurance.

Lecture (2002) – American Hospital Association, Privacy Roundtable.

Lecture (2001) Get Your "Business Associate" Contracts HIPAA – Ready NOW!; Brownstone Publishers, audio conference.

Lecture: (2001)–1st International Wireless Healthcare Conference, The Implications of HIPAA on Hand Held and Wireless Clinical Applications.

Lecture: (2001)-Privacy Under HIPAA (with Tools), Pennsylvania Bar Institute, Virtual Organizations Under the Privacy Rules: Finding the Boundaries

Lecture: 2001-Second National HIPAA Summit, Standardization Among Certification Authorities and Certification Practices.

Lecture: 2001-American Health Lawyers Association, Health Plans and the Privacy Rules.

Lecture: 2001-American College of Cardiology, Strategies for Success X, Administrative Simplification, the Law and its Ramifications.

Lecture: 2001-Institute for International Research, Insuring Operational Compliance for HIPAA.

Lecture: 2001-Seventh Health Law Institute, Pennsylvania Bar Institute, planner/speaker on Security under HIPAA and contracting under HIPAA.

Lecture: 2001-HealthCare Financial Management Association (Appalachian and Northeast Chapters), Administrative Simplification and the Law.

Lecture: 2000-National Association of Managed Care Regulators, Downstream Risk and Delegation.

Lecture: 2000-American Bar Association, Medical Information and Privacy.

Lecture: 2000 - Joint Venture with Keane, Inc. on series of presentation throughout United States on regulation of health information.

Lecture: 2000 - Sixth Annual Health Law Institute, Pennsylvania Bar Institute, planner/speaker on regulation of health information.

Lecture: 1999 - Fifth Annual Health Law Institute, Pennsylvania Bar Institute, planner/speaker on regulation of health information.

Lecture: 1998 - Fourth Annual Health Law Institute, Pennsylvania Bar Institute, planner/speaker on Medicare+Choices.

Lecture: 1997 - Third Annual Health Law Institute, Pennsylvania Bar Institute, planner/speaker on risk transfer.

Lecture: 1996 - Second Annual Health Law Institute, Pennsylvania Bar Institute.

Lecture: 1995 - First Annual Health Law Institute, Pennsylvania Bar Institute.

Lecture: 1993 - Pennsylvania Bar Institute, Estate Planning for the Elderly.

Lecture: 1993 - Pennsylvania Bar Institute, Certificate of Need: The Amendments.

Lecture: 1993 - Pennsylvania Bar Institute, Fundamentals of Health Law "Managed Care."

Lecture: 1991 - Pennsylvania Bar Institute, Developments in Health Law, "Third Party Liability and MSP"

Lecture: 1990 - National Business Institute, Elder Law in Pennsylvania, "Protecting Nursing Home Patients"

Lecture: 1990 - Pennsylvania Bar Institute, Estate Planning for the Elderly, "Introduction to Medicare Benefits" Lecture: 1990 - Center for Healthcare Information, 2nd Annual Colloquium

Lecture: 1989 - Pennsylvania Bar Institute, Developments in Health Law, "Certificate of Need and Licensure Developments"

Lecture: 1989 - Center for Healthcare Information, 1st Annual Colloquium

Lecture: 1988 - Pennsylvania Bar Institute, Developments in Health Law, "Provider Contracts With Alternative Delivery Systems"

Lecture: 1987 - Pennsylvania Bar Institute, Estate Planning for the Elderly, "Paying for Long Term Care/Long Term Care Insurance"

Lecture: 1986 - Pennsylvania Bar Institute, Representing Long Term Care Providers, "Life Care Communities"

Lecture: 1982 - Pennsylvania Bar Institute, Counseling for Elderly, Medicare and Medicaid (lecture only)

Lecture: 1980 - Pennsylvania Bar Institute, Certificate of Need, Health Planning

Lecture: 1979 - Second Annual Seminar on Health Planning and the Law, National Health Lawyers Association, Kansas City, MO

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