

## VITA AND LIST OF PUBLICATIONS

### TIMOTHY STOLTZFUS JOST

Home: 1370 Lincolnshire, Harrisonburg, Va. 22802, ph. 540 421 1529

Office: Washington and Lee University School of Law,  
Lexington, Va. 24450, ph. 540 458 8570, fax 540 463 8488

E-Mail: jostt@wlu.edu

### PROFESSIONAL EMPLOYMENT:

2001- present. Robert L. Willett Family Professor of Law, Washington and Lee University School of Law, Lexington, Virginia

2004 – present. Affiliate Professor, Department of Health Administration, Virginia Commonwealth University

Fall, 2007, Visiting Professor, University of Virginia

January 2008, Distinguished Visitor, University of Toronto

Spring 2005, Scholar-in-Residence, Institute of Medicine

1992 -2001: Newton D. Baker, Baker & Hostetler Chair of Law and Professor of College of Medicine and Public Health, Division of Health Services Management and Policy, The Ohio State University

1996 - 1997, Guest Professor, Universität Göttingen, Germany; Fulbright Scholar

1994-1996, Interim Director, Ohio State University Center for Health Policy Studies

1987 - 1992: Member: Ohio State Medical Board  
1990-1991 Supervising Member

1988 - 1989: Visiting Fellow, Centre for Socio-Legal Studies, Wolfson College, Oxford University, European Fulbright Regional Research Scholar

1987 - 1992: Professor, Ohio State University College of Law and College of Medicine

1986 - 1987: Associate Professor, Ohio State University College of Medicine, Division of Hospital and Health Services Administration

1985 - 1987: Associate Professor, Ohio State University College of Law  
1981 - 1985: Assistant Professor, Ohio State University, College of Law  
1979 - 1981: Supervisory Attorney, elderly team, Legal Assistance Foundation of Chicago  
1977 - 1978: Supervisory Attorney, Legal Services for the Mentally Disabled of Uptown  
1975 - 1976: Staff Attorney, Legal Assistance Foundation of Chicago  
1970 - 1972: Caseworker and Administrative Aide, Fulton County Department of Family and Children Services, Atlanta, Georgia

## **EDUCATION**

B.A. Adlai Stevenson College, University of California at Santa Cruz, General Honors and Honors in History, 1970

J.D. University of Chicago, cum laude, Order of the Coif, 1975 (top 5% of class, no other rankings available)

Research Assistant to Professor Richard Posner, 1973 - 1974

Law and Economics Institute for Law Professors, 1984

## **LANGUAGES**

English, German

## **SCHOLARLY WRITINGS**

### 1. Books:

Health Law: Cases, Materials, and Problems, Health Reform Supplement (with Barry Furrow, Thomas Greaney, Sandra Johnson, and Robert Schwartz) (West 2010 and 2<sup>nd</sup> edition 2011, 3<sup>rd</sup> edition 2012)

Health Law: Cases, Materials and Problems Abridged Sixth Edition (with Barry Furrow, Thomas Greaney, Sandra Johnson, and Robert Schwartz), (West, 2008)

Health Law: Cases, Materials and Problems (with Barry Furrow, Thomas Greaney, Sandra Johnson, and Robert Schwartz), West, 6<sup>th</sup> ed. 2008, 5<sup>th</sup> ed., 2004, 4<sup>th</sup> ed. 2001, 3<sup>rd</sup> ed. 1997, 2d. ed. 1991, 1<sup>st</sup> ed. 1987.

This book is also published in three paperbacks, each of which contains part of the total book, entitled, The Law of Health Care Organization and Finance, Bioethics: Health Care Law and Ethics, and Liability and Quality Issues in Health Care. These are each now in the 6th edition

Health Care at Risk: A Critique of the Consumer-Driven Movement (Duke University Press, 2007).

Readings in Comparative Health Law and Bioethics (Carolina Academic Press, 2<sup>nd</sup> ed. 2007, 2001)

Health Care Coverage Determinations: An International Comparative Study (Open University Press (McGraw-Hill, 2004).

Winner of the European Health Management Association's 2005 Baxter Distinguished Submission award.

Distitlement? The Threats Facing Our Health Care Programs and a Rights-Based Response (Oxford University Press, 2003)

Health Law Treatise (with Barry Furrow, Thomas Greaney, Sandra Johnson, and Robert Schwartz) (West, 2<sup>nd</sup> ed. 2000, 1<sup>st</sup> ed., 1995)

Health Law Hornbook (with Barry Furrow, Thomas Greaney, Sandra Johnson and Robert Schwartz) (West, 2<sup>nd</sup> ed. 2000, 1<sup>st</sup> ed., 1995).

The Law of Medicare and Medicaid Fraud and Abuse (with Sharon Davies) West, 3<sup>rd</sup> ed. 2002, 2<sup>nd</sup> ed. 2000, 1<sup>st</sup> ed. 1997).

Regulation of the Health Care Professions (Editor) Health Administration Press, 1997. .

Property: Cases, Problems and Materials (with Sandra Johnson, Peter Salsich, and Thomas Shaffer) West, 1992

2. Monographs:

Health Insurance and the Affordable Care Act Eight Difficult Issues, (Commonwealth Fund 2011)

Health Insurance Exchanges and the Affordable Care Act: Key Policy Issues (Commonwealth Fund 2010)

Health Insurance Exchanges in Health Care Reform: Legal and Policy Issues (Commonwealth Fund, 2009)

The Regulation of Private Insurance: Report for NASI/NAPA Study Group (2009)

Fresh Thinking: Legal and Regulatory Issues Presented by Health Care Reform (Fresh Thinking Project, Forthcoming)

International Encyclopedia of Medical Law: The United States with Barry Furrow, Thomas Greaney, Sandra Johnson, and Robert Schwartz (Kluwer, 1995, 2d Edition 1998, 3<sup>rd</sup> Edition, 2005).

Regulación de Seguros de Salud en los Estados Unidos (Republica de Chile, Superintendencia des Instituciones de Salud Previsional, 1998)

Assurance of the Quality of Medical Care: An International Comparative Study King's Fund, London, (1990)

Model Recommendations: Intermediate Sanctions for Enforcement of Quality of Care in Nursing Homes: for American Bar Association, Commission on Legal Problems of the Elderly (1981)

2. Articles:

Timothy Stoltzfus Jost, “A Mutual Aid Society?” Hastings Center Report 42, no. 5 (2012).

The Affordable Care Act Largely Survives The Supreme Court's Scrutiny--But Barely., 31 Health Aff 1659 (2012).

The Supreme Court and the Future of Medicaid. (with Sara Rosenbaum), N. Eng.J. Med. (July 25, 2012)

Is Medicaid constitutional?, 366 N. Eng. J. Med. E27 (2012)

Employers and the exchanges under the small business health options program: examining the potential and the pitfalls, 31 Health Aff. 267 (2012).

All heat, no light—the states’ Medicaid claims before the Supreme Court, with Sara Rosenbaum) 366 N. Eng. J. Med. 487 (2012).

Not so Fast: Jurisdictional Barriers to the ACA Litigation, (with Mark A. Hall), 365 New Eng. J. Med. E34 (2011)

Loopholes in the Affordable Care Act: Regulatory Gaps and Border Crossing Techniques and How to Address Them, 5 St. Louis U. J Health L. & Pol’y (2011)

The Real Constitutional Problem with the Affordable Care Act, 36 J. Health Politics, Policy and Law 501 (2011)

Reflections on the National Association of Insurance Commissioners and the Implementation of the Affordable Care Act, 159 U. Pa.L. Rev. 2043 (2011)

The Independent Medicare Advisory Board, 11 Yale J. Health Pol'y, Law, & Ethics 21 (2011).

Consensus and Conflict in Health Care Reform, New England J. Med. April 2011.

Episcopal Oversight: How the Bishops Conference Gets Health-care Legislation Wrong, Commonweal, June 2010

Sanction the 18 State AGs, National Law Journal, April 12, 2010

Turning States from Adversaries into Partners, American Prospect, Summer 2010 at A9.

State Lawsuits Won't Succeed in Overturning the Individual Mandate, Health Affairs, June 2010 at 1225

Implementing Health Care Reform Americas Quarterly, Summer 2010 at 97

The Independent Payment Advisory Board, New England Journal of Medicine Online (May 26, 2010).

Can the States Nullify Health Care Reform? New England Journal of Medicine Online (Feb. 10, 2010).

Implementation and Enforcement of Health Care Reform: Federal versus State Government, New England Journal of Medicine Online (Dec. 30, 2009)

Health Care Reform Requires Law Reform, 28(5) Health Affairs, w761-w769 (web exclusive, 2009).

Health Care Access in the United States: Conflicting Concepts of Justice and Little Solidarity, 27 Medicine and Law 605-616 (2008)

Is Health Insurance a Bad-Idea? The Consumer-Driven Perspective, 14(2) Conn. J. Ins. L. 377-378 (2007-2008) (in fact 2009)

Health Insurance Exchanges: Legal Issues, 37(3) J. Law. Med. & Ethics 51-70 (2009)

Metlife v. Glenn: The Court Addresses a Conflict Over Conflicts in ERISA Benefit Administration (Health Affairs Web Exclusive 2008)

Why Public Programs Matter- and Will Continue to Matter – Even After Health Reform, (with Elizabeth Fowler), 36 *Journal of Law, Medicine, and Ethics* 670 (2008)

Legal Reforms Necessary to Promote Delivery System Innovation (with Ezekiel Emanuel), 299 *JAMA* 2561-2563 (2008).

Health Care Access in the United States. Conflicting Concepts of Justice and Little Solidarity, *Medicine and Law*, forthcoming, 2008.

Access to Health Care: Is Self-Help The Answer?, 29 *Journal of Legal Medicine* 23 (2008).

Global Health Care Financing Law: A Useful Concept? 96 *Georgetown Law Journal* 413 (2008)

Medicare: What Are the Real Problems? What Contribution Can Law Make to Real Solutions?, 1 *Saint Louis University Journal of Health Law and Policy* 43 (2007)

Global Health Care Financing Law: A Useful Concept? 96(2) *Georgetown Law Journal* (2007).

The Massachusetts Health Plan: Public Insurance for the Poor, Private Insurance for the Wealthy, Self-Insurance for the Rest? 55 *Kansas Law Review* 1091 (2007).

Medicare: What Are the Real Problems? What Contribution Can Law Make to Real Solutions? *Saint Louis University Journal of Health Law and Policy*

Is Health Insurance a Bad Idea? The Consumer-Driven Perspective, *Connecticut Insurance Law Journal* (forthcoming).

Shifting Risk of Ruin to Consumers: The Role of Tax Law in American Health Policy, 51 *Saint Louis University Law Journal* 353-367 (2007).

Our Broken Health Care System and How to Fix It. 41 *Wake Forest Law Review* 537-618 (2006).

Health Care Courts and Malpractice Claims Adjudication Through Medicare: Some Questions, 9 *Journal of Health Care Law and Policy* 280-290 (2006).

Racial and Ethnic Disparities in Medicare: What the Department of Health and Human Services and the Centers for Medicare and Medicaid Services Can, and Should, Do, 9 DePaul Health Law Journal 667-718 (2006).

The Role of State Regulation in Consumer-Driven Health Care (with Mark Hall), 31 American Journal of Law and Medicine 395-418 (2005).

Consumer-Driven Health Care in South Africa: Lessons from Comparative Health Policy Studies, 1 Journal of Health and Biomedical Law 83-109 (2005).

The New Governance, The Open Method of Coordination, and European Social Health Insurance, 7 Medical Law International 249-263 (2006).

The Role of Competition in Health Care: A European Perspective (with Diane Dawson and Andre den Exter), 31 Journal of Health Politics, Policy and Law 687-704 (2006).

The Most Important Health Care Legislation of the Millennium (So Far): The Medicare Modernization Act, 5 Yale J. Health Pol’y, L. & Ethics 437-49 (2005)  
Reprinted in the Institute of Chartered Financial Analyst of India’s Journal of Healthcare Law

The Supreme Court Limits Lawsuits Against Managed Care Organizations, Health Affairs Web Exclusive, <http://content.healthaffairs.org/cgi/reprint/hlthaff.w4.417v1> (2004)

Professional Sovereignty in a Changing Health Care System: Reflections on Paul Starr’s Social Transformation of American Medicine, with Keith Wailoo and Mark Schlesinger, 29 J. Health Pol., Pol’y & L. 557 (2004).

The Uses of the Social Transformation of American Medicine: The Case of Law, 29 J. Health Pol., Pol’y & L. 799 (2004)

Health Law and Administrative Law: A Marriage Most Convenient, 49 St. Louis U. L. J. 1 (2004).

Comparative and International Health Law, 14 Health Matrix, 141 (2004).

Criteria and Procedures for Determining Benefit Packages in Health Care – The United States Medicare Program, 8-9 Sozialer Fortschritt 196 (2004).

Commentary: Racial Disparities in Health Care, 9 Washington and Lee Racial and Ethnic Ancestry Journal 35-37 (2003)

Pharmaceutical Research and Manufacturers of American v. Walsh: The States may Proceed Cautiously with Expanding Access to Drugs, 4 Yale Journal of Health Policy, Law and Ethics 69-84 (2004)

Why Can't we Do What They Do? International Experience with Health Law Reform, 32 Journal of Law, Medicine and Ethics (2004)

The Future of Medicare, Post Great Society and Post Plus-Choice: Legal and Policy Issues, The 2002 Washington and Lee University Law Review Symposium, Foreword 60 Washington and Lee University Law Review 1087-1094 (2004)

Aktuelle Trends in Politik und Recht des Gesundheitswesens in den USA, Proceedings of the German Social Law Association Annual Meeting (forthcoming 2004).

Regulation of the Quality of Health Care in the United States, 10 European Journal of Health Law 11-25 (2003).

A Comparative Study of the Law of Palliative Care and End of Life Treatment (with Danuta Mendelson), 31 Journal of Law, Medicine and Ethics 130-143 (2003)

The Tenuous Nature of the Medicaid Entitlement, Health Affairs, Jan./Feb. 2003, at 145-153

Country Report: The Rights of the Embryo and Fetus in Private Law, 50 American Journal of Comparative Law 633-646 (2002).

The Role of the Courts in Health Care Rationing: The German Model, 18 Journal of Contemporary Health Law and Policy 613-617 (2002).

Case Study: Pegram v. Herdrich, 1 Yale Journal of Health Policy, Law and Ethics (2001).

Private or Public Approaches to Insuring the Uninsured, 76 New York University Law Review 419 (2001).

Medicare and Medicaid Financing of Pain Management, 1 Journal of Pain 183-194 (2000).

The Globalization of Health Law: The Case of Permissibility of Placebo-Based Research, 26 Am.J.L. & Med. 175-186 (2000).



The Empire Strikes Back, Fraud and Abuse Enforcement, 51 Alabama L. Rev. 239-318 (1999).

Governing Medicare, 51 Administrative Law Review 39-116 (1999).

Managed Care Regulation: Can we Learn from Others? The Chilean Experience, 32 Michigan Journal of Law Reform 863-898 (1999).

ΙΑΤΡΙΚΟ ΠΑΡΑΠΤΩΜΑ ΣΤΟ ΔΙΚΑΙΟ ΤΩΝ ΗΝΩΜΕΝΩΝ ΠΟΛΙΤΕΙΩΝ ΚΑΙ ΤΗΣ ΓΕΡΜΑΝΙΑΣ ΜΙΑ ΣΥΓΚΡΙΤΙΚΗ ΔΙΕΡΕΥΝΗΣΗ, Αρμενόπουλος, 1999(2), 173-178. (An article comparing malpractice litigation in the United States and Germany based on a presentation at the University of Thessaloniki)

Leaky Umbrellas and Ragged Safety Nets: Public Financing of Pain Management, 26 The Journal of Law, Medicine, and Ethics 290-307 (1998).

The American Difference in Health Care Costs: Is there a Problem? Is Medical Necessity the Solution?, 43 St. Louis University Law Journal, 1-26 (1999).

Health Care Rationing in the Courts: A Comparative Study, 21 Hastings International and Comparative Law Review 639-714 (1998).

Gesundheitsreform: Lehren aus amerikanischen Erfahrungen, 4 Recht und Politik im Gesundheitswesen 45-53 (1998).

American Health Law and Policy in the Wake of the Clinton Plan, 11 Zeitschrift für ausländisches und internationales Arbeits und Sozialrecht 123-135 (1997).

Report from the Field: German Health Care Reform, the Next Steps 23 Journal of Health Politics, Policy, and Law 697-711 (1998).

Counterpoint: Internationalizing the National Practitioner Data Bank, International Journal for Quality in Health Care (1997).

Managed Care: Placebo or Wonder Drug for Health Care Fraud and Abuse? (with Sharon Davies) 31 Ga. L. Rev. 373-417 (1997).

The Fraud and Abuse Statute: Rationalizing or Rationalization (with Sharon Davies), 15 Health Affairs 129-131 (1996).

Health Care Contracts in Britain and the United States: A Case for Technology Transfer? 3 Journal of Nursing Management 287-293 (1995).

Schlichtungsstellen and Gutachterkommissionen: The German Approach to

Extrajudicial Malpractice Claims Resolution 11 *Journal on Dispute Resolution* 81-103 (1996).

The British Health Care Reforms, The American Health Care Revolution, and Purchaser/Provider Contracts, with David Hughes, Jean McHale, & Lesley Griffiths, 20 *Journal of Health Politics, Policy & Law* 885-908 (1996).

Presented at London School of Economics Research Seminar, September 1995.

Oversight of the Quality of Medical Care: Regulation, Management or the Market?, 37 *Arizona Law Review* 825-868 (1995).

Portions appear in Roberta M. Berry & Kevin McDonnell, A Health Law Reader (1998)

Administrative Adjudication Issues in Health Reform, 47 *Administrative Law Review* 425-447 (1995)

Medicare and Medicaid False Claims: Prohibitions and Sanctions, 3 *Annals of Health Law* 41-54 (1994).

Health System Reform: Forward or Backward with Quality Oversight?, 271 *JAMA* 1508-1511 (1994).

Waiting for Reform, *Journal of Law, Medicine and Ethics*, Spring 1994 at 63-71.

Medicare and the Joint Commission on Accreditation of Healthcare Organizations: A Healthy Relationship?, 57 *Law & Contemporary Problems* 15-46 (1994).

Confidentiality and Disclosure in Accreditation, 57 *Law & Contemporary Problems* 171-184 (1994).

Consumers, Complaints, and Medical Discipline, (with Linda Mulcahy, Stephen Strasser, & Larry Sachs) 3 *Health Matrix* 309-338 (1993).

Selling Cost Containment, (with Sandra Tanenbaum) 19 *American Journal of Law & Medicine* 95-119 (1993).

Medical Education, Licensure and Discipline in Four European Countries, *Federation of State Medical Boards Bulletin*, Spring 1993 at 9-26.

Policing Cost Containment, 3 *Puget Sound Law Review* 483-526 (1991).

Medicare Peer Review Organizations, 1 *Quality Assurance in Health Care* 235-

248 (1990).

Regulation of the Quality of Nursing Home Care in the United States, 1 Quality Assurance in Health Care 223-228 (1990).

Quality Assurance and Medical Audit: Legal Concerns, 6 European Newsletter on Quality Assurance 3 (1989).

Regulatory Approaches to Problems in the Quality of Medical Care: Diagnosis and Prescription, 22 University of California at Davis Law Review 593-608 (1989).

Administrative Law Issues Involving the Medicare Utilization and Quality Control Peer Review Organization (PRO) Program: Analysis and Recommendations, 50 Ohio State University Law Review 1-71 (1989).

The Necessary and Proper Role of Health Care Quality Regulation, 25 Houston Law Review 525-598 (1988).

The Justice Department's Settlement Policy. Is "No Deal" a "Bad Deal"?, Litigation (1987).

The Attorney General's Policy on Modification of Consent Decrees and Settlement Agreements, 59 Administrative Law Review 101-116 (1987).

From Swift to Stotts and Beyond: Modification of Injunctions in the Federal Courts, 64 Texas Law Review 1101-1162 (1986).

Enforcement of Quality Nursing Home Care in the Legal System, 13 Law, Medicine & Health Care 160-172 (1985).

The Defeasible Fee and the Birth of the Modern Residential Subdivision, 49 Missouri Law Review 695-739 (1984).

Reprinted in part in A Property Anthology (Richard Chused, ed., 1993, 2d. ed. 1997).

The Joint Commission on Accreditation of Hospitals: Private Regulation of Health Care and the Public Interest, 24 Boston College Law Review 835-923 (1983).

The Problem of Consent for Placement, Care and Treatment of the Incompetent Nursing Home Resident, 26 St. Louis University Law Journal 63-103 (1981).  
The Nursing Home Reform Act of 1979, 68 Illinois Bar Journal 448-454 (1980) (with Richard M. Daley).

The Illinois Guardianship for Disabled Adults Legislation of 1978 and 1979: Protecting the Disabled from their Zealous Protectors, 56 Chicago-Kent Law Review 1087-1105 (1980).

Exhaustion of Administrative Remedies in Illinois: The State of the Law at the Close of an Active Decade, 11 Loyola of Chicago Law Journal 1-20 (1979).

4. Chapters in Publications

Introduction to the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, Health Care Reform Special Alert (LexisNexis 2010), I-1 – I-82

Value-Based Purchasing Opportunities and Traditional Medicare: A Proposal and Legal Evaluation (with Lawrence P. Casalino), in Einer Elhauge, *The Fragmentation of American Health Care* (Oxford, New York, 2010), 201-220.

Health Care Access in the United States. Conflicting Concepts of Justice and Little Solidarity, in A.P. den Exter, ed., *International Health Law: Solidarity and Justice in Health Care* (Maklu, Antwerp, 2009), 63-82.

Health Insurance Exchanges: Legal Issues, in Georgetown University, O'Neill Institute, *Legal Solutions in Health Reform* (2009).

Oversight of Marketing Relationships Between Physicians and the Drug and Device Industry: A Comparative Study, 231-246 in Hans-Juergen Taupitz, et al. *Medizin und Haftung: Festschrift fuer Erwin Deutsch zum 80. Geburtstag* (Springer, Berlin, 2009).

Regulating Private Insurance, 73-98, in *Expanding Access to Health Care: A Management Approach*, ed. Terry F. Buss & Paul N. Van de Water (2009).

Value-Based Purchasing in Traditional Medicare: Legal Issues, 109-150 in Len M. Nichols & Robert A. Berenson, *Making Medicare Sustainable* (New America Fd. 2009).

Value-Based Purchasing Opportunities in Traditional Medicare: A Proposal and Legal Evaluation in *Our Fragmented Health Care System: Causes and Solutions*, Einer Elhauge, ed. (Oxford, forthcoming).

The History of Health Care Cost Containment: Past Failures and Lessons Learned, in *Our Looming Medical Cost Catastrophe: What's to be Done?* (Gregg

Bloche, ed., Brookings, forthcoming)

Legal Issues Involving Hybrids and Chimeras: United States Country Report, Chimbrids Project Final Report (forthcoming)

Health Care Access in the United States. Conflicting Concepts of Justice and Little Solidarity, in Equal Access to Health Care: Solidarity and Justice (Andre den Exter, ed.), Intersentia Antwerp, forthcoming 2008.

Entry on Health Law in the Encyclopedia of Law and Society: American and Global Perspectives. Editor David S. Clark. (Sage 2007).

Funding Health Care Services: The Optimal Balance, in Exploring Social Insurance (Mark Stabile and Colleen Flood, eds, McGill-Queen's University Press, 2007).

Landesbericht, USA, in Internationale Perspektiven zu Status und Schutz des extrakorporalen Embryos, 411-44 (Albin Eser, Hans-Georg Koch, Carola Seith, eds. 2007)

Biotechnology and Public Policy: An Anabaptist Response in Viewing New Creation with Anabaptist Eyes (Roman J. Miller, Beryl H. Brubaker, and James C. Peterson, eds., 2005).

What Lawyers Know: Legal Scholarship, Health Policy, Justice, and the Writings of Phaedon John Kozyris, in Justice in Particular, Festschrift for Phaedon John Kozyris, (Ant. N Sakkoulas, Athens, 2007).

United States Country Report, in Die klinische Prüfung in der Medizin (edited by Erwin Deutsch, Han-Ludwig Schreiber, Andreas Spickhoff, Jochen Taupitz, 2004)

Legal Aspects of End of Life Treatment in Australia, Canada, the United States, the United Kingdom, Poland, France, Germany, Japan, and the Netherlands (with Danuta Mendelson and Michael Ashby), in Proceedings of the 10<sup>th</sup> World Congress on Pain, Progress in Pain Research and Management (edited by Jonathan Dostrovsky, Daniel Carr and Martin Koltzenburg, 2003).

E-Sa□lik ve Hukuk (E-Health and the Law) in Uluslararası İnternet Hukuku Sempozyumu (Dokuz Eylül Üniversitesi Yayını, 2002)

Country Report, United States of America, in Das Menschenrechtsübereinkommen zur Biomedizin des Europarates--taugliches Vorbild für eine weltweit geltende Regelung? (Springer, 2002).

Legal and Regulatory Considerations in Physician Performance Enhancement Programs in Enhancing Physician Performance, (American College of Physician Executives, 2000).

Die Zulässigkeit von Placebo-versuchen, and Country Report: USA, in Forschungsfreiheit und Forschungskontrolle in der Medizin (Springer, 2000).

Equal Access to Health Care, Law in Motion (Kluwer, 1996).

Interprofessional Collaboration: Factors that Affect Form, Function and Structure, (with Edward T. Bope) in Interprofessional Care and Collaborative Practice 61-79 (1994).

Recent Developments in Medical Quality Assurance and Audit, in Quality and Regulation in Health Care, 69-88, Routledge (1992).

Legal Characteristics of the Extended Care Facility, in Health Care Facility Law, 993-1050, Little, Brown and Co. (1991).

Intermediate Sanctions as Alternatives to Decertification and Delicensure, in Long Term Care and the Law, (S. Johnson, ed., 1983).

Medicare and Medicaid, (with James Weill), in Illinois Institute for Continuing Legal Education, Counseling Senior Citizens and the Handicapped, (1977 and 1979).

## 5. Book Reviews

First Be Reconciled: Challenging Christians in the Courts. Richard P. Church, 84 Mennonite Quarterly Review 283-285 (2010)

The Health Care Revolution: From Medical Monopoly to Market Competition. Carl F. Ameringer, 35 Journal of Health Politics, Policy and Law 143-147 (2010).

The Public-Private Health Care State: Essays on the History of American Health Policy, by Rosemary Stevens, 44 Inquiry 228-29 (200&).

The American right-wing policy agenda, 2 Health Economics, Policy and Law, 233-39 (2007).

Protecting American Health Care Consumers, by Eleanor Kinney, 28 American Journal of Law and Medicine 503-505 (2002).

Causation in Law in Medicine, Ian Freckelton and Danuta Mendelson, eds, 24

Journal of Legal Medicine, 127-133 (2003)

Festschrift fuer Erwin Deutsch, American Journal of Comparative Law (2001).

Making Medical Spending Decisions: The Law, Ethics, and Economics of Rationing Mechanisms, by Mark Hall, 23 Journal of Health Politics, Policy and Law 861-864

Medicine, Money, & Morals, by Marc Rodwin, reviewed in 19 Journal of Health Politics, Policy, and Law 265 (1994).

## 6. Blogs

I blog regularly at Health Affairs and occasionally at other websites on legal developments in health reform.

## **INSTRUCTION**

I have taught courses in Health Care Law, Law and Medicine, Insurance Law, Property, Remedies Injunctions, Land Use Planning and Interprofessional Care of the Client, seminars in Comparative Health Law, Health Care Regulation and Finance, and Government Wealth Redistribution, and a clinic in Administrative Law.

## **EDITOR**

Legal Scholarship Network, Health Law and Policy Abstract Journal (the first electronic health law abstract journal) 1998-present

Social Insurance Research Network, Health Insurance Journal (co-edited with Katherine Swartz)

## **EDITORIAL BOARDS**

American Journal of Law and Medicine

Yale Journal of Health Policy, Law, and Ethics (Advisory Board).

Journal of Health Politics, Policy and Law

Health Economics, Policy and Law (Advisory Board)

## **MEMBERSHIPS**

Institute of Medicine

American Law Institute

National Academy of Social Insurance

National Health Lawyers Association

American Society of Law, Medicine, and Ethics

American Society of Comparative Law

American Bar Association

## **GRANTS AND AWARDS**

Commonwealth Fund, grant to study exchanges (with Mark Hall and Katherine Swartz) 2010 - 2013

Seton Hall University, Merck Visiting Scholar, Spring 2001

American Society of Law, Medicine and Ethics, Jay Healey Distinguished Health Law Teaching Award, 2000

Ohio State University College of Law Outstanding Faculty Award, 1999

Mayday Scholar, American Society of Law, Medicine, and Ethics, 1997 and 1999

German Fulbright Grant, 1996-1997

Ohio State University Distinguished Scholar Award, 1996

DAAD Research Grant, 1995

Fulbright Western European Regional Research Grant, 1989

Listed in Who's Who in American Law and in Who's Who in the United States

## **PROFESSIONAL PRESENTATIONS, MEMBERSHIPS, AND CONSULTING (Selected)**

Member, Illinois Long Term Care Advisory Board, 1980-81.

Board Member, National Citizens Coalition for Nursing Home Reform, 1981.

Member of drafting committee of ad hoc committee convened by American Health Care Association on questionably competent long term care residents which published a monograph by that name in 1982.

Article on Consumer Advocacy and Long Term Care, 9 American Health Care Association Journal 54 (January, 1983).

Consultant to National Academy of Sciences Institute of Medicine, Nursing Home Regulation Committee 1984 - 1985.

Presentation to American Association of Law Schools, Aging and the Law Section, on Medical Decisionmaking for the Elderly, 1985.

Consultant to Administrative Conference of the United States, 1986.

Consultant to American Health Care Association, 1987.

Presentation: Conference on Medicare Administration and Appeals Administrative Conference of the United States and American Bar Association, Commission on Legal Problems of the Elderly.



Consultant to Administrative Conference of the United States, on PROs, 1988.

Presentations at the Universities of Manchester and Bristol in England and the Karolinska Hospital, Sweden, 1989.

Presentation: Law and Society Conference, Madison, Wisconsin, 1989.

Presentation: International Conference on Health Law and Ethics, London, 1989.

Chairman, American Association of Law Schools, Aging and the Law Section, 1990.

Planning committee member and presenter, American Society of Law and Medicine, Annual Teaching Conference, 1990.

Participant, Working Conference on Medical Liability, Agency for Health Care Policy and Research, 1991.

Presentation, Hospital Cost Containment Symposium, University of Puget Sound College of Law.

Moderator, Panel on PRO-Medical Board Relationships, AMPRA Legislative Conference, 1991.

Presentation, Law and Society Conference, Amsterdam, 1991.

Member, Senior Research Group, Ohio Cost-Containment Study, 1990 - 1991.

Consultant, Houghton, Mifflin & Co., legal terms for Houghton, Mifflin dictionaries.

Discussion leader, AARP Roundtable on Quality Assurance, Washington, D.C. 1992.

Presenter and co-leader, Conference on Grievances in Health Care, Oxford University, March 1992.

Presenter and chair, Conference on Grievances in Health Care, Ohio State University, November, 1992.

Presenter, Private Accreditation in the Regulatory State, ABA Section on Administrative Law, Washington, D.C., May 1993.

Presenter, Update on Reimbursement and Access, American Society of Law & Medicine Teacher's Conference, Baltimore, Md., June 1993.

Presenter, The Regulatory Uses of Accreditation, International Society of Health Care Quality Assurance, Maastricht, The Netherlands, June 1993.

Presenter, Administrative Issues in Health Reform, Administrative Conference of the United States, Seminar for Congressional Staff, 1994.

Presenter and Organizer, Conference on Health Care Reform, Columbus, Ohio, 1994.

Member, Provost's Advisory Committee, The Ohio State University.

Presentation, Faculty of Nursing and Midwifery, University of Swansea, Wales, 1994.

Presentation, Health Care Report Cards, The American Experience, European Health Care Management Association Conference, Celle, Germany, 1995

Presentation, Regulation of Quality in Managed Care, American Society of Law, Medicine and Ethics Annual Meeting, September 1995, Boston

Presentation, Managed Care and the Frail Elderly, Legal Issues, New York Academy of Medicine, New York, 1995

Presentation on Alternative Dispute Resolution in Health Care at Federal Judicial Conference, West Palm Beach Florida, 1996.

Presentations on Medical Liability Law in the United States, at Kiel, Hamburg, Hannover, Rostock, Jena, and Halle, 1996-1997 (noted in 12 Neue Juristen Wochenschrift 802-803 (1998) and in the Deutsch-Amerikanischen Juristen-Vereinigung Newsletter, 1/97 at 6-9)

Presentations on Health Care Fraud and Abuse in the United States at Munich and Nottingham, 1996

Presentations on the American Health Care System since the Clinton Plan, Munich and Frankfurt, 1997

Presentation, Comparing American and German Medical Malpractice Law, Thessaloniki, 1997

Presentation, The Limits of Incrementalism, AALS, San Francisco, 1998

Presentation, Insurance Regulation in the United States, Santiago, Chile, 1998

Article on Qui Tam False Claims Actions Possible for Enforcing Health Care Anti-

Kickback and Self-Referral Violations, 21 Health Law News, March 1998 at 7.

Article on American Health Law and Policy in the Wake of the Clinton Plan, Mennonite Medical Messenger, January-March 1998 at 8-14.

Participant, Invited Colloquium on the Fraud and Abuse Laws and the Public Interest, American Health Lawyers Association, Washington, D.C., 1999.

Update Presentation on Medicare and Medicaid Law, ASLME Health Law Teacher's Conference, St. Louis, Mo. 1999

Participant, Invited Symposium on Forschungsfreiheit und Forschungskontrolle in der Medizin, Göttingen, 1999.

Presentation, Invited Colloquium on a legal research agenda for the Institute of Medicine, IOM, Washington, D.C., 1999

Presentations on Regulation of Managed Care in the United States, Center on Health Program Evaluation, Melbourne, Australia; University of Sydney, Sydney, Australia; and Munich Reinsurance Company Seminar, Sydney Australia, 1999

Presentation at Conference, Medicare: Current Payment, Future Design, Seton Hall University, April 2000.

Presentations at American Society of Law, Medicine and Ethics, Health Law Teachers' Conference, Case Western Reserve University Law School, June 2000, Medicare Update and Comparative Experience with Regulation of Private Health Insurance

Presentation, American Bar Association Annual Meeting, The Role of Accreditation in Health Care Quality Oversight, London, July 2000.

Presentation, Regulation of Private Insurance: A Comparative Study, World Congress on Medical Law, Helsinki, August 2000.

Participant, Invited Seminar, Menschenrechtsübereinkommen zur Biomedizin des Europarates--taugliches Vorbild für eine weltweit geltende Regelung? Heidelberg, September 2000.

Member, Institute of Medicine Committee, Assessing the System for Protecting Human Research Subjects, 2000-2002

Presenter, Conference on Law and the Internet, Izmir, Turkey, 2001

Presenter, Fraud and Abuse Enforcement, General Accounting Office Health Law

Seminar, 2001

Visiting Professor, Course on Comparative Health Law, University of Houston, 2002

Keynote speaker, 8<sup>th</sup> Workshop, European Law and National Health Policies Conference, Amsterdam, 2002

Suffolk University, Health Law & Policy Forum, Spring 2002, Boston

Country Report, The Rights of the Embryo and Fetus, World Congress on Comparative Law, Brisbane, Australia, Summer, 2002.

Presentation, Worldwide Developments in the Regulation of Private Health Insurance, Summit on Private-Public Partnerships in Health Care, Miami, 2002.

Presentation, World Congress on Pain, San Diego, 2002

Country Report and Panel Chair, Klinische Pruefung in der MedizinBEuropaeische Regelungswerke auf der Pruefstand, Regensburg, 2003.

American Society of Law, Medicine and Ethics, Widener, Delaware, Chaired panel on comparative health law and spoke about technology assessment.2003.

German Social Law Association, Aktuelle Trends in Politik und Recht des Gesundheitswesens in den USA, Bremen, 2003.

The Legal Nature of American Health Care Entitlements, University of Toronto, 2003.

Institute of Medicine, Health Care Coverage Determinations. 2004

Bloemfontaine University, South Africa, Health Care Coverage Determinations, 2005

American Health Lawyer's Association, Racial and Ethnic Disparities in Medicare, 2005

University of Virginia, Health Care Coverage Determinations, 2005

Medicare and Racial and Ethnic Disparities, Operation Push/Depaul Symposium on Racial and Ethnic Disparities, 2005.

London School of Economics, Coverage Determinations in Public Insurance Programs, 2005

Swiss Ministry of Health, Coverage Determinations in Public Insurance Programs, Berne, 2005

Academy Health, Racial and Ethnic Disparities in Medicare, 2005

Law and Society, Las Vegas, The New Governance, The Open Method of Coordination, and European Social Health Insurance Systems, 2005

Mennonite U.S. Assembly, Who is Responsible for Health Care? Charlotte, N.C. 2005

Medicare Payment Advisory Commission Staff, P4P: A Skeptical Appraisal, 2005

Racial and Ethnic Disparities in Medicare, ABA Health Law Section 2005

The Role of Health Courts and Medicare in Malpractice Dispute Resolution, University of Maryland, 2005

Thirty Years of German Health Care Reform, Bremen, 2005

Consumer-Driven Health Care, University of Toronto, 2005

American Society of Law Medicine and Ethics, Baltimore, June 2006, presentation on consumer-driven health care

Suffolk University, March 2006, presentation on racial disparities in Medicare

Osaka University, talk on quality assurance in health care in the United States, March 2006

Saint Louis University Law Review Symposium, talk on tax policy and health care March 2006

Case Western University Law School, presentation on comparative health policy, Oct. 2006

University of Toronto College of Law, presentation on social health insurance, Nov 2006

University of Kansas College of Law, presentation on the Massachusetts Health Plan, November 2006

McGill University, presentation on comparative health law research and teaching to Canadian Health Law Association, November 2006

Consumer-Driven Health Care Summit, Washington, Sept, 2006, state regulation of consumer-driven health care

International Federation of Employee Benefit Plans, Law Vegas, October 2006, German

health care reforms

Saint Louis University, 2007, Medicare Reform

Southern Illinois University, 2007, Health Care Reform

Stanford University, 2007, Technology Assessment for Health Care Coverage Decisions

Georgetown University, 2007, Global Health Law and Health Care Financing

Brno, Moravia, 2007, EU forum on hybrids and chimeras

George Washington University, 2007, Consumer-Driven Health Care

Heidelberg, 2007, EU forum on hybrids and chimeras

Stanford, 2007, Fresh Thinking Law and Health Reform Presentation

Member, Institute of Medicine panel on conflicts of interest in medicine, 2007 – 2008

Washington, 2008, Presentation on the history of cost control, Brookings conference on cost control

Harvard, 2008, Presentation on Legal Issues in Value Purchasing for Medicare, Conference on Fragmentation in our health care system

Consultant, New America Foundation, Value Purchasing in Medicare, Legal Issues, 2008

Washington, 2008, Presentation on Legal Issues in value purchasing for Medicare, New America Foundation

Consultant, National Academy of Social Insurance, National Academy of Public Administration, Health Insurance Regulation, 2008

Consultant, O'Neill Institute for National and Global Health Law, Health Insurance Exchanges

Presentation, Health Care Reform in the United States, London School of Economics, 2008

Presentation, The Influence of the European Declaration of Human Rights in Biomedicine in the United States, Rotterdam, 2008

Presentation, Health Care Reform in the United States, Edmonton, Alberta, 2009

Presentation, The European Clinical Trials Directive, Goettingen, Germany, 2009

Presentation, Health Care Exchanges, Georgetown University, May 2009,  
Update October 2009

Presentation, ABA Health Law Section, Conflicts of Interest in Medicine, Washington  
2009

Presentation, Health Care Reform, Loyola Law School, Chicago, 2009

Webinar, National Council of State Legislators, Health Care Reform 2010

Presentation, Health Care Reform, National Health Law Association, Medicare and  
Medicaid Conference, 2010

Presentation, Cost Control in Health Care Reform, American Society of Law, Medicine,  
and Ethics Health Law Teacher's Conference, 2010

Presentations on Health Care Reform Law, 2011, Washington, New York, Chicago, St.  
Louis, Fort Lauderdale, Hartford, Beijing, Chengdu, and elsewhere.

Funded Consumer Representative, National Association of Insurance Commissioners,  
2010, 2011, 2012

Presentations on Health Care Reform Law, Yale, Columbia, Harvard, Washington,  
Indiana University, and elsewhere