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Foreword

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Foreword

The Annals of Health Law Editorial Board is pleased to present our Winter Issue 2013. This issue exemplifies our authors' forward thinking, our editors' impeccable sense for detail, and the passion for health law and policy that each of these individuals share with our readers. In assembling this issue, our Executive Board reviewed dozens of exceptional submissions. We believe that the selected pieces contribute to the continued recognition of the Annals of Health Law as being among the country's leading publications in health law and policy. The authors in this issue each provide valuable discussions on intriguing, unique, and current issues within health law and policy.

The first article presents an interesting discussion on the Food and Drug Administration's regulation of private sperm donations. Author Amber Abassi navigates readers through the regulatory framework surrounding private sperm donations, paying particular attention to the Arsenault case in California, where a private sperm donor was issued an "Order to Cease Manufacture" by the FDA's Center for Biologics Evaluation and Research. After pointing to past regulatory and political efforts that encouraged procreation, Ms. Abassi discusses the implications of expanding governmental regulatory authority over individuals' procreative decisions.

The second article takes an in-depth look at one of health reform's most instrumental changes: reimbursement for the quality of care provided to patients. Author PollyBeth Hawk analyzes the Center for Medicare and Medicaid's approach to incentivizing quality of care through payment reform, driving quality of care through public reporting, and enforcing quality of care through the False Claims Act. Specifically, Ms. Hawk focuses on acute care and critical access hospitals' value based purchasing and pay-for-performance initiatives.

Next, author Gerrit Beckhaus analyzes the pervasive nature of tobacco use in the United States, its effect on the health of individuals, and the ever-growing campaign to reduce the number of smokers in the country. Specifically, Mr. Beckhaus examines the modification of human behavior through incentives by looking to past studies that relied on incentives to influence the human decision-making process. Finally, Mr. Beckhaus suggests his own model for smoking cessation and against smoking initiation.

Following this discussion, the fourth article highlights the impact of sugar on the health of Americans and the political response to limiting its consumption. Author Barbara Atwell draws her compelling analysis from New York City Mayor Bloomberg's recent proposal to ban sugary drinks in excess of sixteen ounces at certain establishments within the city. In her conversation about the presence of sugar in the American diet, Ms. Atwell draws a specific analogy of tobacco use and regulation to sugar use and regulation. After walking readers through the associated risks of sugar consumption and reasons why sugar is added to so many American edibles, Ms. Atwell provides an overview of tobacco regulations and presents a similar framework for sugar regulations. Lastly, Ms. Atwell also suggests that the Food and Drug Administration declassify sugar as a substance that is "generally recognized as safe."

The final article of the issue details the two demonstration projects under the Patient Protection and Affordable Care Act aimed at moving health care reimbursement toward a system that rewards quality over quantity. Author Nita Garg analyzes Hospital Value Based Purchasing as well as the Bundled Payment Initiative and the expectations for the programs. Ms. Garg argues that these programs will be

inadequate and ineffective at accomplishing their stated goals. Subsequently, Ms. Garg discusses the flaws that she identifies in the federal demonstration projects as well as her suggested modifications to the programs.

The entire Annals Editorial Staff would like to thank the authors who contributed their exceptional talent and abundance of knowledge to this issue. It was our pleasure to work with you on this issue, and we thank you for your constant professionalism, enthusiasm, and dedication to this publication. The Editorial Board sincerely thanks every member of the Annals team for your hard work and persistence in editing these articles, for without you, this publication would not have been possible. I would like to personally thank my Executive Board members, Alissa Bugh, Brian Troutman, Logan Parker, Karim Hussein, Kristin Peterson, and Carrie Gilbert, all of whom showed a level of dedication and passion for this publication that surpassed my greatest expectations. A very special than you to Brian Troutman for his patience and technical skill in transitioning Annals to an online publication. Finally, we would like to thank the incredible staff at the Beazley Institute for Health Law and Policy for allowing each member of the Annals team to learn and grow from our experience on the journal as we enter our legal professions.

We sincerely hope that you enjoy reading the Winter 2013 Issue of the Annals of Health Law.