

INFORMATION BULLETIN (November 27, 2014): Update on OSCAR EMR Terms of Use Agreement (TOU)

OSCAR EMR continues to dialogue with physicians regarding concerns expressed about the TOU. The following information has been identified by physicians as helpful and clarifying in those conversations.

- As OPEN-SOURCE software, OSCAR is made available free of charge and “as is” to its community under an open source license with the non-profit Free Software Foundation. According to the license, “as is” means without warranty of any kind. **Physicians have been receiving OSCAR free of charge and “as is” under this license since 2001. The TOU does not change these terms for the software**, rather, it explains terms under which an OSCAR user receives, uses and shares in the costs of sustaining OSCAR as free open-source software that is also compliant with regulatory requirements (e.g. Canada Health Infoway certification; Ontario EMR Specification 4.1A, etc.).
- The “without warranty” provision allows OSCAR’s community of authors, developers and collaborators, including OSCAR EMR and McMaster University, to freely and confidently contribute to the vision of continuous improvement for the benefit of all, **each user of the software accepting all responsibility and risk for her or his own use of this shared community good.**
- OSCAR EMR through license from McMaster University has taken on a stewardship role on behalf of all OSCAR users in facilitating the OSCAR community’s collaborative contributions to the software, managing its ISO-certified quality management system, and administering the TOU. Through the TOU, OSCAR users benefitting from this stewardship indicate they accept they are receiving OSCAR in accordance with the terms of the open-source license. They further agree that neither OSCAR EMR or McMaster University should bear any risk for their use of OSCAR. **It has always been the intention of OSCAR EMR and McMaster University that the release and indemnity relate solely to the physician’s/clinic’s own use of OSCAR, and we are in the process of adding language to the TOU to make this intention more clear.**
- OSCAR EMR operates within a unique, not-for-profit model and derives no profit from the use of OSCAR software. The Certification Fees included in the TOU go towards the shared cost of the OSCAR community’s effort to maintain regulatory compliance for everyone’s benefit.
- OSCAR EMR and McMaster University have never waived from the foundational proposition of OPEN SOURCE software enriched and sustained by all users for the benefit of all users who are, together, seeking to continuously improve health and health systems.

For more information, or if you have any questions, please contact OSCAR EMR (info@oscar-emr.com). We look forward to hearing from you!