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Foreword

John Blum

Loyola University Chicago, School of Law, jblum@luc.edu

Joan Krause

Loyola University Chicago, School of Law

Larry Singer

Loyola University Chicago, School of Law, lsinger@luc.edu

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Foreword

The tenth volume of the *Annals of Health Law* reflects the ongoing commitment of the Institute for Health Law of Loyola University Chicago School of Law to publish a journal that explores current issues in the practice of health law. The articles published in volume 10, and in past volumes, are reflective of the Institute's mission to be an educational center devoted to the study of corporate and regulatory practice issues.

In this journal, the seven articles presented reflect current legal issues in the health care industry. Our first article addresses issues of recoupment and setoff in health care bankruptcy cases. Peter Roest argues in favor of the Third Circuit's decision in *University Medical Center v. Sullivan* which advances the proposition that the doctrine of recoupment should be narrowly applied in health care bankruptcy cases. The article then discusses a variety of recoupment-related issues left open by the *University Medical Center* decision.

Four articles in this issue deal with recent regulatory changes in the pharmaceutical industry, particularly in light of the growing practice of online pharmacies. As a proponent of Internet pharmacies, Professor Brushwood argues that pharmacy regulators could best protect and promote public health through responsive Internet regulation. Wary of state paternalism, Professor Brushwood advocates the Verified Internet Pharmacy Practice Site program of the National Association of Boards of Pharmacy as a model method for regulating pharmacy practices over the Internet. Sara Zeman examines the regulatory challenges and responses arising from the proliferation of online pharmacies. In doing so, she discusses the roles taken by States' attorney general offices, legislatures, and the pharmaceutical industry itself, to ensure protection for consumers seeking health care via the Internet.

Moreover, Kara Friedman focuses on current legislative policies and regulations used to restrict access to prescription drugs over the Internet. Ms. Friedman argues that regulators might be able to satisfy the policy objective of ensuring that a learned intermediary is involved in prescription drug therapy by expanding the prescriptive authority of licensed pharmacists. The final pharmacy article, written from a clinical rather than a legal perspective, argues for a reexamination of the pharmacist's role due to changing complexities of the health care system as evi-

denced by increased economic demands and pharmaceutical surpluses. Professor Jannet M. Carmichael and Dr. Janice A. Cichowlas advocate for Collaborative Drug Therapy Management, a practice in which physicians and pharmacists maximize patient care by pooling their areas of expertise together.

The False Claims Act, and its case progeny, is receiving great attention in the courts. Raegan McClain provides an extensive discussion of the government's role in developing and applying this important law. The article explores the use and effectiveness of the FCA to target fraud and other abuses in the health care system. Ms. McClain then addresses past inequitable misuse of the Act resulting from improper judicial and offers suggestions for curbing some of the stricter provisions of the Act.

Finally, Amy Baum Goodwin discusses the need for heightened hospital security in light of the infant abduction at the Loyola University Medical Center in May, 2000. The article first discusses general security issues endemic to the hospital environment; it then explores protective measures enacted by legislative agencies to reduce the likelihood of violence in hospitals. Ms. Goodwin considers the consequences that hospitals and society must face when hospitals fail to comply with safety procedures.

We believe that the breadth of issues reflected in this volume of the *Annals* demonstrates the continued growing of that body of law known as "health law". We give special thanks to our senior editors, Lisa Willenzik and Carla Hirszen, and all our fine *Annals* staff, for making Volume 10 possible.

John Blum
Joan Krause
Larry Singer