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Mandatory Diabetes Registry HAROLD J. KRENT, J.D. 1

NICHOLAS GINGO, MONICA KAPP, RACHEL MORAN, MARY NEAL,
MEGHAN PAULAS, PUNEET SARNA, SARAH SUMA

This article examines a recent New York City health regulation that mandates the compilation and storage of individual medical data from nearly all diabetics in a centralized registry. The authors distinguish this novel registry from prior health registries and scrutinize its potential to compromise individual privacy. In order to address privacy and other concerns, the authors offer suggestions for changes to the current statutory framework of the registry that will also be useful when considering the creation of similar public health registries in other cities.

“Body Property”:

Challenging the Ethical Barriers in Organ Transplantation to

Protect Individual Autonomy CHARLES C. DUNHAM IV 39

One of two articles related to the current organ shortage, this article advocates the need for legislation to recognize organs and tissues separated from the body as a distinct category of personal property. After addressing the legislative history of organ procurement and psychological barriers to donor consent, the article examines the importance of separating the lifetime rights of ownership in our own bodies from post-mortem rights. Ultimately, the author proposes a futures market approach to this problem in which individuals before death, or surviving family members after death, are permitted sell the decedent's organs in a private contract.

Tax Policy as a Lifeline:

Encouraging Blood and Organ Donation

Through Tax Credits JOSEPH B. CLAMON, J.D. 67

This article, the second concerning the organ donation crisis, proposes the use of tax policy to encourage blood and organ donation. After critiquing the ethical and logistical problems posed by other commercial and non-commercial solutions, the author demonstrates how tax credits can be used as an effective and ethical solution to address the shortage of donors. The author also offers two model statutes that provide guidance as to how a nonrefundable tax credit for blood and organ donation might operate in the tax code.

The Jurisdictional Bar Provision:

Who is an Appropriate

Relator? CAROLYN V. METNICK, J.D., LL.M. 101

After explaining the role of the qui tam litigation and demonstrating its importance to fighting Medicare fraud and abuse, this article provides a detailed explanation of various court interpretations of the jurisdictional bar provision of the False Claims Act, a common and contentious statutory pitfall for qui tam litigators. The author provides a thorough evaluation of the law among different circuits to assist litigators in choosing favorable jurisdictions to increase their likelihood of success.

Patenting Medical Devices:

The Economic Implications of

Ethically Motivated Reform KRISTEN NUGENT 135

This article explores whether the current patent system strikes the optimal balance between providing incentives to inventors to bring new medical devices to the marketplace and promoting public health by ensuring that these medical devices are widely available at a reasonable price. After providing an overview of the relationship of patent law to medical devices, the author explains how ethical and economic considerations suggest the need for an alternative patent system for medical devices and notes the difficulties with this proposal. The author concludes that a combination of alternatives to the current system most equitably account for the interests and needs of both healthcare device consumers and producers.