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## Foreword

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## Foreword

In this Summer Issue of Volume 15, we are happy to present our readers with two distinct and informative sections. The first part contains four scholarly pieces, each of which addresses an ethical, legal or political dilemma in health law. In the second section, you will find materials relating to the Beazley Institute for Health Law and Policy's 5th Annual Health Law and Policy Colloquium.

Turning to the first section, we begin with an article by Dr. Stephen Talmadge. In "Who Should Determine What Is Best for Children in State Custody Who Object to Psychotropic Medication?," Dr. Talmadge presents an insightful discussion of a child's right to refuse medical treatment. Focusing on psychotropic medications, Dr. Talmadge describes the drugs' side effects and children's competence, concluding that adolescents should be allowed to make their own decisions about psychotropic medications

The next article, "Reconceptualizing Elder Abuse: Treating the Disease of Senior Community," is co-written by Donna Schuyler and Bryan Liang, both of the Institute of Health Law Studies at California Western University. The article begins with a discussion of types of elder abuse, legal remedies, and programs for fighting abuse, and concludes by proposing a model for combating such abuse. In addition to offering this straightforward presentation of the facts, the authors maintain an overarching voice that reminds readers that this is an urgent problem facing the elderly community that demands aggressive solutions.

In her article, "*Greenberg v. Miami Children's Hospital*: Unjust Enrichment and the Patenting of Human Genetic Material," Debra Greenfield explores the much-debated topic of patenting human genetic material. Ms. Greenfield explores the conflicts posed by this phenomenon, a topic which involves a tangle of moral, religious, ethical, and political considerations. Taking a novel approach to this issue, Ms. Greenfield discusses the application of the common law cause of action for unjust enrichment as a potential challenge to commercializing and patenting human genetic material.

The next author, Douglass Farnsworth, is a former staff member and Senior Editor for the *Annals*. Thus, we are particularly excited to publish his article, entitled, "Moral Hazard in Health Insurance: Are Consumer-Directed Plans the Answer?" Mr. Farnsworth presents a thoughtful and thorough analysis of the moral hazard problem in health insurance. He also covers topics such as how moral hazard affects consumers of insurance and methods to curb the cost-increases

related to moral hazard, concluding by offering possible solutions to these issues.

Turning to the second section, the Colloquium was held on November 10, 2005, and was entitled, "Cost and Quality in Health Care: Does Anyone Get What They Pay For?" In addition to five influential individuals in the health law field who gave formal presentations, many accomplished health law attorneys and scholars attended the Colloquium. We are pleased to offer our readers transcripts of each speaker's presentation at the Colloquium. Additionally, we hope you will enjoy the introductions to each transcript, which were written by *Annals of Health Law* staff members.

In his talk, Professor John Blum tackled the complex issue of health care quality and value from an international perspective. Professor Blum also wrote an accompanying article which precedes his transcript, entitled, "Efficiencies in Health Care Regulation: Observations Near and Far." Next, keynote speaker Dr. Troyen Brennan gave broad coverage to major problems in health care policy, discussing what drives health care costs and the role of health law in bringing about effective reform.

Following Dr. Brennan, Jane Reister Conard, senior counsel for Intermountain Health Care, addressed cost and quality from an inside perspective and explored the legal issues faced by her company. Next, Joan Polacheck, a partner at McDermott, Will & Emery, discussed health care providers' responses to governmental cost containment initiatives. Finally, David Woodrum, partner and chairman of the board for ReSurge Hospitals, presented a "report from the field," describing the impact of rising costs on hospital administration and the responses of hospitals and doctors to these costs.

In conclusion, we hope you will enjoy the variety of health law topics in this issue. Each board member has enjoyed working for the *Annals of Health Law* and we hope our readers will benefit from the results of our work. We would like to thank the Beazley Institute for Health Law, Kelley Yaccino, John Blum, and Larry Singer for their support.

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