



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0410

**WRITTEN DETERMINATION REGARDING THE APPOINTMENT
OF JACKSON KELLY, PLLC, TO SERVE AS OUTSIDE COUNSEL
ON BEHALF OF THE WEST VIRGINIA HEALTH INFORMATION NETWORK**

The West Virginia Health Information Network (hereinafter the "WVHIN") has requested legal representation with expertise involving privacy and security issues related to the healthcare industry including the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act ("HITECH") and its relationship to West Virginia healthcare law and the WVHIN.

Pursuant to the written determination issued on March 13, 2014, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist WVHIN with the needed legal services. A request for proposals was issued in accordance with subsection (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAG0-004).

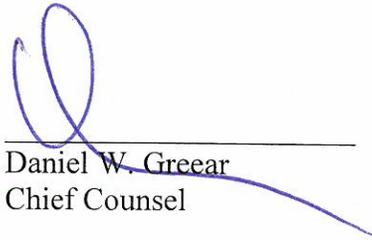
As of the April 4, 2014, deadline for proposals, the Office of the Attorney General received three timely proposals for legal services from Jackson Kelly, PLLC, Lewis, Glasser, Casey & Rollins PLLC, and Shuman, McCusky & Slicer, PLLC.

After a review of the proposals received, the Office has determined that the law firm of Jackson Kelly has submitted the most competitive proposal for legal services pursuant to Section E of Policy # WVAG0-004, based on the following factors:

- Jackson Kelly has the requisite skills and expertise needed to handle the legal matters in question;
- Having provided similar services for WVHIN in the past, Jackson Kelly is uniquely positioned to address WVHIN's ongoing legal needs;
- Jackson Kelly possesses the requisite staffing and support to handle the scope of the legal matter in question;
- None of the attorneys employed by Jackson Kelly have been subject to reprimand by the West Virginia State Bar, or other entities, for unethical conduct, and the firm appears to be in compliance with all applicable laws of the State of West Virginia;

- The estimated fees, costs and expenses proposed by Jackson Kelly make it the lowest responsible bidder; and
- Jackson Kelly's proposal was most responsive to the WVHIN's needs, based on consultation with the client regarding all of the received proposals.

For the reasons set forth above, the firm of Jackson Kelly will be appointed as outside counsel accordingly for a one-year period to perform the legal matters cited herein.



Daniel W. Greear
Chief Counsel

Dated: April 21, 2014