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Foreword

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Foreword

The decision to publish a new academic journal is not one that should be made glibly. There are literally hundreds of legal publications that dot the landscape dedicated to subjects of wide general interest and to subjects more esoteric and of a very specialized nature. The field of health law is not an exception, as dozens of new publications have emerged in the last twenty years, covering most aspects of this expansive new area of the law. Indeed, the academic and practice literature in health law measures up well against any other field of the law.

Since its creation in 1986, the Institute for Health Law and those of us associated with the Loyola program have been interested in developing our own publication. As a institution sponsoring two degree programs and numerous research projects, we believed that a journal devoted to our field of study seemed a necessary endeavor for us to pursue. The challenge we faced was to develop a publication that contributes to the field of health law, but does not duplicate some of the excellent work done by other law schools, professional associations, and law firms.

After several years of contemplating various ideas, we decided there was room for a publication with a practice-oriented focus, designed to provide current information about health law subjects of interest to the practicing bar. Clearly a practitioner focus fits nicely with the orientation of our LL.M. in Health Law degree and affords many of our students an opportunity to be involved with the publication.

Our being academics resulted in one concession to the less applied realms. We decided that one section of the Journal would be devoted to comparative health law, an area of growing focus at the Institute. Each year we co-sponsor a program in comparative health law with Canadian universities, and we have alumni and numerous contacts with health law academics throughout the world. American health lawyers are not regularly involved in dealing with foreign law, but clearly with the globalization of law practice, health law issues of other nations will take on an expanding importance. Thus, there is a need for an outlet of literature focusing on comparative analysis of health law and policy.

We are fortunate to have the assistance of the National Health

Lawyers Association (NHLA) in securing authors and promoting the publication. NHLA is the leading health law educational association in the nation, representing legal practitioners as well as individuals working in the health care industry in numerous capacities. The association has been very supportive of the Institute for Health Law generally.

This inaugural volume of the *Annals of Health Law* is representative of the breadth of this field of practice. It presents a series of applied articles highlighting the major themes of cost and access that are so dominant in the myriad of legal considerations affecting business and policy issues in health care delivery. Two articles, that of Mitchell Weitzman on home care and Micheal Spivey on Medicaid funding, deal with critical reimbursement policy questions. Hugh Aaron's article on the Medicare Anti-Kickback Statute and David Ball's piece on hospital tax exemption are reflective of current transactional issues with which health lawyers are now grappling. In addition, Alan Sherbrooke's review of recent anti-trust cases in health care and Alan Bloom's article on physician credentialing in managed care touch on two areas frequently encountered in the competitive arena of health delivery. Three articles focus on questions of discrimination, access, and health policy. Charles Gurd's article explores the Americans with Disabilities Act and the issues raised with regard to genetic discrimination. The piece by Carol Gerner deals with AIDS in the health care workplace, and Bridget Burke explores the expansion of good samaritan acts to address the dilemma of limited access to health care.

The last section of the *Annals* presents three papers and the remarks of a Quebec court judge on issues related to children in the law. The papers were originally presented at the Loyola McGill comparative health law conference held in Montreal in July 1991. Clearly the issues involving children in the law, such as child abuse, have received extensive coverage in the American legal literature. Regretfully, a comparative voice on these issues is seldom heard, and just as in health policy generally, our Canadian neighbors in social policy should provide us with valuable models, as the articles in this section attest.

Law reviews are not poetry, but in the modern vernacular, we hope you will find this volume reader friendly, and of practical benefit. Finally, I would be remiss if I did not acknowledge the support of the Loyola University of Chicago School of Law Dean Nina Appel in helping us to launch this effort. I am particularly grateful to my

colleague Marilyn Hanzal for all of her hard work in putting this volume together, and for cheerfully enduring editorial tasks while I sat on the beach in Montauk (thank goodness for tenure). I am also appreciative of all the work done by our LL.M. student editors, Charles Jelley and Bridget Burke, and wish them well in the health law practice and, more important, in life. I look forward to Volume 2!

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