

Michael Arrigo Admitted as Expert in Qui Tam False Claims Act Case Involving Electronic Health Records

Macon, Georgia – On June 4, 2025 U.S. District Judge Marc T. Treadwell DENIED a motion by eClinicalWorks, LLC to exclude expert testimony of Michael Arrigo in a lawsuit alleging violations of the False Claims Act, United States of America ex rel. Permenter, Wheeler, and Rodighiero v. eClinicalWorks, LLC, Case No. 5:18-CV-382, regarding Electronic Health Record certification standards, with focus on the privacy and security E.H.R. Certification Standards as set forth in 42 CFR 170.315:

§170.315 (d)(1) Authentication, access control, authorization

§ 170.315 (d)(2) Auditable Events and Tamper-Resistance

§ 170.315 (d)(3) Audit Reports

§ 170.315 (d)(4) Amendments

§ 170.315 (d)(5) Automatic Access Timeout

§ 170.315 (d)(6) Emergency Access

§ 170.315 (d)(7) End-user Device Encryption

§ 170.315 (d)(8) Integrity

§ 170.315 (d)(9)(ii) Trusted Connection when transporting ePHI

§ 170.315 (d)(11) Accounting of Disclosures

§ 170.315 (d)(12) Encrypt Authentication Credentials

Arrigo's testimony centers on whether eClinicalWorks' electronic health record (EHR) software met certification criteria established by the Office of the National Coordinator for Health Information Technology (ONC) under federal regulations.

The HITECH Act, officially the Health Information Technology for Economic and Clinical Health Act, is a US law enacted in 2009 as part of the broader American Recovery and Reinvestment Act (ARRA). It was designed to stimulate the adoption of electronic health records (EHRs) and related health information technology among healthcare providers. The act also strengthened HIPAA rules and introduced new requirements for data breach notifications.

The case remains ongoing in the U.S. District Court for the Middle District of Georgia, where the Relators—Alex Permenter, Chris Wheeler, and Eric Rodighiero—seek to hold the defendant accountable for alleged misrepresentations tied to federal health IT compliance.

CASE INFORMATION

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA, MACON DIVISION.

UNITED STATES OF AMERICA ex rel. Alex Permenter, Chris Wheeler, and Eric Rodighiero, Plaintiffs/Relators v. eClinicalWorks, LLC.

Case No. 5:18-CV-382

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