38th Annual Health Law Professors Conference Schedule
June 4-6, 2015

THURSDAY, June 4, 2015

2:00 – 5:00  Conference Registration –
Anheuser-Busch Foundation Student Commons, 12th Floor

3:00 - 5:00  Jay Healey Teaching Session - Louis W. Riethmann, Jr. Pavilion

The Jay Healey Session on Health Law Teaching is an interactive “World Café” styled session in which table hosts facilitate small group conversation through guided discussion questions and report back to the larger group. This year’s theme is Best Practices in Health Law Teaching. This is an opportunity to share challenges and successes in teaching health law and get to know others in the field.

Session Conveners:
Sidney Watson, Saint Louis University School of Law
Charity Scott, Georgia State University College of Law

Table Hosts:
Erin C. Fuse Brown, Georgia State University College of Law
Zack Buck, Mercer University School of Law
Amy T. Campbell, Cecil C. Humphreys School of Law, University of Memphis
Brietta R. Clark, Loyola Law School, Los Angeles
Kelly K. Dineen, Albert Gnaegi Center for Health Care Ethics and Saint Louis University School of Law
Rob Gatter, Saint Louis University School of Law
Thomas L. Greaney, Saint Louis University School of Law
Jesse Goldner, Saint Louis University School of Law
Timothy S. Hall, University of Louisville, Louis D. Brandeis School of Law
Jennifer Herbst, Quinnipiac University School of Law and School of Medicine
Diane Hoffmann, University of Maryland Francis King Carey School of Law
Sandra H. Johnson, Saint Louis University School of Law
Stacie Kershner, Georgia State University School of Law
Elizabeth Weeks Leonard, University of Georgia School of Law
Kevin Otterson, Boston University School of Law
Elizabeth Pendo, Saint Louis University School of Law
Sallie Sanford, University of Washington School of Law
Katherine T. Vukadin, Texas Southern University Thurgood Marshall School of Law

5:00 – 7:00  Welcome Reception – Louis W. Riethmann, Jr. Pavilion
FRIDAY, June 5, 2015

7:30 – 8:15  Registration & Breakfast – Anheuser-Busch Foundation Student Commons, 12th Fl. & Louis W. Riethmann, Jr. Pavilion

8:15 - 8:30  Welcome & Opening Remarks – John K. Pruellage Courtroom
Ted Hutchinson, Executive Director, ASLME
Elizabeth Pendo, Vice Dean and Professor of Law, Saint Louis University School of Law

8:30 - 10:15  Opening Plenary: Lessons from Ferguson and Beyond: Bias, Health and Justice – John K. Pruellage Courtroom
Daniel Dawes, JD, Executive Director, Government Relations, Policy & External Affairs
Senior Advisor and Lecturer, Satcher Health Leadership Institute, Morehouse School of Medicine

Debra Furr-Holden, PhD, Associate Professor, Director, DIVE Studies Laboratory, Johns Hopkins Bloomberg School of Public Health

Bethany A. Johnson-Javois, MSW, Managing Director, Ferguson Commission while on leave from chief executive officer of Integrated Health Network of St. Louis

Dayna Matthew, JD, Professor of Law, University of Colorado School of Law

Fred Rottnek, MD, MAHCM
Associate Professor, Director of Community Medicine, Department of Family and Community Medicine, Saint Louis University School of Medicine

10:15 – 10:30  BREAK

10:30 - 12:00  Concurrent Sessions 1

1A  The Affordable Care Act: What’s New? What’s Next? – John K. Pruellage Courtroom
Abbe Gluck, Yale Law School
Mark Hall, Wake Forest University School of Law
Tim Jost, Washington & Lee University School of Law
Peter Liebold, Ascension Health

1B  Stressing Race: Physical Manifestations of Racism in American Society – Room 1130
Michele Goodwin, University of California, Irvine School of Law, Racializing Fear: Cognitive Bias and Mental Health
Jonathan Kahn, Hamline University School of Law, *Race on the Brain: The Legal and Political Implications of Biologizing Racism*

Dayna Matthew, University of Colorado School of Law, *Un-Loading The Allostatic Load: Can Access To Legal Services Improve Health Outcomes for Low Income and Minority Families?*

**1C Lost in the Law: Where's the Patient? – Room 1030**

Jalayne J. Arias, Cleveland Clinic, *When the Law Protects Abusive Spouses’ Rights*

Cristie M. Cole, Cleveland Clinic, *Legal Detours in Genetic Testing*

Margot M. Eves, Cleveland Clinic, *A Conflict of Laws: Advanced Directives across State Lines*

Olubukunola M. Tawose, Center for Ethics, MedStar Washington Hospital Center and Georgetown University School of Medicine, *Patient Privacy vs. Provider Safety: Caring for Patients Impartially*

**1D Emergency Legal Preparedness: 2015 – Room 1122**

Leila Barraza, University of Arizona, Mel and Enid Zuckerman College of Public Health, *Emergency Medical Services and Medical Surge: Essential Legal Issues*

Lance Gable, Wayne State University Law School, *Preparedness, Politics, and Perception*

James G. Hodge, Jr., Arizona State University, Sandra Day O'Connor College of Law, *Legal Myths of Ebola Preparedness and Response*

Mark Rothstein, University of Louisville School of Medicine, *The Moral Challenge of Ebola*

**1E Issues in Reproduction – Room 1032**

Ammar Alrefaei, King Abdulaziz University, *Uterine Transplant and Muslim Women*

Lauren Flicker, Montefiore – Einstein Center for Bioethics, Montefiore Medical Center, *Who's Sperm is it Anyway? Analyzing Legal Paradigms for Post-Morten Sperm Retrieval*

Browne Lewis, Cleveland Marshall College of Law, *The Equitable and Legal Consequences of Human Oocyte Cryopreservation*

Deirdre Madden, University College Cork, *Reproductive Tourism in Europe*

**1F Issues for the Medical Professions – Room 1174**

Liz Chiarello, Saint Louis University School of Law, Department of Sociology, *The Deserving Patient: How Constructions of Patients’ Moral Worth Influence Pharmacists’ Care Provision*

Jeffrey Hammond, Faulkner University, Thomas Goode Jones School of Law, *Whither Primary Care?: The Future of the Sustainable Growth Rate in an Administered Price System*

Ann Marie Marciarille, University of Missouri Kansas City School of Law, *Brain Surgery, Bureaucrats, and Teeth Whitening: North Carolina State Board of Dental Examiners vs. FTC*

Max Mehlman, Case Western Reserve School of Law, *Can Law Save Medicine?*

Y. Tony Yang, George Mason University College of Health and Human Services, *An Empirical Analysis of State Scope of Practice Laws on Midwifery Practice and Childbirth Procedures and Outcomes*
12:00 - 1:30  **Lunch & Keynote Address – John K. Pruellage Courtroom**
Alan Weil, JD, Editor-in-Chief, *Health Affairs*
*Why Policymakers Need Health Law Scholarship Now More Than Ever*

1:30 – 1:45  **BREAK**

1:45 - 3:15  **Concurrent Sessions 2**

**2A  Addressing Soaring Health Care Prices – Room 1166**
Jaime S. King, UC Hastings College of the Law
Erin C. Fuse Brown, Georgia State University College of Law
Anne Marie Helm, UCSF/UC Hastings Consortium on Law, Science & Health Policy

**2B  At the Crossroads of Immigration and Health – Room 1032**
Janel Calvo, CUNY School of Law, *Healthcare for All? Healthcare Access for Non-Citizens under the ACA and Medicaid*
Mark G. Kuczewski, Loyola University Chicago, *DREAMers as Medical Students: DACA and Higher Education*
Fatma E. Marouf, University of Nevada, Las Vegas, *The Exclusion of DACA and DAPA Recipients from the Affordable Care Act*
Bryn S. Esplin, Cleveland Clinic, *Ethics in Absentia: Representing Individuals with Severe Mental Illness in Removal Proceedings*

**2C  Advanced Care Planning and Other Decisions by and for Older Adults – Room 1030**
Tishra Beeson, Central Washington University College of Public Health, *Developing Measures to Test Impact of Medical-Legal Advanced Care Planning for Older Adults*
Marshall Kapp, Florida State University, *Resident Choices in Long Term Care Communities: Risk Management Challenges and Opportunities*
Sarah Hooper, UCSF / UC Hastings Consortium on Law, Science and Health Policy, *Articulating a Model of Medical-Legal Advanced Care Planning for Older Adults*

**2D  Issues in Public Health – Room 1130**
Marian Adly, (Self/Fulbright), *From SARS to TBI: Priority Setting from Public Health to Healthcare*
Michael DeBoer, Faulkner University School of Law, *Public Health Ethics - Analyzing Moral Frameworks, Priorities and Applications*
Michelle Mello, Stanford Law School and Stanford University School of Medicine, *The Nanny State? Public Views on Legal Interventions to Fight Noncommunicable Disease and Accidental Injuries*
Kristen Underhill, Yale Law School, *Dynamic Preferences and Sticky Risks: Behavioral Adaptation in Response to Public Health Intervention in HIV Prevention*
2E Toward a Healthy First Amendment – Room 1174
Elizabeth Sepper, Washington University School of Law, moderator, Religious and Associational Rights in Health Insurance
Micah Berman, Ohio State University Moritz College of Law and the College of Public Health, Beyond Warning Labels: Clarifying Standards for Compelled Commercial Speech
Jessie Hill, Case Western Reserve University School of Law, The First Amendment and the Politics of Reproductive Health Care
Kevin Outterson, Boston University School of Law, Content-Based Speech and Health Regulation
Nadia Sawicki, Loyola University Chicago School of Law, Compelled Professional Speech in Informed Consent To Abortion

2F In-Class Exercises that Get Students Talking – Room 1122
Diane Hoffmann, University of Maryland School of Law
Kathleen Boozang, Seton Hall University School of Law
Kim Mutcherson, Rutgers School of Law - Camden
Richard Saver, University of North Carolina School of Law
Cora Drew Walker, Saint Louis University School of Law
Leslie Wolf, Georgia State University College of Law

3:15 – 3:30 BREAK

3:30 - 5:00 Concurrent Sessions 3

3A Innovations in Teaching – Room 1032
Bruce White, Alden March Bioethics Institute, Albany College of Medicine, Real World Medicine - A Collaborative and Interactive Approach to Teaching Current Events Health Policy
Leo Beletsky, Northeastern University, Teaching Public Health through Drug Law and Policy: Lessons and Opportunities
Roy Spece, University of Arizona James E. Rogers College of Law, Constitutional Law & Bioethics: Mutual Illuminations
Allison Winnike, University of Houston Law Center, Health Legislative Drafting and Advocacy

3B Integration of Health Care and Public Health – Room 1166
Peter D. Jacobson, University of Michigan School of Public Health, The Integration of Health Care and Public Health: Trends and Regulatory Implications
Jessica Mantel, University of Houston Law Center, Motivating Providers to Address Social Determinants of Health
Wendy E. Parmet, Northeastern University School of Law, Personal Responsibility, Health Law & Contagion: Lessons from the Ebola Outbreak
William M. Sage, University of Texas School of Law, Developing Collective Health Policy
Lindsay F. Wiley, American University Washington College of Law, Can Payers and Providers Serve Population Health Goals?
3C  FDA: Scope of Regulation – Room 1130
Jennifer Bard, Texas Tech University School of Law, *Old Poison in a New Package: FDA Regulation of E-Cigarettes*
Nathan Cortez, SMU Law School, *Regulating Medical Algorithms*
Nicholson Price, UNH School of Law, *Regulating Black Box Medicine*
Joanna Sax, California Western School of Law, *The (Un)Regulated Dietary Supplements Industry*
Patricia Zettler, Stanford Law School, Center for Law and the Biosciences, *States, Drugs, and the FDA*

3D  Informed Consent and Medical Decision-Making – Room 1174
Wendy Epstein, DePaul University College of Law, *Welfare and Informed Consent*
Thad Pope, Hamline University School of Law, *The Future of Informed Consent Law*
Sallie Sanford, University of Washington, *State Options to Promote Shared Decision-Making*
Jonathan Will, Mississippi College of Law, *Religion as a Controlling Influence in Medical Decision Making by Mature(?) Minors*

3E  Medical-Legal Partnership Education and Evaluation – Room 1030
Joel Teitelbaum, George Washington University, *A Report from the National Center for Medical-Legal Partnership*
Sylvia Caley, Georgia State University College of Law, HeLP Legal Services Clinic; *Spanning the Enculturated Divide: Creating Interprofessional Collaboration through Medical-Legal Partnership*
Elizabeth Tobin Tyler, Brown University Medical School and School of Public Health, *Medical-Legal Partnership in Medical Education: Trends and Opportunities*
Elizabeth Ferrell Bjerke, University of Pittsburgh School of Public Health, *Developing MLP Evaluation Tools to Assess Health Outcomes and Return on Investment*

6:00 - 10:00  Dinner at City Museum
Presentation of Jay Healey Teaching Award

SATURDAY, June 6, 2015

8:30 - 9:00  Breakfast – Louis W. Riethmann, Jr. Pavilion
9:00 - 10:00  Concurrent Sessions 4

4A Bioethics Update – Room 1130
Judith Daar, Whittier Law School
Paul Lombardo, Georgia State University College of Law
Rob Schwartz, UC Hastings College of the Law

4B End-of-Life Decision Making – Room 1122
Kathy Cerminara, Nova Southeastern University Shepard Broad Law Center, *The End-of-Life Landscape Ten Years after Schiavo*
Barbara Noah, Western New England University School of Law, *Lessons from the Liverpool Care Pathway*
David Orentlicher, Indiana University McKinney School of Law, *The Changing Legal Climate for Physician Aid in Dying*

4C Organ Allocation – Room 1030
Jed Gross, Cleveland Clinic, *Not Just Any Organ: Allocation as Offer and Acceptance*
Evelyn Tenenbaum, Albany Law School and Albany Medical College, *Paired Kidney Donation and the Blood Type O Problem*

4D Litigating Health Issues in the Federal Courts – Room 1166
Christina Ho, Rutgers School of Law, Newark, *Exceptions Meet Absolutism: Outlawing Governmental Underreach in Health Law*
Elizabeth McCuskey, University of Toledo School of Law, *Body of Preemption*
Diana Winters, Indiana University McKinney School of Law, *Beyond Conventional Experience: Primary Jurisdiction and Health Law Issues*

4E Learning Health Care Systems and Human Subjects Protections – Room 1032
Nancy King, Wake Forest School of Medicine
Lois Shepherd, University of Virginia School of Law
4F  Fraud and Abuse – Room 1174
Joan Krause, University of North Carolina School of Law, Just Human Nature? Fraud and Abuse in a Changing Health Care System
Elizabeth Weeks Leonard, University of Georgia School of Law, Recent Developments: Fraud and Abuse from the Practitioners’ Perspective
Malcolm Harkins, Saint Louis University School of Law, The New Corporate Integrity Agreements: What Did the Board Know and When Did They Know It?

4G  Quarantine and the U.S. Ebola Response – Room 1074
Michael Greenberger, University of Maryland Center for Health and Homeland Security, University of Maryland Carey School of Law
Rob Gatter, Saint Louis University School of Law, Ebola, Quarantine, and Flawed CDC Policy

10:00 – 10:15  BREAK

10:15 - 11:45  Concurrent Sessions 5

5A  Public Health Law Education – Room 1166
Charity Scott, Georgia State University College of Law, moderator
Ross Silverman, Indiana University Richard M. Fairbanks School of Public Health, moderator
Kimberly Cogdell Boies, North Carolina Central University School of Law
Laura Hermer, Hamline University School of Law
Heather McCabe, Indiana University School of Social Work

5B  Medical Big Data – Room 1122
Sharona Hoffman, Case Western Reserve University School of Law, Citizen Science: The Law and Ethics of Public Access to Medical Big Data
Wendy Mariner, Boston University, Reasonable Expectation of Health Information Privacy in Medical Big Data
5C  Private and Social Insurance – Room 1130
Kate Greenwood, Seton Hall University School of Law, *The Affordable Care Act’s Risk Adjustment Program: Preventing Health Insurance Discrimination in Theory and Practice*
Allison K. Hoffman, UCLA School of Law, *Reinvigorating Long-Term Care Insurance by Mitigating Next-Friend Risk*
Nicole Huberfeld, University of Kentucky College of Law, *The Universality of Medicaid at 50*
Eleanor Kinney, Indiana University McKinney School of Law, *The Relationship of Private Health Insurance and Public Health Insurance Programs: Lessons from Canada and the United Kingdom for the United States*
Brietta Clark, Loyola Law School, Los Angeles, *Armstrong v. Exceptional Child Center: Implications for Medicaid Access & Beyond*

5D  Update on Vulnerable Populations – Room 1174
Courtney Anderson, Georgia State University College of Law, *Reforming the Legal Environment for the Homeless Community from the Inside Out*
Josh Hyatt, West Coast University, *Legal Issues Surrounding LGBT Care*
Craig Konnoth, University of Pennsylvania Law School, *Marking Status: HIV Surveillance through Criminalization Laws and Stigmatization*
Efthimios Parasidis, Ohio State University Moritz College of Law, *How National Security Law Impacts Military Medicine and Research*
Seema Shah, National Institutes of Health, *Experimentation, Uncertainty, and the Eighth Amendment*

5E  Managing Innovation – Room 1074
Sam Halabi, University of Tulsa College of Law, *Metformin and the Drug Repurposing Debate*
Yaniv Heled, Georgia State University College of Law, *Five Years to the Biologics Price Competition and Innovation Act (BPCIA): A Stocktaking*
Anna Laakmann, Lewis & Clark Law School, *Intellectual and Regulatory Property*
Christopher Robertson, University of Arizona, *Meeting the NIH’s Challenge to Clear the Regulatory Thicket for Science*
Rachel Sachs, Harvard Law School, *Prescription Drug Reimbursement as Innovation Incentive*

5F  Teaching Health Care Transactions – Room 1032
Lawrence Singer, Loyola University Chicago School of Law, *Integrating Problem-Based Exercises Into the Health Law Curriculum*
Richard L. Prebil, Loyola University Chicago School of Law, *Regulatory Policy or Regulatory Rules: Introducing Regulatory Issues into the Healthcare Transactions Class*
Randy Gerber, Center for Health Law, Saint Louis University School of Law, *Healthcare Transactions Practicum*

11:45 - 12:45  Lunch & Passing of the Torch
12:45 – 1:00 BREAK

1:00 - 2:30 Concurrent Sessions 6

6A Regulating and Reinventing Health Insurance – Room 1130
Susan Channick, California Western School of Law, *The Disconnect between Health Insurance Design and the Consumer's Ability to Choose*
John Cogan, University of Connecticut School of Law, *Health Insurance Rate Reviews Under the ACA*
Robert Leflar, University of Arkansas School of Law, *Reshaping Payment for Health Care: The Clinical Effectiveness Panel in Arkansas*
Ryan Meade, Loyola University Chicago School of Law, *The Unintended Consequences of Medicare Paying for Science and Health Care at the Same Time: A Case for Reforming the Medicare Clinical Trial Policy*

6B Protection and Risk in Genetic Research – Room 1122
Benjamin Berkman, NIH Department of Bioethics, *The 'Right Not to Know' in the Genomic Era: Time to Break from Tradition?*
Eileen Kane, Penn State Law School, *Potential Pandemic Pathogens: Evaluating Risk and Benefit in Gain-of-Function Virus Research*
Barbara Evans, University of Houston Law Center, *Genomics, FDA, and the Restructuring-forcing Role of Regulation*
Any Prince, University of North Carolina, Chapel Hill, *Automatic Placement of Genomic Research Results in Medical Records: Do Researchers Have a Legal or Ethical Duty? Should Participants Have a Choice?*
Leslie Wolf, Georgia State University College of Law, *Understanding the 'Web' of Protection for Research*

6C The Pharmaceutical Marketplace – Room 1166
Jennifer Herbst, Quinnipiac University School of Law and School of Medicine, *Off-Label 'Promotion' May be More than Merely Commercial Speech*
David Kwok, University of Houston Law Center, *Fair Competition and False Claims in Off-Label Marketing*
Jordan Paradise, Seton Hall University School of Law, *REMS as a Competitive Tactic: Is Big Pharma Hijacking Drug Access and Patient Safety?*
Marc Rodwin, Suffolk University Law School, *Managing Off-Label Drug Use*

6D Mental and Behavioral Health Law – Room 1032
Sara Gordon, Boyd School of Law, UNLV, *Collaborative Learning and Mental Health Law Reform in Alaska*
Melissa Piasecki, University of Nevada School of Medicine, *Collaborative Learning and Mental Health Law Reform in Alaska*
John Jacobi, Seton Hall University School of Law, *Integrated Behavioral Health Care: The Law Lags*

2:30 – 2:45  BREAK

2:45 - 4:15  Concurrent Sessions 7

7A  Interprofessionalism: Teaching Law and Ethics – Room 1130
Kayhan Parsi, Neiswanger Institute for Bioethics, Loyola University Chicago Stritch School of Medicine, *Moving Toward Interprofessional Education: Loyola’s Institute for Transformative Interprofessional Education*
Nanette Elster, Neiswanger Institute for Bioethics, Loyola University Chicago Stritch School of Medicine, *Teaching Professionalism and Professional Ethics—Toward an Inclusive Interprofessionalism*
Kelly K. Dineen, Albert Gnaegi Center for Health Care Ethics & Saint Louis University School of Law Center for Health Law Studies, *A Case Based Approach to Teaching Medical Business Ethics*
Stacey Tovino, William S. Boyd School of Law, UNLV, *A Critique of Medicare Financing for Graduate Medical Education*

7B  Protecting the Health and Wellbeing of Football Players – Room 1122
Bhavani Madisetti-Vemireddy, Southern University, Austin, *Are All Contact Sports Players “Palsgraf Foreseeable” Plaintiffs in Traumatic Brain Injury Litigation?*
I. Glenn Cohen, Harvard Law School, Petrie-Flom Center; Co-Lead, Law and Ethics Initiative, Football Players Health Study at Harvard
Holly Fernandez Lynch, Harvard Law School, Petrie-Flom Center; Co-Lead, Law and Ethics Initiative, Football Players Health Study at Harvard
Jessica Roberts, University of Houston Law Center; Consultant, Law and Ethics Initiative, Football Players Health Study at Harvard

7C  Liability and Standard of Care – Room 1166
Kaye Spector-Bagdady, Presidential Commission for the Study of Bioethical Issues, *Reconceptualizing Consent for Direct-to-Consumer Medical Services*
Valarie Blake, West Virginia College of Law, *Not It: Clarifying Physicians Ethical or Legal Duties to Coordinate Patient Care*
Zack Buck, Walter F. George School of Law, Mercer University, *New Constructs for Regulating Overtreatment*
Gary Marchant, Arizona State University, Sandra Day O’Connor College of Law, *Genomic Malpractice*

7D  Privacy and Consent: New Issues – Room 1174
Tim Hall, Louis D. Brandeis School of Law, University of Louisville, *Contractual Regulation of Personal Fitness and Health Tracking: An Empirical Study*
Seema Mohapatra, Barry University School of Law, *Use of Facial Recognition Technology for Medical Purposes: Balancing Privacy with Innovation*

Elizabeth Pike, Presidential Commission for the Study of Bioethical Issues, *Adequate Protections for the Genetic Information in Shared Medical Waste*

Kristy Williams, University of Houston Law Center, *Giving a Stranger the Gift of Bleeding Your DNA: The Need to Reconsider Informed Consent for Cord Blood Donation*

4:15 Close of Conference