44th Annual Health Law Professors Conference

Sponsored by
American Society of Law, Medicine & Ethics (ASLME)
and
Northeastern University School of Law

Schedule Notes:
- All times are Eastern
- Sessions included in the Anti-Racism track indicated by (AR)

Monday, June 7, 2021

12:00 – 2:00 PM
The Healing Healey Session: Radical Humanity, Vulnerability, and Community in Law Teaching and Learning

2:15 – 3:30 PM
Concurrent Sessions 1

Session 1A (AR)
Panel: AHLA Convener Reflections: Racial Disparities in Health Care

Asha Scielzo, Washington College of Law at American University
Dawn Hunter, Network for Public Health Law
Vonne Jacobs, Pharos Healthcare Consulting
Dayna Bowen Matthew, George Washington University Law School
Session 1B (AR)  
Social Determinants of Health and Health Equity


**Tara Adams Ragone**, Seton Hall University School of Law, *Building Sustainability for Community Health Workers to Help Address the Social Determinants of Health*

**Liz Tobin-Tyler**, Brown University Alpert Medical School and School of Public Health, *The Legal and Political Determinants of Black Maternal Health*

**Ruqaiijah Yearby**, Saint Louis University School of Law, *Are cities and counties ready to use racial equity tools to influence policy?*

Session 1C  
Abortion Law

**Greer Donley**, University of Pittsburgh Law School, *Early Abortion Exceptionalism*

**Yvonne Lindgren**, University of Missouri - Kansas City School of Law, *When the Patient is Their Own Doctor: Roe v. Wade in an Era of Self-Care*

**Rachel Rebouche**, Temple University Law School, *From Rights to Resources in Abortion Law*

Session 1D (AR)  
Vaccines

**Mirit Eyal-Cohen**, University of Alabama School of Law, *Increasing Vaccine R&D Preparedness*

**Barbara Pfeffer Billauer**, University of Porto, *Combatting AntiVax Rhetoric Infecting Minority Communities and Overcoming First Amendment Obstacles*

**Elizabeth Porter**, School of Public Health at University of Illinois Chicago, *Preparing for a return to the classroom: The current status of school vaccination laws*

**Ana Santos Rutschman**, Saint Louis University School of Law, *Increasing Vaccine R&D Preparedness*

**Joanna Sax**, California Western School of Law, *Vaccine Hesitation and COVID-19*
Concurrent Sessions 2

Session 2A (AR)
Social Determinants of Health

Aziza Ahmed, Northeastern University School of Law, *Race, Risk, and COVID-19*

Jacqueline Fox, University of South Carolina School of Law, *Second Look: Interim Steps to Counteract Bias in Health Care*

Laura Fox, George Washington University School of Medicine, *Second Look: Interim Steps to Counteract Bias in Health Care*

Barry Furrow, Kline School of Law at Drexel University, *Social Determinants of Health: What the US Healthcare System is Lacking*

Session 2B (AR)
Bioethics

Carl Coleman, Seton Hall Law School, *Cost-Effectiveness Comes to America: The Promise and Perils of Cost-Effectiveness Analysis in Medication Coverage Decisions*

Alix Rogers, UC Davis School of Law, *Mining the Body: Law and Ethics of Sourcing Biological Materials*

William Sage, The University of Texas School of Law and Dell Medical School, *Revisiting the relationship between health law and professional ethics: Improving care, advancing justice*

Leslie Wolf, Georgia State University College of Law, *Choice of Law Challenges in Precision Medicine Research*

Session 2C
Public Health

Micah Berman, Ohio State University College of Public Health & Moritz College of Law, *The Tobacco Control Act's Public Health Standard*

Gaia Bernstein, Seton Hall University School of Law, *Children and Excessive Screen Time: An Emerging Public Health Crisis*

Lewis Grossman, American University Washington College of Law, *Choose Your Medicine: Freedom of Therapeutic Choice in America*

Richard Weinmeyer, Northwestern University Nowhere to Go: Urban Public Toilet Availability & Accessibility in a Post-Pandemic America

Session 2D
Public and Private Governance

Zack Buck, University of Tennessee, When Hospitals Sue Patients

Michael Frakes, Duke University, Public and Private Options in Practice: The Military Health System

Ann Marie Marciarille, UMKC School of Law, Antitrust's Role in Limiting Acute Care Hospital Bed Supply in the Time of Pandemic

Barak Richman, Duke Law School, Macromedical Regulation

David Simon, Harvard Law School, Evidence-Based Regulation of Off-Label Information

Wednesday, June 9, 2021

11:00 – 11:15 AM Welcome Remarks

11:15 AM – 12:15 PM Plenary Panel: Pandemic Policy Playbook Panel

Scott Burris, Temple University Beasley School of Law

Lance Gable, Wayne State University Law School

Donna Levin, Network for Public Health Law

Wendy E. Parmet, Northeastern University School of Law

Nicolas Terry, Indiana University Robert H. McKinney School of Law

12:30 – 1:45 PM Concurrent Sessions 3

Session 3A (AR)
Workshop: The Promise of Medical-Legal Partnerships: How Academic Models Can Train the Next Generation of Health Justice Leaders

Yael Cannon, Georgetown University

Vicki Girard, Georgetown University
Session 3B (AR)
*Workshop: School Policing and Discipline Policy Reform: Advancing an Anti-Racist Health Equity Agenda for Public Health Law and Research*

Cesar De La Vega, ChangeLab Solutions

Alexis Etow, ChangeLab Solutions

Thalia Gonzalez, Georgetown Law

Emma Kaeser, Stanford Law School

Session 3C (AR)
*Workshop: Salus Populi: Educating the Judiciary About the Social Determinants of Health*

Alexandra Alden, Northeastern University College of Social Sciences and Humanities

Faith Khalik, Northeastern University School of Law

Wendy E. Parmet, Northeastern University School of Law and School of Public Policy and Urban Affairs

Session 3D
*Roundtable: From the Academy to the Legislature: Translating Health Policy Research into Law*

Scott Burris, Temple University Beasley School of Law

Sonia Canzater, Georgetown University Law Center

David Orentlicher, UNLV William S. Boyd School of Law

Robin Fretwell Wilson, University of Illinois College of Law

Session 3E
*Telehealth*

Katrice Bridges Copeland, Penn State Law, *Telemedicine Scams*

Deborah Farringer, Belmont University College of Law, *Necessity of Incentivizing Telehealth Use in Rural Areas*

Kristin Madison, Northeastern University School of Law, *Telehealth: Implications for the Future of Health Law*

2:00 – 3:15 PM  Concurrent Sessions 4
Session 4A (AR)
Teaching and Pedagogy

Sarah Elisabeth Curi, Brandeis University, *Teaching Health Law to Undergrads, Masters and Doctoral Students: Challenges & Opportunities*

Ken Gatter, Oregon Health and Sciences University, *Teaching health care providers about health law during our time of COVID*

Kathleen Hoke, University of Maryland Cary School of Law

Katherine Schostok, DePaul University College of Law, *Encouraging participation, collaboration and discourse in online teaching*

Session 4B
*Panel: Medicaid Matters: Health Delivery and Financing Reform*

Laura Hermer, Mitchell Hamline School of Law

Lucy Hodder, University of New Hampshire School of Law

John Jacobi, Seton Hall Law School

Session 4C

H. Cody Meissner, Tufts University School of Medicine

Dorit Reiss, UC Hastings College of the Law

Y. Tony Yang, George Washington University School of Nursing and School of Public Health

Session 4D
*Panel: Evidence Based Drug Policy for the 21st Century*

Leo Beletsky, Northeastern University School of Law

Mason Marks, Gonzaga University

Jennifer Oliva, Seton Hall Law School

Stacey Tovino, Oklahoma College of Law

Session 4E (AR)
*Panel: New Perspectives on Discrimination Raised by the COVID Pandemic*

Leslie Francis, University of Utah

Deborah Hellman, University of Virginia School of Law
Diane Hoffmann, University of Maryland Carey School of Law

Kate Nicholson, Civil Rights Attorney

3:30 – 4:45 PM

Concurrent Sessions 5

Session 5A
Healthcare Decision-Making

Katherine Drabiak, University of South Florida, *Resolving Physician-Parent Disputes Involving Pediatric Patients*

Valerie Gutmann Koch, University of Houston Law Center, "*Previvors* and Challenges to the Law of Medical Decision Making"

Megan Wright, Penn State Law, *Resuscitating Consent*

Session 5B (AR)
*Roundtable: The Effectiveness of Medicaid as a Tool for Achieving Health Equity*

Brietta Clark, LMU Loyola Law School, Los Angeles

Jessica Mantel, University of Houston Law Center

Sidney Watson, Saint Louis University School of Law

Session 5C (AR)
*Roundtable: Health Equity for Children and Youth Post-COVID*

Courtney Anderson, Georgia State University College of Law

Gabrielle Battle, Duke University

Medha Makhlof, Pennsylvania State University Dickinson School of Law

Seema Mohapatra, Indiana University Robert H. McKinney School of Law

Jonathan Todres, Georgia State University College of Law

Session 5D (AR)
Digital Health
Sharon Bassan, DePaul University, *A Proportionality-Based Framework for Government Regulation of Digital Tracing Apps in Times of Emergency*

Leah Fowler, University of Houston Law Center, *Health Apps and Health Harms*

Laura Hoffman, Yale Law School, *Reconnecting the Patient: Why Telehealth Policy Solutions Must Consider and Address the Deepening Digital Divide*

**Session 5E (AR)**

*Panel: Pandemics and Data Exposure: How to Tame Viruses Without Endangering Genetic Privacy*

Robert I. Field, Drexel University

Anthony W. Orlando, California State Polytechnic University, Pomona

Arnold J. Rosoff, The Wharton School of the University of Pennsylvania

5:00 – 6:00 PM

**Networking Mixer**

During this session, attendees will be randomly assigned to virtual networking tables. After 20 minute intervals, the program will shuffle attendees to a new virtual table. This “speed networking” session will allow for a fun, dynamic way to meet new people and talk to colleagues and friends.

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**Thursday, June 10, 2021**

11:00 AM – 12:15 PM

**Concurrent Sessions 6**

**Session 6A**

**Health Insurance**

Valarie Blake, WVU College of Law, *Fitting the Medicaid Mold: The Social Costs of Our Health Care Finance System*

Thomas Brewer, Kent State University, *Examining the variability in state regulatory structures for Medicaid eligibility*

Wendy Epstein, DePaul University, *Behaviorally-informed study testing new marketing of health insurance policies*

**Session 6B**

**Healthcare Data and Privacy**

Jessica Roberts, University of Houston Law Center, *Uncertain Terms: Consumer Privacy in the World of Digital Health Tech*
Christopher Robertson, Boston University, *The Perspectives of Diverse Patient Populations on AI and Big Data in their Healthcare -- Is it Material?*

Kayte Spector-Bagdady, University of Michigan Medical School, *Governing Secondary Research Use of Health Data and Specimens*

**Session 6C (AR)**

**Discrimination and Health**

Mary Crossley, University of Pittsburgh School of Law, *Killing Segregation*

Sarah Hooper, UC Hastings Law, *Pain Points: Ethics and Intersectionality in Complex Care Advocacy*

Ani Satz, Emory University School of Law, *Principles and Pandemics: Disability Discrimination Through the Lens of COVID-19*

Charlotte Tschider, Loyola University Chicago School of Law, *Prescribing Discrimination: Automating Bias in Healthcare AI*

**Session 6D (AR)**

**Incarceration as a Public Health Issue**

Nora Demleitner, Washington and Lee University School of Law, *Racially Disparate Incarceration Meets Dysfunctional Healthcare System*

Mira Edmonds, University of Michigan Law School, *The Reincorporation of Prisoners into the Body Politic: Eliminating the Medicaid Inmate Exclusion Policy*


**12:30 – 1:45 PM**

**Concurrent Sessions 7**

**Session 7A (AR)**

**Panel: Engaging students in race and health equity education and practice**

L. Kate Mitchell, Loyola University Chicago School of Law

Abigail Silva, Loyola University Parkinson School of Health Sciences and Public Health

Maya Watson, Loyola University Chicago School of Law
The Global Health Response to Pandemics

Chao-Tien Chang, National Taiwan University, *The Issue of Equality amid Pandemic--Taking Gender and Age as Examples*

Robert Leflar, National Taiwan University College of Law, *A Public Health Triumph Amid Rule-of-Law Tensions: Taiwan’s Tale of Epidemic Control in a Democratic Society*

Benjamin Mason Meier, University of North Carolina at Chapel Hill, *Global Health Law as a Foundation for Responding to Pandemic Threats*

Kevin Outterson, Boston University and CARB-X, *Creating public and private goods for pandemic preparedness*

Session 7C
Drug Policy

Dmitry Karshtedt, George Washington University Law School, *Pharmaceutical Patents and Adversarial Examination*

Jordan Paradise, Loyola University Chicago School of Law, *Patent Opacity in Biopharmaceutical Innovation*

Joshua Sarnoff, DePaul University College of Law, *Vaccine and therapeutic nationalism, intellectual property rights, and post-colonial causes and responses*

Liza Vertinsky, Emory Law School, *Pharmaceutical (Re)capture*

Session 7D
Race, Religion, and Reproductive Health

Elizabeth Kukura, Drexel Kline School of Law, *Reproductive Health and Justice Post-Pandemic*

Radhika Rao, UC Hastings College of the Law, *Conscience, COVID Restrictions, and Religion-Neutrality*

Elizabeth Sepper, University of Texas School of Law, *Public Religious Hospitals*

Sonia Suter, The George Washington University Law School, *Challenging Eugenics from the Left and Right: How the Conservative Opposition to Eugenics Harms People of Color*

2:00 – 3:15 PM

Concurrent Sessions 8

Session 8A
FDA Regulation

**Sarah Gerke**, Harvard Law School, *Artificial Intelligence and Machine Learning Software as a Medical Device – The Update Problem and System View*

**Ryan Knox**, Yale Law School, *A Path to Patient-Centered Digital Health Regulation*

**Holly Fernandez Lynch**, Perelman School of Medicine, University of Pennsylvania, *How independent should FDA be?*

**Haavi Morreim**, University of Tennessee, *Corporations, High-Stakes Biomedical Research, and Research Misconduct: Yes They Can (and Sometimes Do)*

Session 8B (AR)
Teaching and Pedagogy

**Julie Agris**, Stony Brook Medicine, *A ‘Health Law Competency Model’ for Medical Education and Educators*

**Julia Field Costich**, University of Kentucky College of Public Health, *Teaching Health Equity to Law Students in a Red State*

**Joan Foley**, Touro College Jacob D. Fuchsberg Law Center, *A Model for Interdisciplinary Courses Online for Medical and Law Students*

Session 8C (AR)
Public Health

**Laurie Beyranevand**, Vermont Law School, *Essentially Unprotected: How Laws Addressing Farmworker Pesticide Exposure and Heat Related Illness Fail to Protect Them*

**Christopher Ogolla**, Barry University Law School, *Triaging Public Health Services Based on Race: Opportunities and Challenges.*

**Michael Ulrich**, Boston University School of Public Health and School of Law, *The Black and White of Gun Rights*

Session 8D
Reproductive Health

**Rebecca Feinberg**, DePaul University, *The Legal Status of Embryos – Lessons from the Fertility Industry*

**Joan H. Krause**, UNC School of Law, *Pregnancy Advance Directives*
Jill Wieber Lens, University of Arkansas School of Law, *Counting Stillbirths*

Evelyn M. Tenenbaum, Albany Law School and Medical College, *Choosing Babies to Avoid Adult Onset Genetic Conditions: Rethinking the Wrongful Birth/Wrongful Conception Causes of Action*

### 3:30 – 4:45 PM

**Concurrent Sessions 9**

**Session 9A (AR)**

*Panel: COVID-19 Vaccine Injuries – Preventing Inequities in Compensation*

- **Sharona Hoffman**, Case Western Reserve University School of Law
- **Carmel Shachar**, Harvard Law School
- **Katherine Van Tassel**, Case Western Reserve University School of Law

**Session 9B**

*Drug Policy*

- **Greg Curfman**, Journal of the American Medical Association (JAMA), *The Humira Patent Thicket and the Noerr-Pennington Doctrine*
- **Doron Dorfman**, Syracuse University College of Law, *The PrEP Penalty*
- **Cynthia Ho**, Loyola University of Chicago, *Costly Misperceptions Concerning Biologic Drugs*

**Session 9C (AR)**

*Health Access*

- **Melissa Alexander**, University of Wyoming College of Law, *Distributive Justice and Health Equity: What Crisis Allocation Teaches about Reforming Medicare*
- **John Aloysius Cogan Jr.**, University of Connecticut School of Law, *Gender Rating in Health Insurance: Discrimination Framed as Fairness*
- **Gabriel Scheffler**, University of Miami School of Law, *Health Care Reform and Two Conceptions of the Right to Health Care*

**Session 9D (AR)**

*Public Health, Democracy, and Governance*
**Rob Gatter**, Saint Louis University School of Law, *How the Rule/Order Distinction Constrains Public Health Action*

**Wendy K. Mariner**, Boston University, *Democracy, Voice, and Health*

**Courtnee Melton-Fant**, University of Memphis School of Public Health, *Structural discrimination and racial health inequities: The role of state preemption*

5:00 – 5:30 PM  
**Health Happy (Half) Hour**
Health Comedy – George Annas  
Health Law Scholars 2021 Announcement  
Jay Healey Teaching Award Presentation

5:30 – 6:30 PM  
**Networking**
During this session, we will host themed networking sessions. Attendees can choose to attend any of the sessions they like and will be able to move freely among the various virtual rooms. Room themes include: Mentoring, Teaching Non-Law Students, Clinical Teaching, Leveraging Social Media, Happy Hour Networking, and more! Attendees can also choose to start their own networking sessions!

**Friday, June 11, 2021**

11:00 AM – 12:15 PM  
**Plenary Panel: Hot Topics**

*Moderator:*

**Jonathan Kahn**, Professor of Law and Biology, Northeastern University

*Panelists:*

**Nicole Huberfeld**, Professor of Law, Boston University School of Law; Professor of Health Law, Ethics & Human Rights, Boston University School of Public Health

**Aaron Kesselheim**, Director, Program on Regulation, Therapeutics and Law, Brigham & Women’s Hospital and Harvard Law School

**Kimani Paul-Emile**, Professor of Law; Associate Director and Head of Domestic Programs and Initiatives, Center on Race, Law & Justice; Faculty Co-Director, Stein Center for Law & Ethics, Fordham Law School
Reva Siegel, Nicholas deB Katzenbach Professor of Law, Yale Law School

Patricia Williams, University Distinguished Professor of Law and Humanities, Northeastern University

12:45 – 2:00 PM

Concurrent Sessions 10

Session 10A (AR)
Panel: Health Reform Reconstruction

Erin Fuse Brown, Georgia State University College of Law

Matthew B. Lawrence, Emory University School of Law

Liz McCuskey, University of Massachusetts School of Law

Lindsey Wiley, American University Washington College of Law

Session 10B
Healthcare Fraud and Abuse

Jacob Elberg, Seton Hall Law School, *Rewarding Healthcare Compliance*

Shawn Mathis, Loyola University Chicago School of Law, *Credible Allegations of Fraud Pose a High Risk to Medicaid Providers: A Lesson from New Mexico*

Karen Alicia Shaw, Loyola University Chicago School of Law, *Bringing Meaning to the Theory of “Worthless Services”: The False Claims Act and COVID-19 in Nursing Homes and Long-Term Care Facilities*

Session 10C
Genetics

Myrisha Lewis, William & Mary Law School, *Normalizing Reproductive Genetic Modification*

Maxwell Mehlman, Case Western Reserve University, *Governance of Non-Traditional Gene Editing Experimentation*

Anya Prince, University of Iowa College of Law, *Is informed consent contributing to or easing fears of genetic discrimination?*

Natalie Ram, University of Maryland Carey School of Law, *America's Hidden National DNA Database: Law Enforcement Access to Newborn Screening Spots and Data*
Session 10D
Medical Malpractice

Phoebe Jean-Pierre, University of Iowa, Failure to Disclose: The Fear of Legal Liability and Impractical Accreditation Standards Impede the Elimination of Medical Error

Philip Peters Jr., University of Missouri School of Law, Are We on the Cusp of the Next Medical Malpractice Insurance Crisis?

Thaddeus Mason Pope, Mitchell Hamline School of Law, Medical Malpractice Evolution from Informed Consent to Shared Decision Making

Nadia Sawicki, Loyola University Chicago School of Law, Ethical Malpractice

2:15 – 3:30 PM
Concurrent Sessions 11

Session 11A (AR)
Panel: Responding to injustice at the intersection of disability, race, law, and medicine for people with substance use disorder

Kelly Dineen, Creighton University

Taleed El-Sabawi, Elon University School of Law

Elizabeth Pendo, Saint Louis University School of Law

Shelly Weizman, Georgetown University Law Center

Session 11B (AR)
Panel: Therapeutic Jurisprudence as a Frame for a Health Law Course

Amy T. Campbell, University of Illinois Chicago John Marshall School of Law

Kathy Cerminara, Nova Southeastern University Shepard Broad College of Law

David Yamada, Suffolk University Law School

Session 11C (AR)
Health Reform

Max Helveston, DePaul University College of Law, Streamlining Insurance: Getting Private Insurers to Compete Where It Counts
Jaime King, University of Auckland, The Next Wave of Health Care Consolidation: Cross-Market Provider Mergers

Renée Landers, Suffolk University Law School, Assured Income As a Component of Reducing Inequities in Access to Healthcare

Sallie Sanford, University of Washington, Childs v. Weiss: Seeking medical help and legal redress in “the blackest land” with “the whitest people”

Theodosia Stavroulaki, DePaul University College of Law, Mergers That Harm Our Health

Session 11D
Emergency Preparedness

James Hodge Jr., ASU Sandra Day O'Connor College of Law, COVID’S Constitutional Conundrum: Assessing Individual Rights in Public Health Emergencies

Michelle Mello, Stanford Law School & Stanford University School of Medicine, Public Health Law Doctrine after COVID-19

Jennifer Piatt, ASU Sandra Day O'Connor College of Law, COVID’S Constitutional Conundrum: Assessing Individual Rights in Public Health Emergencies

Richard Saver, UNC School of Law, Patients First, Public Health Last

Michael Sinha, Northeastern University School of Law, Regulating Personal Protective Equipment: the COVID-19 Pandemic and Beyond

3:45 – 4:00 PM     Passing the Torch to the Sandra Day O'Connor College of Law at Arizona State University

4:00 PM     Conference Closing