

Annals of Health Law and Life Sciences

Volume 32
Issue 2 *Summer 2023*

Article 2

Summer 2023

Foreword

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Recommended Citation

Micaela Enger *Foreword*, 32 *Annals Health L.* i (2023).
Available at: <https://lawcommons.luc.edu/annals/vol32/iss2/2>

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Foreword

The Annals of Health Law and Life Sciences Editorial Board is proud to present the Summer 2023 Issue, the second 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 Summer 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.

In our first article, *An Overlooked Argument for a Single-Payer Healthcare System: Eliminating Misalignment*, Jessica Mantel assesses how payment innovation has stifled provider innovation. The article explains why a single-payer healthcare system would generate “more meaningful improvement in the quality and efficiency of care.” First, the article looks at the shift to quality and efficiency driven healthcare away from fee-for-service payments. Next, the article analyzes why alternative healthcare payment models have had varied results by looking at the resulting administrative burden of certain arrangements, the interactions between different payment models, and how payers are deterred from providing subsidies and technical assistance to providers under a multi-payer system. Professor Mantel evaluates the efforts that have been made to address the concerns associated with the multi-payer system, finding that there are obstacles that limit the impact of the current efforts. Thus, a single-payer system would remove many obstacles and create higher quality and more efficient care.

Next, in *Limiting Overall Hospital Costs by Capping Out-of-Network Rates*, Dr. David Orentlicher, Kyra Morgan, and Dr. Barak Richman examine how limiting charges for out-of-network care could contain hospital charges. Out-of-network rates place a heavy burden on patients, but they also affect the negotiated prices between hospitals and insurers for in-network care. Hospitals gain leverage because of their contracting power with insurers. A non-contracting hospital can charge higher out-of-network rates, so there is less incentive to reduce in-network rates for an insurer as out-of-network rates increase. Reducing what a hospital can charge for out-of-network patients in turn reduces its leverage when negotiating in-network rates with insurers. Most approaches for limiting out-of-network charges include direct price regulation; however, the authors suggest applying common law contract principles. The article discusses how contract law could ultimately decrease the rise of all hospital charges.

On behalf of all staff members of Annals of Health Law and Life Sciences, I would like to thank Professor Jessica Mantel, Dr. David Orentlicher, Dr. Barak Richman, and Kyra Morgan for contributing their expertise and talent to this issue. The Summer 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 Summer 2023 Issue of Annals of Health Law and Life Sciences.

Sincerely,

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