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## Foreword

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The ninth volume of the *Annals of Health Law* reflects the ongoing commitment of the Institute for Health Law of the Loyola University Chicago School of Law to publish a journal that explores current issues in the practice of health law. We begin the new millennium with five illustrative articles on corporate and regulatory practice issues.

Three of our articles address general health law concepts and how they will be greatly affected by proposed and recently enacted legislation or caselaw. First, Dr. Craig Eddy presents a timely analysis of the proposed Health Insurance Portability and Accountability Act (HIPAA) legislation regarding the standards for privacy of individually identifiable health information regulations. He addresses general medical privacy issues and the expected impact of the proposed regulations. The privacy requirements contained within HIPAA are estimated to cost health care organizations hundreds of millions of dollars, and will dominate the health lawyers' agenda now and into the future.

Second, the Mustokoff/Swichar/Herzfeld article, entitled "The Attorney/Client Privilege: A Fond Memory of Things Past, An Analysis of the Privilege Following *United States v. Anderson*," discusses how the recent decision in *United States v. Anderson* will affect the principles of the attorney/client privilege, the crime-fraud exception, corporate compliance programs, and voluntary disclosure. The prosecution of legal counsel for advice rendered in the complex fraud and abuse arena raised significant questions within the bar.

Third, the Cogan/Johnson article, "Administrative Channeling Under the Medicare Act Clarified: *Illinois Council*, Section 405(h), and the Application of Congressional Intent," clarifies the recent impacts on the judicial review provisions of the Medicare Act, codified at 405(g) and (h). Of particular relevance is the Supreme Court case of *Illinois Council* that interprets the scope of the "arising under" language and the recent amendments to the Deficit Reduction Act.

Telemedicine has the potential to transform the work of health care just as the Internet is transforming the world of commerce. Through telemedicine, the benefit of modern medical care now has the potential to reach those most in need. In "Telemedicine: The Invisible Legal Barriers to the Health Care

of the Future,” <sup>*Annals of Health Law, Vol. 9 [2000], Iss. 1, Art. 2*</sup> Heather Daly examines the legal obstacles to expanding the use of telemedicine, concluding that issues of liability and licensure require significant attention for telemedicine to flourish.

And finally, Timothy Aspinwall presents a comprehensive overview of the anti-kickback statute in “The Anti-Kickback Statute Standard(s) of Intent: The Case for a Rule of Reason Analysis,” examining the anti-kickback standard of intent. Mr. Aspinwall proposes a new approach to this standard, arguing an outcomes-based approach to the anti-kickback statute would better serve the public interest.

As always, it is our hope that you find this issue of the *Annals of Health Law* relevant and practical. We are particularly grateful to this year’s editorial staff for their work and dedication. Finally, as we prepare volume ten, we welcome your ideas and encourage you to submit articles for publication. Thank you for your continued support.

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