

2010

Table of Contents

Annals of Health Law

Follow this and additional works at: <http://lawcommons.luc.edu/annals>



Part of the [Health Law and Policy Commons](#)

Recommended Citation

Table of Contents, 19 Annals Health L. (2010).

Available at: <http://lawcommons.luc.edu/annals/vol19/iss1/1>

This Prefatory Matter is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Annals of Health Law by an authorized administrator of LAW eCommons. For more information, please contact law-library@luc.edu.

ANNALS OF HEALTH LAW

THE HEALTH POLICY AND LAW REVIEW OF
LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW

BEAZLEY INSTITUTE FOR HEALTH LAW AND POLICY

25TH ANNIVERSARY SPECIAL EDITION

2009 – 2010

CONTENTS

Introduction	BEAZLEY INSTITUTE FOR HEALTH LAW AND POLICY FACULTY AND STAFF	1
---------------------------	--	---

ARTICLES

GENERAL HEALTH LAW TOPICS

Health Care Law: A Field of Gaps	<i>David Orentlicher</i>	1
---	--------------------------	---

Wither the Next Phase of Health Law?	<i>Ed Bryant</i>	7
---	------------------	---

What I Talk About When I Talk About Health Law	<i>Elizabeth Weeks Leonard</i>	9
---	--------------------------------	---

Twenty-Five Years of Health Law Through the Lens of the Civil False Claims Act	<i>Joan H. Krause</i>	13
---	-----------------------	----

Long Term Care: The Next Healthcare Frontier	<i>Seth J. Chandler</i>	19
---	-------------------------	----

Health Law Past and Future: Looking for Stability in All the Wrong Places	<i>Peter D. Jacobson</i>	25
--	--------------------------	----

The Importance of Health Law Attorneys in the U.S. Army	<i>Joseph Baar Topinka</i>	31
--	----------------------------	----

Reflections on Healthcare Fraud Enforcement and Corporate Compliance . . . with a Kentucky Flavor	<i>John E. Steiner, Jr.</i>	37
--	-----------------------------	----

A Physician Becomes an Attorney With a Little Advice: A Case Study	<i>R. Sam Hoover</i>	43
---	----------------------	----

Thirty-Five Years of Health Law in Illinois	<i>Saul J. Morse</i>	47
--	----------------------	----

SOCIAL JUSTICE

Toward a More Just Health Care System	<i>Kayhan Parsi</i>	53
--	---------------------	----

**Does Twenty-Five Years Make a Difference in
“Unequal Treatment”? The Persistence of Racial
Disparities in Health Care Then and Now** *Ruqaiyah Yearby* 57

**Some Lessons Learned from
the AIDS Pandemic** *Mark E. Wojcik* 63

HEALTHCARE REFORM

**The Aftermath of Federal Health Care Reform:
The Challenge for States and the
Private Sector** *Lawrence E. Singer* 67

**Towards Achieving Lasting Healthcare Reform:
Rethinking the American Social Contract** *Fazal Khan* 73

**Medicare: It’s Time to Talk About
Changing It** *Cynthia E. Boyd* 79

**A Review of the Patient-Safety Improvements
Since the IOM Report: How the Healthcare
Delivery System Progressed and the
Challenges that Remain** *Jennifer Groszek* 85

**Medical Errors, Patient Safety, and the Law:
Ten Years Later** *Krishna Lynch* 91

ETHICAL ISSUES IN HEALTHCARE

**The Catholic Bishops, the Law, and Nutrition
and Hydration: An Historical Footnote** *Sandra Johnson* 97

**Conflict of Interests in Biomedical Research:
Beyond Disclosure** *Mark G. Kuczewski* 103

**Life-Sustaining Treatment and the Law:
The Evolution of Informed Consent,
Advance Directives and Surrogate
Decision Making** *Joseph T. Monahan* 107
& Elizabeth A. Lawhorn

**Genetic Testing, Physicians and the Law:
Will the Tortoise Ever Catch Up
with the Hare?** *Lee Black, J.D., LL.M.,* 115
Jacques Simard, Ph.D.,
& Bartha Maria Knoppers, Ph.D.

**Imperfect Remedies: Legislative Efforts
to Prevent Genetic Discrimination** *Timothy J. Aspinwall* 121

**Volunteer Prisoners Provide Hospice
to Dying Inmates** *Janice A. Cichowlas* 127
& Yi-Ju Chen

Hurricane Katrina and the Legal and Bioethical Implications of Involuntary Euthanasia as a Component of Disaster Management in Extreme Emergency Situations *Fredericka K. Shea* 133

GOVERNMENT/INSTITUTIONAL PERSPECTIVES

The Past, Present and Future of Government Contracting in Healthcare *James W. Kim* 141

INTERNATIONAL AND COMPARATIVE HEALTH LAW

Managed Care in a Low-Resource Economy—The Nigerian Experience *Aimalohi E. Akporiaye* 147

PUBLIC HEALTH AND RESEARCH

Emergence and Re-Emergence of H1N1 Influenza: Uncanny Parallels Between the Administrations of U.S. Presidents Woodrow Wilson and Barack Obama *Sandra Anderson-Guerra Sosa & Adriane Johnson* 155

CIVIL PROCEDURE AND DISCOVERY ISSUES

The Standard for Admissibility of Evidence: Yesterday and Today *Alan C. Hoffman* 161

Lessons Learned: The Offensive Use of Medical Evidence in Criminal Defense Cases *Elliott B. Oppenheim* 167

E-Discovery in Healthcare: 2010 and Beyond *Kimberly Baldwin-Stried Reich* 173

MEDICAL MALPRACTICE AND PHYSICIAN-ATTORNEY RELATIONSHIPS

Doctor-Patient Communication: Some Suggestions from a Plaintiff's Trial Lawyer *Curt N. Rodin* 179

The Medical Studies Act and Allied Medical Societies: Looking Back at *Niven v. Siqueira* Twenty-Five Years Later *Miles J. Zaremski* 183

The Hundred-Plus-Year War Between Physicians and Attorneys: Peace in Our Time? *Marshall B. Kapp* 189

ELECTRONIC HEALTH RECORDS

The Challenge of Implementing Interoperable Electronic Medical Records *James C. Dechene* 195

**Breaking Down the Federal and State Barriers
Preventing the Implementation of Accurate,
Reliable and Cost Effective Electronic
Health Records** *Stephen J. Weiser* 205

REGULATORY AND COMPLIANCE ISSUES

**Finding a New Regulatory Pathway for the
Old Labyrinth of Health Planning** *John D. Blum* 213

**Medical Research Regulation After More Than
Twenty-Five Years: Old Problems, New
Challenges, and Regulatory Imbalance** *Richard S. Saver* 223

**Fee-for-Disservice: Medicare Fraud in
the Home Healthcare Industry** *Brooke Benzio* 229

**The “Stark” Reality: Is the Federal
Physician Self-Referral Law Bad
for the Health Care Industry?** *Paula Tironi* 235

**The Difficulty of Doing Business With Stark
in an Ever-Changing and Overly Complex
Regulatory Environment: After
Twenty Years, Where Are We Heading?** *Irvin “Ham” Wagner* 241

**The Impact of Federal Regulations on
Health Care Operations** *Piya M. Gasper* 249

**Recovery Audit Contractor Reviews:
Knowing What You Are Up Against
Is Half the Battle** *Amee Patel* 253

HEALTHCARE BUSINESS AND TRANSACTIONAL ISSUES

**Free as in Freedom: Open Source Software’s
Role in Remaking Healthcare in the
Twenty-First Century** *Jonathan Loiterman* 259

**Hospital-Physician Partnerships:
The Drivers, the Obstacles
and the Benefits** *Elissa Koch Moore* 265