



AALS

AALS

LAW, MEDICINE AND HEALTH CARE SECTION

NEWSLETTER 2015

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Emory University School of Law

LETTER FROM THE CHAIR

Dear Section Members,

It was an honor to serve as Chair of the Section of Law, Medicine & Health Care in 2015. I considered tritely writing, here, that 2015 was an “especially exciting year for health law.” But we all know that 2015 was not distinctive or singular. After all, each and every year brings exciting new developments in health law. That is what makes teaching in this area so enjoyable. (Alas, it is also what makes teaching in this area so challenging, compared to the relative stability of torts, for example.) So, I will not use this space to summarize any big judicial, legislative, or regulatory changes. Instead, I will focus on us, on those teaching and researching health law at AALS member law schools.

To this end, I encourage you to carefully review this Section Newsletter. We may know the work of our institutional colleagues. We may even better know the work of those working in our same sub-

fields of health law. But we may be less familiar with the work of those working in various other sub-fields of health law. Trust me. It is impressive and inspiring. Be impressed. Get inspired. Learn valuable ideas and strategies for translating your subject matter expertise into concrete improvements both to your institution’s mission and to public policy.

I hope that you are joining us in New York City in January 2016. Health law continues to have a substantial presence at the AALS Annual Meeting. We set a record, last year, in Washington DC. We had eight health-law related events, five sponsored or co-sponsored by our Section. This year, we are already breaking the new record, with nine health-law related events. Yes, nine.

We kick things off, on Thursday, with our section’s “Works-In-Progress for New Law School Teachers.” Also on Thursday is the Aging section’s “Challenging Assumptions about Caregiving.” The fun continues on Friday with our main section program, “Medicaid Challenges” as well as four other sessions: (1) “ADA at 25: Implications for People with Mental Disabilities,” (2) “Precision Medicine, Next-Generation Sequencing and the Future of Medicine,”

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LETTER FROM THE CHAIR

(3) “ADA at 25: Implications for People with Mental Disabilities,” and (4) “Warriors Come Home: The Impact of Veterans on Disability, Health, and Other Law and Policy.” We cap off this busy Friday with an evening Health Law Professors Reception hosted by Seton Hall University.

But do not stay out too late on Friday night. On Saturday, we have two more health law sessions: “The State of the ACA after King v. Burwell” and “Incorporating Medical-Legal Partnership into Your Law School’s Triple Aim: Education, Research, and Community Engagement.”

In addition to this chronological recap, I want to highlight four of the Section’s newer initiatives. First, we will again host a Health Law Works in Progress for New Law Teachers session. Like last year’s inaugural session, we bring together junior and senior scholars for roundtable discussions. Second,

we will again have our main social event off-site (thank you, Seton Hall) instead of having the traditional hotel breakfast. Third, in addition to this Newsletter, our Section offers not only a LISTSERV for official announcements (sectlm.annc@lists.aals.org) but also one for member-to-member communication (sectlm@lists.aals.org). Please use it to share news and to seek help. Finally, this year, we worked to put in place a Section Award. A handful of AALS sections have already been making awards, mostly for teaching and scholarship. Instead, pursuant to our new Bylaws approved at the 2015 meeting, our award recognizes “outstanding community service activities.”

All of this would not have been possible without an amazing Section Board. Ani Satz and Elizabeth Weeks Leonard provided sage advice and organizational support as Immediate Past Chairs. As Chair-Elect, Leslie Francis envisioned and orchestrated

our superb programming at this meeting. Our Secretary, Elizabeth Pendo, compiled this lengthy and impressive newsletter. At-Large Members Gwendolyn Majette and Jordan Paradise contributed vital input on Section developments throughout the year.

Finally, I look forward to the future of the Section. Each year, two Board positions become open. First, as Leslie Francis becomes Chair, Elizabeth Pendo transitions from Secretary to Chair-Elect. Second, Gwendolyn Majette completes her two-year term as an At-Large member. I thank Rob Schwartz, Jennifer Herbst, and Ani Satz for serving as the Nominating Committee to fill these two positions.

With Best Wishes,

Thaddeus Mason Pope
Mitchell Hamline School of Law

110th AALS ANNUAL MEETING

aals.org/am2016



FROM CHALLENGE TO INNOVATION: AMERICAN LEGAL EDUCATION IN 2016

WEDNESDAY, JANUARY 6 - SUNDAY, JANUARY 10, 2016

NEW YORK HILTON MIDTOWN & SHERATON NEW YORK TIMES SQUARE HOTEL /// NEW YORK CITY



This year’s meeting, the 110th Annual Meeting of the Association, is packed with programs to appeal to law school deans, faculty, and administrators. We think you will find many programs worth attending. Our schedule includes new programming options such as the First Time Meeting Attendees Session, Arc of the Career Programs, Academy Programs, and Discussion Groups. In addition, we have scheduled an Opening Plenary Session and an Opening Reception on the first full day of the meeting.

Speakers of Note for 2016

We have an excellent mix of speakers at the Annual Meeting this year. At noon on Thursday, we are honored to have **Justice Stephen Breyer** take the stage for a moderated conversation organized by AALS President **Blake Morant**. **Benjamin Heineman** and **David Wilkins** will present thoughts from their essay *Lawyers as Professionals and Citizens: Key Roles and Responsibilities in the 21st Century* at the Opening Plenary Session on Thursday. **ABA President Paulette Brown** will speak on *Professionalism and the Future of Our Profession* on Friday afternoon. Our AALS sections have many interesting law school and non-law school speakers scheduled throughout the meeting. We hope to announce even more guest speakers in the coming months.

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110th AALS ANNUAL MEETING

aals.org/am2016



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WEDNESDAY, JANUARY 6 - SUNDAY, JANUARY 10, 2016

NEW YORK HILTON MIDTOWN & SHERATON NEW YORK TIMES SQUARE HOTEL /// NEW YORK CITY

SECTION PROGRAMS:

THURSDAY
JANUARY
7

1:30 - 3:15 PM

Aging & the Law

Challenging Assumptions About Caregiving

3:30 - 4:45 PM

Law, Medicine & Health Care

Works-in-Progress for New Law School Teachers

FRIDAY
JANUARY
8

8:30 - 10:15 AM

Law & Mental Disability

ADA at 25: Implications for People with Mental Disabilities

10:30 AM - 12:15 PM

Law, Medicine & Health Care

Medicaid Challenges

1:30 - 3:15 PM

Biolaw

Next Generation Genome Sequencing, Precision Medicine, and the Future of Health Care

1:30 - 3:15 PM

Disability Law (Co-Sponsored by Law and Mental Disability, Law, Medicine and Health Care)

Wounded Warrior Comes Home: Exploring the Impact of Disabled Veterans on Disability, Health, and Other Law and Policy

SATURDAY
JANUARY
9

8:30 - 10:15 AM

Employee Benefits and Executive Compensation (Co-Sponsored by Law, Medicine and Health Care)

The State of the ACA after King v. Burwell

1:30 - 3:15 PM

AALS Academy Program

Incorporating Medical Legal Partnerships into Your Law School's Triple Aim; Education, Research, and Community Engagement



SECTION ACTIVITIES

RECEPTION FOR THE HEALTH LAW SECTION OF AALS

FRIDAY, JANUARY 8, 2016 /// 5:30 - 7 PM

KPMG'S MANHATTAN OFFICE /// 345 PARK AVENUE, NEW YORK, NY 10154-0102

The Seton Hall Law health law faculty, together with the Seton Hall health law alums who work in the provider section of KPMG will be hosting a reception for the health law section of AALS on Friday, January 8 from 5:30 - 7 pm at KPMG's Manhattan Office.

2015 HEALTH LAW COMMUNITY SERVICE AWARD



The winner of the 2015 Health Law Community Service Award is **Professor John Jacobi**. Professor Jacobi has been dedicated to fighting to reform the world in which disabled individuals live for his entire career. He has worked at the regulatory level, litigated on behalf of, and sought reform through advocacy and scholarship to end discrimination against and obtain appropriate health care for those with disabilities. Prior to beginning his academic

career, Professor Jacobi spent five years working for the NJ Department of the Public Advocate as Special Assistant to the Commissioner, during which time he was dedicated to addressing disability issues pertaining to civil rights, health, and HIV. As a Gibbons Fellow, he fought to access appropriate health care for prisoners. Professor Jacobi remains involved in HIV-related work even today, as a board member for the North Jersey Community Research Initiative, which is an HIV service organization. Professor Jacobi seeks to ensure that health care reform benefits the poor and people with disabilities, including the improvement of chronic care in health systems, as well as the funding and structure of services for children with disabilities. He is particularly invested in issues specific to those with mental illness. He has served on the Governor's Task Force on Mental Health and the New Jersey Olmstead Advisory Council on disability rights.

Some of the projects Professor Jacobi has embarked on more recently target legal barriers to the provision of integrated physical and behavioral health care. The first project, which is funded by the Nicholson Foundation, has taken Professor Jacobi around the state of New Jersey

meeting with federally-qualified health centers and community mental health programs to discuss the licensing and reimbursement barriers they encounter when they try to meet the physical and mental health needs of those they serve. He has been invited to share his findings from these meetings with state government decision makers with the authority to smooth the way for integrated care, a testament to the extremely high regard in which he is held. This work resulted in the released policy brief offering a comprehensive analysis of the barriers to integration in New Jersey. The second project, funded by New Jersey's recently-announced State Innovation Models grant from the Centers for Medicare & Medicaid Services, focuses on the concerns that arise when behavioral health information is shared to facilitate the provision of coordinated care. This project, too, will result in the preparation of substantial policy brief informed by discussions with stakeholders and encompassing all of the relevant federal and state law. Most recently, Professor Jacobi has begun working with organizations that serve veterans to facilitate the integration of services for physical and behavioral health.



PROGRAM AND FACULTY NEWS

BOSTON UNIVERSITY SCHOOL OF LAW

BU Law will host the 39th Annual Health Law Professors' Conference in June 2-4, 2016. Register now! We also started a new Entrepreneurship Clinic with MIT and BU students in the Boston biotech and tech sector.

In September 2015, Boston University School of Public Health established a new Center for Health Law, Ethics & Human Rights to engage with all departments and schools in research and scholarship on the foundational importance of law, ethics and human rights to health and all policies affecting health. The Center offers a competitive Health Law Research Fellowship and opportunities for Visiting Scholars.

FACULTY NEWS

George J. Annas, William Fairfield Warren Distinguished Professor, Health Law, Bioethics & Human Rights, reports these recent publications: George Annas & Sherman Elias, *GENOMIC MESSAGES: How the Evolving Science of Genetics Affects our Health, Families, and Future*, HarperOne, NY, 2015 • Ruger JP, Ruger TW, Annas, GJ, *The Elusive Right to Health Care under U.S. Law*, 372 N Engl J Med 2558 (2015) • Annas GJ, Crosby SS, *Post-9/11 Torture at CIA "Black Sites": Physicians and Lawyers Working Together*, 372 N Engl J Med 2279 (2015) • Annas GJ, *Medical Ethics and Human Rights in Wartime*, 105 So. African Med J 240 (2015)

Wendy K. Mariner, Edward R. Uteley Professor of Health Law, Boston University School of Public Health; Professor of Law, Boston University School of Law, reports this recent publication: Wendy K. Mariner & George J. Annas, *Informed Consent and the First Amendment*, 372(14) *NEW ENGLAND JOURNAL OF MEDICINE* 1285 (2015), <http://www.nejm.org/doi/full/10.1056/NEJMp1501190>

Professor Mariner also presentation on January 23, 2015: "Privacy as a Human Right" Constitutional Law Symposium, University of Pennsylvania School of Law, Philadelphia, PA.

Professor Mariner and 10 other health law professors provided comments to the Equal Employment Opportunity on Proposed Amendments to the Americans With Disabilities Act, June 18, 2015.

Francis H. Miller, Professor of Law Emerita, reports these recent publications: *New Wine in Old Bottles: FDA's Role in Regulating New Technologies*, a chapter in *FDA in the 21st Century*, edited by Lynch and Cohen (2015 Columbia Univ. Press) • *Teaching Public Health Law: Time for a Status Upgrade*, in the Summer 2015 supplemental issue of the *Journal of Law, Medicine & Ethics*.

Kevin Outterson, Professor of Law, reports these recent publications: Peer reviewed journal articles: *What Will It Take to Address the Global Threat of Antibiotic Resistance?* (with Steven J. Hoffman) 43(2) *J. L. Med. Ethics* 6 (2015) • *International Cooperation to Improve Access to and Sustain Effectiveness of Antimicrobials*. 385 *LANCET* xxx (pending, Nov. 2015) (with Årdal C, Hoffman SJ, et al.) • *Repairing the Broken Market for Antibiotic Innovation*. 34 *HEALTH AFFAIRS* 277-85. (Feb. 2015) (with Powers JH, Daniels GW, McClellan MB) • *An International Legal Framework to Address Antimicrobial Resistance*. 93 *BULLETIN OF THE WHO* 66 (Feb. 2015) (with Hoffman SJ, Røttingen JA, Cars O, Clift C, Rizvi Z,

Rotberg F, Tomson G, Zorzet A). *Monographs: Towards a New Global Business Model for Antibiotics: Delinking Revenues from Sales*. Chatham House Centre for Global Health Security (London, Oct. 2015) (with Clift C, Gopinathan U, Morel C, Røttingen JA, So A) • *Business Model Options for Antibiotics: Learning from Other Industries*, Chatham House Centre for Global Health Security & The Big Innovation Centre (London, Feb. 2015) (with Jaczynska E, Mestre-Ferrandiz J).

Professor Outterson also reports this professional activity: Partner, DRIVE-AB €9,200,000 grant from the European Union's Innovative Medicines Initiative to study business models and incentives for antibiotic development (PI: Stephan Harbarth, Geneva) (2014-2017).

Kathryn Zeiler, Professor of Law, reports this recent publication: *What Explains Observed Reluctance to Trade?: The Current State of the Behavioral Economics Literature and its Implications for Legal Applications* (forthcoming), in *RESEARCH HANDBOOK ON BEHAVIORAL LAW AND ECONOMICS*, Edward Elgar Publishing (ed. Joshua C. Teitelbaum and Kathryn Zeiler)

Professor Zeiler also presented at Northeastern University School of Law,

PROGRAM AND FACULTY NEWS

BOSTON UNIVERSITY SCHOOL OF LAW (continued)

Roundtable on Health, Policy & Law, November 2015 • Northwestern University, Law & Economics Colloquium, April 2015 • University of Virginia School of Law, Faculty

Workshop, April 2015 • George Mason University School of Law, Levy Workshop, April 2015 • University of Toronto Law School, Law & Economics Workshop, March 2015.

Professor Zeiler accepted an invitation to become the Fellow for the Society of Empirical Legal Studies.

CALIFORNIA WESTERN SCHOOL OF LAW

FACULTY NEWS

Joanna Sax, Professor of Law, reports these recent publications: Joanna K. Sax, Dietary Supplements are Not all Safe and Not all Food: How the Low Cost of Dietary Supplements Preys on the Consumer, 41 AM. J. L. & MED. 374 (2015) • Joanna

K. Sax, CONTRACTS (2015). This is an innovative online concept chart that replaces the traditional casebook. A video demonstration can be found at <http://www.chartacourse.com/>. The contracts chart contains an audio/video teacher's manual.

Professor Sax presented: Hot Issues in Law and Bioethics, Southeastern Association of Law Schools Annual Meeting, Boca Raton, FL., July 2015 as an invited participant.

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

Case Western Reserve will be hosting a full day conference on April 15, 2016: "Corporate Wellness Programs: Are They Hazardous to Well-Being?"

Case Western Reserve University Law-Medicine Center hosted these lectures and conferences:

10/8/15 - "The Role of Lawyers in Building a Culture of Health," Katherine Hatton, General Counsel, Robert Wood Johnson Foundation • 09/24/2015 - "Sneaking Around the Constitution: Pretextual "Health" Laws and the Future of Roe v. Wade," Nancy Northup, President and CEO, Center for Reproductive Rights • 04/17/2015 - "The Rhetoric of Reproduction," full-day conference • 04/15/2015 - "Will the Supreme Court Upend The Affordable Care Act?" panel of Case Western professors and other experts.

FACULTY NEWS

Jessica Berg was appointed permanent dean in August, 2015.

Jessica Berg, Dean and Professor of Law, reports these recent publications: Berg J and Scharf M, "Reflections on Shared Law School Leadership," Toledo Law Review Deans' Issue (Invited Submission, 2015) • Farrell R, Metcalf J, McGowan M, Weise K, Agatista P and Berg J, "Ethical Issues in Reproductive Medicine: Are Bioethics Educators Ready?" 44(5) Hastings Center Report 21 (2014).

Dean Berg also gave these presentations: "No Smoke But Plenty of Fire: The battle over e-cigarettes", 21st Century Club, May 2015 • "Surrogate Decisionmaking in the Internet Age"; Keynote Address, University of Arkansas Medical Center, May 2015 • "Surrogate Decisionmaking in the Internet Age", Grand Rounds Cleveland Clinic, April 2015.

Sharona Hoffman, Edgar A. Hahn Professor of Law, Professor of Bioethics,

Co-Director of Law-Medicine Center, reports these recent publications: a book - AGING WITH A PLAN: HOW A LITTLE THOUGHT TODAY CAN VASTLY IMPROVE YOUR TOMORROW, Praeger (2015) • Other Publications: "Privacy and Security," in OXFORD HANDBOOK OF AMERICAN HEALTH LAW (2015) • "Improving Regulatory Enforcement in the Face of Inadequate Resources," 43 Journal of Law, Medicine, and Ethics 33 (Supp. no. 2, 2015) • "Citizen Science: The Law and Ethics of Public Access to Medical Big Data," Berkeley Technology Law Journal (forthcoming 2015) • "Medical Big Data and Big Data Quality Problems," 21 Connecticut Insurance Law Journal 289 (2015) (invited symposium piece) • "How to Become A Member of Your Own Medical Team," Healthy Aging, at <http://healthyaging.net/healthy-lifestyle/how-to-become-a-member-of-your-own-medical-team/> • "Why Your Parents' Finances Are Your Business," AgingCare.com, at <https://www.agingcare.com/Articles/your-parents->

[finances-are-your-business-184967.htm](https://www.agingcare.com/Articles/your-parents-finances-are-your-business-184967.htm).

Professor Hoffman also gave these presentations: "Aging with a Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow," Cleveland City Club, December 15, 2015 •

"Citizen Science: The Law and Ethics of Public Access to Medical Big Data," -19th Annual BCLT/BTLJ Symposium at U.C. Berkeley, Berkeley, CA, April 17, 2015 -Ohio State University Moritz College of Law, Columbus, Ohio, April 24, 2015 -Health Law Professors Conference, St. Louis, Missouri, June 6, 2015 • "Prevention Strategies for the Unbefriended Elderly Problem," Association of American Law Schools annual conference, Washington, D.C., January 3, 2015.

Maxwell Mehlman, Distinguished University Professor Arthur E. Petersilge Professor of Law and Director, The Law-Medicine Center, Case Western Reserve University School of Law Professor of Bioethics, Case Western Reserve University School of Medicine, reports these recent publications:

PROGRAM AND FACULTY NEWS

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW (continued)

Lori Andrews, Maxwell Mehlman, and Mark Rothstein, *Genetic: Ethics, Law and Policy* (Thompson/West, 4th edition 2015) • *Reproductive Information and Reproductive Decision-Making*, 43 *J. L. Med. & Ethics* 241-244 (2015) • *Captain American and Iron Man: Biological, Genetic, and Psychological Enhancement and the Warrior Ethos in Routledge Handbook of Military Ethics* 406-420 (G. Lucas ed. Routledge, 2015) • *Why Physicians Are Fiduciaries For Their Patients*, 12 *Indiana Health L. Rev.* 1-63 (2015) • Keith Abney, Patrick Lin, and Maxwell Mehlman, *Military Neuroenhancement and Risk Assessment in Neurotechnology in National Security and Defense* 227-238 (James Giordano ed. Boca Raton FL: CRC Press 2015) • Maxwell Mehlman and Stephanie Corley, *A Framework for Military Bioethics*, 13 *Journal of Military Ethics* 331-349 (2014) (published in January 2015).

Professor Mehlman also gave this presentation: *Can Law Save Medicine?* ASLME Health Law Professors Conference, St. Louis, June 5, 2015.

Ruqaiyah Yearby, Oliver C. Schroeder Jr. Distinguished Research Scholar, Professor of Law, reports this recent publication: *Sick and Tired of Being Sick and Tired: Putting an End to Separate and Unequal Health Care in the United States 50 Years After the Civil Rights Act of 1964*, 25 *HEALTH MATRIX* 1-32 (2015).

Professor Yearby also gave these presentations: Duke University School of Law Durham, NC Invited Speaker, November 20, 2015 “Health Equity is Not Enough: The Continuation of Racial Bias in Health Care” • Oxford Global Health and Bioethics International Conference Oxford, England, Invited Plenary Speaker, September 28-29, 2015

“Missing the “Target”: Preventing the Unjust Inclusion of Vulnerable Children for Medical Research Studies” • Vanderbilt Law School Nashville, TN, Invited Speaker, July 10-11, 2015, “Missing the “Target”: Preventing the Unjust Inclusion of Vulnerable Children for Medical Research Studies” • City of Cleveland, Office of Minority Health Cleveland, OH, Keynote Speaker, April 1, 2015, “Eradicating Injustice to Attain Health Equity in Cleveland”.

Professor Yearby is a member of the Healthy Improvement Partnership – Cuyahoga County Health Department, which works to eliminate racism as a social determinant of health.

Professor Yearby was named as the Oliver C. Schroeder Jr. Distinguished Research Scholar.

CLEVELAND MARSHALL COLLEGE OF LAW

FACULTY NEWS

Browne C. Lewis, Leon M and Gloria Plevin Professor of Law, reports these recent publications: *You Belong to Me: Analyzing the Property Law Interests in Frozen Human Eggs*, *Tennessee Law Review* (forthcoming Spring 2016) • *Restricting and Regulating Public Health Interventions*, 43 *Journal of Law, Medicine and Ethics* 45 (2015) • *Arrogance, Avarice and Anguish: Addressing the Ethics and Legal Issues of Posthumous Reproduction* (Routledge Press, Biomedical Law and Ethics Series, forthcoming 2016) • *The Law of Wills* (E-Book), (Computer Assisted Legal Research Institute (CALI) eLangdell Books, forthcoming August, 2016) • Book Chapter: *Human Oocyte Cryopreservation: Ethical*

Solutions May Lead to Legal Complications (Oxford University Press, forthcoming 2016).

Professor Lewis also gave these presentations: July 29, 2015, Southeastern Association of Law Schools Annual Meeting, Boca Rotan, Florida, *Cradle and Grave Decisions: Posthumous Reproduction and Assisted Reproductive Technology* • July 23, 2015, Midwest People of Color Scholarship Conference, Havana, Cuba, *Physician-Monitored Suicide and Terminally Ill Minors* • June 17, 2015, Bioethics Conference, Brocher Foundation, Geneva, Switzerland, *Ethics and Human Oocyte Cryopreservation* • June 5, 2015, 38 Annual Health Law

Professors’ Conference, St. Louis University School of Law, St. Louis, Missouri, *Assisted Reproductive Technology and the Female Body* • May 28, 2015, *Law & Society Annual Meeting*, Seattle, Washington, *Ethics and Procreative Freedom* • May 2, 2015, *Baby Markets Roundtable*, Harvard Law School, Cambridge, Massachusetts, *Human Oocyte Cryopreservation: Supplying Babies or Selling False Hope*.

Professor Lewis also received the Core Fulbright Scholar Grant, King’s College, London, United Kingdom (January-May 2016).

EMORY UNIVERSITY SCHOOL OF LAW

FACULTY NEWS

Ani B. Satz, Professor of Law, reports these recent publications: *Fragmentation After Health Care Reform*, *HOUS. J. HEALTH*

L. & POL’Y (symposium), forthcoming 2015 • *Beastly Morality: Untangling Possibilities (Epilogue)* (with Lori Marino & Cynthia

Willett), in *BEASTLY MORALITY: ANIMALS AS MORAL AGENTS* (Jonathan K. Crane, ed., Columbia UP

PROGRAM AND FACULTY NEWS

EMORY UNIVERSITY SCHOOL OF LAW (continued)

2015) • *Animals as Vulnerable Subjects: Beyond Interest-Convergence, Hierarchy, and Property*, 16 *ANIMAL L. REV.* 65 (2009), reprinted in *NUSSBUAM AND LAW: PHILOSOPHERS AND LAW* (Robin West ed., Ashgate 2015).

Professor Satz also gave these presentations: Colloquium, *Without Work and Medical Privacy: HIPAA's Privacy Rule, Workers' Compensation, and the Challenges of Federalism*, University of Georgia, Athens, Georgia, (Nov. 23, 2015) • *Speaker, Animals as Vulnerable Subjects*, Pawsitive Outreach, Emory University, Atlanta, Georgia (Oct. 16, 2015) • *Panel (Discussant), Works in Progress: New Voices in Labor and Employment Law*, Southeastern Association of Law Schools Annual Meeting, Boca Raton, Florida (July 31, 2015) • *Roundtable, Disability Accommodations after the ADA's 2008 Amendments, Current Issues in Accommodations Law*, Southeastern Association of Law Schools Annual Meeting, Boca Raton, Florida (July 31, 2015) • *Panel, Without Work and Medical Privacy: HIPAA's Privacy Rule, Workers*

Compensation, and the Challenges of Federalism, Regulating Healthcare, Securing Access; Law & Society Annual Meeting, Seattle, Washington (May 29, 2015) • *Panel (Discussant), Law's Promise for Disability Rights: Rethinking Justice, Equality, and Social Movements*, Law & Society Annual Meeting, Seattle, Washington (May 28, 2015) • *Panel (Moderator), Health Law Works in Progress*, Association of American Law Schools Annual Meeting, Washington D.C. (Jan. 3, 2015) (Section on Law, Medicine & Health Care).

Professor Satz is Faculty, Rollins School of Public Health; Senior Faculty Fellow, Center for Ethics; Affiliated Professor, Goizueta Business School; Affiliated Faculty: Emory University's Vulnerability and the Human Condition Initiative, Predictive Health Initiative, Sustainability Initiative, and Institute of Human Rights; Appointed Member, Georgia Drugs & Narcotics Agency, Electronic Database Review Advisory Committee; Steering Committee Member, Disability Studies Initiative, College of Arts and Sciences; Advisory

Board, Center for Faculty Development and Excellence; Appointed Member, Emory-Georgia Institute of Technology Healthcare Innovation Program; Faculty Advisor: JD/MPH Program, JD/Bioethics Program, Neuroethics Program, Public Health Ethics Club, Legal Association for Women Students, Health Law Society, Student Animal Legal Defense Fund; Member, Clerkship Committee; AALS Section on Animal Law, Chair-Elect 2015.

Professor Satz was interviewed, WABE 90.1 FM (NPR), Morning Edition, June 17, 2015 (*Lowe v. Atlas Logistics Group Retail Services, LLC*) • Interview, in Paige Parvin, *The Public Health Law Puzzle: In an Emergency, How Do the Pieces of Public Health Law Fit Together?* EMORY LAWYER, Winter 2015, at 5-7 • Quote, in Animal Legal Defense Fund news release, *Animal Advocates Push Back Against State Attempt to Shut Down Historic Ag-Gag Lawsuit: Utah's Controversial Law Stirs Public Criticism for Violating Freedom of Speech*, Oct. 15, 2013.

FLORIDA A&M UNIVERSITY COLLEGE OF LAW

FACULTY NEWS

Deleso Alford, J.D., LL.M., Associate Professor of Law, reports this recent publication: Lisa Barkley, M.D. and Deleso Alford, J.D., LL.M., *Medical Ethics and Health Equity: The Henrietta Lacks Story*, Team-based learning module accepted for publication with MedEdPORTAL Publication, <https://www.mededportal.org/about/missionandvision/> MedEdPORTAL Publications promotes educational scholarship and collaboration by facilitating the open exchange of peer-reviewed health education teaching and assessment resources. (cite forthcoming, 2015).

Professor Alford gave these presentations: *Health Data Protection, Regulatory Turbulence, and Arbitrage*, Berkeley Law and the University of Amsterdam Privacy Law Scholars Conference, Amsterdam, October, 2015 • *Panelist, Diagnosing Triggers of Privacy Turbulence Using*

Communication Privacy Management Theory, Amsterdam Privacy Conference, October, 2015 • *The Uberfication of Healthcare: The 'Thin' Law of Mobile Health & Wearables*, Indiana State Bar Association Annual Health Law Symposium, Indianapolis, Indiana, Sept. 11, 2015 • *Indiana University School of Medicine Graduate Medical Education House Staff Forum*, Indianapolis, Indiana, August 11, 2015 • *Presenter and Panel Organizer, Mental Health Exceptionalism*, International Academy of Law and Mental Health, XXXIVth International Congress of Law and Mental Health, Vienna, Austria, July 2015 • *Epigenetics and the Law*, International Academy of Law and Mental Health, XXXIVth International Congress of Law and Mental Health, Vienna, Austria, July 2015 • *The Law of Wearables, Doctors 2.0 & You*, Paris, France, June 4-5, 2015 • *Exploring Legal Challenges to Fulfilling*

the Potential of mHealth in a Safe and Responsible Environment, Workshop III: Systemic Liability, American Association for the Advancement of Science, Washington, D.C., May 14-15, 2015 • *The Regulation of Mobile Health*, Indiana Security & Privacy Network (InSPN), Indianapolis, Indiana, May 7, 2015 • *The Law of Wearables*, WATCH Conference 2, WearAble TeCHnology in Healthcare Society, Amsterdam, Netherlands, April 29-30, 2015 • *Panelist, A Conversation on Health and Privacy Law*, The Ohio State University Moritz College of Law, Columbus, Ohio, April 24, 2015 • *Panelist, Indiana's Emergency Response to an Outbreak of HIV: Early Issues and Lessons*, Indiana University School of Nursing, Indianapolis, Indiana, April 10, 2015 • *The Healthcare Data Protection Stack: How and Why the US, EU and [Insert Your Country] Diverge*, Global Bioethics Seminar Series, Indiana University

PROGRAM AND FACULTY NEWS

FLORIDA A&M UNIVERSITY COLLEGE OF LAW (continued)

Center for Bioethics, Indianapolis, Indiana, February 6, 2015 • Panelist, Always On: The Digital Patient, Center for Democracy & Technology, Washington, D.C., January 29, 2015 • Presenter, “Medical Ethics and Health Equity: The Henrietta Lacks Story” The ZORA! STEM Stars: Saving for Our Girls Fundraiser Event, Eatonville Branch of the Orange County Library (April 9, 2015) • Invited Speaker, Florida A&M University College of Law’s Marshall-Bell Law Society: Optical Diversity v. Real Inclusion, Marshall-Bell Law Society 1st Annual MVP Awards,

Orlando, Florida (April 9, 2015) • Keynote Speaker, Pursuing Gender Equality Through an Interdisciplinary Lens 2014-2015 Faculty Speaker Series, Southern University Law Center, Baton Rouge, Louisiana (March 26, 2015) • Keynote Speaker, Women Standing at the Intersection both Domestically and Internationally: A Critical Race Feminist Perspective on Our Bodies, Our Dis-ease., Our Human-ness, ZONTA International Meeting, Capital City Country Club, Tallahassee, Florida (March 17, 2015) • Panelist, A Discussion on the Value and

Need of a Better Understanding of Diversity for Clinicians, Adventist University of Health Sciences, Orlando, Florida (March 16, 2015)

Professor Alford was invited to serve on the Florida A&M University Wide Advisory Board- INDABA Research Sustainability Work Group FY 2015 and the American Bar Association (ABA) Special Committee on Bioethics and the Law – FY 2015 -2016.

FLORIDA STATE UNIVERSITY

FACULTY NEWS

Marshall Kapp, Professor and Director, Center for Innovative Collaboration in Medicine and Law, reports these recent publications: Evaluating Decision Making Capacity in Older Individuals: Does the Law Give a Clue?, 4 *LAWS* 164 (2015), open access available at <http://www.mdpi.com/2075-471X/4/2/164> • Getting Physicians and Patients to Choose Wisely: Does the Law Help or Hurt?, 46 *U. TOLEDO L. REV.* 101 (2015) • Book Review of Health Care in America: A History, by John C. Burnham, 16 *Care Mgt J* 170 (2015) • Long-Term Care and the Law, in *LONG-TERM CARE IN AN AGING SOCIETY: THEORY AND PRACTICE*

379-395 (Graham D. Rowles & Pamela B. Teaster, eds. 2015) *Legal Issues in Critical Care*, in *PRINCIPLES OF CRITICAL CARE* 125-130 (Jesse Hall et al., eds., 4th ed. 2015) • Aging Population, in *OXFORD HANDBOOK OF U.S. HEALTHCARE LAW* (I. Glenn Cohen, Allison K. Hoffman, & William M. Sage, eds., 2015), doi:10.1093/oxfordhb/9780199366521.013.49.

Professor Kapp also gave these presentations: “Resident Choices in Long Term Care Communities: Risk Management Challenges and Opportunities,” at 38th Annual Health Law Professors Conference sponsored by American Society of Law,

Medicine and Ethics, St. Louis, MO, June 5, 2015 • “The Physician’s Responsibility Concerning Guns and Older Patients,” at 34th International Congress on Law and Mental Health” sponsored by the International Academy of Law and Mental Health at Sigmund Freud University, Vienna, Austria, July 15, 2015 • “Physician Orders for Life-Sustaining Treatment (POLST) in Florida,” at CLE course Lawyers at the Bedside: The Intersection of Legal and Medical Ethics, sponsored by Florida Bar Continuing Legal Education Committee and the Health Law Section, Orlando, FL, September 18, 2015

GEORGETOWN LAW

FACULTY NEWS

Lawrence Gostin, University Professor, reports these recent publications: Lawrence O. Gostin, Foreword: In Celebration of the Life and Career of Sheila McLean, in Pamela R. Ferguson & Graeme T. Laurie (eds) *INSPIRING A MEDICO-LEGAL REVOLUTION: ESSAYS IN HONOUR OF SHEILA MCLEAN*, Farnham, Surrey: Ashgate Publishing, 2015 • Lawrence O. Gostin & Eric A. Friedman, A Retrospective and Prospective Analysis of the west African Ebola Virus Disease Epidemic: Robust National Health Systems at the Foundation

and an Empowered WHO at the Apex, 385 *THE LANCET* 1902-1909 (May 9, 2015), available at: <http://jama.jamanetwork.com/article.aspx?articleID=2338303> • Lawrence O. Gostin & Daniel Lucey, Middle East Respiratory Syndrome: A Global Health Challenge, 314(8) *JAMA* 771-72 (2015), available at <http://ssrn.com/abstract=2620235> and <http://jama.jamanetwork.com/article.aspx?articleID=2338303> • Harald Schmidt, Lawrence O. Gostin, Ezekiel J Emanuel, Public Health, Universal Health Coverage,

and Sustainable Development Goals: Can They Coexist? *THE LANCET*, published on line June 30, 2015, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2625208 • Lawrence O. Gostin, The Americans With Disabilities Act at 25: The Highest Expression of American Values, 313(22) *JAMA* 2231-35 (2015), available at <http://ssrn.com/abstract=2617730> • Rebecca B. Reingold & Lawrence O. Gostin, Sexual Assaults Among University Students: Prevention, Support, and Justice, 314(5) *JAMA* 447-48 (2015), available

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GEORGETOWN LAW (continued)

at <http://ssrn.com/abstract=2640167> • Lawrence O. Gostin, Mary C. DeBartolo, Daniel Hougendobler, King v Burwell: Subsidizing US Health Insurance for Low- and Middle-Income Individuals, 314(4) JAMA 333-34 (2015), available at <http://ssrn.com/abstract=2631080> • Lawrence O. Gostin, The Future of the World Health Organization: Lessons Learned From Ebola, 93(3) MILBANK QUART. 475-79 (2015) • Lawrence O. Gostin, Law, Ethics, and Public Health in the Vaccination Debates: Politics of the Measles Outbreak, 313(11) JAMA 1099-1100 (2015), available at <http://ssrn.com/abstract=2564724> • Lawrence O. Gostin, Devi Sridhar, Daniel Hougendobler, The Normative Authority of the World Health Organization, PUBLIC HEALTH (Journal of the Royal Society of Public Health), published online July 17, 2015, [http://www.publichealthjrnl.com/article/S0033-3506\(15\)00200-0/fulltext](http://www.publichealthjrnl.com/article/S0033-3506(15)00200-0/fulltext) and http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2634181 • Lawrence O. Gostin, World Health Organization Reform: Lessons Learned from the Ebola Epidemic, 45(2) HASTINGS CTR. REP. 6-7 (March/April 2015) • Lawrence O. Gostin, John T. Monahan, Mary C. DeBartolo, Richard Horton, Law's Power to Safeguard Global Health: A Lancet-O'Neill Institute, Georgetown University Commission on Global Health and the Law, THE LANCET, Published online April 22, 2015, [http://dx.doi.org/10.1016/S0140-6736\(15\)60756-5](http://dx.doi.org/10.1016/S0140-6736(15)60756-5), available at <http://scholarship.law.georgetown.edu/facpub/1479> • Belinda Reeve, Marice Ashe, Ruben Farias, Lawrence Gostin, State and Municipal Innovations in Obesity Policy: Why Localities Remain a Necessary Laboratory for Innovation, 105(3) AM. J. PUBLIC HEALTH 442-48 (March 2015) • Lawrence O. Gostin, Why Healthy Behavior Is the Hard Choice, 93(2) MILBANK QUARTERLY 242-246 (2015), available at <http://ssrn.com/abstract=2617368> • Lawrence O. Gostin, Good Science +

Good Ethics = Good Law: Five Rules for Epidemic Preparedness, 93(1) MILBANK QUARTERLY 19-23 (2015) • Mark J. Siedner, Lawrence O. Gostin, Hilarie H. Cranme, John D. Kraemer, Strengthening the Detection of and Early Response to Public Health Emergencies: Lessons from the West African Ebola Epidemic, 12(3) PLOS MED 1-8 (2015), available at <http://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1001804> • Simone Lanini, Alimuddin Zumla, John PA Ioannidis, Antonino Di Caro, Sanjeev Krishna, Lawrence Gostin, Enrico Girardi, Michel Pletschette, Gino Strada, Aldo Baritussio, Gina Portella, Giovanni Apolone, Silvio Cavuto, Roberto Satolli, Peter Kremsner, Francesco Vairo, Giuseppe Ippolito, Are Adaptive Randomised Trials or Non-randomised Studies the Best Way to Address the Ebola Outbreak in West Africa? LANCET INFECTIOUS DISEASES, Published online April 14, 2015, available at [http://www.thelancet.com/pdfs/journals/laninf/PIIS1473-3099\(15\)70106-4.pdf](http://www.thelancet.com/pdfs/journals/laninf/PIIS1473-3099(15)70106-4.pdf).

Professor Gostin reports these activities: Co-Chair, The Lancet – O'Neill Institute, Georgetown University Commission on Global Health and the Law (2015/16) • World Health Organization/Global Fund/UNICEF, High-level Blue Ribbon Panel on Equitable Access Initiative (2015/16) • Commissioner, Independent Panel on the Global Response to Ebola (Harvard University and the London School of Hygiene and Tropical Medicine) (2015/16) • Commission on a Global Health Risk Framework for the Future (National Academy of Medicine, in collaboration with the World Health Organization, World Bank, and Rockefeller Foundation) (2015/16). (Charged with recommending an effective global architecture for recognizing and mitigating the threat of epidemic infectious diseases) • Secretary General's High Level Panel on the Global Response to Health Crises, United Nations

(Expert Advisor 2015/16) • Chair, World Health Organization Expert Advisory Committee on Noncommunicable Diseases and Public Health Law in the Eastern Mediterranean (EMRO) (2014-16) • World Health Organization, Report on the Independent Advisory Group on Public Health Implications of Synthetic Biology Technology Related to Variola Virus and Smallpox (2015/16) • World Health Organization, International Health Regulations (IHR) Roster of Experts (Appointment by the WHO Director General) (2008 – 2015) • Governing Board and Board Secretary, Consortium of Universities for Global Health (2011 – 2015).

Professor Gostin was awarded: Lifetime Achievement Award by the American Public Health Association (APHA) for a career devoted to Public Health Law (2015). Georgetown Law press release: <http://www.law.georgetown.edu/news/press-releases/professor-lawrence-gostin-honored-for-lifetime-achievement-in-public-health-law.cfm> • Awarded 2015 Public Health Prize for the most influential journal volume from the Royal Society for Public Health for the following volume: World Health Organization: Past, Present, and Future, PUBLIC HEALTH (Journal of the Royal Society for Public Health), Vol. 128(2), Pages 115-204 (February 2014) (with Devi Sridhar), [http://www.publichealthjrnl.com/article/S0033-3506\(13\)00404-6/abstract](http://www.publichealthjrnl.com/article/S0033-3506(13)00404-6/abstract) and [http://www.publichealthjrnl.com/issue/S0033-3506\(13\)X0015-0](http://www.publichealthjrnl.com/issue/S0033-3506(13)X0015-0) • 2015 British Medical Association Book Award High Recommendation for LAWRENCE O. GOSTIN, GLOBAL HEALTH LAW (Harvard University Press, 2014), available at <http://www.hup.harvard.edu/catalog.php?isbn=9780674728844> and <http://www.amazon.com/Global-Health-Law-Lawrence-Gostin/dp/067472884X>. (Chinese Language Translation and Publication by the China University of Political Science and Law, 2016).

GEORGIA STATE UNIVERSITY COLLEGE OF LAW

The GSU College of Law moved into its new building this July. The Center for Law, Health & Society now has a physical home, which we share with colleagues in other centers creating increased opportunities for collaboration. The HeLP Legal Services Clinic has moved into a

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GEORGIA STATE UNIVERSITY COLLEGE OF LAW (continued)

dedicated clinical suite with other law school clinics.

The Center also welcomed two new colleagues, Tim Lytton, and Patti Zettler. They were hired through a university collaboration in the emerging field of regulatory science. Tim has an extensive record of scholarship on health and safety regulations, including recent books on food safety. Patti recently completed a fellowship at Stanford Law School and previously was an associate chief counsel in the FDA's Office of Chief Counsel.

Center faculty have been engaged in a wide variety of activities. Charity Scott brought the Robert Wood Johnson Foundation sponsored Public Health Law Fellowship to a successful close. Jonathan Todres was appointed to a National Academies Committee on bullying. Courtney Anderson participated in an interdisciplinary project to count homeless youth in Atlanta. Patti Zettler was named a Health Law Scholar. Sylvia Caley and her colleagues in the Health Law Partnership (HeLP) received two grants that will expand its activities in evaluating the impact of its services on clients and education on the various stakeholders.

FACULTY NEWS

Erin C. Fuse Brown, Assistant Professor of Law, reports these recent publications: Resurrecting Health Care Rate Regulation (forthcoming 67 HASTINGS L. J. ____ (2015)), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2584625 Fair Hospital Prices Are Not Charity: Decoupling Hospital Pricing and Collection Rules from Tax Status (forthcoming 53 U. LOUISVILLE L. REV. ____ (2015)), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2451435 • The Blind Spot in the Patient Protection and Affordable Care Act's Cost-Control Policies. ANNALS INTERNAL MED. [Epub ahead of print 22 September 2015] doi:10.7326/M15-1386, <http://annals.org/article.aspx?articleid=2443063> • IRS Rules Will Not Stop Hospital Billing Abuses, 17 AMA J. ETHICS 763 (2015), <http://journalofethics.ama-assn.org/2015/08/hlaw3-1508.html>.

Professor Fuse Brown also gave these presentations: State Options for Regulating Vertical Integration in Health Care, Yale Law School, The New Health Care Industry: Integration, Consolidation, Competition in the Wake of the Affordable Care Act (Nov. 2015) • State Enforcement Options for Vertical Health Care Integration, Health Law Workshop, Harvard Law School (Nov. 2015) (with Jaime S. King) • The Double-Edged Sword of Health Care Integration: Consolidation and Cost Control, Keynote Speaker, National Academy of State Health Policy Annual Conference (Oct. 2015) • Is the ACA Here to Stay? Two Perspectives on King v. Burwell, Georgia State University College of Law (Sept. 2015) • King v. Burwell, Moderator, Southeastern Association of Law Schools Annual Meeting (Jul. 2015) • Addressing Soaring Health Care Prices, American Society for Law,

Medicine & Ethics Annual Health Law Professors Conference (Jun. 2015) • ACA on the Ropes? King v. Burwell Case and Its Impact on Health Care Providers, King & Spalding 24th Annual Health Law and Policy Forum (Mar. 2015).

Professor Fuse Brown is also a co-investigator for Beyond Data Security: Promoting Confidentiality and Advancing Science, National Human Genome Research Institute R01 grant, (Jul. 2014 – May 2017).

Paul A. Lombardo, Bobby Lee Cook Professor of Law, reports these recent publications: Paul A. Lombardo, "When Harvard Said No to Eugenics: the J. Ewing Mears Bequest, 1927," 57 Perspectives in Biology and Medicine 374 (2015) • Paul A. Lombardo, "How to Escape the Doctor's Dilemma? De-Medicalize Reproductive Technologies," 43 Journal of Law, Medicine and Ethics 326 (2015).

Professor Lombardo also gave these presentations: Keynote Address: "The Knife Remedy,' Eugenic Boundaries on Reproduction," at the Global Conference Controlling Sexuality and Reproduction, Past and Present, Lethbridge University, Alberta, Canada (August 2015) •

"From Psychographs to fMRI: Historical Context for the Claims of Neuroscience," International Academy of Law and Mental Health, Vienna, Austria (July 2015); "Bioethics Update," American Society of Law, Medicine & Ethics Health Law Professors Conference, St. Louis, Missouri (June 2015) • Respondent: "Social Infertility and the Quest for Parenthood," at Baby Markets: Legal Issues concerning Artificial

Reproductive Technologies, Harvard University, School of Law, Cambridge, Massachusetts (May 2015).

Professor Lombardo began a three year term as an elected member of the Council (Board of Directors) of the American Association for the History of Medicine and continues as a Senior Advisor to the Presidential Commission on Bioethical Issues.

Professor Lombardo was quoted in the Washington Post, the Chicago Tribune, and 300+ other outlets about a Nashville, Tennessee prosecutor's practice of offering sterilization to women as part of plea deals, and in the Washington Post, Pacific Standard, BuzzFeed and other media about his expert testimony in *Lowe v. Reynolds*, the first major case under federal genetic nondiscrimination law (GINA) involving an employer's use of genetic tests on employees.

Professor Lombardo was appointed to a Working Group for a National Human Genome Research Institute (NIH) grant at the Hastings Center in New York to analyze ethical issues and explore "Goals and Practices for Next-Generation Prenatal Testing."

Professor Lombardo launched a new seminar, entitled Public Health Law in Historical Context: Vaccination, Quarantine, and the War on STDs. The course was designed to engage students in an exploration of the role of the government, the scientific establishment, and individual scientist/investigators in signal events in the history of public health law.

Charity Scott, Catherine C. Henson Professor of Law, gave these presentations: "Using Conflict Resolution Skills to Address

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GEORGIA STATE UNIVERSITY COLLEGE OF LAW (continued)

Ethical Dilemmas and Improve Patient Care,” *Children’s Healthcare of Atlanta* (Nov. 2015) • “Strengthening the Ethics of Doing No Harm: Shifting our Ethical Focus from Individual Patients to Organizational Systems that Improve Quality of Care,” 17th annual meeting of the American Society for Bioethics and the Humanities (Houston, Oct. 2015) • “Incorporating Lawyers on the Interprofessional Team to Promote Health and Health Equity” annual symposium of *Indiana Health Law Review* (Indianapolis, Oct. 2015) • “Law, Ethics, and Politics in Reproductive Rights,” *Emory University School of Medicine* (Aug. 2015) • “The Future of Public Health Law Education,” 38th Annual Health Law Professors Conference, American Society of Law, Medicine & Ethics and Saint Louis University School of Law (June 2015) • “Improving Patient Care by Engaging Effectively with Conflict,” *Ethics Grand Rounds, Emory University Hospital* (April 2015)

Professor Scott is the Chair, ABA Health Law Section’s Task Force on ADR and Conflict Resolution in Health Care • President-elect, Board of Directors, American Society of Law, Medicine & Ethics • Contributing commentator, *Medical Ethics Advisor*.

Professor Scott received the David J. Maleski Award for Teaching Excellence (Georgia State University College of Law), She is also the Guest Editor, special symposium volume on “The Future of Public Health Law Education: Faculty Fellowship Program,” forthcoming in *JOURNAL OF LAW, MEDICINE & ETHICS* 44, no. 1, Supp. (2016) and is the Project Director and Lead Faculty, “The Future of Public Health Law Education: Faculty Fellowship Program,” Robert Wood Johnson Foundation.

Jonathan Todres, Professor of Law,

reports these recent publications: Jonathan Todres and Sarah Higinbotham, *HUMAN RIGHTS IN CHILDREN’S LITERATURE: IMAGINATION AND THE NARRATIVE OF LAW* (Oxford University Press, December 2015) • Jonathan Todres, *Human Trafficking and Film: How Popular Portrayals Influence Law and Public Perception*, *CORNELL LAW REVIEW ONLINE* (forthcoming November 2015) • Jonathan Todres, *Advancing Children’s Rights and Ensuring the Well-Being of Children*, 169 *JAMA PEDIATRICS* 5 (January 2015).

Professor Todres also gave these presentations: A Children’s Rights Response to Natural Disasters, University of Tennessee, Sept. 26, 2015 Human Trafficking, the Private Sector, and the Tourism Industry, Georgia Institute of Technology, Sept., 24, 2015 • No Matter How Small: Human Rights in Children’s Literature, Washington & Lee University School of Law, Mar. 2, 2015 • Keynote Address, The Challenge of Securing the Well-being of All Children, Juvenile Law Symposium, UC Davis School of Law, Feb 20, 2015.

Professor Todres is also Chair, AALS Section on International Human Rights. He was appointed to the National Academies of Sciences, Engineering and Medicine’s Committee on the Biological and Psychosocial Effects of Peer Victimization: Lessons for Bullying Prevention (2015).

Leslie E. Wolf, Professor of Law and Director, Center for Law, Health & Society, reports these recent publications: Wolf LE, Patel MJ, Tarver BA, Austin JL, Dame LA, Beskow LM, *Certificates of Confidentiality: Protecting Human Subject Research Data in Law and Practice*, *Journal of Law, Medicine & Ethics* (forthcoming 2015) • Hanschke KE, Hensel WF, Wolf LE, *The Impact of Disability: A Comparative Approach*

to *Medical Resource Allocation in Public Health Emergencies*, 8 *St. Louis University Journal of Health Law & Policy* 259-299 (2015).

Professor Wolf also gave these presentations: “Rationing Care for People with Disabilities in Public Health Emergencies: U.S. & International Approaches” (with Wendy Hensel), Southwest Conference on Disability, Albuquerque, NM, October • “Measuring the Impact of Social Justice Teaching: Research Design and Oversight” (with Sylvia Caley and Lisa Bliss), 8th Global Alliance for Justice Education Conference, Eskisehir, Turkey, July • “Experiential Learning Across the Curriculum: Options for Every Class” (with Courtney Anderson, Jessica Gabel and Nicole Iannarone), Institute for Law Teaching and Learning Summer Conference, Gonzaga University School of Law, Spokane, WA June • “Understanding the ‘Web’ of Protections for Research,” American Society American Society of Law, Medicine & Ethics Annual Health Law Professors Conference, Saint Louis University, St. Louis, MO, June • “Lessons from the Ebola Epidemic for Health and Public Health,” (keynote) Kinsman Conference, Oregon Health & Science University, Portland, OR, April.

Professor Wolf also reports that through the U.S. Department of Defense, she is a member of review panel for Congressionally Directed Medical Research Program, Defense Medical Research and Development Program • through the U.S. Department of Health and Human Services, National Institutes of Health Center for Scientific Review, she is a member of study section for Ethical Issues in HIV research.

HARVARD UNIVERSITY PETRIE-FLOM CENTER

Books generated via Petri-Flom Center Conference are: *IDENTIFIED V. STATISTICAL LIVES: ETHICAL, LEGAL, AND MEDICAL PERSPECTIVES* (I. Glenn Cohen, Nir Eyal, and

Normal Daniels eds., Oxford University Press 2015) • *FDA IN THE TWENTY-FIRST CENTURY: THE CHALLENGES OF REGULATING DRUGS AND NEW TECHNOLOGIES* (Holly

Fernandez Lynch and I. Glenn Cohen eds., Columbia University Press, 2015).

The Football Players Health Study at Harvard University is a research initiative

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HARVARD UNIVERSITY PETRIE-FLOM CENTER (continued)

established to improve the health and well-being of professional football players. The project is funded through a contract between the National Football League Players Association and Harvard Medical School, and includes three main components: (1) a Players Health Study focused on the health and well-being of former NFL players; (2) a Pilot Studies program focused on identifying and supporting innovative, high-return research studies that have a strong likelihood of impacting the health of football players; and (3) a Law and Ethics component, led by the Petrie-Flom Center.

The Law and Ethics Initiative seeks to promote understanding of the legal and ethical issues that may enhance or impede player health, and to this end, develop appropriate responsive strategies and recommendations.

For more information, visit <http://petrieflom.law.harvard.edu/research/fphs>.

The Petrie-Flom Center is part of the [Regulatory Foundations, Ethics, and Law Program of Harvard Catalyst | The Harvard Clinical and Translational Science Center at Harvard Medical School](#), funded by the [National Institutes of Health \(NIH\) Clinical and Translational Science Award \(CTSA\) program \(grant 1UL1 TR001102-01\)](#).

The Center's initial focus has been participant recruitment to and enrollment in research studies. Our work aims to develop practical solutions to key barriers and novel concerns, focusing on such issues as the use of financial incentives, social media, demographic targeting, diversity, and engagement with vulnerable populations. We were awarded a grant from the [Brocher Foundation](#) to host an international conference in Geneva in January 2015 focused on clinical trial recruitment, and we are currently analyzing data from an empirical survey to evaluate the key concerns of IRB members, institutional officials, investigators, research participants, and others related to offers of payment for research participation. Through exploration of international and comparative dimensions, engagement with critical stakeholders, and benchmarking current practices and concerns, this project will produce educational modules and guidance documents for IRBs,

investigators, and recruitment managers, model policies and other toolkits, consensus statements, and the like. For more information, visit <http://petrieflom.law.harvard.edu/research/catalyst>.

In September 2015, the Petrie-Flom Center joined a collaborative project called the "**Patient-Centered Outcomes Research Oversight Study**," or PCOROS, led by Principal Investigator [Joel Weissman](#), PhD. The project is funded through a grant from the [Patient-Centered Outcomes Research Institute](#) to The Brigham and Women's Hospital, Inc., with a subaward to the Petrie-Flom Center.

There is a substantial gap in evidence regarding the novel ethical challenges that may be posed by patient-centered outcomes research (PCOR) as relevant to human subjects protection and oversight. The goal of this project is to engage with institutional review boards (IRBs), investigators, patients, and other stakeholders to better understand the practical realities of PCOR oversight: what are the barriers, ethical decision points, regulatory challenges, and outstanding questions calling for resolution? In addition to mixed methods empirical work, we will develop an ethical framework and evidence-based policies to guide investigators, sponsors, institutions, and IRBs in the conduct and oversight of PCOR.

The [Project on Law and Applied Neuroscience](#), now in its second year, is a collaboration between the Massachusetts General Hospital [Center for Law, Brain, and Behavior](#) (CLBB) and the Petrie-Flom Center. The collaboration includes a Senior Fellow in residence, public symposia, and a Law and Neuroscience Seminar at Harvard Law School. 2015-2016 Area of Inquiry: Adolescence, Juvenile Justice, and the Law • 2015-2016 Senior Fellow: [Robert Kinscherff](#), PhD, JD • 2014-2015 Area of Inquiry: Pain and the Law • 2014-2015 Senior Fellow: [Amanda C. Pustilnik](#), JD

For more information, visit <http://petrieflom.law.harvard.edu/research/project-on-law-and-applied-neuroscience>.

The [Food Law Lab](#) was founded by Professor [Jacob Gersen](#) as a center for coordinated and directed research in the

emerging field of food law. The Food Law Lab is currently situated within the Petrie-Flom Center, and works closely with the [Harvard Food Law and Policy Clinic](#).

For more information, visit <http://petrieflom.law.harvard.edu/research/food-law-lab>

Petrie-Flom continues to collaborate with colleagues at Duke and Stanford Universities to publish the [Journal of Law and Biosciences](#) (JLB), under the auspices of Oxford University Press. [I. Glenn Cohen](#) serves as co-Editor-in-Chief, alongside [Nita Farahany](#) (Duke) and [Hank Greely](#) (Stanford).

JLB is the first fully Open Access peer-reviewed legal journal focused on advances at the intersection of law and the biosciences. An online, interdisciplinary academic journal, JLB publishes cutting-edge scholarship, including original and response articles, essays, and commentaries on a wide range of topics, including bioethics, neuroethics, genetics, reproductive technologies, stem cells, enhancement, patent law, and food and drug regulation. Graduate students at each of the participating institutions write "**Notes and Developments**" for each issue, comprised of brief summaries of and commentary on recent legislation, regulation, and case law relevant to the biosciences.

[Bill of Health](#), our collaborative blog on health law policy, biotechnology, and bioethics co-edited by [I. Glenn Cohen](#) and [Holly Fernandez Lynch](#), is a forum for leading health law scholars at universities around the country and internationally. We are open to a variety of guest posting arrangements, if there is interest.

The Petrie-Flom Center hosted these events and conferences: [Clinical Trial Recruitment: Problems, Misconceptions, and Possible Solutions](#) • [Third Annual Health Law Year in P/Review](#) • [Re-envisioning Pain: How Breakthroughs on the Science of Suffering Could Revolutionize Legal Understanding and Outcomes Families Matter: Ethically, Legally, and Clinically King v. Burwell and the Future of the Affordable Care Act](#) • [After Hobby Lobby: What Is Caesar's, What Is God's? 2015 Annual Conference: Law, Religion, and Health in America](#) • [Visible Solutions: How Neuroimaging Helps Law](#)

PROGRAM AND FACULTY NEWS

HARVARD UNIVERSITY PETRIE-FLOM CENTER (continued)

Re-envision Pain • Second Annual HLS-UCLA Food Law and Policy Conference: Drugs, Animals, and Food: Law & Policy of Antibiotics in the Food System • Reflections in Honor of the Life and Influence of Professor Alan Wertheimer • Specimen Science: Ethics and Policy Implications

The Petrie-Flom Center hosted these lectures, panels and other events: Outbreak: Developing New Medical Products for Epidemics. A lecture by Peter Barton Hutt • A “Natural” Experiment: Consumer Confusion and Food Claims, a lecture by Efthimios Parasidis • A Right to Health? A lecture by John Tasioulas • A Dialogue on Agency, Responsibility, and the Brain with Stephen Morse • Measles, Vaccines, and Protecting Public Health • The Policeman at the Elbow: The Neuroscience of Addiction, Self-Control, and Criminal Responsibility • Gender (Re)assignment: Legal, Ethical, and Conceptual Issues • Book Launch: Identified v. Statistical Lives: An Interdisciplinary Approach • Moral Decisions in the Law: What’s the Brain Got to Do with It? • FDA’s Impact on Pharmaceutical Innovation: A lecture by Neil Flanzraich • Non-Human Primates in Research: Legal and Ethical Considerations • Moral Bioprediction, Bioenhancement, and the Law: A Lecture by Julian Savulescu • Book Launch: FDA in the 21st Century • Should the Science of Adolescent Brain Development Inform Legal Policy?: A lecture by Laurence Steinberg, PhD.

The Petrie-Flom Center will host these conferences:

Petrie-Flom Center 2016 Annual Conference: Big Data, Health Law, & Bioethics,

May 6, 2016

Call for Abstracts

The Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School is pleased to announce plans for our 2016 annual conference, entitled: “Big Data, Health Law, and Bioethics.” This year’s conference is organized in collaboration with the Berkman Center for Internet and Society at Harvard University and the Health Ethics and Policy

Lab, University of Zurich, with support from the Oswald DeN. Cammann Fund at Harvard University.

“Big Data” is a phrase that has been used pervasively by the media and the lay public in the last several years. While many definitions are possible, the common denominator seems to include the “three V’s” – Volume (vast amounts of data), Variety (significant heterogeneity in the type of data available in the set), and Velocity (speed at which a data scientist or user can access and analyze the data).

Defined as such, health care has become one of the key emerging use cases for big data. For example, Fitbit and Apple’s ResearchKit can provide researchers access to vast stores of biometric data on users from which to test hypotheses on nutrition, fitness, disease progression, treatment success, and the like. The Centers for Medicare & Medicaid Services (CMS) have vast stores of billing data that can be mined to promote high value care and prevent fraud; the same is true of private health insurers. And hospitals have attempted to reduce re-admission rates by targeting patients that predictive algorithms indicate are at highest risk based on analysis of available data collected from existing patient records.

Underlying these and many other potential uses, however, are a series of legal and ethical challenges relating to, among other things, privacy, discrimination, intellectual property, tort, and informed consent, as well as research and clinical ethics.

This conference, and anticipated edited volume, will aim to: (1) identify the various ways in which law and ethics intersect with the use of big data in health care and health research, particularly in the United States; (2) understand the way U.S. law (and potentially other legal systems) currently promotes or stands as an obstacle to these potential uses; (3) determine what might be learned from the legal and ethical treatment of uses of big data in other sectors and countries; and (4) examine potential solutions (industry best practices, common law, legislative, executive, domestic and international) for better use of big data in health care and health research in the U.S.

Abstracts are due on December 1.

Read the full call on our website: <http://petrieflom.law.harvard.edu/events/details/2016-annual-conference!>

On January 20, 2016, we will host a conversation with former FDA Commissioner (and former New York City Health Commissioner), **Dr. Margaret A. Hamburg**, led by Peter Barton Hutt, former Chief Counsel to FDA and current Senior Counsel at Covington & Burling LLP and Lecturer on Law at HLS. Topics discussed will include FDA’s role and the changing scientific, legal, political, and economic landscape; the overlap of science, innovation, and cost regarding biomedical products; food safety and nutrition; challenges of globalization, and more.

On **January 29, 2016**, the Center will host its Fourth Annual Health Law Year in P/Review, where leading experts will discuss major developments during 2015 and what to watch out for in 2016. The discussion at this day-long event will cover hot topics in such areas as health insurance, health care systems, public health, innovation, and other issues facing clinicians and patients.

On **March 29, 2016**, the Center will host “The Petrie-Flom Center’s 10th Anniversary Conference Celebration: The Future of Health Law and Policy.” Please join us as we bring together Petrie-Flom and other prominent Harvard Law School alumni to discuss major trends, developments, and open questions in the fields of health law policy, biotechnology, and bioethics. We’ll hear about the founder’s vision for the Center and the Dean’s perspective on the Center’s influence within the Harvard Law School community and beyond. Center Leadership will discuss what we have accomplished in the first ten years, and more important, our plans for the future. **Alan Weil**, Editor-in-Chief of *Health Affairs*, will deliver the keynote address.

The Center’s **annual conference**, scheduled for **May 6, 2016**, will address “Big Data, Health Law, and Bioethics.”

This conference, and anticipated edited volume, will aim to: (1) identify the various ways in which law and ethics intersect with

PROGRAM AND FACULTY NEWS

HARVARD UNIVERSITY PETRIE-FLOM CENTER (continued)

the use of big data in health care and health research, particularly in the United States; (2) understand the way U.S. law (and potentially other legal systems) currently promotes or stands as an obstacle to these potential uses; (3) determine what might be learned from the legal and ethical treatment

of uses of big data in other sectors and countries; and (4) examine potential solutions (industry best practices, common law, legislative, executive, domestic and international) for better use of big data in health care and health research in the U.S.

Abstracts are due on December 1.

Read the full call on our website: <http://petrieflom.law.harvard.edu/events/details/2016-annual-conference!>

On June 2, 2016, the Center will host a **Special Opening Lecture by Don Berwick** as part of ASLME's 39th Annual Health Law Professors Conference.

IIT CHICAGO-KENT COLLEGE OF LAW

FACULTY NEWS

Valerie Gutmann Koch, Visiting Assistant Professor at IIT Chicago-Kent College of Law and Lecturer in Law, Medicine, and Ethics at the University of Chicago MacLean Center for Clinical Medical Ethics, reports these recent publications: The Law and Legal Perspectives on Prenatal and Preimplantation Genetic Diagnosis, book chapter in *PRENATAL AND PREIMPLANTATION GENETIC DIAGNOSIS: THE BURDEN OF CHOICE* (2015) • A Private Right of Action for Informed Consent in Research, 45(1) *SETON HALL L. REV.* 173 (2015).

Professor Koch also gave these

presentations: Adherence to Altered Standards of Care in a Public Health Crisis, MacLean Center Conference, University of Chicago (November 13-14, 2015) • Bringing Law, Ethics and Health Care to the Table: The ABA Special Committee on Law and Bioethics Town Halls on Informed Consent, American Society for Bioethics and the Humanities (October 24, 2015) • Informed Consent in Treatment and Research – What's the Difference?, MacLean Center Summer Intensive (August 7, 2015) • Judges and Lawyers as Medical Decision-Makers, MacLean Center Summer Intensive (August 3, 2015) • A Private Right of Action for

Informed Consent in Research, Chicago Health Law Colloquium, DePaul College of Law (April 8, 2015) • Direct-to-Consumer Genetic Testing, Loyola University Stritch School of Medicine, Neiswanger Institute for Bioethics and Health Policy (April 2, 2015).

This past year, Professor Koch has also been a Visiting Fellow at DePaul University College of Law. She served as Special Advisor to the New York State Task Force on Life and the Law and as an Appointed Member of the ABA Special Committee on Bioethics & the Law. She is also the Co-chair of the Law Affinity Group for the American Society for Bioethics and the Humanities (ASBH).

INDIANA UNIVERSITY ROBERT H. MCKINNEY SCHOOL OF LAW

William S. and Christine S. Hall Center for Law and Health reports these recent programs, news and events: IU Health Law Scholars - The Indiana University Robert H. McKinney School of Law and the Indiana University Fairbanks School of Public Health are pleased to announce the IU Health Law Scholars Program, a new program made possible by a generous gift from IU Health. This program recognizes the academic achievement of highly qualified students who are pursuing health-related joint degrees. It is designed to make Juris Doctor/Master of Public Health (JD/MPH) and Juris Doctor/Master of Health Administration (JD/MHA) degrees more immersive and more affordable. During the course of their joint degree programs, students selected as IU Health Law Scholars will receive scholarship support, experiential learning opportunities, and co-curricular developmental opportunities. These program enhancements are designed to allow the IU Health Law Scholars to deepen their understanding of the complex interaction among health law, health administration, and public health, while also providing them essential opportunities to apply their knowledge in experiential learning settings. More information about the IU Health Law Scholars Program, as well as information about the inaugural class of scholars, is available on the Hall Center's website at <http://mckinneylaw.iu.edu/health-law/scholars.html>

Health Law Grand Rounds - During the past year, the Hall Center for Law and Health has hosted two events as part of its ongoing Health Law Grand Rounds series. On March 3, 2015, the Hall Center hosted a spirited discussion surrounding the yet-to-be-decided issues at hand in *King v. Burwell*. Thomas M. Fisher, Solicitor General, Office of the Indiana Attorney General, explained the State of Indiana's position in *King v. IRS*, while Professor David Orentlicher advocated for continued availability of subsidies under the Affordable Care Act. Nicole Huberfeld, Ashland-Spears Distinguished Research Professor of Law at the University of Kentucky College of Law, delivered her presentation "Pursuing Universality: Taking Stock of the ACA 5 Years In" to an audience of students, faculty, and practitioners on September 22, 2015

McDonald-Merrill-Ketcham Award - The 2015 recipient of the Hall Center for Law and Health's McDonald-Merrill-Ketcham Award was Susan M. Wolf, McKnight Presidential Professor of Law, Medicine & Public Policy; Faegre Baker Daniels Professor of Law; and Professor

PROGRAM AND FACULTY NEWS

INDIANA UNIVERSITY ROBERT H. MCKINNEY SCHOOL OF LAW (continued)

of Medicine at the University of Minnesota School of Law. The award presentation and lecture were made February 20, 2015, at the Indiana University Robert H. McKinney School of Law. Professor Wolf's award lecture was entitled "The Challenge of Creating Rules for Translational Science: Return of Results and Incidental Findings in Genomics." Following the lecture, a panel discussion featured Titus Schleyer, D.M.D., Ph.D., Professor of Medicine, Clem McDonald Professor of Biomedical Informatics, Indiana University School of Medicine; Kimberly Quaid, Ph.D., Professor, Indiana University School of Medicine and Faculty Investigator, Indiana University Center for Bioethics; and John T. Callaghan, M.D., Ph.D., Associate Dean of VA Research, Associate Professor of Medicine and Pharmacology and Toxicology, Indiana University School of Medicine

Hall Center for Law and Health/Indiana Health Law Review Symposia - On March 27, 2015, the Hall Center for Law and Health and the Indiana Health Law Review welcomed an outstanding group of speakers for the symposium "Medical Myths: Exploring Scientific Rigor, Effectiveness and Misinformation." Aaron E. Carroll, MD, MS, Professor of Pediatrics and Assistant Dean for Research Mentoring, Indiana University School of Medicine and Director of the Center for Health Policy and Professionalism Research, delivered the keynote address "Medical Myths: Why Do They Still Exist in the 21st Century?" Panel discussions included "Myths of Medical Malpractice," "Preventive Care, Public Health and Misinformation," "Transparency and Patient Decision-Making," and "Patients' Skin in the Game' and the Economics of Healthcare." A full description of the symposium is available on the Hall Center's website, <http://mckinneylaw.iu.edu/events/past.cfm?eid=304>

"Interprofessional Collaboration in Public Health Law and Policy: Moving the Needle on Social Determinants of Health" was the topic for the October 16, 2015, Hall Center for Law and Health/Indiana Health Law Review Symposium. The keynote address was delivered by Charity Scott, JD, MSCM, Catherine C. Henson Professor of Law at Georgia State University College of Law, who spoke about "Incorporating Lawyers on the Interprofessional Team to Promote Health and Health Equity." Panel discussions included "Poverty, Health, and Justice: How Can Law Firms, Health Organizations, and Community Partners Collaborate to Influence Social Determinants of Health?" "Advancing Public Health through Interprofessional Policy Advocacy: Not Just for Lobbyists Anymore," "Community Partnership: The Promise of Interprofessional Practice and Education," and "Prescription Drug Policy: A Case Study in Public Health Law and Policy." A full description of the symposium is available on the Hall Center's website, <http://mckinneylaw.iu.edu/events/past.cfm?eid=359>.

FACULTY NEWS

Jennifer Drobac, R. Bruce Townsend Professor of Law, reports these recent publications: *SEXUAL EXPLOITATION OF TEENAGERS: ADOLESCENT DEVELOPMENT, DISCRIMINATION, AND CONSENT LAW* (University of Chicago Press, forthcoming December 2015) • *Religion and Employment* (with Jill L. Wesley) in *RELIGION AND THE STATE* (Boris I. Bittker, Scott C. Idelman, and Frank S. Ravitch, eds., Cambridge University Press, 2015) • *Sex-Based Harassment: A Comment on U.S. and Indian Legal Responses* in *WOMEN'S RIGHTS AND GENDER EQUALITY* (Gurpreet Randhawa, et al., eds., Aashna Publications, 2015) (available in India, ISBN no. 978-81-926288-1-3) • *Exposing the Myth of Consent: Strictures from Neuroscience, Economics, and Relational Contracting* (with Oliver R. Goodenough), 12 *IND. HEALTH L. REV.* 471 (2015) • *The Myth of "Legal" Consent in a Consumer Culture* in *FACETS OF CONSUMERISM IN A GLOBAL ECONOMY* (Anand Pawar, ed., Twenty First Century Publications, 2015) (available in India, ISBN no. 978-93-85446-27-6) • *Consent, Teenagers, and (un) Civil(ized) Consequences* in *CHILDREN,*

SEXUALITY AND THE LAW (Sacha M. Coupet and Ellen Marrus, eds., New York University Press, 2015) • *Religion and Employment Anti-Discrimination Law: Past, Present, and Post Hosanna-Tabor* (with Jill L. Wesley), 69 *NYU ANN. SURV. AM. L.* 761 (2015).

Professor Drobac gave these presentations: Keynote, *Juvenile Consent and its Exploitation by Adult Sexual Predators*, The Gathering at the Skyline Club, Indianapolis, Indiana, November 19, 2015 • Convener and Panelist, *The Hunting Ground*, Indiana University Robert H. McKinney School of Law Special Program, Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana, November 12, 2015 • Convener and Panelist, *The Case Against 8: A Case For Marriage Equality*, Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana, March 24, 2015 • *Sex-Based Harassment Law*, S.G.G.S. Khalsa College, Women's Rights and Gender Equality Conference, Mahilpur, Hoshiarpur, India, March 7, 2015 • *Equality, Dignity and . . . Privacy: African, American and Indian "Pansexual" Human Rights*, Rajiv Gandhi National University of Law, Third RGNUL International Multidisciplinary

Human Rights Conference, Punjab, India, February 28, 2015 • Chief Guest Lecturer, *The Myth of "Legal" Consent in a Consumer Culture*, Rajiv Gandhi National University of Law, *Global Consumerism: Challenges and Possibilities Conference*, Punjab, India, February 21, 2015 • *Legal Innovations: Law and the Noble Eight-fold Path*, Association of American Law Schools and the Section on Socio-Economics, Annual Meeting, Washington, D.C., January 5, 2015.

Professor Drobac attended Fulbright Specialist Program (FSP), Rajiv Gandhi National University of Law, Punjab, India, February-March 2015.

Eleanor D. Kenney, Hall Render Professor of Law Emerita and Co-Director, Hall Center for Law and Health, Emerita, reports this recent publication: *THE AFFORDABLE CARE ACT AND MEDICARE IN COMPARATIVE CONTEXT* (Cambridge University Press, 2015).

David Orentlicher, Samuel R. Rosen Professor of Law and Co-Director, Hall Center for Law and Health reports these publications: *Abortion and Compelled Physician Speech*, 43 *J. L., MED. &*

PROGRAM AND FACULTY NEWS

INDIANA UNIVERSITY ROBERT H. MCKINNEY SCHOOL OF LAW (continued)

ETHICS 9 (2015) • Medicaid at 50: No Longer Limited to the 'Deserving' Poor?, 15 YALE J. HEALTH POL'Y L. & ETHICS 185 (2015) • Presumed Consent to Organ Donation, in NUDGING HEALTH: HEALTH LAW AND BEHAVIORAL ECONOMICS (Cohen, Lynch & Robertson eds., Johns Hopkins University Press 2015) • Societal Disregard for the Needs of the Infertile, in OXFORD HANDBOOK OF REPRODUCTIVE ETHICS (Francis ed., Oxford University Press 2015).

Professor Orentlicher gave these presentations: Two Presidents Are Better Than One: The Case for a Bipartisan Executive Branch, University of Louisville, Louisville, Kentucky, January 26, 2015; Arizona State University Sandra Day O'Connor College of Law, Tempe, Arizona, February 2, 2015; University of Arizona James E. Rogers College of Law, Tucson, Arizona, February 3, 2015 • Incapacitated Patients without Surrogates: State Statutory Barriers to Healthcare Decisionmaking, Annual Meeting of the Association of American Law Schools, Washington, D.C., January 3, 2015 • The Changing Legal Climate for Physician Aid in Dying, ASLME Annual Health Law Professors Conference, Saint Louis University School of Law, Saint Louis, Missouri, June 6, 2015 • Narrowing Socioeconomic Disparities in the United States: The Role of College Admission Policies, Duke University School of Law, Durham, North Carolina, November 21, 2015.

Professor Orentlicher is President of American Society of Law, Medicine & Ethics, 2015.

Fran Quigley, Clinical Professor of Law, reports these recent publications: IF WE CAN WIN HERE...THE NEW FRONT LINES OF THE U.S. LABOR MOVEMENT (Cornell University Press, 2015) • For Goodness' Sake: A Two-Part Proposal for Remediating the U.S. Charity/Justice Imbalance, VA. J. SOC. POL'Y & L. (forthcoming 2015) • The Trans-Pacific Partnership and Access to Medicines, HEALTH AND HUMAN RIGHTS JOURNAL, June 18, 2015 • A Bitter Pill: Can the Access to Medicines Movement Score Another Victory? FOREIGN AFFAIRS, October 18, 2015

• Haiti's Earthquake Was Devastating. The Cholera Epidemic Was Worse" THE NATION, October 16, 2015 • Could Pharma Overreach in the Trans-Pacific Partnership Lead to Access to Medicines Reform? HEALTH AND HUMAN RIGHTS JOURNAL, October 14, 2015 • Prescription for Justice: Catholics Must Help Bring Down Barriers Blocking Billions from Lifesaving Medicine, NATIONAL CATHOLIC REPORTER, October 8, 2015 • Sustainable Development Goals vs. Trade Agreements: Not a Fair Fight, HEALTH AND HUMAN RIGHTS JOURNAL, September 14, 2015 • The Trans-Pacific Partnership's Bad Medicine, FOREIGN AFFAIRS, July 15, 2015 • Ending the Embargo on Affordable Health: Lessons from Cuba, SOJOURNERS MAGAZINE, July 2015 Seeing Through 'Right to Work' Laws, SOJOURNERS MAGAZINE, June, 2015 • Labor Gains: Unionizing the Rust Belt's Service Sector, COMMONWEAL, May 7, 2015 • Separating Myths From Reality: Four Arguments for Raising the Minimum Wage, Indiana Law Review Blog, March, 2015 • Haitian Cholera Victims Undaunted by Court Ruling of UN Immunity, COMMON DREAMS, January 20, 2015 • For Goodness' Sake: Eliminate the Charitable Tax Deduction, COMMONWEAL, Jan. 8, 2015.

Professor Quigley gave these presentations: Is There a Constitutional Right to the Basic Necessities of Life? Anderson University Constitution Day Lecture, Anderson, Indiana, September 17, 2015 • How Human Rights Can Build Haiti, Harvard Haitian Alliance, March 24, 2015 • Panelist, If We Can Win Here: The New Front Lines of the Labor Movement, Poverty Law Section Panel, AALS Annual Conference, Washington D.C., January 4, 2015.

Ross Silverman, Professor of Public Health and Law, reports these recent publications: Point: Should Childhood Vaccination Against Measles Be a Mandatory Requirement for Attending School? Yes (with KS Hendrix), 148(4) CHEST 852 (2015) • Social Distancing and the Unvaccinated (with YT Yang), 372 NEW ENG. J. MED. 1481 (2015) • Legislative Prescriptions for Controlling Nonmedical Vaccine (with YT Yang), 313(3) JAMA 247

(2015) • Treatment Agreements, Informed Consent, and the Role of State Medical Boards in Opioid Prescribing (with SJ McGee), 16(1) PAIN MEDICINE 25 (2015).

Professor Silverman gave these presentations: Communication in Vaccine Law and Policy Creation and Enforcement, American Public Health Association Annual Meeting, Chicago, Illinois, November 3, 2015 • Poverty, Health, & Justice, Hall Center for Law and Health/Indiana Health Law Review Symposium: Interprofessional Collaboration in Public Health Law & Policy: Moving the Needle on Social Determinants of Health, Indianapolis, Indiana, October 16, 2015 • It's Flu Season: Exploring Issues in Vaccination (Webinar), Public Health Law Network/American Health Lawyers Association, October 16, 2015 • Urgent and Emergent Legal Issues in Protecting Public Health, Midwest Conference of Chief Justices and State Court Administrators, October 15, 2015 Epigenetics in Health Policy: Ethical and Legal Considerations in the Assessment of Environmental Harms, Oxford University Center for Health, Law, and Emerging Technologies: Translation in Healthcare – Exploring the Impact of Emerging Technologies, Oxford, England, June 24, 2015 • Preventative Care, Public Health, & Misinformation: It's a World of Hope and a World of Fears, Hall Center for Law and Health/Indiana Health Law Review Symposium: Medical Myths: Exploring Scientific Rigor, Effectiveness and Misinformation, Indianapolis, Indiana, Mar 27, 2015 • The 2015 Measles Outbreak: Exploring the Role of Public Health Law (Webinar), The Network for Public Health Law, February 19, 2015.

Professor Silverman is Co-Director, IU Health Law Scholars Program. Co-Director, IU Health Law Scholars Program.

Professor Silverman received a certificate from Harvard Law School Program on Negotiation Executive Education Program, "Negotiation and Leadership: Dealing with Difficult People and Problems and Difficult Conversations," October 2015.

Professor Silverman is the Principal Investigator, 2015-2018, Concussion Education and Community-Based

PROGRAM AND FACULTY NEWS

INDIANA UNIVERSITY ROBERT H. MCKINNEY SCHOOL OF LAW (continued)

Interventions: Implementing Best Practices and Identifying Promising Approaches, NCAA-Department of Defense Grand Alliance/Mind Matters Challenge, the Principal Investigator, 2015, Improving Indiana Community Health and Health Equity through Civic Engagement and Empowerment, Indiana University Center for Law, Ethics and Applied Research in Health Information and a Co-Investigator, 2015, Social Network Health Research Lab/Epilepsy Foundation of Indiana Big Data Analysis, Indiana University Center for Law, Ethics and Applied Research in Health Information.

Nicolas Terry, Hall Render Professor of Law and Executive Director, Hall Center for Law and Health, reports these recent publications: Liability for Mobile Health and Wearable Technologies (with Lindsay F. Wiley), *ANNALS OF HEALTH LAW* (forthcoming 2016) • Navigating the Incoherence of Big Data Reform Proposals, *43 J.L. MED. & ETHICS* 44 (2015) • Google Glass and Health Care: Initial Legal and Ethical Questions (with Chad Priest and Paul Szotek), *8(2) J. HEALTH & LIFE SCI. L.* 93 (2015) • Mobile Health and Wearable Technologies: Systemic Liability, AAAS Position Paper (forthcoming 2015) • Innovation in Mobile Health Impacts Law, *THE INDIANA LAWYER* (July 15, 2015) Developments in Genetic and Epigenetic Data Protection in Behavioral and Mental Health Spaces, *33(5) BEHAVIORAL SCIENCES & THE LAW* 653 (2015) • Mobile Health: Assessing the Barriers, *147(5) CHEST* 1429 (2015).

Professor Terry gave these presentations: Health Data Protection, Regulatory Turbulence, and Arbitrage, Berkeley Law and the University of Amsterdam Privacy Law Scholars Conference, Amsterdam, October, 2015 • Panelist, Diagnosing Triggers of Privacy Turbulence Using Communication Privacy Management Theory, Amsterdam Privacy Conference, October, 2015 The Uberfication of Healthcare: The 'Thin' Law of Mobile Health & Wearables, Indiana State Bar

Association Annual Health Law Symposium, Indianapolis, Indiana, Sept. 11, 2015 • Indiana University School of Medicine Graduate Medical Education House Staff Forum, Indianapolis, Indiana, August 11, 2015 • Presenter and Panel Organizer, Mental Health Exceptionalism, International Academy of Law and Mental Health, XXXIVth International Congress of Law and Mental Health, Vienna, Austria, July 2015 • Epigenetics and the Law, International Academy of Law and Mental Health, XXXIVth International Congress of Law and Mental Health, Vienna, Austria, July 2015 • The Law of Wearables, Doctors 2.0 & You, Paris, France, June 4-5, 2015 • Exploring Legal Challenges to Fulfilling the Potential of mHealth in a Safe and Responsible Environment, Workshop III: Systemic Liability, American Association for the Advancement of Science, Washington, D.C., May 14-15, 2015 • The Regulation of Mobile Health, Indiana Security & Privacy Network (InSPN), Indianapolis, Indiana, May 7, 2015 • The Law of Wearables, WATCH Conference 2, WearAble TeCHnology in Healthcare Society, Amsterdam, Netherlands, April 29-30, 2015 • Panelist, A Conversation on Health and Privacy Law, The Ohio State University Moritz College of Law, Columbus, Ohio, April 24, 2015 • Panelist, Indiana's Emergency Response to an Outbreak of HIV: Early Issues and Lessons, Indiana University School of Nursing, Indianapolis, Indiana, April 10, 2015 • The Healthcare Data Protection Stack: How and Why the US, EU and [Insert Your Country] Diverge, Global Bioethics Seminar Series, Indiana University Center for Bioethics, Indianapolis, Indiana, February 6, 2015 • Panelist, Always On: The Digital Patient, Center for Democracy & Technology, Washington, D.C., January 29, 2015.

Professor Terry is a member of the US Department of Health and Human Services FACA Health IT Policy Committee Consumer Workgroup. He hosts The Week in Health Law Podcast (with Frank Pasquale), TWIHL.com. He also is the Co-

Director, IU Health Law Scholars Program.

Diana R. H. Winters, Associate Professor of Law and Dean's Fellow, reports these recent publications: Inappropriate Referral: The Use of Primary Jurisdiction in Food-Labeling Litigation, *41 AM. J. L. & MED.* 240 (2015) • Intractable Delay and the Need to Amend the Petition Provisions of the FDCA, *90 IND. L.J.* 1047 (2015) • The Magical Thinking of Food Labeling: The NLEA as a Failed Statute, *89 TULANE L. REV.* 815 (2015) • A Series of Reflections on "Food Fight: An Examination of Recent Trends in Food Litigation and Where We Go From Here" (with Michael T. Roberts, Kim Kessler, Sean B. Hecht, Samuel Wiseman, Denis Stearns), *FDLI'S FOOD AND DRUG LAW POLICY FORUM*, Vol. 5, Issue 3 (Apr. 3, 2015).

Professor Winters gave these presentations: The Benefits of Regulatory Friction in Shaping Policy, Food and Drug Law Journal Symposium on Constitutional Challenges to the Regulation of Food, Drugs, Medical Devices, Cosmetics, and Tobacco Products, Georgetown Law Center, Washington, D.C., Oct. 30, 2015 • Primary Jurisdiction and Health Law Issues, ASLME Annual Health Law Professors Conference, Saint Louis University School of Law, Saint Louis, Missouri, June 4-6, 2015 • Not Part of the Solution: The Inappropriate Use of Primary Jurisdiction in Food-Labeling Litigation, American Journal of Law and Medicine, Annual Symposium on the Iron Triangle of Food Policy, Boston University School of Law, Boston, Massachusetts, January 30, 2015 • Panelist, Food Litigation and Tort Law, Tort Law and a Healthier Society, AALS Annual Conference, Washington D.C., January 4, 2015.

Professor Winters is a Visiting Scholar, Resnick Program for Food Law and Policy, UCLA School of Law, Los Angeles, California, August-December 2015. She is Member, Executive Committee, Agriculture and Food Law Section, American Association of Law Schools, 2015.

PROGRAM AND FACULTY NEWS

LEWIS & CLARK LAW SCHOOL

FACULTY NEWS

Anna Laakmann, Associate Professor, reports these recent publications: *When Should Physicians Be Liable for Innovation?*, 36 *CARDOZO L. REV.* 913 (2015) • *The Hatch-Waxman Act's Side Effects: Precautions for Biosimilars*, 47 *LOY. L.A. L. REV.* 917 (2015) (invited article for symposium on emerging health law issues).

Professor Laakman gave these presentations:

“A Property Theory of Medical Innovation,” Intellectual Property Colloquium, Indiana University School of Law, Bloomington, IN, October 29, 2015 • “A Holistic Approach to Complex Medical Diagnostics,” Third Annual Conference on Governance of Emerging Technologies, Scottsdale, AZ, May 27, 2015 “Intellectual and Regulatory Property,” Patent Conference V, University of Kansas School of Law, Lawrence, KS,

April 11, 2015 • “Intellectual and Regulatory Property,” Law and Biomedicine Colloquium, University of Utah S.J. Quinney College of Law, Salt Lake City, UT, March 9, 2015 • “Intellectual and Regulatory Property,” Third Pacific Intellectual Property Scholars Conference co-hosted by the University of Washington and Seattle University Schools of Law, Seattle, WA, February 6, 2015.

MERCER UNIVERSITY SCHOOL OF LAW

FACULTY NEWS

Zack Buck, Assistant Professor, reports these recent publications: *Furthering the Fiduciary Metaphor: Doctors, Dollars, and Deterring Overtreatment*, 104 *CALIF. L. REV.* ____ (forthcoming, 2016) • *Overtreatment and Informed Consent: A Fraud-Based Solution to Unwanted and Unnecessary Care*, 43 *FLA. ST. L. REV.* ____ (forthcoming, 2016) • *Side Effects: State Anti-Fraud Statutes, Off-Label Marketing, And the Solvable Challenge of Causation*, 36 *CARDOZO L. REV.* 2129 (2015) • *Breaking the Fever: A New Construct for Regulating Overtreatment*, 48 *U.C. DAVIS L. REV.* 1261 (2015) • *Enforcement Overdose: Health Care Fraud Regulation in an Era of Overcriminalization and*

Overtreatment, 74 *MD. L. REV.* 259 (2015). Professor Buck also gave these presentations: *Furthering the Fiduciary Metaphor*, Georgia State University College of Law, Faculty Colloquium Series, Atlanta, GA, Oct. 5, 2015 • *The Fractured Fiduciary*, 2015 Southeastern Association of Law Schools Conference (SEALS), New Scholars Works-In-Progress Workshop, Boca Raton, FL, Jul. 28, 2015 (selected) • *Overtreatment and Informed Consent*, 2015 Southeastern Association of Law Schools Conference (SEALS), Boca Raton, FL, Jul. 27, 2015 • *New Constructs for Regulating Overtreatment*, 2015 ASLME Health Law Professors Conference, Saint Louis University School of Law, St. Louis, MO, Jun. 6, 2015 • *Overtreatment and*

Informed Consent, 2015 Law and Society Conference, Law and Society Association, Seattle, WA, May 29, 2015 • *‘Reverse’ False Claims and Attorney Ethics: The Duty of Confidentiality in the Era of Kane v. Continuum Partners*, Georgia Hospital Association and Georgia Academy of Healthcare Attorneys Annual Meeting, Pine Mountain, GA, May 15, 2015 • *Overtreatment and Informed Consent*, University of Georgia School of Law, Faculty Colloquium Series, Athens, GA, Apr. 15, 2015 • *Side Effects*, AALS Section of Law, Medicine & Health Care Works-In-Progress for New Law School Teachers, AALS Annual Meeting, Washington, D.C., Jan. 3, 2015 (selected).

MITCHELL HAMLINE SCHOOL OF LAW

Hamline University is Now Mitchell Hamline School of Law. In December 2015, Hamline University School of Law and William Mitchell College of Law—law schools that have shaped Minnesota’s legal landscape for more than 154 years—combined to create the top law school in the Midwest for students seeking a rigorous, practical, and problem-solving approach to legal education. The Health Law Institute is particularly excited to collaborate with Mitchell’s internationally respected Public Health Law Center.

Annual Report. Our 2015 annual report is available here: <http://mitchellhamline.edu/health-law-institute/>

HLI launches Medical-Legal Partnership. Mitchell Hamline’s MLP with United Family Medicine medical clinic went live in June 2015, thanks to grants from the St. Paul and F.R. Bigelow Foundations. The MLP provides intake, counseling, and legal representation to low-income patients as part of a holistic approach to their medical care. Law students will begin assisting MLP clients through a clinic starting in 2016.

We continue to celebrate our position as a recognized leader in the health law community. Since 2009, Mitchell Hamline’s health law program has been recognized among the top twenty nationwide in the U.S. News and World Report rankings. In the 2016 edition, we were ranked the 13th best program in the country.

PROGRAM AND FACULTY NEWS

MITCHELL HAMLINE SCHOOL OF LAW (continued)

HLI partners with the Association of Nonsmokers. The Association for Nonsmokers—Minnesota (ANSR) is dedicated to reducing the human and economic costs of tobacco use in Minnesota. This year, ANSR contracted with the Health Law Institute to provide legal research services and legal mentorship and guidance to the ANSR Community Outreach Coordinator. Specifically, HLI students and faculty produced two research reports on the local regulation of flavored tobacco products.

Publication of proceedings from our October 2014 Symposium—Health Care Reform Implementation in Minnesota: Mission Advanced but Not Accomplished. The Health Law Institute and *Hamline Law Review*, with the support of Medica, hosted a day-long CLE/CEU Symposium on Friday, October 24, 2014. More than 200 regional and national experts gathered to discuss law and policy issues relating to the implementation of health care reform in Minnesota. In 2015, the *Hamline Law Review* published a special issue from this conference, available here: <http://digitalcommons.hamline.edu/hlr/vol38/iss2/>

Our alumni found meaningful careers. Mitchell Hamline graduates have secured competitive positions across all sectors of the health care industry in a difficult economy, including at: hospitals and clinics, insurance companies, law firms, consulting firms, state and federal government agencies, device and equipment manufacturers, and trade associations.

We hosted a number of meaningful events. The local legal community and health care providers earned over 1360 continuing education credits through 2014–2015 events hosted by the Health Law Institute. These events covered topics such as: medical marijuana, assisted suicide, undocumented immigrants, health care reform implementation, and careers in health care compliance and bioethics. We developed customized corporate compliance training for Prime Therapeutics. And we hosted a reception for U.S. health law faculty at the Association of American Law Schools Annual Meeting in Washington, DC.

FACULTY NEWS

Director of the United Family Medicine Medical-Legal Partnership, **Jada Fehn** reports these publications: What to Expect at the Intersection of Law and Social Work, 17(3) HEARSAY [MSBA] (Summer 2015); Using Law to Support Pharmacy Naloxone Distribution, ISSUE BRIEF: NETWORK FOR PUBLIC HEALTH LAW, Dec. 11, 2014, https://www.networkforphl.org/_asset/qdkn97/Pharmacy-Naloxone-Distributions.pdf

Director of the United Family Medicine Medical-Legal Partnership, Jada Fehn reports these appointments: Policy Committee, Law Section, American Public Health Association.

Professor Laura Hermer reports these publications: Coursework for a Medical-Legal Partnership in a Small Law School Setting, JOURNAL OF LAW, MEDICINE AND ETHICS (forthcoming 2016); Rationalizing Home and Community-Based Services under Medicaid, 8 JOURNAL OF HEALTH LAW AND POLICY 61 (2015); Aligning Incentives in Accountable Care Organizations: The Role of Medical Malpractice Reform, 17 JOURNAL OF HEALTHCARE LAW AND POLICY 271 (2014).

Professor Laura Hermer reports these presentations: Coursework for a Medical-Legal Partnership in a Small Law School Setting, Public Health Law Teaching panel, 38th Annual Health Law Professors'

Conference, St. Louis, MO, June 6, 2015; Winning the War on Health Poverty: A Legal Assessment, Hamline University School of Law, Sept. 11, 2014.

Professor Laura Hermer reports these grants: Starting a Medical-Legal Partnership between Hamline University School of Law and United Family Medicine, Granting Agency: The St. Paul Foundation (PI, total of \$75,000, 1/1/2015–12/31/2018); Starting a Medical-Legal Partnership between Hamline University School of Law and United Family Medicine Granting Agency: F.R. Bigelow Foundation (PI, total of \$75,000, 1/1/2015–12/31/2018)

Professor Laura Hermer reports these activities: Faculty Fellow in the Robert Wood Johnson Foundation's fellowship program on The Future of Public Health Law Education (4/1/2014–5/31/2015); Established medical-legal partnership between Hamline University School of Law and United Family Medicine, a federally-qualified health center in St. Paul, MN.

Jonathan Kahn, Professor, reports these recent publications: "When are you from? Time, space, and capital in the molecular reinscription of race." British Journal of Sociology 66: 68-75. 2015 • "Race and the FDA." Book chapter in FDA in the 21st Century: The Challenges of Regulating Drugs and New Technologies, Holly

Fernandez Lynch and I. Glenn Cohen, eds., 501-516. Columbia University Press. 2015.

Thaddeus Mason Pope, Director, Health Law Institute & Associate Professor of Law, reports these recent publications: THE RIGHT TO DIE: THE LAW OF END-OF-LIFE DECISIONMAKING (3d ed. Wolters Kluwer Law & Business) (with Alan Meisel & Kathy L. Cerminara) (2016 supplement) • Clinical Criteria for Physician Aid-in-Dying, 18 JOURNAL OF PALLIATIVE MEDICINE (2015) (with David Orentlicher & Ben Rich) • Medical Futility and Potentially Inappropriate Treatment, in OXFORD HANDBOOK ON DEATH AND DYING (Stuart Younger & Robert Arnold eds., Oxford University Press 2015) (with Douglas B. White) • Advance Care Planning, MINNESOTA HEALTHCARE NEWS (Nov. 2015) • Emerging Legal Issues for Providers in the US, in SHARED DECISION MAKING IN HEALTHCARE: ACHIEVING EVIDENCE-BASED PATIENT CHOICE (Oxford University Press forthcoming 2016) (with Benjamin Moulton) • Texas Advance Directives Act: Nearly a Model Dispute Resolution Mechanism for Intractable Medical Futility Conflicts, QUT LAW REVIEW (forthcoming 2016) • The Texas Advance Directives Act: Must a Death Panel Be a Star Chamber? 15 AMERICAN JOURNAL OF BIOETHICS 42-44

PROGRAM AND FACULTY NEWS

MITCHELL HAMLINE SCHOOL OF LAW (continued)

(2015) • Brain Death: Legal Duties to Accommodate Religious Objections, 148(2) CHEST e69 (2015) • Health Care Reform Implementation in Minnesota: Mission Advanced But Not Accomplished: An Introduction to the Symposium, 38 HAMLINE LAW REVIEW 161-176 (2015) • Patient Rights in the ICU, in OXFORD TEXTBOOK OF CRITICAL CARE ch. 26, 113-116 (Webb, Angus, Finfer, Gattioni & Singer eds., Oxford University Press 2016) (with Douglas B. White) • Prospective Autonomy and Dementia: Ulysses Contracts for VSED, 12(3) JOURNAL OF BIOETHICAL INQUIRY (2015) • Legal Briefing: Adult Orphans and the Unbefriended: Making Medical Decisions for Unrepresented Patients without Surrogates, 26(2) JOURNAL OF CLINICAL ETHICS 180-188 (2015) • Statement on Futility and Goal Conflict in End-of-Life Care in ICU Medicine 191(11) AMERICAN JOURNAL OF RESPIRATORY & CRITICAL CARE 1318-1330 (2015) (with ATS Ethics Committee and other external content experts) • Brain Death: Legal Obligations and the Courts, 35(2) SEMINARS IN CLINICAL NEUROLOGY: THE CLINICAL PRACTICE OF BRAIN DEATH DETERMINATION 174-179 (2015) (with Christopher M. Burkle) • An Official American Thoracic Society Policy Statement: Managing Conscientious Objection in Intensive Care Medicine, 191(2) AMERICAN JOURNAL OF RESPIRATORY AND CRITICAL CARE 219-227 (2015) (with Mithya Lewis-Newby, Mark Wiccalir, ATS Ethics Committee & other external content experts) • Legal Briefing: Coerced Treatment and Involuntary Confinement for Contagious Disease, 26(1) JOURNAL OF CLINICAL ETHICS 73-83 (2015) (with Heather Bughman).

Professor Pope also gave these presentations: Addressing Ethical Issues at the End of Life, MINNESOTA NETWORK OF HOSPICE & PALLIATIVE CARE, Plymouth, Minnesota (November 12, 2015) (sessions on POLST, VSED, futility, and aid-in-dying) • Resolving Medical Futility Conflicts with Efficiency and Fairness, 8th Annual Pediatric Bioethics Conference, WOLFSON CHILDREN'S HOSPITAL, Jacksonville, Florida (November 6, 2015)

• Legal Update 2015: Top 10 Legal Developments in Bioethics, ASBH 17th ANNUAL MEETING, Houston, Texas (October 22-25, 2015) • The Unbefriended Must Not Be Unprotected: Organizational and Clinical Management of Patients Without Surrogates, ASBH 17th ANNUAL MEETING, Houston, Texas (October 22-25, 2015) • Advance Directives and POLST, MINNACLE MINNESOTA ELDER LAW INSTITUTE, Minneapolis, Minnesota (October 20, 2015) • Minnesota Compassionate Care Act, SENATOR EATON LISTENING SESSION, Brooklyn Park, Minnesota (October 17, 2015) (panelist for Q&A on proposed legislation) • Medical Futility, SAINT CATHERINE'S UNIVERSITY, Minneapolis, Minnesota (October 8, 2015) (presentation to health sciences students) • Physician Aid in Dying: Legal Landscape & Ethical Justifiability, NEISWANGER INSTITUTE FOR BIOETHICS & HEALTH POLICY, Loyola University Chicago (September 24, 2015) • Medical Jurisprudence, ST. GEORGES UNIVERSITY, Grenada, West Indies (July 30 - August 5, 2015) Discussion Group: Hot Issues in Law and Bioethics, SEALS ANNUAL MEETING, Boca Raton, Florida (July 27, 2015) • Revolutionizing Informed Consent Law, ASLME HEALTH LAW PROFESSORS CONFERENCE, St. Louis, Missouri (June 4-6, 2015) • Brain Death: Expanding Family Objections and Recommended Clinician Responses, MEDICAL COLLEGE OF WISCONSIN, Milwaukee, Wisconsin (June 2, 2015) • Brain Death Rejected: Expanding Clinicians' Legal Duties to Accommodate Religious Objections and Continue Physiological Support --at the 2015 Annual Conference Law, Religion, and American Healthcare, PETRIE-FLOM CENTER FOR HEALTH POLICY, BIOTECHNOLOGY, AND BIOETHICS, HARVARD LAW SCHOOL, Boston, Massachusetts (May 8-9, 2015) • ACA Impact on Public Health, INTRODUCTION TO PUBLIC HEALTH - HAMLINE UNIVERSITY, Saint Paul, Minnesota (April 24, 2015) • Medical Futility, MINNESOTA NETWORK OF HOSPICE & PALLIATIVE CARE, Minneapolis, Minnesota (April 21, 2015) • POLST, MINNESOTA NETWORK OF HOSPICE & PALLIATIVE CARE, Minneapolis,

Minnesota (April 20, 2015) (with Vic Sandler) • Overtreatment at the End of Life: Legal Solutions, RYAN BIOETHICIST IN RESIDENCE - SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF MEDICINE, Springfield, Illinois (April 17, 2015) • Adjudicating Bioethics Disputes: Reconciling Saikewicz and Quinlan 40 Years Later, RYAN BIOETHICIST IN RESIDENCE - SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF LAW, Carbondale, Illinois (April 16, 2015) • Brain Death Rejected: Expanding Clinicians' Legal Duties to Accommodate Objections and Continue Physiological Support, RYAN BIOETHICIST IN RESIDENCE - SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF MEDICINE, Springfield, Illinois (April 15, 2015) • Tools for Landing a Job in Public Health Law (Panel for Public Health Law Career Workshop), NETWORK FOR PUBLIC HEALTH LAW, William Mitchell College of Law, Saint Paul, Minnesota (April 14 2015) • Texas Advance Directives Act: Almost a Model Dispute Resolution Mechanism for Intractable Medical Futility Conflicts, CHICAGO HEALTH LAW COLLOQUIUM - DePaul University College of Law and Loyola University Chicago School of Law, Chicago, Illinois (March 18, 2014) • Deadly Debacle: Informal Dispute Resolution in U.S. Hospitals, QUINNIPIAC YALE DISPUTE RESOLUTION WORKSHOP, Hamden, Connecticut (February 27, 2015) Adjudicating Bioethics Disputes: Reconciling Saikewicz and Quinlan 40 Years Later, NEW YORK UNIVERSITY LANGONE MEDICAL CENTER, New York, New York (February 26, 2015) • Brain Death: Clinician Duties to Accommodate Objections and "Treat" the Dead, UNIVERSITY OF MINNESOTA CENTER FOR BIOETHICS, Minneapolis, Minnesota (February 13, 2015) • Medical Jurisprudence, ST. GEORGES UNIVERSITY, Grenada, West Indies (February 6-13, 2015) • What Is Reasonable Accommodation and Are We Doing It? -- at the "Brain Death": Facilitating Family/Hospital Dialogue about Death by Neurological Criteria, LOYOLA MARYMOUNT UNIVERSITY BIOETHICS INSTITUTE & SOUTHERN CALIFORNIA BIOETHICS COMMITTEE CONSORTIUM (SCBCC), Los Angeles,

PROGRAM AND FACULTY NEWS

MITCHELL HAMLINE SCHOOL OF LAW (continued)

California (January 18, 2015) • The Unbefriended Elderly: Making Medical Decisions for Patients without Surrogates, AMERICAN ASSOCIATION OF LAW SCHOOLS (AALS), Washington, DC (January 3, 2015) (organized and moderated program co-sponsored by Section on Law & Aging; and Section on Law, Medicine and Health Care) Health Law Works in Progress Workshop, AMERICAN ASSOCIATION OF LAW SCHOOLS (AALS), Washington, DC (January 3, 2015) (organized program by Section on Law, Medicine and Health Care).

Professor Pope is: Chair, Association of American Law Schools (AALS) Section on Law, Medicine, and Health Care • Elected to the Board of the American Society of Bioethics & Humanities • Visiting Professor of Medical Jurisprudence, Saint Georges University, West Indies • Reappointed as a Voting Member, MEDCAC (Medicare Evidence Development & Coverage Advisory Committee) • Appointed as Affiliate Faculty, University of Minnesota Center for Bioethics • Governing Council, Health Law Section, Minnesota State Bar Association.

NORTHEASTERN UNIVERSITY SCHOOL OF LAW

On April 15, 2016 the Northeastern Program for Health Policy & Law will host a conference “Individual Choice & Collective Destiny: The Future of Public Health.” Professor Jon Hanson of the Harvard Law School will be the keynote speaker.

FACULTY NEWS

Wendy E. Parmet, Associate Dean for Interdisciplinary Education and Research, reports these recent publications: Michelle M. Mello, David M. Studdert & Wendy E. Parmet, Perspective -- Shifting Vaccination Politics - The End of Personal-Belief Exemptions in California, 373 New Eng. J. Med. 785 (2015) • Wendy E. Parmet, Beyond Paternalism: Rethinking the Limits of Public Health Law, 46 Conn. L. Rev. 1771 (2014) Wendy E. Parmet, Introduction: Free Speech and the Regulation of Reproductive Health, 43 J. L. Med. & Ethics 6 (2015) • Lindsay F. Wiley, Wendy E. Parmet & Peter D. Jacobson, Adventures in Nannydom: Reclaiming Collective Action for the Public's Health, 43 J. L. Med. & Ethics 73 (Supp. Spring 2015) • Benjamin D. Sommers & Wendy E. Parmet, Perspective - Health Care for Immigrants -- Implications of Obama's Executive Action, 272 N. Eng. J. Med. 1187 (2015) • Patricia Illingworth & Wendy E. Parmet, The Right to Health - Why it Should Apply to Immigrants, 8 Public Health Ethics 148 (2015) • Patricia Illingsworth & Wendy E. Parmet, Solidarity and Health: A Public Goods Justification, 43 Diametros 65 (2015).

Dean Parmet gave these presentations: Reflections on a Panic Foretold: Ebola in the U.S., Theodore T. LeBlong Distinguished Lecture, Southern Illinois University School of Medicine, Springfield, Illinois, March 2015 • Discriminating at the Border: Mental Health-Based Immigration Restrictions, Personal Responsibility, XXXIVth International Congress on Law and Mental Health, Vienna, Austria, July 2015 • Left Out: Undocumented Immigrants and the American Health Care System, Mitchell Hamline University School of Law, St. Paul, Minnesota, March 2015 • Epidemics & Individual Rights, International Congress, New Epidemic and Pandemic Phenomena: Socioeconomic Impacts and Policy Responses, Milan, Italy, October 25.

In April 2015 the University of Michigan School of Public Health held a one-day symposium honoring my 2009 book, Populations, Public Health and the Law.

SAINT LOUIS UNIVERSITY SCHOOL OF LAW

SLU LAW HOSTS 14th ANNUAL HEALTH LAW SCHOLARS WORKSHOP

Since 2002 SLU LAW in cooperation with ASLME has helped emerging health law scholars develop their work while also broadening the sense of community among health law academics by hosting a collegial forum in which faculty new to the field present works-in-progress and receive in-depth advice from more experienced colleagues from across the country. In October 2015, we reviewed thought provoking papers by **Craig Konnoth** (University of Pennsylvania Law School), **Patricia Zettler** (Georgia State University College of Law), **Valarie Blake** (West Virginia University College of Law), and **W. Nicholson Price** (University of New Hampshire School of Law). Special thanks also to our guest readers Barbara Evans (The University of Houston Law Center), Efthimi Parasidis (The Ohio State University Moritz College of Law and the College of Public Health), Mary Crossley (University of Pittsburgh School of Law) and Lindsay Wiley (American University Washington College of Law).

ANNUAL HEALTH LAW PROFESSORS CONFERENCE AT SLU LAW TACKLED TOUGH AND TIMELY ISSUES

In June we welcomed about 200 attendees to St. Louis to share strategies, ideas and materials relevant to teaching health law and bioethics at the 38th Annual Health Law Professors Conference co-sponsored by ASLME. This is the third time SLU LAW has hosted this important

PROGRAM AND FACULTY NEWS

SAINT LOUIS UNIVERSITY SCHOOL OF LAW (continued)

conference. The Opening Plenary, “Lessons from Ferguson and Beyond: Bias, Health and Justice,” organized by Jane and Bruce Robert Professor of Law Sidney Watson and former SLU LAW adjunct professor Vence Bonham, was an opportunity to address the events in Ferguson and elsewhere in our country and to “talk about the impact of race, racism and violence on health ... [and] explore what we can do as health law teachers in our teaching, research and service,” said Watson. In the keynote address, “Why Policymakers Need Health Law Scholarship Now More Than Ever,” Alan Weil, editor-in-chief of *Health Affairs*, discussed the sustained need for scholarship and research that impacts everyday health law and policy decisions. Read the full article here: <http://law.slu.edu/news/health-law-hosts-aslme>.

TOP RANKINGS AND RICH HISTORY PROVIDE SLU LAW JD/MHA STUDENTS UNPARALLELED EXPERIENCE

This spring the SLU College for Public Health & Social Justice earned the #7 place in *U.S. News and World Report* for best graduate school programs in Health Care Management. In cooperation with the College for Public Health, our top ranked Center for Health Law Studies has been graduating highly motivated students from the JD/MHA dual degree program since 1979. This is the oldest and most highly ranked dual degree program of its kind. Graduates of this dual degree program are well prepared to engage in the practice of law with law firms specializing in health law, federal and state health law related agencies, or to secure senior management positions in a variety of health care systems and associations, among other career paths. Students in the JD/MHA program spend time interning in these legal and administrative roles each summer. Third year JD/MHA student Lauren Ketzler spent this past summer at Franciscan Alliance health system under the watchful eye of preceptor Gene Diamond ('79), Regional Chief Executive Officer for Franciscan Alliance and a member of SLU's first class of JD/MHA dual degree graduates. Read more about Ms. Ketzler's intern experience with Franciscan Alliance here: <http://law.slu.edu/news/slulawsummer-rising-31-lauren-ketzler>

SLU LAW CONNECTIONS WITH ASCENSION HEALTH HIGHLIGHTED THROUGH DISTINGUISHED COLLEAGUE

This September's Health Law Practitioner-in-Residence program featured our own Sandra Johnson in her new role as the first Chair of the Board for Ascension Health Senior Care. Johnson coordinated a special series of events focused on hospital governance, leadership, decision making, and utilizing boards and general counsel. Events included a lecture and round table session with Christine McCoy ('94), Senior Vice President of Legal Services and General Counsel for Ascension Health and “The Coming Senior Tsunami: How is the Health Care Industry Responding?” with Jesse Jantzen, President and CEO of Ascension Health Senior Care.

27TH ANNUAL HEALTH LAW SYMPOSIA

In March 2015 the Center partnered with the SLU's William C. Wefel Center for Employment Law to host, “The ADA at 25: Disability Rights and the Healthcare Work Force.” This symposium used the intersection of health law and employment law to explore disability and the ADA. Speakers included Pierce Blue (U.S. Equal Employment Opportunity Commission, Office of the Commissioner), Mary Crossley (University of Pittsburgh School of Law), Leslie Francis (University of Utah College of Law), Nicole Porter (University of Toledo College of Law), Mark Weber (DePaul University College of Law), Silvia Yee (Disability Rights Education and Defense Fund), and our own Elizabeth Pendo and Marcia McCormick, who organized the symposium. We look forward to this spring's 28th Annual Symposium, “Dying Fast & Slow: Improving the Quality of Dying,” which is being organized by Kelly Dineen.

DISTINGUISHED SPEAKER SERIES

Our distinguished speaker series began in September with Christine McCoy, Senior Vice President of Legal Services and General Counsel for Ascension Health. She presented, “(Re)Organizing the Delivery of Health Care and Legal Services.” In early November Professor Nicholas Bagley of the University of Michigan Law School gave a presentation entitled, “Legal Limits and the Implementation of the Affordable Care Act.” This spring we look forward to hosting Melissa Markey from Hall, Render, Killian, Heath & Lyman, P.C.

HEALTH LAW SEMESTER IN WASHINGTON DC

Now in its 6th year we look forward to sending four health law students, including three JD/MHA dual degree students, to Washington D.C. this spring to work in the HHS Office of General Counsel CMS Division, DOJ Antitrust Division, Federal Trade Commission - Healthcare Competition Bureau, and the HHS Office of General Counsel Public Health Division. While in DC students will take Health Law Agency Practice, taught by Professor of Practice Malcolm J. Harkins. Students will also be paired with alumni mentors working in D.C. and have opportunities to network with more than 90 SLU health law alumni working in the D.C. area.

CONGRATULATIONS TO SIDNEY WATSON; CONTINUED LEADERSHIP IN GRASSROOTS ADVOCACY

Named the Jane and Bruce Robert Professor of Law in April, Watson was also recently honored by Saint Louis University's Office of Research Administration with the 2015 Senior Grant Award for her work with partners Missouri Foundation for Health and Missouri Health Care for All. Through this partnership Watson created the Grassroots Advocacy Course, now in its fourth year. Health law students continue to participate in community education and story-banking, and provide legal and policy assistance for consumer advocates around issues related to Medicaid expansion and access to health care.

SLU LAW HALL OF FAME HONORS OUR OWN

Congratulations to Professor Emerita Sandra Johnson, who was inducted into the inaugural class of the SLU LAW Order of the Fleur Des Lis Hall of Fame in September.

PROGRAM AND FACULTY NEWS

SAINT LOUIS UNIVERSITY SCHOOL OF LAW (continued)

FACULTY NEWS

Kelly K. Dineen, Assistant Professor and Assistant Director-Albert Gnaegi Center for Health Care Ethics, Co-Director-Bander Center for Medical Business Ethics, reports these recent publications: Kelly K. Dineen & James DuBois, *Between a Rock and a Hard Place: Can Physicians Prescribe Opioids to Treat Pain Adequately While Avoiding Legal Sanction?* 42 *American Journal of Law & Medicine* 1 (forthcoming) • Jalal B. Jalay, Kelly K. Dineen, & Ann Gronowski, *A 30 Year Old Patient Who Refuses to be Drug Tested*, *Clinical Chemistry* (forthcoming 2015) • Kelly K. Dineen, *Addressing Prescription Opioid Abuse Concerns in Context: Synchronizing Policy Solutions to Multiple Complex Public Health Problems*, 40 *Law and Psychology Review* (forthcoming) • Book Chapter, *Legal Issues in Critical Care*, in Urden L, Stacy K., & Lough, M. *Critical Care Nursing: Diagnosis and Management* (8th ed.) (forthcoming 2016) • Book Chapter, *Ethical Issues in Critical Care*, in Urden L, Stacy K., & Lough, M. *Critical Care Nursing: Diagnosis and Management* (8th ed.) (forthcoming 2016) • Editor, *Symposium on Opioid Use Disorders, Narrative Inquiry in Bioethics* (in progress, expected 2016) • Co-editor, *Professional Regulation and Opioids in America* (tentative title) (with John Peppin & John Coleman, Oxford University Press) (forthcoming 2016).

Professor Dineen also gave these presentations: *Exploring Integrity in Medicine: A Case Based Approach to Teaching Business Ethics and Professionalism*, workshop with Erin Bakanas, Rebecca Volpe, and Tyler Zahrl, American Society for Bioethics and Humanities, Annual Meeting, October 2015, Houston, TX • *Discussion Group: Hot Issues in Law and Bioethics*, panel member and organizer, Southeastern American Law Schools Annual Meeting, July 2015, Boca Raton, FL • *The Health Care System of Tomorrow*, moderator, Southeastern American Law Schools Annual Meeting, July 2015, Boca Raton, FL • *Neuroethics, Bioethics Summer Retreat*, June 2015, Lake Tahoe, CA • *Brain Death*, workshop with Ron Miller, Bioethics Summer Retreat, June 2015, Lake Tahoe, CA • *Symptom Management*,

workshop with Dorle Vawter, Bioethics Summer Retreat, June 2015, Lake Tahoe, CA • *A Case Based Approach to Teaching Medical Business Ethics*, Annual Health Law Professors Conference, June 2015, St. Louis, MO • *Exploring Integrity in Medicine: A Case Based Approach to Teaching Business Ethics and Professionalism*, workshop with Rebecca Volpe and Tyler Zahrl, International Conference on Clinical Ethics & Consultation, May 2015, New York, NY • *Exploring Integrity in Medicine: A Case Based Approach to Teaching Business Ethics and Professionalism*, workshop with Erin Bakanas, Rebecca Volpe, and Tyler Zahrl, Academy for Professionalism in Health Care Annual Meeting, May 2015, Louisville, KY.

Professor Dineen serves as Conflicts of Interest Manager, DIAN-TU Therapy Selection Committee, Washington University School of Medicine, St. Louis, MO and is on the Nominating Committee, American Society for Bioethics and the Humanities, 2014-2016.

Professor Dineen is developing the Professional Decision-Making in Medicine (PDM) Measure, funded by BF Charitable Foundation (with James DuBois, Alison Antes, and Erin Bakanas, work in progress).

Professor Dineen completed her PhD in Health Care Ethics in 2015.

Robert Gatter, Professor of Law, Co-Director of Center for Health Law Studies, Professor of Health Policy and Management, College for Public Health and Social Justice, reports these recent publications: (Population) *Health Law in Theory*, — *J. HEALTH POL. POL'Y & L.* — (special issue, forthcoming 2016) • *Teaching Population Health Outcomes Research, Advocacy, and the Population Health Perspective in Public Health Law*, — *J. L. MED. & ETH.* — (special supplement, forthcoming 2016) • *Ebola, Quarantine, and Flawed CDC Policy*, 23 *U. MIAMI BUS. L. REV.* 375 (2015) (invited for “health law” issue).

Professor Gatter also gave these presentations: Interview with Prof. Elizabeth

Ferrell Bjerke on Quarantine Law and Policy, University of Pittsburgh School of Public Health MOOC on “Epidemics, Pandemics, and Outbreaks,” March 16, 2015 • *Immunizations, the Law, and Good Strategies*, Panel on “From the Lab to the Law: Perspectives on Vaccines,” Saint Louis University College of Public Health and Social Justice, February 20, 2015 • *Legal Lessons from Ebola Outbreak*, Temple University, Beasley School of Law, October 22, 2015 • *Flawed CDC Quarantine Guidance*, Drexel University, Kline School of Law, October 22, 2015 • Guest Reviewer, “Vulnerability in Health Care” Symposium, University of Houston Law Center, October 15-17, 2015 • *Getting Data into Public Health Law*, Guest Lecture in Course on “Translating Epidemiology into Policy (Prof. Ross Brownson), Brown School of Social Work, Washington University in St. Louis, October 8, 2015.

Professor Gatter also played a joint leadership role in planning and hosting ASLME Health Law Professors Conference held at Saint Louis University School of Law, June 2015.

Professor Gatter was a Faculty Fellow, Future of Public Health Law Education, Robert Wood Johnson Foundation and Georgia State University College of Law (2014-2015 academic year, developed course work integrating population outcomes research and community advocacy skills into didactic and service-learning course-work in public health law).

Jesse Goldner, John D. Valentine Professor of Law, reports these recent publications: *THE ETHICS AND REGULATION OF RESEARCH WITH HUMAN SUBJECTS* (LexisNexis, Second edition 2015, co-authored with Coleman, Menikoff and Parasidis) was published in September • *What Should We Expect? A Comparison of the Community Benefit and Projected Government Support of Maryland Hospitals* (co-authored with Turner, Broom, and Lee) will appear in the December 2015 issue of *MEDICAL CARE RESEARCH AND REVIEW*.

Tim Greaney, Chester A. Myers Professor of Law and Co-Director of the Center for Health Law Studies, reports these activities: Participated as a wrap up panelist in the

PROGRAM AND FACULTY NEWS

SAINT LOUIS UNIVERSITY SCHOOL OF LAW (continued)

“Joint Workshop Examining U.S. Health Care Competition” sponsored by the U.S. Department of Justice and the Federal Trade Commission on February 24 and 25 • Was quoted in a CNBC story and interviewed by Politico regarding health insurance mergers • Was also quoted in article about the departure of Marilyn Tavenner, head of CMS at Department of Health and Human Services Was quoted in the St. Louis Post Dispatch on the acquisition of SLU Hospital by SSM Health and interviewed by Modern HealthCare about the proposed Aetna-Humana and Anthem-Cigna health insurance mergers • Provided testimony before U.S. House of Representatives, Committee on the Judiciary; it was reported in The New York Times and Health Affairs • Presented his paper at a Seattle University School of Law symposium on Competition in Health Care: “Navigating Through the Fog Of Vertical Merger Law: A Guide to Counselling Hospital-Physician Consolidation Under the Clayton Act.” • Spoke to a class at Yale Law School (via Skype) on consolidation in the health law sector Oct. 28 • Health Affairs Blog, Examining the Implications of Health Insurance Mergers <http://healthaffairs.org/blog/2015/07/16/examining-implications-of-health-insurance-mergers/> • “Of Sumo Wrestlers and Handshakes: Does the Power-Buyer Defense Justify Insurance Industry Consolidation?” Yale University School of Law, Symposium on Health Care Consolidation (November 2015) • Capitol Hill Briefing on Health Insurance Mergers, sponsored by Health Alliance for Reform and Commonwealth Fund (November 2015) • “Hospital Acquisitions of Physician Practices: Does the “Vertical= Good” Maxim Apply?” Oxford University Conference on Competition Policy (June, 2015) • was quoted by the Wall St. Journal: <http://www.wsj.com/articles/health-mergers->

[could-cut-consumer-options-1434937235](http://www.wsj.com/articles/health-mergers-could-cut-consumer-options-1434937235) • was quoted by CNBC: <http://www.cnbc.com/2015/06/17/will-bigger-insurers-hurt-consumer-market.html> • was quoted by BNA <http://www.bna.com/insurance-industry-consolidation-n17179934363/> • was quoted Forbes: <http://www.forbes.com/sites/brucejapsen/2015/10/19/antitrust-showdown-next-after-aetna-humana-shareholders-approve-deal/> • Managed Care: <http://www.managedcaremag.com/archives/2015/9/new-era-mega-plans>

Elizabeth Pendo, Vice Dean (on leave) and Joseph J. Simeone Professor of Law, Center for Health Law Studies, reports these recent publications: What Patients with Disabilities Teach Us about the Everyday Ethics of Healthcare, 50 Wake Forest L. Rev. 287 (2015) • Hidden from View: Disability, Segregation and Work, in INVISIBLE LABOR (Winifred Poster, Marion Crain & Miriam A. Cherry eds.) (University of California Press) (forthcoming 2015) • Collecting New Data on Disability Health Equities, Hastings Center Report (Policy & Politics column) (forthcoming 2015).

Dean Pendo also gave these presentations: Invited Lecture, At the Intersection of Patient Care, Disability and the Workplace, St. Mary’s Family Medicine Residency Program, Nov. 11, 2015, Saint Louis, MO • Discussant, Current Issues in Accommodations Law, Southeastern Conference, Association of American Law Schools (SEALS) Annual Meeting, July 27 – Aug. 2, 2015, Boca Raton, FL. • Caring for Patients: A Therapeutic Approach, at the International Congress on Law and Mental Health, in Vienna, Austria, July 18, 2015 • Workshop Leader, Protecting the Rights of Persons with Disabilities in the Medical Decision-making Process, 2015 Jacobus tenBroek Disability Law Symposium, National Federal for the Blind, March 26,

2015, Baltimore, MD.

Dean Pendo also taught two-week intensive course in Health and Human Rights at Vytautas Magnus University School of Law, Kaunas, Lithuania, Visiting Professor in March 2015 • is the Secretary for Association of American Law Schools, Section on Law, Medicine and Health Care • is a member, Inclusiveness Committee and Committee and Beginning & Newer Law Teachers Committee, SEALS • is a Reader / Commentor for newer scholars Health Law Scholars Workshop (co-sponsored by ASLME and Center of Health Law Studies, Saint Louis University School of Law); American Society of Bioethics and the Humanities, Mentor Pairing Workshop; and SEALS New Scholars Workshop and New Voices in Labor and Employment Law Workshop.

Sidney Watson, Jane and Bruce Robert Professor of Law, reports these activities: presented a talk From Almshouses to Nursing Homes and Community Based Care at a conference on Medicare and Medicaid at Fifty at Ohio University • presented a lecture on the Medicaid Expansion Debate to medical students and faculty at A.T. Still Medical School in Kirksville, Missouri • took part of a panel discussion about Medicaid Expansion in Missouri in Kirksville and it was sponsored by Missouri Rural Crisis Center and other local groups • testified before the Senate Committee on Insurance on SB 89, a bill to give the state Department of Insurance authority to review and approve health insurance premium rates • organized a workshop on Medicaid Matters which brought 10 faculty and policy experts to SLU LAW to discuss works in progress relating to Medicaid law and policy • participated in the discussion group King v. Burwell at the 2015 SEALS conference in Boca Raton, Florida July 27-Aug. 2.

SETON HALL UNIVERSITY SCHOOL OF LAW

The Seton Hall Law Compliance Certification Program, now in Newark, California, Singapore and the EU, is expanding to Latin America in 2016.

Seton Hall Law will be hosting a program in Winter 2016 on the recent NJ case of Atlantic Health Systems, in which the tax court upheld to denial of Morristown Medical Center’s property tax exemption.

The Center for Health & Pharmaceutical Law & Policy held the following events in 2015: CELEBRATING DIVERSITY IN THE

PROGRAM AND FACULTY NEWS

SETON HALL UNIVERSITY SCHOOL OF LAW (continued)

COMPLIANCE PROFESSION January 22, 2015 (Seton Hall Law, Newark, NJ)

CONFERENCE: INSURANCE COVERAGE ISSUES FOR MENTAL HEALTH AND ADDICTION SERVICES February 06, 2015 (Seton Hall Law, Newark, NJ) Seton Hall Law School's Sentinel Project is examining issues related to access to essential health benefits by insurers in the reformed individual and small group insurance markets. The purpose of the conference is to discuss several areas of coverage that have raised concerns historically in insurance markets, including access to outpatient therapy and drug treatment, and access to transitions of care following acute episodes

ASIA-PACIFIC HEALTHCARE COMPLIANCE PROGRAM March 09 - 12, 2015 (Singapore) This intensive, multi-day educational program runs from March 9 through 12 and addresses the myriad of legal, regulatory and compliance issues encountered by pharmaceutical, biotech and medical device manufacturers doing business in the Asia-Pacific region. The training program offers up to 24 NY/NJ CLE credits

FDA REGULATION OF GENOMIC TESTING: WILL REGULATION DO MORE HARM THAN GOOD? March 17, 2015 (Seton Hall Law, Newark, NJ) The Center for Health hosted a public lecture by Visiting Professor Barbara Evans, Professor of Law and George Butler Research Professor and Director, Center on Biotechnology & Law at the University of Houston Law Center. Professor Evans discussed whether the FDA can regulate genomic testing using the prior century's medical device regulatory framework, while exploring why the FDA's recent initiatives have fallen short and why Congressional action will be required if the goal of regulation is enhanced consumer safety, innovation, and the preservation of basic American values

U.S. HEALTHCARE COMPLIANCE CERTIFICATION PROGRAM

June 08 - 11, 2015 (Seton Hall Law, Newark, NJ) The Healthcare Compliance Certification Program (HCCP) is a four-day educational program for compliance professionals and lawyers in the pharmaceutical and medical device industries. The program immerses attendees in the statutes, regulations, and other guidance that comprise the body of law known as "fraud and abuse law," as well as other health care related laws and regulations which will help them understand the legal underpinnings of the compliance programs they develop and enforce.

EUROPEAN HEALTHCARE COMPLIANCE CERTIFICATION PROGRAM June 01 - 04, 2015 (Paris, France) This intensive, multi-day educational and training program addresses the myriad of legal, regulatory and compliance issues faced by pharmaceutical, biotech and medical device manufacturers doing business in Europe. This program is geared toward legal, regulatory and compliance professionals and advisors working within the European pharmaceutical, biotech, and medical device industries.

U.S. HEALTHCARE COMPLIANCE CERTIFICATION PROGRAM October 12 - 15, 2015 (Seton Hall Law, Newark, NJ) Seton Hall Law School faculty and respected industry leaders host a comprehensive overview of state, federal, and international law governing prescription drugs and medical devices. This four-day program immerses attendees in the statutes, regulations and other guidance that comprise the body of law known as "fraud and abuse law." Examine healthcare-related laws and regulations alongside other compliance, ethics and integrity officers, legal counsel, healthcare consultants, and regulatory and medical affairs professionals

CALLING THE SHOTS ON VACCINATION: MANDATORY VACCINATION OF HEALTH CARE WORKERS

March 26, 2015 (Seton Hall Law, Newark, NJ) One in four healthcare workers failed to be vaccinated for the flu last year in 2013-14, according to the CDC. Some argue that healthcare workers who refuse vaccines needlessly put the sick and vulnerable at further risk and fail to protect themselves and their patients, whom they have an obligation to protect. Conversely, others argue that mandating healthcare workers to get vaccinated unduly infringes on their liberty. The question remains strongly contested: Is the mandatory vaccination of health care workers a public health necessity or a violation of individual rights?

HOT TOPICS IN LIFE SCIENCES LAW October 30, 2015 (Seton Hall Law, Newark, NJ) The symposium explored emerging issues and legal trends impacting the life sciences industry, including: successful partnering in drug development; protecting drug innovation through litigation and patent office proceedings; cybersecurity, privacy and data breaches; internal investigations and ethical implications; and resolving disputes and limiting litigation exposure.

FACULTY NEWS

Gaia Bernstein, Michael J. Zimmer Professor of Law, reports these recent publications: *The Rise of the End User in Patent Litigation* 55 BOSTON COLLEGE LAW REVIEW 1143 (2014), which was cited by the Federal Circuit in *Akamai Technologies v. Limelight Networks*, 2015 U.S. App. Lexis 7856 • *Incentivizing the Ordinary User* 66 FLORIDA LAW REVIEW

1275 (2014) • *The Rise of the End User and Attorney Fee Shifting* 3(2) NTUT J. OF INTELL. PROP. L. & MGMT. 199 (2014).

Professor Bernstein also gave these presentations: *The Rise of the End User in Patent Litigation*, Intellectual Property Scholars Conference, Berkeley Law School, August 2014 • *The Rise of the End User in Patent Litigation*, Third Annual

University of Toronto Patent Colloquium, November 2014 • *The Rise of the End User in Patent Litigation*, Intellectual Property Colloquium, Bar Ilan University Faculty of Law, December, 2014 • Commentator, 5th Annual Tri-State Intellectual Property Workshop, NYU Law School, January 2015 • Commentator, Baby Markets Roundtable, Harvard Law School, May 2015.

PROGRAM AND FACULTY NEWS

SETON HALL UNIVERSITY SCHOOL OF LAW (continued)

Professor Bernstein was awarded the Michael J. Zimmer Chair.

Kathleen Boozang, Dean and Professor of Law, reports this recent publication: Seton Hall Law Center for Health & Pharma White Paper, The False Claims Act and the Policing of Promotional Claims about Drugs: A Call for Increased Transparency (Co-author) (Fall 2015).

Dean Boozang has spent 2015 giving many presentations, participating in debates, and giving media interviews throughout the state on the proposed NJ Death with Dignity legislation.

Carl Coleman, Professor of Law, reports these recent publications: Control Groups on Trial: The Ethics of Testing Experimental Ebola Treatments, *J. BIOSECURITY, BIOSAFETY, & BIODEFENSE L.* (forthcoming 2016) • THE ETHICS AND REGULATION OF RESEARCH WITH HUMAN SUBJECTS (2d ed. 2015) (with Jerry Menikoff, Jesse Goldner, and Efthimos Parasidis) • The Common Rule: US Regulatory Protections for Human Research Participants, in *INTERNATIONAL ENCYCLOPEDIA OF SOCIAL & BEHAVIORAL SCIENCES*, 2d ed. (2015) • Avoiding Unintentional Whistleblower Retaliation: Lessons from *Halliburton v. Administrative Review Board*, 14 *REVUE INTERNATIONALE DE LA COMPLIANCE ET DE L'ÉTHIQUE D'AFFAIRES* 35 (2015) • Chapters on Informed Consent and Collection of Data and Biological Specimens, in *ETHICS IN RESEARCH, SURVEILLANCE, AND PATIENT CARE IN EPIDEMICS, EMERGENCIES, AND DISASTERS* (World Health Organization 2015) •

GLOBAL HEALTH ETHICS: KEY ISSUES (World Health Organization 2015) (contributing editor).

Jordan Paradise, Schering-Plough Professor of Law, reports these recent publications: REMS as a Competitive Tactic: Is Big Pharma Hijacking Drug Access and Patient Safety?, 15 *HOUS. J. HEALTH L. & POL'Y* 43-82 (2015) • The Legal and Regulatory Status of Biosimilars: How Product Naming and State Substitution Laws May Impact the United States Healthcare System, 41 *AM. J. L. & MED.* 49-84 (2015) • LDTs, Genomic Research, and FDA Regulation, A Question of Intent, *HEALTH REFORM WATCH.COM* (Apr. 29, 2015) • FDA Guidance to Industry Streamlines Physician Compassionate Use Request, *HEALTH REFORM WATCH.COM* (Feb. 10, 2015).

Professor Paradise also gave these presentations: Consolidation in the Life Sciences, Ninth Annual Symposium on Health Law & Policy: Consolidation and its Impact on Quality, Accessibility, and Cost, Loyola University Chicago School of Law, Chicago, IL, November 13, 2015 • Panelist, Protecting Drug Franchises, Life Sciences Symposium, Mayer Brown, Newark, NJ, October 30, 2015 • Biotech and Biopharma Law & Regulation, Innovations in Health Law & Policy: Legal Challenges & Strategies, University of New Hampshire Law School, Concord, NH, October 26, 2015 • Introduction to New Drug Development and Approval, Seton Hall Health Care Compliance Program, Newark, NJ, June 9, 2015 & October 13, 2015 • REMS as a Competitive Tactic: Is Big Pharma Hijacking Drug Access and Patient Safety?, American Society of Law, Medicine & Ethics 38th Annual Health Law Professors Conference,

St. Louis, MO, June 6, 2015 • Panel Member, FDA Hot Topics, Sidley Austin Life Sciences College, New York, NY, May 7, 2015.

Professor Paradise is an At-Large Board Member, Law, Medicine & Health and a Board Member, Biolaw for AALS.

Tara Adams Ragone, Research Fellow & Lecturer in Law, reports these recent publications: Health Insurer Market Behavior after the Affordable Care Act: Assessing the Need for Monitoring, Targeted Enforcement, and Regulatory Reform, — *Penn. St. L. Rev.* — (2015) (forthcoming) (with John V. Jacobi and Kate Greenwood) • Behavioral Health Integration: Licensing and Reimbursement Barriers in New Jersey, Seton Hall Center for Health & Pharmaceutical Law & Policy (forthcoming Fall 2015) (with John V. Jacobi and Kate Greenwood) • Access to Behavioral Health Services: The Puzzle of Parity, Seton Hall Center for Health & Pharmaceutical Law & Policy (forthcoming Fall 2015) (with John V. Jacobi) • A Guide to Assist New Jersey Consumer Selection of Health Insurance Plans for 2015, Seton Hall Center for Health & Pharmaceutical Law & Policy (December 2014).

Ms Ragone was also a member of Newark roundtable discussion, "Intersection of Health Equity, Integrated Care, and Quality Improvement," sponsored by the Health Equity Leadership & Exchange Network, Kennedy Forum, and Morehouse School of Medicine (Sept. 3, 2015) • a member of New Jersey Division of Consumer Affairs Pain Management Council (2015) • was invited to be a member of the STANFORD TECHNOLOGY LAW REVIEW Peer Review Board.

SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF LAW

The Health Law Program at SIU School of Law continued its longstanding tradition of offering a popular health law specialization, dual degrees (JD/MD and JD/MSW), student service on the *Journal of Legal Medicine* (partnering with the American College of Legal Medicine), and multiple clinical and externship opportunities in health law.

Two teams from SIU School of Law participated in the L. Edward Bryant, Jr. National Health Law Transactional Moot Court Competition at Loyola University Chicago in March 2015.

The SIU Ryan Bioethicist Distinguished Lecturer in Resident, Thaddeus Pope, Director of the Health Law Institute at Mitchell Hamline

PROGRAM AND FACULTY NEWS

SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF LAW (continued)

University School of Law, addressed multiple audiences in Carbondale and Springfield IL on the topic, “When Are You Dead? Expanding Objections to Brain Death and Recommended Responses,” in April 2015.

The 16th Annual Health Policy Institute in May 2015 addressed “Alternative Delivery Methods in Health Care: The Search for Quality and Efficiency,” co-sponsored by SIU School of Medicine, Paul Simon Public Policy Institute, Illinois State Medical Society, Illinois State Bar Association, and the Chicago Medical Society.

The SIU School of Law and School of Medicine provided a joint CLE/CME to alumni, faculty and other professionals in Sydney, Australia, entitled “Law and Medicine Down Under: Shared Experiences, Divergent Paths” in June 2015.

In the summer 2015 session, SIU developed one of the first Rural Health Law courses in the nation at a rural law school, co-taught as a distance learning course by the faculty in the SIU School of Law in Carbondale and SIU School of Medicine in Springfield to law students across the United States.

2nd Annual Southern Illinois Health Care/Southern Illinois University School of Law LLM Medical Legal Partnership Fellowship awarded to Kansas attorney Juliann Morland Davee, following a successful year for SIU’s first LLM MLP fellow, Keegan Warren-Clem, a Texas attorney who is now an Adjunct Professor of Law and Director of the Austin Medical-Legal Partnership at UT Austin.

SIU hosted the September 2015 Interdisciplinary Ethics Day, a one day medical-legal ethics forum bringing together every first year law, medicine, physician assistant (Masters level), and Masters in Social Work student at Southern Illinois University to discuss cutting edge hypotheticals in interdisciplinary small groups.

November 6-7, 2015 National Health Law Moot Court Competition – the SIU School of Law Moot Court Program, Center for Health Law and Policy, SIU School of Medicine, and American College of Legal Medicine hosted 23 schools, with Seton Hall University winning first and second place.

November 13, 2015 SIU Law Journal and SIU School of Medicine host “The President’s Task Force on 21st Century Policing Symposium: Procedural Justice, Policing, and Public Health,” at the Abraham Lincoln Presidential Library in Springfield IL, focusing on the White House policy reform initiatives and public health implications regarding responses to police and community violence.

Sadly, 2015 saw the retirement of Prof. Gene Basanta, after 30 years of service as one of SIU’s preeminent health law scholars and one of the original founders of the SIU Center for Health Law and Policy. He remains active in national, state and local leadership positions through his work with the American College of Legal Medicine, the Illinois State Bar Health Law Section, and as a member of the Board of Trustees at Southern Illinois Healthcare.

SIU welcomed the addition of Prof. Jennifer Brobst as an Assistant Professor at SIU School of Law in Carbondale and the new director of the Center for Health Law and Policy, following several years as Legal Director at the Center for Child and Family Health (interdisciplinary collaboration of Duke University, North Carolina Central University, and University of North Carolina at Chapel Hill) and as a Domestic Violence Clinic faculty member. SIU also welcomed Prof. Carolyn Pointer as Assistant Professor in the Department of Medical Humanities, SIU School of Medicine in Springfield, following substantial practice in medical-legal partnerships in Virginia and Massachusetts. Both professors are cross-appointed in the SIU Schools of Law and Medicine and co-taught the summer distance learning course Rural Health Law.

FACULTY NEWS

Jennifer A. Brobst, Assistant Professor and Director, Center for Health Law & Policy reports these recent publications: ADMISSIBILITY OF EVIDENCE IN NORTH CAROLINA, North Carolina Practice Series, Thomson Reuters (2015-2016) • Reverse Sunshine in the Digital Wild Frontier: Protecting Individual Privacy Against Public Records Requests for Government Databases, Law + Informatics Symposium on Digital Evidence, 42 NO.

KY L. REV. 197-316 (2015) • Seeing Red: Whether Public Health Policy Should Redefine Consent to Battery in Gladiator Sports, 28(2) J. LAW & HEALTH, Cleveland-Marshall College of Law Journal of Law and Health Annual Symposium (in press, Fall 2015) • Miranda in Mental Health: Court Ordered Confessions in the Name of Therapeutic Justice, Shutting Down the School to Prison Pipeline Symposium, NOVA L. REV. (in press, Fall 2015)

Professor Brobst will moderate a Hot Topics panel at the January 2016 AALS Annual Meeting for the Balance in Legal Education Section entitled, “Let’s Talk About Trigger Warnings: Best Practices in Teaching Tough Topics.” In 2015, her presentations included the Law + Informatics Symposium on Digital Evidence at the Northern Kentucky University Salmon P. Chase School of Law; the Cleveland-Marshall School of Law Journal of Law and Health Symposium on “The

PROGRAM AND FACULTY NEWS

SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF LAW (continued)

Social, Ethical, and Legal Consequences of Sports-Related Brain Injuries”; and the Nova Southeastern 2015 Symposium, “Shutting Down the School to Prison Pipeline.” She also presented at two sessions at the January 2015 AALS Annual Meeting, focusing on part-time

programs and Pedagogy Promoting Practice-Ready Students.

Prof. Brobst, Director of the Center for Health Law and Policy, serves as a member of the Executive Board of the Balance in

Legal Education Section of AALS, and is nominated to serve as Chair Elect of the Section for 2016. She is also a member of the inaugural Advisory Council for the National Crime Victim Law Institute.

THE JOHN MARSHALL LAW SCHOOL

FACULTY NEWS

Marc Ginsberg, Associate Professor & Director, Center for Advocacy & Dispute Resolution, reports this recent publication: The Execution Of An Arbitration Provision As A Condition Precedent To Medical Treatment: Legally Enforceable? Medically Ethical?, MITCHELL HAMLINE L. REV.

(Forthcoming).

Professor Ginsberg also gave these presentations: “An Expansive View Of Informed Consent”, Presentation For Health Law Professors Conference, ASLME, Saint Louis University School of Law, St. Louis Mo., June 5, 2015 • Invited Town Hall Participant,

Informed Consent, ABA Special Committee On Bioethics & Law, 2015 ABA Annual Meeting, Chicago, Illinois, August 1, 2015.

Professor Ginsberg was also a professor-reporter to the Illinois Judicial Conference Committee on Civil Justice.

SYRACUSE UNIVERSITY

FACULTY NEWS

Nina Kohn, Associate Dean for Research and David M. Levy Professor of Law, reports these recent publications: Nina A. Kohn & Catheryn Koss, Lawyers for Legal Ghosts: The Ethics and Legality of Representing Persons Subject to Guardianship, 91 WASHINGTON L. REV. (forthcoming 2016) • Nina A. Kohn, Matched Values & Preferences: A New Approach to Selecting Legal Surrogates, 22 SAN DIEGO L. REV. 399 (2015) • Nina A. Kohn, The Nasty Business of Aging, 40 LAW & SOCIAL INQUIRY 506 (essay, 2015) • Nina A. Kohn, Vulnerability Theory and the Role of Government, 26 YALE JOURNAL OF

LAW & FEMINISM 1 (2014).

Dean Kohn also gave these presentations: Surrogate Decision-Making. Briefing for the Institute of Medicine (IOM) Committee (January 2015) • Caregiving, Carework, or Both? Presentation at the Association of American Law Schools Section on Socio-Economics Program (January 2015) • Matched Values and Preferences: A New Approach to Surrogate Selection. Presentation at the Law and Society Association Annual Meeting, Seattle, WA (May 2015) • Valuing Care. Presentation at the Association of American Law

Schools mid-year meeting entitled Shifting Foundations: Family Law’s Response to Changing Families (June 2015) • Valuing Care. Presentation at the Cornell Population Center and Center for Aging and Policy Studies Encore Conference (October 2015).

Dean Kohn is also a reporter for the Uniform Guardianship and Protective Proceedings Act (UGPAA) third revision. She is also a Co-principal investigator on a grant project funded by the Borchard Foundation Center on Law & Aging. The project is to study connections between the fields of elder law and gerontology.

TOURO LAW CENTER

FACULTY NEWS

Joan Foley, Associate Professor, has been named the Kermit Gitenstein Distinguished

Professor of Health Law and Policy for the 2015-16 academic year.

PROGRAM AND FACULTY NEWS

UNIVERSITY OF ARKANSAS SCHOOL OF LAW

FACULTY NEWS

Rob Leflar, Professor, reports these recent publications: Robert B Leflar, Red-State Health Reform: Threading the Political Needle, 24 *Annals Health L.* 410 (2015) • Naze Kanja ga Nakunaru ka: Nihon, Gasshūkoku, Taiwan ni okeru Hōteki, Seijiteki Rōnsō [Why Do Patients Die? Legal and Political Controversies in Japan, the United States, and Taiwan], 59 *Sophia U. L. Rev.* 95 (2015) (F. Iwata, trans.).

Professor Leflar gave these presentations: “The Iridescence of Japanese Patient Safety Reforms,” Japan Anthropology WorkShop, U. of the Bosphorus, Istanbul, Sept. 3, 2015 • “Japan’s New System of Medical Peer Review,” East Asian Law & Society Conference, Waseda U., Tokyo, Aug. 6, 2015 • “Reform Affirmed: The Saga of the Battle over the American Health Care System: Part VI,” Univ. of Tokyo Faculty of Law, Medicine & Law Research Group,

July 21, 2015 • “Reshaping Payment for Health Care: The Clinical Effectiveness Panel in Arkansas,” Health Law Professors Conference, St. Louis Univ. School of Law, June 6, 2015 • “Medical Error in the U.S. and Japan: Two Nations’ Legal and Institutional Responses,” Law & Society Ass’n., Seattle, May 29, 2015 • “Red-State Health Reform: Threading the Political Needle,” University of Missouri School of Law faculty seminar, Feb. 6, 2015.

UNIVERSITY OF COLORADO LAW SCHOOL

FACULTY NEWS

Dayna Bowen Matthew, Professor of Law and Robert Wood Johnson Foundation Health Policy Fellow, reports this recent publication: Dayna Bowen Matthew, Just Medicine: A Cure For Racial Inequality in American Health Care.

Professor Matthew gave these presentations:

Just Medicine - Evidence Based Lawmaking To Eradicate Health Disparities at the Caribbean Exploratory Research Center/ National Institute Minority Health Disparities Conference (October 2015) • Present and Future Civil Rights Movements: Race and Reform in 21st Century America (Duke University Law School, November 2015)

Professor Matthew is the Senior Advisor to Director Office of Civil Rights, Environmental Protection Agency (January - August 2015), received the 2015-2016 Robert Wood Johnson Health Policy Fellowship, Washington, D.C and is the 2015-2016 American Political Science Association Congressional Fellow.

UNIVERSITY OF GEORGIA SCHOOL OF LAW

FACULTY NEWS

Elizabeth Weeks Leonard, Professor of Law, reports these recent publications: Healthism: Health-Status Discrimination and the Law (Cambridge University Press, forthcoming 2017) (with Jessica L. Roberts) • The Law of American Health Care (Wolters Kluwer Law & Business, forthcoming 2016) (with Nicole Huberfeld & Kevin Outterson) • What Healthism Is (and Isn’t), 50 *GA. L. REV.* (forthcoming 2016) (with Jessica L. Roberts) • Best Practices for a State Alzheimers Disease Registry:

Lessons from Georgia, 17 *J. MINN. J. L. SCI. & TECH.* (forthcoming 2015) (with Amanda Brown & Rui Bu) • The Fragility of the Affordable Care Act’s Universal Coverage Strategy, 46 *U. TOL. L. REV.* (forthcoming 2015).

Professor Weeks Leonard gave these presentations: Healthism and the Law, Faculty Workshop, Georgia State University College of Law, Atlanta, GA, March 30, 2015 • Discussion Group, King v. Burwell,

Southeastern Association of Law Schools, Annual Meeting, Boca Raton, FL, July 27, 2015 • U.S. Supreme Court Update, King v. Burwell, Institute of Continuing Legal Education in Georgia, State Bar of Georgia Center, Atlanta, GA, October 22, 2015.

Professor Weeks Leonard is the co-Editor, Jotwell (Journal of Things We Like (Lots)), Health Law Section, 2012 – present (with co-editor Carl Coleman, stepping in for Kathleen Boozang).

UNIVERSITY OF HOUSTON LAW CENTER

A lot has happened since last year at the University of Houston Law Center. This fall, Professor Jessica L. Roberts assumed the reins as Director of the Health Law & Policy Institute (HLPI), succeeding Professor Seth Chandler. Research Professor Allison Winnike has been named the new Director of Research, succeeding long-time Research Professor Patricia Gray. The HLPI also welcomed two new research professors, Steven Chen and Daphne Robinson, to our team.

PROGRAM AND FACULTY NEWS

UNIVERSITY OF HOUSTON LAW CENTER (continued)

HLPI has hosted several events and lectures. On October 16, 2015, HLPI and the Houston Journal of Health Law & Policy hosted its annual symposium workshop. This year's theme is "Vulnerability in Health Care." Michele Goodwin (University of California Irvine), John Jacobi (Seton Hall), Efthimios Parasidis (Ohio State), Stacey Tovino (UNLV), and Lindsay Wiley (American) presented their draft articles, with Robert Gatter (Saint Louis) and Christopher Robertson (Arizona) serving as commentators

The Health Law & Policy Institute and The University of Texas School of Public Health sponsored a half-day symposium, "Pharmaceuticals Without Borders," on September 9th at the UTSPH campus in Houston's Texas Medical Center. The event was moderated by Professor Seth Chandler, former director of the Health Law & Policy Institute. Dr. Michael Ewer, a cardiologist at M.D. Anderson Cancer Center and a lawyer who is an adjunct professor at UH Law Center, was one of the leading organizers of the conference. The speakers included Dr. Hagop Kantarjian, of M.D. Anderson Cancer Center, Dr. Daniel McCoy of Blue Cross/Blue Shield of Texas, Jenny Bryant, senior vice president for policy and research with the trade association PhRMA (Pharmaceutical Research and Manufacturers of America), and Joel Lajeunesse, vice president of the pharmacy division of M.D. Anderson Cancer Center

Recent participants in our Health Law Speaker Series have been Professor Alison Dundes Renteln (Southern California) in October 2015, who discussed hymenoplasty and a human right to surgery, and Professor Mark Rothstein (Louisville) in April 2015, who lectured on lessons from the Ebola quarantines.

FACULTY NEWS

Seth Chandler, Member of the Health Law & Policy Institute, reports this publication: ACA Death Spiral Blog, <http://acadeathspiral.org>.

Professor Chandler testified twice during Congressional hearings on the Affordable Care Act. In June 2014 he testified on risk corridors before the U.S. House Committee on Oversight and Government Reform and in June 2015 he testified before the U.S. House Committee on Ways and Means Subcommittee on Oversight regarding health insurance premiums.

Steven Chen, Research Professor, Member of the Health Law & Policy Institute reports this publication: Legislative Briefing: 1332 Waivers Under the Patient Protection and Affordable Care Act, HEALTH L. & POL'Y INST. LEGISLATIVE BRIEFINGS (Oct. 26, 2015).

Barbara J. Evans, Director of the Center of Biosciences & the Law, HLPI Affiliated Faculty reports these publications: First Amendment Issues in Applying FDA's Medical Device Regulations to Genomic Testing, in FDLI/Georgetown Symposium: Constitutional Challenges to the Regulation of Food, Drugs, Medical Devices, Cosmetics, and Tobacco Products, FOOD & DRUG LAW JOURNAL (forthcoming 2016) • (Chapter) Barbara J. Evans & Eric M. Meslin, Biospecimens, Commercial Research, and the Elusive Public Benefit Standard, in Specimen Science (I. Glenn Cohen, Holly Fernandez Lynch, Barbara

Bierer & Suzanne Rivera, eds., MIT Press, forthcoming 2016) • (Chapter) Barbara J. Evans, Consumer Protection in Genome Sequencing, in Nudging Health: Health Law and Behavioral Economics (I. Glenn Cohen & Holly Fernandez Lynch, eds., Johns Hopkins Press, forthcoming 2016) • (Chapter) Barbara J. Evans, The Future of Prospective Medicine Under the Food and Drug Administration Amendments Act of 2007, in FDA in the 21st Century: The Challenges of Regulating Drugs and New Technologies 92-105 (Holly Fernandez Lynch and I. Glenn Cohen, eds., Columbia University Press, 2015) • Barbara J. Evans, Wylie Burke & Gail P. Jarvik, FDA and Genomic Tests: Getting Regulation Right, 372 NEW ENGLAND JOURNAL OF MEDICINE 2258-64 (2015).

David Kwok, Affiliated Faculty reports this recent publication: A Fair Competition Theory of the False Claims Act, 94 NEB. L. REV. ___ (forthcoming 2015).

Jessica Mantel, Co-Director of the Health Law & Policy Institute, reports these publications: Spending Medicare's Dollars Wisely: Taking Aim at Hospitals' Cultures of Overtreatment, U. MICH. J. L. REFORM (forthcoming 2015) • A Defense of Physicians' Gatekeeping Role: Balancing Patients' Needs with Society's Interests, 42 PEPPERDINE L. REV. 633 (2015) • Ethical Integrity in Health Care Organizations, J. L. MED. ETHICS (invited guest column) (forthcoming 2015).

Professor Mantel was named a Health Law Scholar and workshopped her paper on hospital overtreatment and the connection between hospitals' organizational culture and physicians' treatment decisions. She was the third faculty member to receive this honor, following Jessica L. Roberts in 2010 and Barbara Evans in 2007.

Jessica L. Roberts, Associate Professor, Director of the Health Law & Policy Institute, Jessica L. Roberts, Director • HEALTHISM: HEALTH-STATUS DISCRIMINATION & THE LAW (with Elizabeth Weeks Leonard) (forthcoming Cambridge University Press 2017). • Health Care & the Myth of Self-Reliance (with Nicole Huberfeld), 57 B.C. L. REV. --- (forthcoming 2016). Selected from call for papers for Theorizing the State: The Resources of Vulnerability Workshop at Emory Law School, December 2014. • What Is (& Isn't) Healthism? (with Elizabeth Weeks Leonard), 50 GA. L. REV. --- (forthcoming 2016). • Limiting Occupational Medical Evaluations Under the ADA & GINA (with Mark Rothstein & Tee Guidotti), 41 AMER. J.L. & MED. --- (forthcoming 2015) (peer-reviewed). • An Alternate Theory of Hobby Lobby v. Burwell, 22 CONN. INS. L.J. --- (forthcoming 2016) (invited symposium contribution).

Professor Roberts was named a Greenwall Foundation Faculty Scholar in Bioethics to support her exploration of ownership interests in genetic information in May 2015. She is the second faculty member

PROGRAM AND FACULTY NEWS

UNIVERSITY OF HOUSTON LAW CENTER (continued)

to be selected for this prestigious research program in recent years, following Barbara Evans's selection in 2010.

Daphne Robinson, Research Professor and member of the Health Law & Policy Institute reports this recent publication:

Legislative Briefing: Continuing to Execute by Lethal Injection: Ethical Implications For Health Care Providers, HEALTH L. & POL'Y INST. LEGISLATIVE BRIEFINGS (forthcoming 2015).

Allison N. Winnike, Director of Research

and Member of the Health Law & Policy Institute reports this recent publication: CONTROL MEASURES AND PUBLIC HEALTH EMERGENCIES: A TEXAS BENCH BOOK (Allison N. Winnike ed., 2014 -2015).

UNIVERSITY OF KENTUCKY COLLEGE OF LAW

FACULTY NEWS

Nicole Huberfeld, Ashland-Spears Distinguished Research Professor, reports these recent publications: Health Care and the Myth of Self-Reliance, 57 B. C. L. REV. ... (forthcoming 2016) (with J. Roberts) • The Supreme Court Ruling that Blocked Providers from Seeking Higher Medicaid Payments also Undercut the Entire Program, 34 HEALTH AFFAIRS 1156 (2015) The Universality of Medicaid at Fifty, 15 YALE J. HEALTH POL'Y, L. & ETHICS 67 (2015) • An Empirical Perspective on Medicaid as Social Insurance, 46 U. TOLEDO L. REV. 545 (2015) (with J. Roberts) • Medicaid Expansion as Completion of the Great Society, 2014 U. ILL. L. REV. SLIP OPINIONS 1 (with J. Roberts) • Jotwell: Addressing the Health Care/Public Health Dichotomy through Justice, reviewing Lindsay F. Wiley, Health Law as Social Justice, 24 Cornell J.L. & Pub. Pol'y 47 (2014) • Medicaid at 50: From Exclusion To Expansion To Universality, HEALTH AFFAIRS BLOG (Nov. 14, 2014)

Professor Huberfeld gave these

presentations: Health Law Grand Rounds Distinguished Speaker, Pursuing Universality: Taking Stock of the ACA 5 Years In, Indiana University McKinney School of Law, September 2015 • The New Universality in American Health Care, International Academy on Law and Mental Health, Vienna, Austria, July 2015 • The Supreme Court Ruling that Blocked Providers from Seeking Higher Medicaid Payments also Undercut the Entire Program, at Medicaid's Evolving Delivery Systems, Health Affairs Medicaid at 50 Symposium, July 2015 • Health Care Reform and (In) Equality in Health Care, Plenary Session: Social Safety Net, at AALS Mid-Year Meeting: Workshop on Next Generation Issues Sex, Gender, and the Law, June 2015 • The Universality of Medicaid at 50, ASLME Health Law Professors Conference, June 2015 • The New Health Care Federalism, Case Western University School of Law, March 2015 Medicaid and the New Health Care Federalism, Medicaid Matters, St. Louis University School of Law, February

2015 • The Universality of Medicaid, at The Law of Medicare and Medicaid at 50, Yale Law School, November 2014 • Healthcare as a Vehicle for Constitutional Change: The Supreme Court, Conditional Spending & Medicaid, Constitutionally Speaking, University of New Hampshire College of Law, November 2014 • Medicaid Post-ACA: From Welfare to Universality, at Scalpel to Gavel: Exploring The Modern State of Health Law, University of Toledo College of Law • Mentor, Health Law Scholars Workshop (co-hosted by American Society of Law, Medicine & Ethics and St. Louis University Law School), September 2014.

Professor Huberfeld reports that The Law of American Health Care (contract with Aspen; with Elizabeth Weeks Leonard and Kevin Outterson) is forthcoming.

Notable citation: Brief of Former HHS Officials as Amici Curiae in Support of Respondents at 20 Armstrong v. Exceptional Child Ctr., Inc. (2015) (No. 14-15)

UNIVERSITY OF MARYLAND CAREY SCHOOL OF LAW

On December 3-4, the Law & Health Care Program will host the first of three meetings under our NIH grant, Microbiota Transplantation: Recommendations for a Regulatory Framework, that will bring together medical researchers, legal academics, food and drug lawyers, bioethicists, patient advocates, and industry representatives to explore regulatory options for fecal microbiota transplantation and other emerging microbiota transplantation options including vaginal, skin, anterior nares, oral, and whole body transplants.

On October 29-30, in conjunction with the UM Carey Law International and Comparative Law Program, the Law & Health Care Program held a symposium called "Roundtable on Clinical Trials and Access to Essential Medicines in African Countries," that included legal and medical researchers from southern Africa and the United States brought together to examine ethical and legal challenges to developing and distributing essential medicines in African countries.

On October 15, the Law & Health Care Program celebrated its 30th anniversary with a series of lectures on "Health Law: Past, Present and Future," a staged reading of a bioethics play co-written by Professor Karen Rothenberg, and a reception for alumni and local health law practitioners.

PROGRAM AND FACULTY NEWS

UNIVERSITY OF MARYLAND CAREY SCHOOL OF LAW (continued)

The 5th Annual Health Law Regulatory and Compliance Competition will be held at UM Carey Law School on Saturday, April 2 from 8:30-3:30. We welcome teams from across the country to participate. The 5th Annual Competition will focus on several interactions between various health care stakeholders, including hospitals, physicians, drug and device manufacturers and related third parties. Teams can register at this page. http://www.law.umaryland.edu/programs/health/events/hlrc_competition.html

FACULTY NEWS

Leslie Meltzer Henry, Professor, reports these recent publications: Leslie Meltzer Henry, Megan E. Larkin & Elizabeth R. Pike, Just Compensation: A No-Fault Proposal for Research-Related Injuries, *J.L. & BIOSCIENCES* (2015) • Leslie Meltzer Henry et al., Respect and Dignity: A Conceptual Model for Patients in the Intensive Care Unit, *5 NARRATIVE INQUIRY BIOETHICS (SPECIAL ISSUE) 5A* (2015).

Professor Henry also gave these presentations: "Dignity as a Norm in Ethical and Legal Discourse," University of Virginia, Charlottesville, VA, November 19, 2015 • "Ethical Challenges for Enrolling At-Risk Adolescents in Research," Advancing Ethical Research Conference (AER), Public Responsibility in Medicine and Research (PRIMR), Boston, MA, November 14, 2015 • "Examining Minor Consent for Participation in HIV Prevention Research," Conference co-sponsored by the National Institute of Allergy and Infectious Disease (NIAID), National Institute of Mental Health (NIMH), and National Institute of Child Health and Development (NICHD), Rockville, MD, June 24, 2015 • "Just Compensation: A No-Fault Proposal for Research-Related Injuries," Trans-NIH Bioethics Advisory Committee (T-NBC), National Institutes of Health, Bethesda, MD, January 20, 2015.

Professor Henry is an investigator, PHASES Project: Pregnancy and HIV/AIDS Seeking Equitable Study, NIH (NIAID) and a Legal Team Member, Advancing HIV Research in Pregnancy: Ethics and Engagement, NIH (NIAID).

Professor Henry was promoted to full professor with tenure on July 1, 2015.

Diane Hoffmann, Director, Law and Health Care Program and Professor of Law, reports these recent publications: Stopping Deceptive Health Claims: The Need for a Private Right of Action Under Federal Law, *American Journal of Law & Medicine* (forthcoming 2016) (with Jack Schwartz) •

Increasing Access to Dental and Medical Care by Allowing Greater Flexibility in Scope of Practice, *105 American Journal of Public Health* 1755 (2015) (with Richard J. Manski and Virginia Rowthorn).

Professor Hoffmann gave these presentations: Federal Regulation of Probiotics: An Analysis of the Existing Regulatory Framework" at FDA Symposium, "Linking the Microbiome to Health, Safety and Regulator," College Park, MD (September 29-30, 2015) • Federal Regulation of Probiotics, Microbiota & Health Workshop, International Life Sciences Institute, Washington, D.C. (April 27, 2015) • How will the practice of defensive medicine affect the ability of the Maryland Health Services Cost Review Commission to implement its new global budget reimbursement model? Maryland Health Services Cost Review Commission, Baltimore, MD (Jan. 9, 2015 and March 11, 2015).

Professor Hoffmann is a member of the Maryland Stem Cell Commission. Grant to study the practice of defensive medicine for the Maryland Health Services Cost Review Commission (Jan. 2015).

Professor Hoffmann received a two-year NIH Grant (ELSI grant from NIAID), "Microbiota Transplantation: Recommendations for a Regulatory Framework (June 2015) (with collaborators from the University of Maryland Schools of Medicine and Pharmacy) • Grant from University of Maryland Baltimore Center for Global Education Initiatives to organize and conduct roundtable on Clinical Trials and Access to Essential Medicines in African Countries (fall, 2015) • Second year of two year grant from Maryland Office of Health Care Quality to evaluate implementation of Maryland law on MOLST (Medical Orders for Life Sustaining Treatment).

Frank Pasquale, Professor of Law, reports these recent publications: *THE BLACK BOX SOCIETY: THE SECRET ALGORITHMS BEHIND MONEY AND INFORMATION* (Harvard University Press,

2015) (translated into French, Chinese, and Korean) • *The Algorithmic Self*, 17(1) *HEDGEHOG REVIEW* 23 (2015) • Privacy, Autonomy, and Internet Platforms, in *PRIVACY IN THE MODERN AGE* (edited by Marc Rotenberg, Jeramie Scott, and Julie Hurwitz, 2015) • *The Spectrum of Control: A Social Theory of the Smart City*, 20(7) *FIRST MONDAY* (2015) (with Jathan Sadowski; translated into German).

Professor Pasquale also gave these presentations: Keynote Address, Northeastern University "Legal Scholarship 4.0" Conference • Spoke on hospital rankings before the College of Health Sciences, the Business School, the Computer Science department, and the broader university community, at UNC Charlotte • American Cancer Society Personalized Medicine Forum • The Future of Health Law Panel, University of Maryland Health Law Program 30th Anniversary • Commenter on two papers on law & synthetic biology, and law & genetics, at Yale Law School's Innovation Beyond IP conference, March 28, 2015 • Mitchell Lecture: Who Rules Big Data?, SUNY Buffalo Law School, March 27, 2015 • Book talks (on *The Black Box Society*) at the OECD, RSA, LSE, Harvard Law School, Yale Law School, the Rochester Institute of Technology, Georgetown University Center for Privacy and Technology, and Columbia University Division of Social Science.

Professor Pasquale also co-convened meetings for a new Law & Economics casebook (with a chapter on health law) and an Education Finance Research Group. He was also named Editor-in-Chief of *Laws*, an international, peer-reviewed legal journal and named to the advisory boards of the *Journal of Legal Education* and the *Data Competition Institute*.

Professor Pasquale will also be a co-convenor for *Unlocking the Black Box: The Promise and Limits of Algorithmic Accountability in the Professions*, Yale University, April 2, 2016: <http://isp.yale.edu/event/call-abstracts-unlocking-black-box>.

PROGRAM AND FACULTY NEWS

UNIVERSITY OF MEMPHIS SCHOOL OF LAW

Institute for Health Law & Policy: Five students in May 2015 class graduated with Health Law Certificate (inaugural year).

FACULTY NEWS

Amy Campbell, Associate Prof. of Law and Director, Institute for Health Law & Policy, reports this presentation: Campbell AT, "The Exceptionalism of Mental Illness and

Gun Violence," 34th International Congress of Law and Mental Health, Vienna, Austria, July 14, 2015.

Professor Campbell was the RWJF Public Health Law Faculty Fellow, 2014-2015 ("Graduation"-May 2015).

UNIVERSITY OF MIAMI SCHOOL OF LAW

FACULTY NEWS

Susan Haack, Distinguished Professor in the Humanities, Cooper Senior Scholar in Arts and Sciences, Professor of Philosophy, Professor of Law, reports these recent publications: Susan Haack, PERSPECTIVAS PRAGMATISTAS DA FILOSOFIA DO DEREITO (2015) • Susan Haack, LEGALIZARRE L'EPISTEMOLOGIA (2015) • Susan Haack, The Expert Witness: Lessons from the U.S. Experience, 28 Humana Mente 39 (2015) • Susan Haack, Epistemology: Who Needs It? 2015. 3 Cilia Journal of Philosophy (2015).

Professor Haack also gave these presentations: "Credulity and

Circumspection: Epistemological Character and the Ethics of Belief," Marti Lecture, University of Southern Illinois, Edwardsville • "Nothing Fancy: Some Simple Truths about Truth in the Law," Leyes Lecture, University of Southern Illinois, Carbondale • "Mind the Analytical Gap! Tracing a Fault Line in Daubert," I Goodman Cohen Lecture, Wayne State Law School. • "Justice, Truth, and Proof: Theory and Practice," Cambridge Conferences of the Canadian Institute for Advanced Legal Studies • AMONG altogether 37 external lectures in calendar year 2015, in the US, UK, Canada, Spain, Poland Mexico, Brazil, and Colombia.

Professor Haack was also appointed to (small) committee of Directors of a new series of books in legal philosophy to be published by Palestra (Lima, Peru).

JoNel Newman, Health Rights Clinic Director, reports that the Health Rights Clinic Filed a federal suit against the Social Security Administration. She also reports that Zachary Lipshultz was named Young Advocate of the Year by Florida CHAIN. She also reports this article: Sometimes It Takes a Village and Health Rights Clinic Battles for Cancer Patient by Catharine Skipp.

UNIVERSITY OF MINNESOTA LAW SCHOOL

FACULTY NEWS

Susan M. Wolf, McKnight Presidential Professor of Law, Medicine & Public Policy; Faegre Baker Daniels Professor of Law; Professor of Medicine; Chair, Consortium on Law and Values in Health, Environment & the Life Sciences, reports these recent publications: Susan M. Wolf, Barbara A. Koenig, Gloria Petersen, eds., Return of Genomic Research Results to a Participant's Family, Including After Death, 43 J.L. MED. ETHICS 437 (2015) • Susan M. Wolf et al., Returning a Research Participant's Genomic Results to Relatives: Analysis & Recommendations, 43 J.L. MED. ETHICS 440 (2015) • Susan M. Wolf, Wylie Burke, Barbara A. Koenig, Mapping the Ethics of Translational Genomics: Situating Return of Results and Navigating the Research-Clinical Divide, 43 J.L. MED. ETHICS

486 (2015) • Rebecca Branum & Susan M. Wolf, International Policies on Sharing Genomic Research Results with Relatives: Approaches to Balancing Privacy with Access, 43 J.L. MED. ETHICS 576 (2015) • Carmen Radecki Breitkopf, Gloria M. Petersen, Susan M. Wolf, et al., Preferences Regarding Return of Genomic Results to Family Members of Research Participants, Including After Participant Death: Empirical Results from a Cancer Biobank, 43 J.L. MED. ETHICS 464 (2015) • Susan M. Wolf, Nancy Berlinger, Bruce Jennings, 40 Years of Work on End-of-Life Care: From Patients' Rights to Systemic Reform, 372 NEW ENGL. J. MED. 678 (2015) • Susan M. Wolf, Return of Research Results: What About the Family?, 43 J.L. MED. ETHICS (in press, 2015) • Susan M. Wolf, The New

World of Genomic Testing, Families and Privacy, MINNESOTA MED., June 2015, at 32-34.

Professor Wolf also gave presentations at these conferences: Harvard Medical School conference on precision medicine • UCLA & Cedars Sinai Hospital • Robert Wood Johnson Foundation Investigator Awards Annual Meeting • ASME 4th Global Conf. on Nanoengineering for Medicine & Biology • American Society of Bioethics & Humanities (ASBH)

Professor Wolf is also a member of National Science Advisory Board on Biosecurity (NSABB) • NIH, Clinical Sequencing Exploratory Research Consortium • Association of Schools & Programs of Public

PROGRAM AND FACULTY NEWS

UNIVERSITY OF MINNESOTA LAW SCHOOL (continued)

Health (ASPPH), Health in All Professions Expert Panel • Univ. of Minnesota Research Compliance Advisory Committee • Univ. of Minnesota Clinical and Translational Science Institute (CTSI) Multidisciplinary Advisory Committee (MAC).

Professor Wolf also received these grants: NIH, National Cancer Institute (NCI) & National Human Genome Research Institute (NHGRI) #1-R01-CA154517, on “Disclosing Genomic Incidental Findings in a Cancer Biobank: An ELSI Experiment,”

Gloria Petersen (Mayo), Barbara Koenig (UCSF) & Susan M. Wolf, PIs • NIH, National Institute of Biomedical Imaging and Bioengineering (NBIB) #1-R25-EB020381, on “Big Data Coursework for Computational Medicine,” Jyotishman Pathak (Cornell), Claudia Neuhauser (Univ. of Minnesota), Christopher Chute (Johns Hopkins), PIs; Role: Co-Investigator • NIH, National Human Genome Research Institute (NHGRI) #3U01-HG007307-02S2, on “Evaluate the Implications of Amendments to the HIPAA Privacy Rule

& CLIA Regulations for Laboratories Offering Clinical Sequencing,” Gail Jarvik (Univ. of Washington), PI • MnDRIVE Transdisciplinary Research (2014-16), on “DNA Nanotechnology: Developing and Analyzing a New Tool for Sensing and Targeting Disease,” Efi Kokkoli, Karen Ashe, Ted Labuza, Walter Low, Scott McIvor, Susan M. Wolf, PIs

Professor Wolf also received the McDonald-Merrill-Ketcham Award for Excellence in Law and Medicine, Indiana University.

UNLV WILLIAM S. BOYD SCHOOL OF LAW

Dean Christine Smith, Associate Dean for Public Service, Compliance and Administration organizes all of the programming for the UNLV Health Law Program, including the following past (2015) and upcoming (2016) events: April 18, 2016, Health Law Program Speaker Series: Martin Schiller, PhD, Executive Director, Nevada Institute of Personalized Medicine, Professor, School of Life Sciences, University of Nevada, Las Vegas (“Ethical Concerns in Personalized Medicine Research and Use in the Clinic”)

April 13, 2016, CLE and CME Program: “Professionalism and Technology in Medicine,” William S. Boyd School of Law, University of Nevada, Las Vegas (co-sponsored with the University of Nevada School of Medicine)

April 4, 2016, Health Law Program Speaker Series: Michael Webster, PhD, Foundation Professor, Director, Center for Integrative Neuroscience, and Co-Director, Neuroscience Major, Department of Psychology, University of Nevada, Reno

March 17-19, 2016, CLE and CME Program: Southern Association for the History of Medicine and Science Eighteenth Annual Meeting, William S. Boyd School of Law, University of Nevada, Las Vegas

March 9, 2016, CLE Program: “Gambling Disorder and Employment Law Issues,” William S. Boyd School of Law, University of Nevada, Las Vegas (co-sponsored with the Nevada Council on Problem Gambling)

March 3, 2016, Health Law Program Speaker Series: George Annas, JD, MPH, William Fairfield Warren Distinguished Professor and Chair of the Department of Health Law, Bioethics & Human Rights, Boston University School of Public Health; and Professor, Boston University Schools of Medicine and Law

February 4, 2016, Health Law Program Speaker Series: Larry Gostin, JD, University Professor, Georgetown University; Founding Timothy and Linda O’Neill Chair in Global Health Law and Faculty Director, O’Neill Institute for National and Global Health Law, Georgetown University Law Center; and Director, World Health Organization Collaborating Center on Public Health Law & Human Rights

December 4, 2015, Health Law Program Speaker Series: Michelle Mello, MPhil, PhD, JD, Professor of Law, Stanford Law School; Professor of Health Research and Policy, Stanford University School of Medicine; and Adjunct Professor of Law and Public Health, Department of Health Policy and Management, Harvard T.H. Chan School of Public Health (“Disclosure of Medical Errors and Medico-Legal Risk: Is it Safe to be Honest?”)

November 2, 2015, Health Law Program Speaker Series: Virginia Aldigé Hiday, MEd, PhD, Distinguished Professor, Department of Sociology, North Carolina State University (“Criminalization and the Mental Health Court Response”)

October 7, 2015, CLE Program: Cannabis Policy Summit for the State of Nevada, William S. Boyd School of Law, University of Nevada, Las Vegas (co-sponsored with the Nevada Dispensary Association and the Nevada Cannabis Lab Association)

May 8, 2015, CLE Program: “Beyond Medicine: The Legal Implications of Medical Marijuana,” William S. Boyd School of Law, University of Nevada, Las Vegas

April 23, 2015, Health Law Program Speaker Series: Susan M. Pitz, MBA, JD, Natile Pitz Law, Henderson, Nevada (“Health Care Compliance”) April 16, 2015, Health Law Program Speaker Series: Denise Hill, JD, MPA, Associate Professor, Health Care Administration,

PROGRAM AND FACULTY NEWS

UNLV WILLIAM S. BOYD SCHOOL OF LAW (continued)

Des Moines University College of Osteopathic Medicine, Des Moines, Iowa (“Health Care Compliance”)

April 14, 2015, Health Law Program Speaker Series: R. Gregory Cochran, MD, JD, Partner, Nossaman LLP, San Francisco, California (“Corporate Practice of Medicine”)

March 26, 2015, Health Law Program Speaker Series: Christopher R. Esseltine, JD, Of Counsel, Holland & Hart LLP, Salt Lake City, Utah (“Antitrust Issues in Health Care”)

March 24, 2015, Health Law Program Speaker Series: Constance L. Akridge, MBA, JD, Partner, Holland & Hart LLP, President, Nevada Bar Foundation, and Past President, State Bar of Nevada, Las Vegas, Nevada (“Health Insurance Regulation”)

March 19, 2015, Health Law Program Speaker Series: Laura Rothstein, JD, Professor of Law and Distinguished University Scholar, University of Louisville Louis D. Brandeis School of Law, Louisville, Kentucky (“The ADA at 25: Issues in Higher Education”)

March 19, 2015, Health Law Program Speaker Series: Mark Rothstein, JD, Herbert F. Boehl Chair of Law and Medicine, University of Louisville Louis D. Brandeis School of Law, and Founding Director of the Institute for Bioethics, Health Policy and Law, University of Louisville School of Medicine, Louisville, Kentucky (“The Lessons of Ebola Quarantine in the U.S.”)

March 12, 2015, Health Law Program Speaker Series: Keith Miller JD, Ellis and Nelle Levitt Distinguished Professor of Law, Drake University Law School, Des Moines, Iowa (“Criminal Prosecution for Alleged HIV Transmission: The Case of Nick Rhoads”)

February 26, 2015, Health Law Program Speaker Series: David Donnersberger, MD, JD, MA, FCLM, Clinical Assistant Professor of Medicine, Chair, Institutional Ethics Committee, and Site Director, Third Year Medicine Clerkship, University of Chicago School of Medicine, Chicago, Illinois (“Resident Terminations”).

FACULTY NEWS

Max Gakh, JD, MPH, Assistant Professor School of Community Health Sciences and Associate Director, Health Law Program, reports these recent publications: Claudia Polsky, Kendall Stagg, Maxim Gakh, and Christine T. Bozlak, *The Health in All Policies (HiAP) Approach and Law: Preliminary Lessons from California and Chicago*, 43 J. L. MED. & ETHICS 52 (2015) • Maxim Gakh, *Law, the “Health in All Policies” Approach, and Cross-Sector Collaboration*, 130 PUB. HEALTH REP. 96 (2015).

Professor Gakh gave these presentations: Max Gakh, November 3, 2015, “Health in All Policies: Learning Lessons from Emergency Legal Preparedness,” 143rd American Public Health Association Annual Meeting, Chicago, Illinois • October 21, 2015, “Health in All Policies and the Law,” American Public Health Association Webinar • October 7, 2015, “Vaccine Requirements,” Touro University College of Osteopathic Medicine and Valley Hospital Medical Residency Programs, Medical Jurisprudence Lecture Series, Las Vegas, Nevada • Max Gakh and Jennifer Pharr, September 25, 2015, “Full-day Kindergarten and Health in Nevada: A Health Impact Assessment,” 2015 Nevada Public Health Association Annual Conference, Reno, Nevada • August 11, 2015, “Mandatory Reporting Laws,” Touro

University College of Osteopathic Medicine and Valley Hospital Medical Residency Programs, Medical Jurisprudence Lecture Series, Las Vegas, Nevada • June 16, 2015, “Student Health & Education: Case Studies From Three School-Related Health Impact Assessments,” National Health Impact Assessment Meeting, Washington, D.C. • May 16, 2015, “Prevention-Oriented Provisions of the Patient Protection and Affordable Care Act,” Fourth Annual Internal Medicine Symposium, University of Nevada School of Medicine, Las Vegas, Nevada • March 18, 2015, “Affordable Care Act: Its Impact on Nevada,” Jewish Federation of Las Vegas Business and Professional Panel, SWITCH, Las Vegas, Nevada.

Professor Gakh received a grant for *A Health Impact Assessment of Full-Day Kindergarten in Nevada*, funded by the Health Impact Project, a collaboration of the Robert Wood Johnson Foundation and The Pew Charitable Trusts), October 2014 – September 2015 (with colleagues).

Sara Gordon, JD, Associate Professor, reports these recent publications: *Crossing the Line: Daubert, Dual Roles, and the Admissibility of Forensic Mental Health Testimony*, 37 CARDOZO L. REV. ____ (forthcoming 2016) • *The Danger Zone: How*

the Dangerous Standard in Civil Commitment Proceedings Harms People with Serious Mental Illness, CASE WES. RES. L. REV. ____ (forthcoming 2016) • *The Model Penal Code: An Overview of Proposed Changes to Rape Shield Laws*, MCGEORGE L. REV. ____ (forthcoming 2016) (invited symposium) • *All Together Now: Using Principles of Group Dynamics to Train Better Jurors*, 48 IND. L. REV. 415 (2015).

Professor Gordon gave these presentations: November 11, 2015, “Mental Health and Criminal Law,” Touro University College of Osteopathic Medicine and Valley Hospital Medical Residency Programs, Medical Jurisprudence Lecture Series, Las Vegas, Nevada • November 6, 2016, Invited Symposium Speaker, “The Model Penal Code: An Overview of Proposed Changes to Rape Shield Laws,” University of Pacific McGeorge School of Law, Sacramento, California • October 29, 2015, “Involuntary Inpatient and Outpatient Commitment Laws,” Touro University College of Osteopathic Medicine and Valley Hospital Medical Residency Programs, Medical Jurisprudence Lecture Series, Las Vegas, Nevada • October 23, 2015, “Crossing the Line: *Daubert*, Dual Roles and the Admissibility of Forensic Mental Health Testimony,” American Society for Bioethics

PROGRAM AND FACULTY NEWS

UNLV WILLIAM S. BOYD SCHOOL OF LAW (continued)

and Humanities 17th Annual Meeting, Houston, Texas • September 24, 2015, “Crossing the Line: *Daubert*, Dual Roles and the Admissibility of Forensic Mental Health Testimony,” BYU Rocky Mountain Junior Scholars Conference, Provo, Utah • September 10, 2015, “Crossing the Line: *Daubert*, Dual Roles and the Admissibility of Forensic Mental Health Testimony,” University of Arizona Junior Faculty Exchange, Tucson, Arizona • September 4, 2015, “Gambling Disorders and Diversion Courts,” 2015 Gaming Law Conference, William S. Boyd School of Law, University of Nevada, Las Vegas • August 24, 2015, “UNLV/UNSOM Review of Alaska Mental Health Statutes,” Alaska Governor’s Working Group, Anchorage, Alaska • June 6, 2015, “Collaborative Learning and Mental Health Law Reform in Alaska,” ASLME 38th Annual Health Law Professors Conference, Center for Health Law Studies, Saint Louis University School of Law, St. Louis, Missouri • May 16, 2015, “Dual Roles and Conflicts of Interest in Psychiatric Forensic Testimony,” Fourth Annual Internal Medicine Symposium, University of Nevada School of Medicine, Las Vegas, Nevada • March 4, 2015, “Assisted Outpatient Treatment: Access and Coercion,” 17th Annual Conference for the Association for the History of Medicine and Science, Jackson, Mississippi.

Professor Gordon received this grant - Alaska Mental Health Trust Authority. \$60,000 grant award to analyze and revise current Alaska Statutes related to Insanity and Competency to Stand Trial and Involuntary Admission for Treatment procedures (2014-2015, with Dr. Melissa Piasecki, University of Nevada School of Medicine).

Fatma Marouf, JD, MPH Cand., Associate Professor of Law, Co-director, Immigration Clinic reports these recent publications: *Alienage Classifications and the Denial of Health Care to DREAMers*, WASH. U. L. REV. — (forthcoming 2016) • Fatma E. Marouf & Bryn S. Esplin, *International Human Rights and Bioethics as Complementary Frameworks: Setting a Floor for the Standard of Care in Clinical Trials*, 17 HEALTH & HUM. RTS. J. 31 (2015) • *The Unconstitutional Use of Restraints in Removal Proceedings*, 64 BAYLOR L. REV. 214 (2015) • *Blind Injustice for*

Immigrants with Mental Illness, 101 CORNELL L. REV. ONLINE — (forthcoming 2015).

Professor Marouf gave these presentations: December 8-9, 2015 (three presentations), “BIA Appeals,” “Reasonable Accommodations and Safeguards,” and “Termination and Administrative Closure,” U.S. Department of Justice, Executive Office for Immigration Review’s National Qualified Representative Program Training, Los Angeles, CA November 13, 2015, “Caring for Patients with Limited English Proficiency,” Grand Rounds, University of Nevada School of Medicine, Las Vegas, Nevada • October 30, 2015, “Chivalry, Masculinity, and the Importance of Maleness to Judicial Decisionmaking,” Conference on Empirical Legal Studies, Washington University School of Law, St. Louis, Missouri • October 23, 2015, “Assumed Sane: Mental Illness at the Intersection of Criminal and Immigration Proceedings,” American Society for Bioethics and Humanities 17th Annual Meeting, Houston, Texas • October 22, 2015, “Medical Evaluations for Asylum Seekers, Survivors of Human Trafficking, and Unaccompanied Minors,” Touro University College of Osteopathic Medicine and Valley Hospital Medical Residency Programs, Medical Jurisprudence Lecture Series, Las Vegas, Nevada • September 29, 2015, “Ethical Issues in Clinical Trials Conducted in Developing Countries,” Touro University College of Osteopathic Medicine and Valley Hospital Medical Residency Programs, Medical Jurisprudence Lecture Series, Las Vegas, Nevada • September 10, 2015, “Legal and Ethical Duties of Physicians Relating to Patients with Limited English Proficiency,” University of Nevada School of Medicine, Department of Family and Community Medicine, Las Vegas, Nevada • July 27, 2015, “U.S. Reliance on Foreign Physicians and Nurses: Ethical and Public Health Concerns,” Hot Issues in Law and Bioethics Discussion Group, 2015 Southeastern Association of Law Schools Annual Conference, Boca Raton, Florida • June 6, 2015, “The Exclusion of DACA Recipients from the Affordable Care Act,” ASLME 38th Annual Health Law Professors Conference, Center for Health Law Studies, Saint Louis University School of Law, St. Louis, Missouri • April 4, 2015, Discussant, Panel on “Courts, Rights, and Democracy,” Western Political Science

Association Conference, Las Vegas, Nevada • April 3, 2015, “Gender Interactions in Immigration Appeals,” Western Political Science Association Conference, Las Vegas, Nevada • March 14, 2015, U.S. Reliance on Foreign Physicians and Nurses: Ethical Concerns,” Southern Association for the History of Medicine and Science Conference, Jackson, Mississippi.

Professor Marouf received these grants: Justice AmeriCorps Legal Services for Unaccompanied Minors (a partnership between the U.S. Department of Justice and the Corporation for National and Community Service, which operates the AmeriCorps national service program). \$39,780 awarded to the Thomas & Mack Legal Clinic, UNLV William S. Boyd School of Law, to represent unaccompanied minors in removal proceedings (2015-2016) • Faculty Opportunity Award, University of Nevada, Las Vegas (with Prof. Rebecca Gill and Prof. Michael Kagan). “The Immigration Appeals Database Pilot Study.” \$29,959.

Ann McGinley, JD, William S. Boyd Professor of Law, reports these publications: LAURA C. ROTHSTEIN & ANN C. MCGINLEY, *DISABILITY LAW: CASES, MATERIALS, PROBLEMS* (LexisNexis 6th ed., forthcoming 2017) • City and County of San Francisco, California, et al., v. Sheehan: *Title II of the ADA and Reasonable Accommodations in Police Arrests of Citizens with Disabilities*, HAMILTON-GRIFFIN.COM, Mar. 30, 2015.

Professor McGinley gave these presentations: September 24, 2015, “Disability Law Obligations of Health Care Providers and Medical Institutions,” Touro University College of Osteopathic Medicine and Valley Hospital Medical Residency Programs, Medical Jurisprudence Lecture Series, Las Vegas, Nevada • June 12, 2015, “The ADA: Twenty-Five Years at Work,” 32nd Annual Warns-Render Labor and Employment Law Institute, University of Louisville Brandeis School of Law, Louisville, Kentucky • May 16, 2015, “Disability Law Obligations of Health Care Providers and Medical Institutions,” Fourth Annual Internal Medicine Symposium, University of Nevada School of Medicine, Las Vegas, Nevada.

Stacey Tovino, Director of the UNLV Health Law Program and Lehmann Professor

PROGRAM AND FACULTY NEWS

UNLV WILLIAM S. BOYD SCHOOL OF LAW (continued)

of Law, reports these recent publications: *Of Mice and Men: On the Seclusion of Immigration Detainees and Hospital Patients*, MINN. L. REV. ___ (forthcoming 2016) • *The Grapes of Wrath: On the Health of Immigration Detainees*, B.C. L. REV. ___ (forthcoming 2016) • *The DSM-5: Implications for Health Law*, 2015 UTAH L. REV. ___ (forthcoming 2016) (invited symposium) • *Individuals with Gambling Disorder: Vulnerability and the Law*, 16 HOUSTON J. HEALTH L. & POL'Y ___ (forthcoming 2016) (invited symposium) • *HIPAA Privacy Rule Compliance: Problems and Perspectives*, LOYOLA J. REG. COMPLIANCE ___ (forthcoming 2016) (invited symposium) • *HIPAA PRIVACY LAW: THEORY, POLICY, AND PRACTICE* (Carolina Academic Press, forthcoming 2016) • *Will Neuroscience Redefine Mental Injury?* 12 INDIANA HEALTH L. REV. 695 (2015) (invited symposium).

Professor Tovino also gave these presentations: October 6-7, 2016, "Legal Challenges for the Electrophysiologist: Sports Participation in High-Risk Patients," Pediatric and Adult Congenital Electrophysiology Annual Meeting, Orlando, Florida • August 3-9, 2016, "The Legal Treatment of Individuals with Addiction," Top Developments in Disability Law and Policy Discussion Group, Southeastern Association of Law Schools, Amelia Island, Florida • February 5, 2016, Keynote Speaker, "Legal Treatment of Disordered Gamblers in the United States," Sixth Biennial International Gambling Conference: Preventing Harm in the Shifting Gambling Environment: Challenges, Policies and Strategies, Auckland, New Zealand • January 19, 2016, "Health Law Grand Rounds," Hall Center for Law & Health, Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana • December 7, 2015, "Professor's Choice Lecture: Health Law at UNLV," Osher Lifelong Learning Institute, Continuing

Education Department, University of Nevada, Las Vegas • November 4, 2015, "HIPAA Privacy: Issues for Physicians," Touro University College of Osteopathic Medicine and Valley Hospital Medical Residency Programs, Medical Jurisprudence Lecture Series, Las Vegas, Nevada • October 30, 2015, Endowed Lecturer, "Giving Thanks: The Law and Ethics of Grateful Patient Fundraising," Bander Center for Medical Business Ethics, Saint Louis University, St. Louis, Missouri • October 29, 2015, "Giving Thanks: The Law and Ethics of Grateful Patient Fundraising," Center for Clinical Research Ethics, Washington University School of Medicine, St. Louis, Missouri • October 16, 2015, "Individuals with Gambling Disorder: Vulnerability and the Law," Houston Journal of Health Law & Policy Symposium, University of Houston Law Center, Houston, Texas • September 10, 2015, "Legal and Ethical Duties of Physicians Relating to Patients with Limited English Proficiency," University of Nevada School of Medicine, Department of Family and Community Medicine, Las Vegas, Nevada • September 8, 2015, "Anatomy of a Medical Malpractice Lawsuit: Issues for Physicians," Touro University College of Osteopathic Medicine and Valley Hospital Medical Residency Programs, Medical Jurisprudence Lecture Series, Las Vegas, Nevada • September 4, 2015, "Attorneys with Gambling Disorder: License, Suspension, Revocation, and Reinstatement," 2015 Gaming Law Conference, William S. Boyd School of Law, University of Nevada, Las Vegas • July 27, 2015, "Medicare Financing of Graduate Medical Education," The Health Care System of Tomorrow Discussion Group, 2015 Southeastern Association of Law Schools Annual Conference, Boca Raton, Florida • July 27, 2015, "The Ethics of Grateful Patient Fundraising," Hot Issues in Law and Bioethics Discussion Group,

2015 Southeastern Association of Law Schools Annual Conference, Boca Raton, Florida • June 6, 2015, "A Critique of Medicare Financing of Graduate Medical Education," ASLME 38th Annual Health Law Professors Conference, Center for Health Law Studies, Saint Louis University School of Law, St. Louis, Missouri • May 21, 2015, "Interprofessional Collaborations Addressing Health Disparities in Nevada" (Poster Presentation), VA Southern Nevada Healthcare System Research Event, North Las Vegas, Nevada • May 16, 2015, "An Update on Medical Malpractice in Nevada," Fourth Annual Internal Medicine Symposium, University of Nevada School of Medicine, Las Vegas, Nevada • May 8, 2015, "Health Care Finance, Religion, and the HIPAA Privacy Rule," Law, Religion, and Health Care Conference, Harvard Law School, Cambridge, Massachusetts • March 18, 2015, "Affordable Care Act: Its Impact on Nevada," Jewish Federation of Las Vegas Business and Professional Panel, SWITCH, Las Vegas, Nevada • March 14, 2015, "A Legal History of Medicare Financing of Graduate Medical Education: 1965 to the Present," Southern Association for the History of Medicine and Science 17th Annual Meeting, sponsored by the University of Mississippi Medical Center, the William Carey University College of Osteopathic Medicine, and the Mississippi State Medical Association, Jackson, Mississippi • February 28, 2015, "Mandated Disclosures in Health Law," 10th International Conference on Contracts, William S. Boyd School of Law, Las Vegas, Nevada • February 28, 2015, Keynote Presentation, "Gambling Disorder and Health Law," American College of Legal Medicine Annual Meeting, Las Vegas, Nevada • February 13, 2015, "Update on Health Insurance Coverage of Gambling Disorder," American Bar Association Gaming Law Minefield 2015 Conference, Henderson, Nevada.

UNIVERSITY OF NORTH CAROLINA SCHOOL OF LAW

FACULTY NEWS

Joan H. Krause, Associate Dean for Faculty Development and Dan K. Moore

Professor of Law, reports these recent publications: Joan H. Krause, "Off-Label

Drug Promotion and the Ephemeral Line Between Marketing and Education," J.L.

PROGRAM AND FACULTY NEWS

UNIVERSITY OF NORTH CAROLINA SCHOOL OF LAW (continued)

& BIOSCIENCES (forthcoming 2015) • “Integration, Fragmentation, and Human Nature: The Role of the Fraud and Abuse Laws in a Changing Health Care System,” THE OXFORD HANDBOOK OF U.S. HEALTHCARE LAW (forthcoming 2015).

Dean Krause also gave these presentations:

“Just Human Nature? Fraud and Abuse in a Changing Health Care System,” ASLME Health Law Professors Conference (June 2015) • “Truth, Falsity, and Fraud: Off-Label Drug Settlements and the Future of the Civil False Claims Act,” 2015 Law and Society Association Annual Conference (May 2015) • “Regulation: Health Care Fraud

and Abuse,” Triangle Law & Economics Conference (Mar. 2015) • “Integration, Fragmentation, and Human Nature: The Role of the Fraud and Abuse Laws in a Changing Health Care System,” UNC School of Law, Festival of Legal Learning (Feb. 2015)

UNIVERSITY OF THE DISTRICT OF COLUMBIA

FACULTY NEWS

Ifeoma Ajunwa, Assistant Professor of Law, reports this recent publication: Genetic Data and Civil Rights, 51 Harv. C.R.-C.L. L. Rev. — (forthcoming 2015)

Professor Ajunwa gave these presentations: Genetic Data and Civil Rights – “This Week

In Health Law” Podcast with Professors Frank Pasquale and Nicholas Terry, July 2nd, 2015 • The Quantified Self – The Berkman Center for Internet and Society at Harvard University, Cambridge, Massachusetts, June 16, 2015 • Genetic Coercion – Data &

Society Research Institute, New York, New York, June 11, 2015 • Workplace Wellness Programs In an Era of Quantified Work, Health Privacy Summit, Georgetown Law, June 03, 2015

UNIVERSITY OF UTAH S. J. QUINNEY COLLEGE OF LAW

We are very pleased to announce that our new Center for Law & Biomedical Sciences (LABS) received permanent approval from the Utah State Board of Regents on Nov. 13, 2015. Our Center features student research fellows whose assignments include research on issues in genetics, privacy, intellectual property, and bioethics; practical experience in intellectual property law; writing recent case reports for the American Society for Pharmacy Law; and pro bono service in a medical-legal clinic. This year, we have 10 fully funded student fellows who work directly with individual faculty members and meet weekly as a research workshop.

A particularly exciting opportunity for our students interested in intellectual property is the “Bench to Bedside” competition sponsored by the University of Utah Center for Medical Innovation for student inventors, with \$70,000 in prize money available for product development. The CMI funds three law student fellows to work with student inventors to protect their intellectual property rights. Under the supervision of Professor Amelia Rinehart, our CMI fellows do preliminary patent filings for any interested students in the competition.

Every year, the Center sponsors an 8-week colloquium on current issues in law and the biosciences. The colloquium can be taken as a seminar for credit and is also open to lawyers in the community for CLE. Last year, featured speakers included Derek Bambauer (University), Anna Laakmann (Lewis & Clark), Gary Marchant (Arizona State), and Talha Syed (UC-Berkeley); this spring, our featured speakers will include Robert Cook-Deegan (Duke), Jane Bambauer (Arizona), and Michael Saks (Arizona State). The colloquium includes a meal for students with speakers and is a tremendous opportunity for our students to network with academics in the field and with practitioners in the community.

On December 4, we are holding a symposium on Frontiers in Precision Medicine: Exploring Science and Policy Boundaries. The symposium will explore key legal, policy, economic and ethical issues raised by large-scale genetic studies and the practice of individually-tailored (precision) therapies and procedures. The event is part of a two-day symposium on Precision Medicine being co-hosted by the University of Utah School of Medicine and the Huntsman Cancer Institute. Featured speakers include Mark Trusheim, MIT; Eric Hales, Regence Blue Cross Blue Shield; Hans Sauer, Biotechnology Industry Organization; Rachel Slade, Michael Best & Friedrich LLP; Joshua Sarnoff, DePaul; Jamez Czaban, Wiley Rein LLP; Robert Meyer, University of Virginia; Stephen Hansen, FDA; Leslie Wolf, Georgia State; Carrie Wolinetz, NIH; Chanita Hughes Halbert, Medical University of South Carolina; and Jonathan Kahn, Mitchell Hamline. They will be joined by faculty from Utah, including Jorge Contreras (symposium organizer), Teneille Brown, Willard Dere, Leslie Francis, Kimberly Kaphingst, Amelia Rinehart, and Norman Waitzman.

In November 2014, the Center co-sponsored THE UTAH Law Review symposium on Legal Borders and Mental Disorders: The Challenge of Defining Mental Illness. Papers from that symposium will be published in an issue OF THE UTAH Law Review in January 2016. Presentations from the symposium can be viewed at <http://www.law.utah.edu/video-archive/>.

PROGRAM AND FACULTY NEWS

UNIVERSITY OF UTAH S. J. QUINNEY COLLEGE OF LAW (continued)

Our faculty members are also widely involved in service activities, internationally, nationally, and in Utah. Center Director Leslie Francis is President of the Pacific Division of the American Philosophical Association, Secretary-General of the International Society for Political and Legal Philosophy, a member of the Working Group on Data Access and Use of the National Committee on Vital and Health Statistics, and a member of the Ethics Committee of the American Society for Reproductive Medicine. Teneille Brown is a member of the Utah Supreme Court Evidence Advisory Committee and a member of the University of Utah Hospital Medical Ethics Committee. Jorge Contreras serves as a member of the Advisory Council of NIH's National Center for the Advancement of Translational Sciences (NCATS) and the Board of the Cures Acceleration Network (CAN), and previously served as Co-Chair of the National Conference of Lawyers and Scientists (NCLS) and a member of the National Advisory Council for Human Genome Research (NACHGR). At the University of Utah, he serves on the Scientific Advisory Board of the Utah Genome Project, the Executive Steering Committee of the Center for Clinical & Translational Science and the Oversight Board of the Veterans Administration Genealogy Project.

FACULTY NEWS

Teneille Brown, Professor of Law, reports these recent publications: *Denying Death*, 57 ARIZONA LAW REVIEW 1 (2016) • *Understanding Validity in Empirical Legal Research* (with Jim Tabery and Lisa Aspinwall) forthcoming in the HASTINGS LAW JOURNAL in 2016) • *From Bibles to Biomarkers: The Future of the DSM and Forensics Psychiatric Diagnosis* 2015 UTAH LAW REVIEW 1 (2015).

Jorge Contreras, Associate Professor, reports these recent publications: *Narratives of Gene Patenting*, ___ FLA. ST. L. REV. ___ (forthcoming 2016) • *Design Choices for Distributed Data Commons*, 350 SCIENCE ___ (forthcoming 2015) (with Jerome Reichman) • *A Brief History of FRAND*, 80 ANTITRUST L.J. (2015, forthcoming) • *Big Genomic Data and the State*, in BIG DATA IS NOT A MONOLITH: POLICIES, PRACTICES AND PROBLEMS, Ekiba Hamid, Michael Mattioli & Cassidy Sugimoto, eds., MIT Press: 2016 (forthcoming) • *Intellectual Property Issues and Synthetic Biology Standards*, 33 NATURE BIOTECH. 24-25 (2015) (with Arti K. Rai and Andrew W. Torrance) • *A Unified Framework for RAND and other Reasonable Royalties*, ___BERKELEY TECH. L.J.__(with Richard J. Gilbert) (in press) • *NIH's Genomic Data Sharing Policy: Timing and Tradeoffs*, 31 TRENDS IN GENETICS 55-57 (2015) • *A Market Reliance Theory for FRAND Commitments and Other Patent Pledges*, ___ UTAH L. REV. ___ (forthcoming 2015) • *Divergent Patterns of Engagement in Internet Standardization: Japan, Korea and China*, 38 TELECOM. POLICY 916-

934 (2014). Published, 01/2014 • *Standards, Patents and the National Smart Grid*, 32 PACE L. REV. 641 (2012) (symposium issue) (winner of the 2014 Elizabeth Payne Cubberly Scholar Award), reprinted in INTELLECTUAL PROPERTY, INNOVATION AND THE ENVIRONMENT (Peter S. Menell & Sarah M. Tran, eds. 2014) • *Compulsory Licensing of Intellectual Property: A Viable Policy Lever for Promoting Access to Critical Technologies?*, in TRIPS AND DEVELOPING COUNTRIES – TOWARDS A NEW IP WORLD ORDER? (Gustavo Ghidini, Rudolph J.R. Peritz & Marco Ricolfi, eds., 2014 (Edward Elgar) • *Confronting the Crisis in Scientific Publishing: Latency, Licensing and Access*, 53 SANTA CLARA L. REV. 491 (2013).

Leslie Francis, Distinguished Professor of Law and Philosophy, reports these recent publications: Francis, Leslie, ed. 2016. OXFORD HANDBOOK OF REPRODUCTIVE ETHICS (Oxford University Press, in press) • Francis, Leslie, Robin Craig & Erika George. *The FDA's Troubling Failures to Use its Authority to Regulate Genetically Modified Foods*. FOOD & DRUG LAW JOURNAL (forthcoming February 2016) • Francis, Leslie & Anita Silvers. 2016. *The Healthcare Workforce: How to Understand Accommodations*. SAINT LOUIS UNIVERSITY JOURNAL OF HEALTH LAW & POLICY (in press) • Francis, Leslie, Anita Silvers, & Michael Ashley Stein. 2015. *Disability and Health Law*, in Allison Hoffmann & I. Glenn Cohen, eds. HANDBOOK OF HEALTH LAW. Oxford University Press (in press) • Silvers, Anita & Leslie Francis. 2016. *Human and Civil Models*

of Rights: Health and Ill Disabled and Access to Healthcare, in GLOBAL BIOETHICS, HUMAN RIGHTS AND DISABILITY, ed. John-Stewart Gordon, <http://www.humanrightsanddisability.com/> (in press) • Francis, Leslie. *Risk Management and Conflicts of Interest*. Ch. 6 in ETHICS AND RISK MANAGEMENT, ed. Lina Svedin. Charlotte, N.C.: Information Age Publishing • Silvers, Anita & Leslie Francis. 2015. *Death, Dying and the Disabled*. OXFORD HANDBOOK OF ETHICS AT THE END OF LIFE, ed. Stuart Youngner & Robert Arnold. Oxford University Press (forthcoming) • Francis, Leslie P. & John G. Francis. 2014. *Trafficking in Human Beings: Partial Compliance Theory, Enforcement Failure, and Obligations to Victims*, pp. 171-205, in Meyers, Diana, ed., POVERTY, AGENCY, AND HUMAN RIGHTS. New York: Oxford University Press • Francis, Leslie. 2015. *Privacy and Health Information: The United States and the European Union*. UNIVERSITY OF KENTUCKY LAW REVIEW 103: 419-431 • Francis, Leslie. 2015. Preview: *Armstrong v. Exceptional Child Center*. ABA PREVIEW OF UNITED STATES SUPREME COURT CASES 4(42): 153-157 • Francis, Leslie. 2014. *Genomic knowledge-sharing: a review of the ethical and legal issues*. APPLIED AND TRANSLATIONAL GENOMICS 3: 111-115.

Amelia Smith Rinehart, Professor of Law, reports these recent publications: *Myriad Lessons Learned*, U. C. IRVINE L. REV. (invited symposium, forthcoming 2015) • *The Federal Question in Patent Cases*, 90 INDIANA L. J. 659 (2015).

UNIVERSITY OF WASHINGTON SCHOOL OF LAW

Dean Kellye Testy, the Toni Rembe Dean & Professor of Law, will become President of AALS in January 2016. Her special emphasis is on leadership in the legal field and the University of Washington and its School of Law are very pleased for her accomplishment and election.

PROGRAM AND FACULTY NEWS

UNIVERSITY OF WASHINGTON SCHOOL OF LAW (continued)

Center for Law, Science and Global Health

In March, 2015, the University of Washington School of Law Center for Law, Science and Global Health co-sponsored a panel discussion on *King v. Burwell*. The standing-room-only discussion of the then-pending Supreme Court case featured professors with expertise in statutory interpretation, administrative law, health law, and tax.

On November 17, the Center will co-sponsor a social justice lecture on *Mental Illness: Civil Liberties vs. Public Safety*. The lecture will bring together prosecutors, police, public defenders, and the parent of a mentally ill offender to discuss whether the commitment laws for criminal offenders need to be amended and what to do about mentally ill persons in jails where they cannot get adequate evaluation and treatment services.

The Center will co-sponsor, along with University College London, Faculty of Laws, the *Future of Innovation in Medicine: Incentives for New Medical Treatments and Global Health* conference at the School of Law and partially at the Bill & Melinda Gates Foundation, on December 3-4, 2015. The conference will focus on market incentives and impediments to using existing drugs to treat many chronic illnesses and the impact on global health that these pharmaceuticals can have.

The University of Washington School of Law looks forward to hosting the fourth annual Medicaid Matters forum on February 26, 2016. Medicaid Matters brings together academicians and others to present works-in-progress and discuss a wide range of issues relating to Medicaid's evolving impacts on the health care system and jurisprudence. If you are interested in joining us, please email Sallie Sanford at sanfor@s@uw.edu.

FACULTY NEWS

Steve Calandrillo, Professor of Law, reports this recent publication: "In Vitro Fertilization and the Law: How Legal and Regulatory Neglect Compromised a Medical Breakthrough, 57 Arizona Law Review 311-42 (2015), with Chryssa V. Deliganis (available at <http://ssrn.com/abstract=2498632>)

Professor Calandrillo also gave this presentation: "An Economic Analysis of Tort Law's Eggshell Plaintiff Rule," Clute Institute, 2015 (Best Paper in Session Award).

Patricia Kuszler, Vice Dean and Professor of Law, in 2015 ushered in UW's latest graduate program, a Master of Jurisprudence program. In her capacity as Vice Dean, she is the operational lead for the Schools seven LLM programs, PhD and JD program.

Professor Kuszler reports this recent publication with **Christy Thompson Ibrahim**, adjunct faculty and Disability Law lecturer: *The U.S. Supreme Court on Disability Law: Sixteen Modern Cases*, and *Discussions on Disability Law*, both published last year by Carolina Academic Press.

During the past year, she has spoken at numerous international and domestic conferences on several different topics: an intellectual property conference in Jakarta (*Prometheus, Pliva, Myriad and Caraco: Four Cases and their utility for multidisciplinary teaching and Learning*); a judicial conference

in Bangkok (*Genomics & Global Health: Promise or Peril?*); two conferences in Japan, one on innovations in international legal education and the other focusing on biomedical research (*Research Misconduct: A Global Problem Seeking A Solution*); the Annual AALS Conference in Washington D.C. (*Post-Graduate Legal Education Panel: The Exploding Post-Graduate Degree: Alternative Degrees, Online Degrees and Economics*); and at Seattle's 2015 Summer Seminar in Health Care Ethics (*The Affordable Care Act: Legal Considerations*).

Kathleen Lemly, the Center's Assistant Director for Career Development and Marketing, presented at the November 2015 meeting of the Washington State Society of Healthcare Attorneys, in Vancouver, British Columbia, Canada, on *Mentoring and Professional Development from the Perspective of the Academic Setting*.

Terry Price serves as Associate Director of the Center for Law, Science and Global Health. In 2015, he coordinated the introduction of six new health law courses to the health law curriculum, including and Affordable Care Act seminar, Healthcare Business Transactions, Healthcare Employment Law, Medical Information Privacy, Legal Issues for Global Health Programs and Telemedicine. He lectured in February 2105 to physical therapy students in the Department of Rehabilitation Medicine

on *Legal Issues for Healthcare Practitioners*. He also gave his talk, "As Families Evolve, Courts Lurch Forward to Keep Up," to the National Association of Appellate Court Attorneys annual meeting in July in Seattle, WA, and presented in October in Anchorage, AK, to family law practitioners on the "History of De Facto or Psychological Parentage."

Dr. Beth Rivin, Research Associate Professor of Law, organized, and the Center for Law, Science and Global Health co-sponsored, the October 9-11, 2015 *Human Right to Family Planning*, conference, which explored the relationship between the right to health and family planning and its application to improving universal access—globally and locally. The event brought together academicians, practitioners, and students in public/global health, medicine and law, NGOs, donor institutions, international organizations, pharmaceutical and biotech companies and others from the Global North and South.

Dr. Rivin is also serving as Director of Yemen-Indonesia University Partnerships, a grant funded by the U.S. Dept of State to build capacity in Yemen using a transnational strategy. The work is conducted through CRDF Global. Through this project, Dr. Rivin led a 6-day program on bioethics with University of Gadjah Mada Center for Bioethics and Medical Humanities in Jogjakarta, Indonesia. This program was

PROGRAM AND FACULTY NEWS

UNIVERSITY OF WASHINGTON SCHOOL OF LAW (continued)

designed for a select group of leaders in Yemeni universities and government agencies. She was also named Senior Global Health and Ethics Advisor to East West Management Institute and served as faculty lead for Spring 2015 Speaker Series on Global Health and Justice for the University of Washington community.

Douglas Ross, of the Davis Wright Tremaine law firm and the Center's health care anti-trust lecturer, was selected as an officer of the ABA Section on Antitrust Law. He also presented in September 2015 on vertical acquisitions of physician practices with Professor Tim Greaney from Saint Louis University.

Sallie Thieme Sanford, Associate Professor of Law and Adjunct Associate Professor of Health Services, reports these recent publications: Sallie Thieme Sanford, *Health Care's Fraternal Twins at 50: The Birth and Development of Medicare and Medicaid*, JURIST - Academic, Nov. 1, 2015 • Sallie Thieme Sanford, *King v. Burwell: ACA Destruction Denied, ACA Expansion*

Enabled, JURIST - Academic, Oct. 28, 2015.

Professor Sanford gave these presentations: gave the closing plenary at a national conference jointly sponsored by the Northwest Regional Primary Care Association and the Community Health Association of Mountain/Plains States in October 2015. Her remarks formed the basis of an essay published by JURIST entitled "King v. Burwell: ACA Destruction Denied, ACA Expansion Enabled." • On July 30, 2015, the 50th anniversary of the day President Lyndon Johnson signed Medicare and Medicaid into law, Professor Sanford spoke at an event sponsored by CMS and HHS that included a great big birthday cake. JURIST published an essay based on her remarks, "Healthcare's Fraternal Twins at 50: The Birth and Development of Medicare and Medicaid." • At the ASLME conference in St. Louis in June, she gave a presentation on "State Options to Promote Shared Decision-Making." • In April 2015 she gave two separate CLE presentations in Alaska on King v. Burwell and issues related to ACA implementation and Medicaid

expansion. In March, she helped organize and participated in a panel discussion – "King v. Burwell: Obamacare in the Supreme Court (Again)," – involving several UW Law professors, including those with expertise in tax, administrative law and statutory interpretation. In January 2015, she provided an "Update on Legal Challenges to Reform," at the annual "State of Reform, Washington State" conference.

Professor Sanford completed work this fall on a CDC-funded multidisciplinary cooperative project to support the advancement of healthcare-related policy and law reforms as part of the U.S. President's Emergency Plan for AIDS Relief (PEPFAR).

Lea Vaughn, Professor of Law, has introduced a new course to the curriculum, *Neuroscience and Law*, exploring the intersection of the neuroscience developments and how that impacts on the law in discovery, presentation of scientific evidence, and claims and defenses.

WAKE FOREST UNIVERSITY SCHOOL OF LAW

Wake Forest Law School has launched a new Health Law and Policy Program. In its first couple of years, the focus will be on North Carolina issues.

FACULTY NEWS

Mark Hall, Professor, reports these recent publications: Mark A. Hall, *Toward Relationship-Centered Health Law*, 50 Wake Forest L. Rev. 233 (2015) • Mark A. Hall, *Justice Roberts Gets It*, 45(5) Hastings Center Rep. 7-8 (Oct. 2015) • Mark A. Hall, *King v. Burwell--ACA Armageddon Averted*, 373 New Eng. J. Med. 479 (2015) • Mark A. Hall & Jacob Perrin, *Irregular Migrant Access to Care: Mapping Public Policy Rationales*, 8 Pub. Health Ethics 130-38 (2015) • K. Swartz, M. Hall, & T. Jost, *How Insurers Are Competing Under the Affordable Care Act*, 15 Hous. J. Health L. & Policy 17-41 (2015) • S. Rhodes, ... M. Hall, et al., *The impact of local immigration enforcement policies on the health of immigrant Hispanics/Latinos in the USA*, 105 Am J Pub Health 329 (2015).

Professor Hall was the Florence Rogatz Visiting Professor at Yale Law School, Fall 2015.

He organized and hosted a conference on Relationship-Centered Health Law and Ethics, in conjunction with Wake Forest Center for Bioethics.

Professor Hall was inducted into the National Academy of Medicine (formerly, Institute of Medicine), in October.

Kate Mewhinney, Clinical Professor and Managing Attorney of the Elder Law Clinic, reports this recent presentation: "Neurolaw: A Primer" for the 2015 annual meeting of the N.C. Psychiatry Association, along with Stephen I. Kramer, M.D. Oct. 2015.

Professor Mewhinney also gave these presentations sponsored by the Ethics Committee of Wake Forest Baptist Medical Center: "The Closet Door is Open: How Are You Caring for LGBT Patients and Families?" (co-presenters were Kaycee Sink, MD, MAS, and Jennifer Harriss, a long-term care ombudsman with the regional Area Agency on Aging.), Feb. 2015 "Grappling With Guardianship: Ethical Dilemmas." (co-presenter is senior case manager with medical center), May 2015 • "Ethical Tensions in Guardianship Law," UNC Medical Center Ethics Committee, Chapel Hill. Nov. 2015.

PROGRAM AND FACULTY NEWS

WASHINGTON UNIVERSITY SCHOOL OF LAW

FACULTY NEWS

Elizabeth Sepper, Associate Professor, reports these publications: Free Exercise Lochnerism 115 COLUM. L. REV. 1457 (2015) • Healthcare Exemptions and the Future of Corporate Religious Liberty, in THE RISE OF CORPORATE RELIGIOUS

LIBERTY (Zoe Robinson, Chad Flanders & Micah Schwartzman, eds. 2015) • Gendering Corporate Conscience, 38 HARV. J. GENDER L. 193 (2015) • Conscientious Refusals of Care, in OXFORD HANDBOOK OF AMERICAN HEALTH

LAW (Glenn Cohen, Allison Hoffman, & William Sage, eds. 2015).

Professor Sepper was awarded 2015 Dukeminier Award for Best Sexuality Scholarship for Doctoring Discrimination in the Same-Sex Marriage Debates.

WHITTIER LAW SCHOOL

FACULTY NEWS

Judith Daar, Professor of Law, reports these publications: Marriage Equality: One Step Down the Path Toward Family Justice, (with Erez Aloni) 57 OC Lawyer 22 (Aug. 2015) • Reproductive Liberty Extends to “Social Surrogacy”, L.A. Daily Journal, Sept. 3, 2015 • Celebrity Embryo Dispute Could Yield Long-Awaited Precedent, L.A. Daily Journal, May 28, 2015.

Professor Daar also gave these presentations: August 2015, Society for Reproductive Endocrinology & Infertility, “Legal and Ethical Minefields in Reproductive Medicine” • July 2015,

Southeastern Association of Law Schools (SEALS) “Whose Embryo Is It Anyway? Clinical Clashes in Reproductive Medicine” • July 2015, Coastal Fertility Medical Center, “Legal Aspects of Reproductive Medicine” • June 2015, Saint Louis University School of Law Annual Health Law Professors Conference, “Bioethics Update” • May 2015, Harvard Law School, Baby Markets Roundtable, “Social Infertility and the Quest for Parenthood” • May 2015, ABA Section on Family Law, ART Annual Symposium, “On Gametes and Embryos at the End of Life: Legal, Ethical and Practical Dilemmas”

• April 2015, Whittier Law School, Center for Children’s Rights Symposium, Keynote Address, “Provider Dilemmas in Reproductive Medicine” • March 2015, Harvard Medical School, Family Matters Conference, “The Economics, Ethics and Government Regulation of Family Planning Bioethics Update” and “Shared Decision-Making: Rhetoric or Reality”.

Professor Daar was the recipient of the Jay Healey Distinguished Teaching Award, awarded by the American Society of Law, Medicine & Ethics at the annual Health Law Professors Conference.

WILLIAMETTE UNIVERSITY

FACULTY NEWS

Paul Diller, Professor, reports this recent publication: The Illusion of Autonomy in “Food” Litigation, 41 Am. J. L. & Med. 275 (2015).

Professor Diller also gave these presentations: The Illusion of Autonomy in “Food” Litigation, American Journal of Law & Medicine Symposium, Boston University School of Law, Jan. 30, 2015 • A Right to

Food and Nutrition in the United States, UCLA Journal of International Law & Foreign Affairs, Symposium on Realizing the Right to Food, UCLA School of Law, Mar. 7, 2015