

Locke Lord Bissell & Liddell_{LLP}

Attorneys & Counselors

2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776
Telephone: 214-740-8000
Fax: 214-740-8800
www.lockelord.com

Jan R. Newsom
Direct Telephone: 214-740-8639
Direct Fax: 214-756-8639
jnewsom@lockelord.com

July 7, 2011

Tim Gueramy, M.D., President
J&H Medsoft LLC
Via email to tgueramy@me.com

RE: J&H Medsoft DocBookMD Application

Dear Dr. Gueramy:

You have requested confirmation that the new DocBookMD application from J&H Medsoft ("Medsoft") which allows participating physicians to communicate or transfer medical information from one physician to another is compliant with HIPAA requirements for privacy and confidentiality purposes, and appropriately addresses the data security requirements of HIPAA and HITECH. As legal counsel who have advised Medsoft on various HIPAA and HITECH act compliance matters, this letter is intended to reflect our review of the process and documents used by Medsoft when it is providing the application services of connecting two or more physicians who are then able to share certain electronic medical data about a patient.

It is our continued understanding that, in order to utilize the application, the User must sign two documents after separately qualifying to acquire the application. The first required item is an End User License Agreement, which is reviewed and executed by the User on-line through the Apple App store. Next, the User is required to download and execute a HIPAA Business Associate Agreement, which reflects the relationship between the User (a physician potentially subject to HIPAA's confidentiality and privacy requirements) and Medsoft. A copy of the fully executed Business Associate Agreement is then physically transferred to Medsoft. In the Business Associate Agreement, Medsoft agrees to use the information it receives from the User only for the intended purposes (to receive, store and transfer the information for access by another specific User through the DocBookMD application) and to safeguard the information while Medsoft is in possession of the data, all in accordance with HIPAA requirements.

As you are aware, physicians subject to HIPAA are allowed to use and disclose patient confidential medical information for treatment and operational purposes, in most cases without further authorizations from the patient. Using the DocBookMD application

to communicate patient medical data to another physician for consultations or other related purposes can be accomplished through a third party, such as Medsoft, by contracting with the third party and by protecting the confidentiality of the data through use of a Business Associate Agreement.

It is our further understanding, based on information from the company, that Medsoft has undertaken to ensure the electronic security of the information while it is in transit between Users and while the information resides in the data systems of Medsoft, all in accordance with HIPAA and HITECH act data security requirements. Technical protections include protecting all messaging between devices and the Medsoft servers by utilizing levels of encryption using SSL – decryption occurs only when the Users retrieve their messages. Physical security includes retaining all patient-related messages on the Medsoft servers and not on the permanent memory of the User devices, and protecting all access to the servers via both physical and electronic security measures. Redundancy is achieved by protecting the data with an extensive back-up and recovery procedure on the Medsoft servers. Messages are archived for three years prior to destruction. Additionally, administrative security procedures include a termination procedure of wiping clear any data from a User device that has been reported to Medsoft as having been lost or stolen, as well as electronic tracking of data access for reporting purposes when required. Medsoft has adopted administrative policies to further comply with the breach analysis, reporting and notification procedures of the HITECH act should unauthorized access occur.

By ensuring that the electronic data is safeguarded in accordance with HIPAA and HITECH standards and by becoming a party to a Business Associate Agreement with the Users, Medsoft is ensuring its compliance with HIPAA in performing the data transfer services it offers through the DocBookMD application.

Sincerely yours,

A handwritten signature in black ink that reads "Jan R. Newsom". The signature is written in a cursive style with a large initial "J" and "N".

Jan R. Newsom