

WFW ADVISES MORE THAN 50 HOSPITAL OPERATORS ON PIONEERING PATIENT PORTAL PROJECT WITH INTEROPERABILITY PLATFORM

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Watson Farley & Williams (“WFW”) advised a total of 56 hospital operators with 111 clinics and around 25,000 inpatient beds on behalf of Klinik-Kompetenz-Bayern eG (“KKB”) on the structuring and the tendering of a framework agreement for the provision, implementation and operation of an interoperable patient portal and services project. KKB was founded in 2011 and is a voluntary association of 34 hospital operators in the Free State of Bavaria with 66 clinics.

The aim is to introduce a centrally operated, multi-client capable and interoperable patient portal for digital admission, treatment, discharge and transfer management at the hospitals. The hospital operators are financing the majority of the project with funding based on the Hospital Future Act (KHZG). The development of this platform represents one of the largest IT initiatives in the German healthcare sector at system and application level and is regarded as a flagship project for healthcare digitalisation in southern Germany.

WFW first conceptualised the innovative approach for bundling the needs of the individual hospital operators and subsequently prepared the award procedure in collaboration with KKB, a project group of representatives from the participating hospital operators and the technical consultants from ENTSCHEIDERFABRIK, drew up a complex bundle framework agreement and was responsible for the implementation of the award procedure, including multi-stage contract negotiations as the external awarding body. Siemens Healthineers was awarded the contract. The project is now being implemented for the various clinics by Klinik IT eG, which encompasses more than 30 Bavarian hospital operators, as a shared service centre.

The WFW Germany Regulatory team was led by Munich Partner and Head of the German regulatory, public law and competition practice group Dr Felix Siebler, supported by Counsel Norbert Schleper, Senior Associates Annabelle Forster and Dr Jonathan Möller as well as Associate Josephine Stange (all regulatory, public procurement, state aid and contract law).

Felix commented: “We are extremely pleased that we were able to advise the hospital operators in coordination with our long-standing client Klinik-Kompetenz-Bayern eG on this challenging and complex project and thus contribute to the realisation of a milestone in the digitalisation of the healthcare sector in Germany”.

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Manfred Wendl, CEO of KKB, adds: “The chosen procurement strategy enabled a very efficient approach and created a strong negotiating position on the market, which made it possible to introduce the system solution with high quality and a high degree of cost-effectiveness. Due to the complexity of procedural and contractual issues, we relied on WFW as a very experienced legal advisor for digitisation projects”.

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