

June 2001

E-Health: The Medical Frontier--Preface

Brian J. Caveney

West Virginia University College of Law

Follow this and additional works at: <https://researchrepository.wvu.edu/wvlr>

 Part of the [Health Law and Policy Commons](#), [Internet Law Commons](#), [Medical Jurisprudence Commons](#), and the [Privacy Law Commons](#)

Recommended Citation

Brian J. Caveney, *E-Health: The Medical Frontier--Preface*, 103 W. Va. L. Rev. (2001).

Available at: <https://researchrepository.wvu.edu/wvlr/vol103/iss4/4>

This Article is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact ian.harmon@mail.wvu.edu.

HEALTH CARE SYMPOSIUM: E-HEALTH: THE MEDICAL FRONTIER

PREFACE

The evolution of Internet technology is pervading America's largest service industry, health care. Although it has experienced numerous setbacks in its development and adoption, e-health promises exciting new capabilities to streamline and improve the provision of health care services in the future. While still in its infancy, the e-health revolution will forge ahead. However, significant legal and structural challenges must be resolved before e-health possibilities can be fully realized. This *West Virginia Law Review* symposium issue, "E-Health: The Medical Frontier," explores these various challenges through articles by leading experts in the field.

Professor Ronald Scott provides a general framework of the great opportunities in e-health and the legal issues currently preventing more widespread adoption of the technology. He then focuses more specifically on the regulatory and ethical challenges presented by virtual pharmacies operating on the Internet. Kevin Outtersson discusses the constitutional underpinnings of the evolving technology in health care by exploring whether the Commerce Clause or the police powers must be invoked to justify the expanding federal oversight necessary to regulate and foster the evolution of e-health capabilities.

Mary Beth Johnston and Leighton Roper summarize the voluminous new federal regulations on medical record privacy, security, and electronic transactions stemming from the Health Insurance Portability and Accountability Act of 1996. They discuss the most important sections and offer "covered entities" and their counsel new strategies for navigating and complying with the regulations. Melissa Cantrell explores the significant challenges faced by regulatory bodies seeking to exert subject matter and personal jurisdiction over either domestic or foreign e-health website operators.

Brian Caveney examines the legal and ethical implications of a novel use of e-health technology: the auctioning of surgical procedures to the general public. Finally, Christine Glover analyzes the record retention policies of several West Virginia hospitals, and provides recommendations for state legislation to address the inconsistencies. Proper handling of medical records is required under the new Health Insurance Portability and Accountability Act regulations, and is an important consideration for all health care entities seeking to computerize their medical records.

Brian J. Caveney
Health Care Symposium Editor

