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Foreword

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Foreword

The *Annals of Health Law and Life Sciences* Editorial Board is proud to present the Winter 2023 Issue, the first edition in our thirty-second volume to date. Each year, our Editorial Board seeks out articles covering a broad range of predominant topics within health law and life sciences. These selected pieces within the Winter 2023 issue contribute to the continued recognition of *Annals of Health Law and Life Sciences* as one of the country's prominent health and life sciences law and policy journals. I am honored to introduce the following works of scholarship, which take a critical look at pertinent and compelling issues in health law and life sciences.

Benjamin Smith's article, *There's a Pill for That*, explores direct-to-consumer advertising for prescription pharmaceutical drugs. He proposes to reform direct-to-consumer advertising of prescription drugs by challenging the First Amendment. First, Smith examines the history and jurisprudence of direct-to-consumer advertising in the United States. He goes on to explain the issues associated with this type of advertising and how to potentially regulate the practice. His proposed regulation limits direct-to-consumer advertising to help-seeking advertisements where the advertisements do not mention the name of a particular drug. He argues that this limitation will preserve the benefits while addressing the main issues. The article argues how this limitation would be constitutional despite First Amendment concerns.

Our second article by Dr. Steven Hendler entitled, *Serving Two Masters: Conflicts Between Physician Employment Contracts and the Physician's Duty of Care*, discusses how the role of a hospital enforcing employment contracts may be at odds with a physician's duty of care to their patients. Dr. Hendler argues that this conflict requires either the "narrowing of the duty of care or changing of the legal environment." The article begins with an introduction and history covering how the physician employment landscape has changed and resulted in most physicians working for hospitals or corporate employers due to the rigorous regulatory requirements among other factors. Next, Dr. Hendler examines the ethics of the duty of care beginning with the Hippocratic Oath and ending with the modern code to which physicians adhere and the evolution of the patient-physician relationship. Further, the article discusses the conflict between contract enforcement and the duty of care while providing helpful hypothetical situations to aid in the reader's understanding of the complex issues underlying the contract-duty of care conflict. Finally, Dr. Hendler proposes certain solutions to the contract-duty of care conflict through "contract

development, regulatory or statutory options, collective bargaining agreements, and hospital-medical staff governance.” Each approach preserves the physician's duty of care.

In our third article, *Methadone's Regulatory Thicket*, authors Bridget C.E. Dooling and Laura E. Stanley provide insight into the use of methadone for opioid treatment in the United States. The article begins with a survey of the barriers to methadone treatment. Dooling and Stanley argue that “policies that constrain access to methadone treatment should be examined to ensure that the restrictions adequately balance competing risks and are grounded in the best evidence.” The article goes on to examine which regulatory barriers can be removed or amended and which are statutorily mandated and require action from Congress. Dooling and Stanley discuss “four groups of SAMHSA and DEA regulations” that likely affect access to methadone treatment. The authors conclude that SAMHSA and DEA have the power to alter many regulatory barriers and that federal agencies should use their discretion to improve access to methadone treatment.

On behalf of all staff members of *Annals of Health Law and Life Sciences*, I would like to thank Benjamin Smith, Dr. Steven Hendler, Bridget C. E. Dooling, and Laura E. Stanley for contributing their expertise and talent to this issue. The Winter 2023 Issue is a culmination of the authors' outstanding scholarship, collaboration, and professionalism. In addition, the Editorial Board and I would like to thank every Associate Editor for their patience, commitment, and diligence throughout the editing process. Further, I would like to express my sincerest thanks and gratitude to my colleagues on the Executive Board: Danielle Feingold, Julian Caruso, Shivani Thakker, Elli Lenz, and Caitlin Bradford. I must also acknowledge and thank the outstanding efforts of our Senior Editors: Emma Schultz, Mackenzie Pike, Kelly McDunn, Charlotte Kurzweil, and Anna Armel. Finally, the entire *Annals* Editorial Staff would like to thank our advisors at the Beazley Institute for Health Law and Policy, including Professors Nadia Sawicki and Kristin Finn, for their continued support and encouragement. The success of this issue would not have been possible without the hard work and dedication of everyone involved.

It is with great pride that we present the Winter 2023 Issue of *Annals of Health Law and Life Sciences*.

Sincerely,

Micaela Enger
Editor-in-Chief
Annals of Health Law and Life Sciences