



health | law INSTITUTE

2013 HIGHLIGHTS

FROM HLI TO A PROMINENT LAW FIRM

Elizabeth Winchell graduated from Hamline Law in 2013, and her Health Law Institute experience helped to propel her directly into a position as an Associate in the Health Care Practice Group at prominent Minneapolis law firm, Nilan Johnson Lewis.



HAMLIN
UNIVERSITY

School of Law

HAMLIN'S HEALTH LAW INSTITUTE

The Health Law Institute (HLI) at Hamline University School of Law is passionate about educating students both in and out of the classroom, engaging the health law community, and connecting research and scholarship to current events and industry challenges. The Health Law Institute is proud to engage industry professionals as advisory

board members who represent many fields and professions in health care and health law and provide invaluable perspectives on the current industry challenges. These perspectives guide and inform our strategic planning as we develop timely and relevant programming for both students and professionals.

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MESSAGE FROM THE DIRECTOR

This past year has been another year of growth and accomplishment for the Health Law Institute; for our students, our faculty and our alumni. As you'll read in the following pages, we have much to celebrate, but let me start with just a few highlights:

End-of-life care experts gathered at our November Symposium: *Legal, Medical, and Ethical Issues in Minnesota End-of-Life Care*. Over 200 regional and national experts explored issues and topics such as: the use of POLST orders; Minnesota guardianship procedure; institutional and community responses to medical futility disputes; and decision making for “unbefriended” patients without surrogates.

The first online cohort of Health Care Compliance Certificate students graduated. Ten working professionals from across the country completed their Health Care Compliance Certificate in May 2013 and are now eligible to sit for the Certified in Healthcare Compliance exam. This program, under the leadership of Director Barbara Colombo, also received a \$10,000 grant from the Compliance Certification Board. This certificate can also be completed as part of Hamline’s new Master in the Study of Law program.

We continue to celebrate our position as a recognized leader in the health law community. Since 2009, Hamline’s health law program has been recognized among the top twenty nationwide in the *U.S. News and World Report* rankings. In the 2014 rankings, the Health Law Institute moved up one position to the 16th best program in the country.

Our alumni found meaningful careers. Hamline graduates have secured competitive positions across all areas of the health care industry in a difficult economy, including: law firms, state and federal government, manufacturers, hospitals and clinics, insurers, trade associations, and consulting.

We hosted a number of meaningful events. In fact, the local legal community earned over 1,250 continuing legal education credits through a variety of events hosted by the Health Law Institute.

HLI students appreciate their experience. In a recent survey of students and alumni, we were pleased to confirm what we regularly hear anecdotally: that the Health Law Institute offers a valuable education and meaningful

student experiences. More than 94% of students would recommend that a new student earn an HLI certificate.

HLI faculty continue to lead scholastically. Once again, our faculty produced outstanding scholarship over the past year. Most notably, Professor Jonathan Kahn published his book *Race in a Bottle: The Story of Bidil and Racialized Medicine in a Post-Genomic Age* (Columbia University Press 2012). A complete listing of our accomplishments can be found in the final pages of this report.

Health law revolves around an industry, not a casebook. It impacts every American every day. The health care challenges for academics, industry leaders, and students confront us in the headlines each morning. And, because it is so dynamic, we need to make sure that our students experience the most advanced health law curriculum in the most compelling way from expert instructors.

In the coming year, we will again strive to instill real-life health law experience in our students. Through the Institute’s national speaker series and advanced expertise courses for working professionals, we will take education beyond law students to the Upper Midwest’s stellar health care community of lawyers, managers, compliance officers, clinicians, and policy makers.

It is a benefit to learn, teach, and practice health law in the heart of a premier health care market. We hope this report provides you with a better understanding of our work to date, as well as the Institute’s plans for a significant future.

Thaddeus Pope
Associate Professor of Law and
Director, Health Law Institute

HEALTH LAW INSTITUTE HIGHLIGHTS

Compelling events, new programs, awards, and student success

EVENTS

Symposium: Legal, Medical, and Ethical Issues in Minnesota End-of-Life Care. The Health Law Institute and the *Hamline Law Review* were pleased to present, *Legal, Medical, and Ethical Issues in Minnesota End-of-Life Care* on Friday, November 9, 2012. Federal and Minnesota laws recognize that individuals generally have the right to choose the time and manner of their death. However, these rights are not uniformly recognized in practice and there are many legal and practical limits on when and how they are honored. Regional and national experts, both scholars and practitioners, explored a broad range of legal, medical, and ethical issues in Minnesota end-of-life care.

We welcomed more than 200 participants to Hamline University's Saint Paul campus. These participants included: attorneys, physicians, nurses, social workers, ethicists, patient advocates, legal aids, government regulators, professors, students, chaplains, and other allied health professionals. To enhance its value and interest to these diverse professionals, we qualified the Symposium: for CLE credits by the Minnesota Board of Continuing Legal Education, for CE credits by the Minnesota Board of Nursing, and for CE credits by the Minnesota Board of Social Work. Volume 36, number 2 of the *Hamline Law Review* serves as a complement to the Symposium.

Our guests came from a diverse range of professional settings, including: hospitals, government agencies, universities, non-profit organizations, law firms, and health insurance companies. They represented a virtual who's who of Minnesota healthcare and public policy organizations, including: Children's Hospitals and Clinics of Minnesota, Mercy Hospital, the Minneapolis Veterans Affairs Health Care System, the University of Minnesota, William Mitchell College of Law, Allina Health, Health Partners,



Hamline Law Review students gather on Thursday evening, before the Symposium, at the reception and special performance of *Expiration Date* which brought to light the realities of a terminal diagnosis.



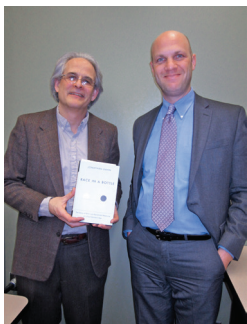
Evaluations show attendees over 94% satisfied with the conference content and speakers.

United Health Group, Compassion & Choices, Medica, the American Cancer Society, Mayo Clinic, Park Nicollet, Mid-Minnesota Legal Aid, Abbott Northwestern, the Food and Drug Administration, Fairview Health Services, the Minnesota House of Representatives, North Memorial Hospital, Sanford Health, the Hennepin County Medical Center, the Minnesota Department of Human Services, and the Minnesota Attorney General's Office.

National Speaker Series features Professor Maxwell Mehlman. The Arthur E. Petersilge Professor of Law and Director of the Law-Medicine Center, Case Western Reserve School of Law, and Professor of Biomedical Ethics, Case Western Reserve School of Medicine presented *Medical Practice Guidelines and the Legal Standard of Care*. Professor Mehlman's March presentation claimed that organized medicine is seeking to gain unprecedented control over the standard of care to which malpractice law holds physicians. He argued that this would be bad policy not only from the standpoint of patients but for the profession itself.

According to Professor Mehlman, American medicine has long fought to control the standard of care that physicians are expected to provide to their patients. It has waged battles on two fronts: against internal disagreements within the profession over what constitutes proper care, and against attempts to delineate the standard of care by forces outside the profession, such as private health insurers, the government, and the judicial system.

Professor Jonathan Kahn Publishes Book: *Race in a Bottle: The Story of Bidil and Racialized Medicine in a Post-Genomic Age*, Columbia University Press (2012). In February 2012 the Health Law Institute hosted a presentation, reception, and book signing recognizing Dr. Kahn and his new book. The book is the product of a three-year research project. The National Library of Medicine awarded Kahn a \$124,000 grant to research and write the book.



Professor Kahn with his new book and Professor Pope.

The aim of the project was to provide a book-length treatment of the emergence of race as a central organizing concept in the development of pharmaceuticals and related biotechnological innovations in a post-genomic age. This book examines how law, science, and commerce converge in the field of biomedicine to produce distinctive understandings and uses of race as a central organizing concept in the development of pharmaceuticals, biotechnology patents and related medical practice in a post-genomic age. This book directly addresses concerns about justice and equity in health care regulation and drug development. It builds from a case study of BiDil, the first drug ever approved by the FDA with a race-specific label—for the treatment of heart failure in a “black patient.”

“CCB’s scholarship program will assist universities that partner with CCB, the Health Care Compliance Association (HCCA), and the Society of Corporate Compliance and Ethics (SCCE) to provide learning opportunities and resources to students who are interested in pursuing compliance careers,” said Debbie Troklus, CCB president and managing partner at Aegis Compliance & Ethics Center.

In September 2012, Hamline Law faculty members Laura Hermer, Morgan Holcomb, and Jonathan Kahn presented **The Affordable Care Act Decision: Implications for Health Law & Beyond.**

Professor I. Glenn Cohen of Harvard Law School traveled to Hamline in October 2012 to present **Medical Tourism for Experimental Therapies: An In Depth Exploration of Stem Cell Therapy Tourism.**

Hamline alumna, Cathy Caitlin, Executive Director of the Australian Council on Smoking & Health, and Doug Blanke, Executive Director of the Public Health Law Center, presented **Tobacco Control: Comparing U.S. & Australian Labeling Regulations** in January 2013.

AWARDS



Minnesota Business Magazine Leaders in Health Care Awards

Finalist: The Hamline Health Law Institute has been named a finalist in the 2013 Leaders in Health Care Awards by Minnesota Business Magazine. This notable honor celebrates individuals and organizations leading the charge

in Minnesota’s world-class health care industry. These coveted awards honor excellent patient care, outstanding leadership, and thoughtful innovation. HLI was nominated for the category of Education and Workforce Development. A gala will be held October 29, 2013 to announce the award winners.

Health Care Compliance Program Receives Grant.

Hamline University School of Law has received a \$10,000 grant from the Compliance Certification Board (CCB), the organization responsible for determining competence in the practice of compliance and ethics. Hamline Law’s Health Care Compliance program is one of only six programs accredited by the CCB.

“We are very pleased to be receiving this grant,” said Barbara Colombo, director of Hamline’s Health Care Compliance program. “It is one more indication that the great work of our students, faculty, and industry partners is being recognized and endorsed.”

Hamline Law’s Health Care Compliance program is offered in two formats, a classroom option for JD students and an online option for working professionals. The program prepares students to make an immediate contribution in their chosen health care setting by arming them with a sophisticated understanding of governing laws and regulations, introducing them to industry leaders, and providing hands-on learning and interactive simulations through its in-depth curriculum.

continued



Online Compliance Certificate students began their program with a four-day residential component on Hamline's Saint Paul campus, and it culminated with students reuniting for a two-day capstone experience that included a comprehensive, multifaceted simulation exercise to test operational and substantive concepts learned throughout the program.

NEW PROGRAMS

First online cohort completes Health Care Compliance Certificate program: Hamline Law's highly regarded Health Care Compliance Certificate program is now online and available nationwide to a broad range of professionals. Until now, the program has only been available in the classroom, but the new online version of the program helps professionals across the country increase their value to employers by teaching them how to effectively navigate the complex maze of government laws and regulations.

"Health Care Compliance is one of the fastest growing career fields, requiring a sophisticated understanding of a complex regulatory environment," said Barbara Colombo, a Senior Fellow in Hamline's Health Law Institute, and director of the program. "Our program is one of only six accredited by the Compliance Certification Board. The online version, which launched in June 2012, is built on cutting-edge technology that allows students to both learn directly from world-class professors and engage with colleagues anywhere they have an internet connection."

Ten Online Health Care Compliance students completed the 12-credit Certificate last year, and nineteen are currently enrolled. Once students complete the certificate program they are eligible to sit for the nationally recognized Certified in Healthcare Compliance exam.

New Master's in the Study of Law features Health Care Compliance track: Hamline University's Master in the Study of Law program is designed for working

professionals who recognize that a sophisticated understanding of law and conflict resolution makes them more valuable in their current job—or the next one. The Hamline MSL is for anyone whose work involves law or who routinely receives the advice and counsel of lawyers, including a wide range of non-lawyer professionals.

The Hamline MSL is offered in two concentrations, Conflict Resolution and Health Care Compliance, powered by two of Hamline Law's nationally renowned centers of excellence—the Dispute Resolution Institute and the Health Law Institute.

STUDENT ACCOMPLISHMENTS

Health Law Institute students continue to excel: Hamline Law students competed and excelled in three health law moot court competitions this year.

The Health Law Institute was proud to award American Bar Association Bloomberg BNA Awards for Excellence in Health Law to weekday students **Joseph Cooch, Elizabeth Winchell, Lukas Anton** and weekend students **Morgan Vanderburg** and **Gregory Hanson**. The award entitles the recipients each to an award certificate and \$500 in health law reference materials.

Dustin Bethke served as the student representative on the Governing Council of the Minnesota State Bar Association Elder Law Section.



Rob Tungseth and Tescia Veldhouse, photo courtesy of SCCE/HCCA

The Health Care Compliance Association (HCCA) chose **Rob Tungseth** and **Tescia Veldhouse** to serve as interns during the Spring 2013 semester, and they were instrumental in helping HCCA bring its 3,000-document Resource Library online in August. They were also asked to travel to Maryland to help Minneapolis-based HCCA at its biggest event of the year, the 17th Annual Compliance Institute.

Rob and Tescia will be featured as the cover story of the November 2013 issue of *Compliance Today*, a publication distributed every month to more than 9,000 compliance professionals across the United States.

Student Health Law Association: At Hamline, we take pride in the involvement of our students. The Student Health Law Association (SHLA) provides opportunities for students to get involved in the community, explore the field of health law, and learn about the diverse opportunities in this evolving field. Recent activities

have included: volunteering during National Healthcare Decisions Day, co-sponsoring a campus blood drive, and co-sponsoring the *Career Pathways in Health Law and Health Care Compliance* panel. Peer-support activities include facilitating health law student discussion groups and creating a network that acts as a springboard for academic and employment success. During the 2013-2014 academic year, the SHLA will be led by **Leah Fitzgerald**, **Beth Deines**, **Shamila Merchan**, **Brice Dzubinski**, and **Marissa Newton**.



SHLA Officers, Holly Danielson, Amanda Pittman, and Sara Schroeckenthaler greet new students during orientation.

STUDENT COMPETITIONS

Health Law Regulatory and Compliance Competition:

Congratulations to the Hamline Law team, made up of Christina Becker, Zach Clifton, and Joseph Cooch who placed 5th out of 16 teams at the 2nd Annual Health Law Regulatory and Compliance Competition, held at the University of Maryland Francis King Carey School of Law in February 2013.

National Health Law Transactional Competition team members Holly Danielson, Matthew Wasik, and Cassandra Heinrich

The L. Edward Bryant, Jr. National Health Law Transactional Competition:

The Hamline Law team made up of Holly Danielson, Cassandra Heinrich, and Matthew Wasik competed in March 2013 at Loyola University of Chicago, School of Law, Beazley Institute for Health Law & Policy.



Hamline National Health Law Moot Court Coach Professor Thaddeus Pope and team members Elizabeth Winchell and Joseph Cooch

National Health Law Moot Court Competition:

Health law students Joseph Cooch and Elizabeth Winchell, competed at the National Health Law Moot Court Competition at Southern Illinois University School of Law in November 2012. HLI Director Thaddeus Pope accompanied the pair to the competition, where they finished among the top four of thirty-two teams. Cooch and Winchell also won the Runner-Up "Best Brief" award. The 2013 team is made up of Kristin Kunz and Michael Manning.

EXPERIENTIAL LEARNING

HLI students receive hands-on, skills-based training through a variety of experiential learning opportunities in the health care industry.

Experiential learning is the current that runs through the entire Hamline Law curriculum. We decidedly integrate skills training, work experience and career services throughout every facet of the law school. HLI strongly embraces this uniquely Hamline Law approach to legal education.

HLI students are kept apprised of the wide range of experiential learning opportunities through a weekly e-newsletter, the *HLI Brief*. Through this regular communication, students are better informed of ways in which they can engage with the local bar and community health law events. The *HLI Brief* also alerts students to position openings, writing competitions, CLE presentations, and other opportunities.

Over the past year, HLI students served clients, worked closely with attorney mentors and alumni, and participated in the rich Minnesota health law community. We prepare our students to make an immediate, meaningful contribution upon graduation.

HEALTH LAW CLINIC

Combining course work and case work, the Health Law Clinic allows students to represent clients in health-related administrative hearings or written appeals, perform legislative research, and provide case analyses and client advice. Through the clinic, students have the opportunity to participate in a variety meaningful experiences.



ADMINISTRATIVE HEARINGS AND RELATED WORK

During the Fall 2012 semester, two students successfully represented a client in an unemployment benefits hearing. The client was a food service worker who had been terminated from her employment due to alleged misconduct. The students researched the issue and interviewed the client after the client had initially been denied benefits. The students prepared the client for the hearing and represented the client in the telephone hearing, which involved examination of the client and cross examination of the employer's witness. The client won the hearing and began receiving unemployment benefits.

Two students represented a client in a Minnesota Department of Health (MDH) maltreatment and disqualification proceeding. The client worked as a home health aide in an assisted living facility. A MDH investigation determined that she was responsible for neglect/maltreatment related to a patient's fall and alleged that she should be disqualified from employment in the facility. The students did extensive research, interviewed the client and a clinical nurse expert, and prepared a settlement analysis for MDH that was rejected before hearing. At the hearing, one of the students conducted direct examination of his client and the clinical expert. The Department of Human Services Judge issued a recommended decision in favor of MDH on the maltreatment determination and in favor of the client on the disqualification set-aside determination. Since the decision was issued after the semester ended, faculty prepared exceptions contesting the maltreatment decision and are awaiting the Commissioner of Health's decision in the matter.

A Spring 2013 student wrote and filed a request for a set-aside with the Minnesota Department of Human Services for a client who had been permanently disqualified from direct care employment due to a very old arrest record. The Department denied the written request, and the student advised the client about a further appeal.

JUDICIAL HEARINGS

In Spring 2013, two students prepared expungement petitions for individuals who had been disqualified from health-related employment based on criminal background studies. To prepare the petitions, they conducted interviews of their clients and witnesses; and, they researched the applicable law and Court file systems. Hearings for the two petitions were scheduled after graduation, so another Clinic student was able to present and argue the petitions before the local district courts in June. The expungement requests were granted to the extent permitted by recent Minnesota Supreme Court decisions limiting a judge's expungement authority to judicial records.

CASE ANALYSIS AND CLIENT ADVICE

Both during Fall 2012 and Spring 2013, students worked with clients to discuss disqualification and expungement-related issues. Students interviewed the clients to evaluate their cases, conducted research on the client's specific situation, and wrote advice letters to the clients regarding their individual cases.

EXTERNSHIPS, INTERNSHIPS, AND OTHER OPPORTUNITIES

Health Law Externships: Through the Health Law Externship, students apply classroom learning to real-world experiences under the direction of an attorney mentor. These externships require a classroom component and 114 hours of field work. Hamline students have recently worked with attorney mentors at, among other places: Children's Hospitals and Clinics of Minnesota; Compassion & Choices; DuVal & Associates, P.A.; Ecolab; HealthPartners; Jardine, Logan and O'Brien; Leonard Street & Deinard Medical Legal Partnership; the Mayo Clinic; Medica; Medtronic; MN Department of Health; MN Department of Human Services; Minnesota Hospital Association; Office of Institutional Compliance, University of Minnesota; Planned Parenthood of MN, ND, and SD; Scheller Legal Solutions LLC; UCare Minnesota; U.S. Attorney's Office; and the VA Hospital.

Judicial Externships: In addition to the Health Law Externship, students can also engage in experiential learning by working for academic credit in a courthouse setting under the direction of a judge. Recent health law students have clerked for mental health courts and probate courts.

Internships: Many Hamline students convert their externships into internships, part-time jobs, and even full-time post-graduate employment. Hamline students have recently interned at, among other places: the Food and Drug Administration; the Minnesota House of Representatives; Prime Therapeutics; Planned Parenthood; Allina; HealthPartners; Avera Health; the Emily Program; UCare; the Minnesota AIDS Project; Midwest Disability; Gillette Children's Speciality Healthcare; St. Catherine University Office of Research; and the Public Health Law Center.

Part-time Jobs: Many part-time students in the Hamline Law weekend program work full-time. Even full-time Hamline Law students often work not just in the summer, but also during the academic year. This gives them valuable experience and credentials. Students have recently worked at: the Public Health Law Center; Nilan Johnson Lewis;

Halleland Habicht; Hallberg & McClain, P.A.; and Moore, Costello & Hart.

HUSLink Mentorship Program: The HUSLink Mentorship Program was designed to make networking and mentoring available in a flexible, timely, and customized manner. Mentors and protégés can designate that they would like to work with someone focused on health law, which creates a unique opportunity for our students to interact with leaders in the health law community. This program is managed by the Hamline Law Career Services Office.

Pro Bono Health Law Experiences: Hamline has a strong tradition of serving underserved communities. With the honor of a law license comes the responsibility to give back, in the form of legal services without compensation, to those who cannot afford to pay. Many Hamline Law students choose to volunteer at health law related sites, such as: the Cancer Legal Line, Children's Dental Services, the Pathways Counseling Center, and the Minnesota Disability Law Center. These placements are often facilitated by the Minnesota Justice Foundation.

Career Panels: Introducing Hamline Law students to alumni and community professionals who have successfully navigated the various paths to meaningful health law careers is an important part of the Health Law Institute's mission. HLI hosted four career panels during the 2012-2013 academic year. These panels highlighted careers in medical malpractice, compliance, transactional law, and regulatory affairs. Thank you to our career panelists: Ruth Flynn, UMN Physicians; Keith Halleland, Halleland Habicht; Nancy Husnik, Target Corporation; Tim Janes, Medtronic; Cecilie Loidolt, Meagher & Geer, PLLP; Casey Martin, Planned Parenthood of MN, ND, SD; Neal Peterson, Dorsey & Whitney; Kara Rahini, Kosieradzki Smith Law Firm LLC; Suzy Scheller, Scheller Legal Solutions; Julie Sherman, Medtronic; and Mark Whitmore, Bassford Remele.

Students attend Upper Midwest HCCA Conference. On September 14, 2012 over 15 Hamline Law students and alumni attended the Health Care Compliance Association's Upper Midwest Regional Annual Conference in Minneapolis, MN.

"The HCCA Conference provided great insight into the variety of roles that compliance officers play in the function of companies. It was great to see the speakers who hold J.D.'s as well as their CHC playing vital roles in companies from UnitedHealth to Target. This opportunity gave me more insight and hope that the world of compliance is ever expanding, prevalent, changing, and challenging."

– Amanda Pittman, JD '13

"As my first year of law school comes to a close, I am excited to announce I have accepted a summer law clerk position with Hallberg & McClain, P.A. The firm specializes in plaintiff's medical malpractice with more than 25 years of experience. Hallberg & McClain, P.A. strives to tell the client's story with compassion and integrity. Being a nurse for the last 11 years has provided me with the opportunity to advocate for patients. I believe my legal education will allow me to promote patient safety through the representation of law and further advocate for patients. The prospect of using my nursing background to further assist clients in a compassionate manner is motivating. The opportunity to learn from the best is exciting and I cannot wait to start my law clerk position with Hallberg & McClain, P.A."

– Leah Fitzgerald, anticipated JD '15

Students engage in the MN State Bar Association:

Hamline Law students regularly attended the MSBA Health Law Sections monthly breakfasts and annual law student reception. Dustin Bethke served as the student representative on the Governing Council of the Minnesota State Bar Association Elder Law Section.

Students attend MN Supreme Court Hearings:

In October 2012, after a hearty breakfast at Keys Café, Professor Pope accompanied six students to the Minnesota Supreme Court, for oral arguments in the Dickhoff v. Green case. The Court adopted lost chance causation for medical malpractice cases.

American Health Lawyers Association School

Alliance: Hamline Law is proud to be a member of the American Health Lawyers Association (AHLA) School Alliance. Our health law students are able to take advantage of special benefits such as attending AHLA conferences and participating in AHLA's mentorship program

Hamline students provide real value during their time at the U.S. Attorney's Office in Minnesota. They are consistently intelligent, dedicated, and hard-working self-starters. We look forward to participating in the externship for many years to come.

– Gerald Wilhelm
Externship Mentor, Attorney, Coordinator of the
Civil Frauds Unit, United States Attorney,
Office for the District of Minnesota

ALUMNI SUCCESS

HLI alumni continue to find meaningful positions and advance in their careers, even in a difficult job market.

Employment statistics of those known to be seeking employment, for the Hamline Class of 2012, show an employment rate in Bar Passage, JD Advantage and Other Professional jobs of over 93%. Indeed, Hamline graduates have secured competitive positions across all part of the health care industry, including:

Law Firms: Leonard Street and Deinard; Halleland Habicht; Jackson Lewis; Bassford Remele; Moga Law Group; Geraghty, O’Loughlin, & Kenney; Nilan Johnson Lewis

Government: Minnesota Department of Health; Minnesota Department of Human Services; U.S. Department of Veterans Affairs; New York Senate; Minnesota Board of Nursing; Metropolitan Health Plan

Manufacturers: Abbott Laboratories; Medtronic; DeRoyal Industries; Ecolab; Hill-Rom; GE Healthcare

Hospitals and Clinics: Mayo Clinic; Childrens Hospitals and Clinics of Minnesota; Essentia Health; Mental Health Resources; University of New Mexico Health Sciences Center; Sanford Health; Sutter Health; Planned Parenthood; Sutter Health

Insurers: HealthPartners; United Healthcare; Blue Cross and Blue Shield

Trade Associations and Consulting: Optum; Health Care Compliance Association; Central California Alliance for Health; Thomson Reuters

Graduates are finding their HLI education quite helpful as they begin their careers. We have a number of recent exciting success stories, including:



Natalie Larsen, JD '11 “As a Senior Compliance Analyst at UnitedHealthcare Pharmacy, I track and interpret state and federal laws that potentially impact United’s business and operations. I collaborate with multiple departments across United to establish and implement standard policies, procedures and best practices to promote compliance with applicable laws and contractual obligations. I also respond to state regulators by preparing arguments as to how our health benefit plan, pharmacy programs and network comply with the law.”



Casey Martin, JD '11 has recently accepted a position as Compliance Director at Planned Parenthood of MN, ND, SD. Once a compliance staff member at Planned Parenthood, she returns after working in compliance at BlueCross and BlueShield of Minnesota. She continues to serve as a volunteer attorney through Volunteer Lawyers Network.



Elizabeth Stoneburg, JD '12 As a legal analyst for the Minnesota Board of Nursing, Liz works within the Board’s Discipline and Practice Department, reviewing case files and drafting documents for the regulatory agency. The Board regulates nurses to ensure safe, quality care for patients across Minnesota. Liz is very excited to be using her Health Law Certificate for patient protection and advocacy right out of law school.



Holly Weick, JD '12 “I recently started as a Compliance Specialist at Central California Alliance for Health (CCAH). In this role, I work with the Compliance team to support CCAH by revising policies, conducting research, reviewing contracts, and assisting with audits. CCAH is a non-profit county organized health system that provides managed Medicaid services for Santa Cruz, Monterey, and Merced counties in California. I am very excited to be using the education and experiences that I gained from the Health Law Institute, my externship with Planned Parenthood, and my summer internship with Care Capital Management.”



Christilyn Nailing, JD '12 “I am currently working as a Project Consultant Senior with the Health Care Eligibility and Access Division at the Minnesota Department of Human Services (DHS). I work within Minnesota’s Health Care Reform Eligibility Policy Team to implement health care reform and help ensure that Minnesota Health Care Programs (MHCP) comply with program procedures, operational initiatives, and reform legislation. I research, interpret, and communicate MHCP eligibility policy as it relates to health care reform, and I am a primary policy and legal resource for the development and implementation of the Minnesota Health Insurance Exchange and DHS system modernization efforts. I am excited about my work with DHS. I am also happy that I am using my knowledge and education from Hamline’s Health Law Institute and my experiences from my externship with UCare to positively impact MN residents and the future of affordable and accessible health care.”



Elise Brown, JD '13 “In January, I was officially offered (and of course accepted) a position as an associate attorney with Geraghty, O’Loughlin, & Kenney in St. Paul, following graduation. They are an 11 attorney firm with offices in both St. Paul and Duluth, MN. We practice all areas of health law, but focus mainly on medical malpractice defense. I have been clerking there since June of 2011. This truly is my dream job and I am incredibly overwhelmed and excited that I have been given the opportunity to begin my legal career with this firm. And, I must say, the knowledge that I have gained through all of my health law classes has certainly set me up for this exciting opportunity.”



Logan Mortenson, JD '13 “I applied for, and was offered, a health care compliance position at Thomson Reuters in their governance, risk, and compliance division. My position entails tracking changes in health care compliance laws and regulations and providing customers with written summaries of those

changes so that they can keep up with the ever-changing regulatory environment. I am grateful and fortunate to have this opportunity. There were three main reasons why I was able to secure this position: my prior experience working at Thomson Reuters as an intern, my participation in the Hamline General Health Law and Health Care Compliance Certificates, and my externship experience at the U.S. Attorney’s Office. I am thankful to the Health Law Institute for providing me with the skills and competitive edge that I needed to succeed in the job market!”



Jenna Kaplan, JD '13 “Following my health law externship in the Privacy Department of the Compliance Office at the Minnesota Department of Human Services, I was hired to continue my work as a Privacy Law Clerk. Our office oversees privacy and compliance issues that arise in all departments and programs of the Minnesota Department of Human Services.”



CONGRATULATIONS TO OUR GRADUATES!

General Health Law Certificate

Christina Becker, Joshua Benson, Virginia Bernhagen, Dustin Bethke, Amanda Carter, Zachary Clifton, Kayla Cottier, Holly Danielson, Greg Hanson, Aria Hedtke, Jenna Kaplan, Kathleen McBride, Logan Mortenson, Amanda Pittman, Stephanie Pretzer, Porsha Reed, Matthew Seeley, Kathryn Sherman, Sarah Simonson, Karin Stuart, Robert Tungseth, Matthew Wasik, Margaux Weinstein, Elizabeth Winchell

Health Care Compliance Certificate

Christina Becker, Virginia Bernhagen, Dustin Bethke, Elise Brown, Amanda Carter, Zachary Clifton, Holly Danielson, Greg Hanson, Aria Hedtke, Cassandra Heinrich, Michelle Lum, Logan Mortenson, Amanda Pittman, Porsha Reed, Kathryn Sherman

Online Health Care Compliance Certificate

Maria Alma Estrera-Yorke, Janet Graves, Matthew Hill, Kelly Johnson, Grace Lockett, Vicki Lubben, Tracy Pederson, David Walsh, Regina Wong

HEALTH LAW INSTITUTE CURRICULUM

In May 2013, the Health Law Institute awarded twenty-two General Health Law Certificates and twenty-three Health Care Compliance Certificates. Every health law student is paired with a Health Law Institute faculty advisor to guide them through course and career planning. Since 2008, the Health Law Institute has awarded 84 General Health Law Certificates and 76 Health Care Compliance Certificates.

Health Law Institute courses serve not only our certificate students, but also the broader law school community. During the 2012-2013 academic year, 400 students enrolled in over twenty different health law courses. These courses covered a broad range of topics, including: health care organization and finance, quality of care and liability, elder law, HIPAA privacy, and medical malpractice.

ESTABLISHED PROGRAMS

General Health Law Certificate

The General Health Law Certificate shows future employers that students have concentrated their studies in health law. Earning the Certificate both requires and demonstrates a significant understanding and practical application of key health law concepts. Twenty-one JD students are currently registered to complete the 14-credit program that requires classroom courses, experiential learning, and extracurricular engagement.

Health Care Compliance Certificate

Health Care Compliance Certification enables students to be uniquely positioned to make a positive impact as prepared and effective leaders in their chosen health care settings. The program provides a thorough examination of governing laws and regulations, introduces students to industry leaders, and offers hands-on learning and interactive simulations through its in-depth and in-person curriculum. With Hamline's Compliance Certificate, students are eligible to take the nationally recognized Certified in Healthcare Compliance Exam without satisfying the otherwise-required work experience and continuing education requirements. Hamline was the 2009 recipient of the Society of Corporate Compliance and Ethics 5th Annual International Compliance and Ethics Award. Fourteen JD students are currently registered to complete this 14-credit program and nineteen students are currently enrolled in the 12-credit online program.

Master's in the Study of Law

The Hamline MSL is for anyone whose work involves law or who routinely receives the advice and counsel of lawyers. This degree is offered in two concentrations, Conflict Resolution and Health Care Compliance, powered by two of Hamline Law's nationally renowned centers of excellence — the Dispute Resolution Institute and the Health Law Institute. Each MSL student will focus their studies in a 17-credit subject area concentration — each includes a set of required courses but also the opportunity to explore elective subjects from the rich array of course offerings in the JD curriculum. Students take law school courses alongside full-time law students. And they can complete the degree in 12 months.

Joint JD and Masters of Arts in Organizational Leadership Program

Students interested in obtaining a Masters of Arts in Organizational Leadership (MAOL) with an emphasis in health care compliance can do so through our collaborative program with St. Catherine University. The MAOL is designed to enhance an individual's ability to lead and influence in an ethical, effective, and enduring manner within and among organizations. The joint degree program permits students to complete both degrees with just 109, instead of 127, credits.

SUMMER AND JANUARY TERMS

The Health Law Institute attracts many non-traditional law students and health law professionals who are looking to advance in their current positions, earn CLE credits, or to change careers. The compact courses offered over summer and January terms, increasingly in an online asynchronous format, offer an alternative to the regular academic calendar and accommodate busy work and family schedules. They also provide many non-Hamline law students with the opportunity to take health law courses that are not available at their home campuses.

WEEKEND JD

The part-time weekend JD program offers an alternative scheduling option for students. The weekend program is perfect for professionals who want to continue working while advancing or changing careers. Hamline's weekend courses include a number of health law professionals such as physicians, nurses, compliance officers, and regulators. Health law courses are scheduled so that weekend students can earn the General Health Law Certificate and/or the Health Care Compliance Certificate.

HEALTH LAW COURSES

CLASSROOM COURSES	2012			2013			2014		
	SPRING	SUMMER	FALL	J-TERM	SPRING	SUMMER	FALL	J-TERM	SPRING
Administrative Law			•		•				•
Advanced Health Law Seminar	•								
Assisted Reproductive Technologies						•			
Bioethics			•		•				•
Compliance Laws & Regulations			•				•		
Compliance Skills: Auditing, Investigating & Reporting	•				•				•
Drug & Device Law									•
Elder Law		•				•			
Food Law								•	
Food & Drug Law	•								
Fraud & Abuse				•					
Genetics Seminar			•				•		
Governance & Ethics in Compliance					•				•
Health Care Compliance Institute		•				•			
HIPAA Privacy				•				•	
Independent Study	•		•		•		•		•
Insurance Law					•				
Medical Law at the End of Life	•								
Medical Malpractice			•						
Mental Health Law	•								•
Nonprofit Organizations			•						
Organization and Finance	•				•				•
Public Health Law & Ethics			•		•				•
Quality of Care & Liability			•				•		
Race, Health Care & the Law						•			
Reproductive Rights Seminar									•

HLI EXPERIENTIAL OPPORTUNITIES

	2012			2013			2014		
	SPRING	SUMMER	FALL	J-TERM	SPRING	SUMMER	FALL	J-TERM	SPRING
Health Law Clinic	•		•		•		•		•
Health Law Externship	•	•	•		•	•	•		•
Judicial Externship	•	•	•		•	•	•		•
Internships & Part-time Employment	•	•	•	•	•	•	•	•	•
Pro Bono Placements (Minnesota Justice Foundation)	•	•	•	•	•	•	•	•	•
National Health Law Moot Court Competition			•				•		
Regulatory & Compliance Competition					•				
Transactional Health Law Moot Court Competition					•				
Bakken Fellowship	•	•	•	•	•	•	•	•	•

HLI CERTIFICATE REQUIREMENTS

	General Health Law Certificate	Health Care Compliance Certificate
Quality & Liability (3 credits)	•	•
Organization & Finance (3 credits)	•	•
Health Care Compliance Institute (3 credits)	N/A	•
Administrative Law (3 credits) Not required for students who began Law School pre-Fall 2012	•	N/A
Governance & Ethics (2 credits)	N/A	•
Compliance Skills (3 credits)	N/A	•
Bioethics & the Law (2 credits)	•	N/A
Experiential Learning: Health Law Externship (3 credits) or Health Law Clinic (3 credits)	•	N/A
Any Elective (3 credits)	•	N/A
Six extracurricular activities and exit interview	•	N/A

FACULTY AND STAFF

HEALTH LAW INSTITUTE FACULTY



Thaddeus Pope, JD, Ph.D.
Director, Health Law Institute
Associate Professor of Law
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651-523-2519

Thaddeus Pope joined Hamline Law as the Director of the Health Law Institute in January 2012. He is the Secretary of the AALS Section on Law, Medicine, and Health Care; a member of the CMS Medicare Evidence Development & Coverage Advisory Committee; and an Edmond J. Safra Network Fellow at Harvard University. His research focuses on end-of-life treatment issues, internal dispute resolution, medical liability, public health law, and bioethics. He authors a blog on medical futility (medicalfutility.blogspot.com), reporting and discussing legislative, judicial, regulatory, medical, and other developments concerning end-of-life medical treatment.

Professor Pope also teaches for the Alden March Bioethics Institute at Albany Medical College. He previously taught at Widener University and the University of Memphis. Prior to joining academia, he practiced at Arnold & Porter LLP and clerked on the U.S. Court of Appeals for the Seventh Circuit. Pope earned a JD and Ph.D. in philosophy and bioethics from Georgetown University.



Barbara Colombo, JD, R.N.
Director, Health Care Compliance Program
Senior Fellow
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651-523-2118

Barbara Colombo joined Hamline Law as a Senior Fellow and Director of the Health Care Compliance Certificate Program in 2007. Prior to her current position, she served as the Assistant Commissioner for the Minnesota Department of Health where she was responsible for the regulation of HMOs and other managed care entities, long term care facilities, local public health delivery systems, maternal and child health, and various health occupations. Colombo also practiced with the law firm of Robins, Kaplan, Miller and Ciresi in the areas of medical malpractice, person injury and products liability. Prior to practicing law, she worked as a critical care registered nurse.



Lucinda Jesson, JD
Currently on leave, serving as the
Commissioner of the Minnesota
Department of Human Services

Lucinda Jesson joined Hamline Law in 2006 as an associate professor of law and Director of the Health Law Institute. In private practice, Professor Jesson represented individuals, hospitals, clinics, and health care professionals through her practice, Jesson & Pust, P.A. Jesson also served as a frequent arbitrator and hearing officer in health care disputes. Prior to the start of Jesson & Pust, she served as Chief Deputy Hennepin County Attorney (1999-2000), Minnesota Deputy Attorney General responsible for Health and Licensing (1993-1998), and as a partner with the law firm of Oppenheimer Wolff and Donnelly LLP (1983-1993).

Prior to joining Hamline, Jesson served as an adjunct professor of health law at William Mitchell College of Law and the University of St. Thomas Business School. She also has taught trial practice at Bahcesehir University in Istanbul, Turkey.



Jonathan Kahn, JD, Ph.D.
Professor of Law
jkahn01@hamline.edu
651-523-2648

Holding a Ph.D. in History from Cornell University and a JD from Boalt Hall School of Law, Jonathan Kahn teaches in areas of Constitutional Law, Torts, Health Law and Bioethics. He writes on issues in history, politics, and law and specializes in biotechnology's implications for our ideas of identity, rights, and citizenship, with a particular focus on race and justice.

Dr. Kahn is an internationally recognized expert on this topic. He has received research grants from the National Human Genome Research Institute, the National Library of Medicine, and the National Endowment for the Humanities. Most recently, he is the author of the book, *Race in a Bottle: The Story of BiDiI and the Rise of 'Ethnic' Medicine in a Post-Genomic Age*. (Columbia University Press.) His scholarly research and writing related to the legal and ethical implications of how racial categories are produced and disseminated in the course of drug development have been published in a wide array of journals ranging from the Yale Journal of Health Policy, Law & Ethics, Iowa Law

Review, and the Stanford Law & Policy Journal to Health Affairs, the American Journal of Public Health, and Nature Genetics. Much of his work can be viewed at <http://ssrn.com/author=180388>.

Before coming to Hamline, Dr. Kahn practiced with Hogan & Hartson after graduating from law school. He then went on to complete his Ph.D. and teach at Bard College. Later, he served as a Visiting Associate Professor at Harvard University and has also taught at the University of Minnesota, Cornell University School of Law, and Western New England School of Law.



Laura Hermer, JD, LL.M.
Associate Professor of Law
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651-523-2084

Laura Hermer joined Hamline Law as an Associate Professor in August 2012. Previously, she was an Assistant Professor in the University of Texas Medical Branch's Institute for the Medical Humanities and Department of Preventive Medicine and Community Health, and Director of the Health Economics and Policy Theme in the School of Medicine.

Her work encompasses a variety of strands in health law, medical ethics, and health policy. Much of her current research focuses on Medicaid policy, in particular the historic and present tensions between the federal and state governments in regulating and funding the program, and the impact these struggles have had, not just on beneficiaries, but also on the greater health care system.

HEALTH LAW CLINIC FACULTY



Susan Schaffer, JD, R.N.

Susan Schaffer is an attorney in solo practice in Saint Paul. She routinely represents health care providers in administrative proceedings before the Centers for Medicare & Medicaid Services, the Minnesota Department of Health, and the Minnesota Department of Human Services on investigations and enforcement actions. She also defends individual health professionals in licensing actions and investigations. Schaffer advises providers on operational matters, such as employment issues, rental agreements for senior housing, and sensitive resident and family dilemmas.



Lindsay Davis, JD, M.A.

Lindsay Davis is an attorney in private practice in Saint Paul. She specializes in direct care disqualifications and criminal expungements. Prior to starting her own practice, Ms. Davis was a staff attorney at the Saint Paul office of Southern Minnesota Regional Legal Services, Inc., where she focused on re-entry issues and government entitlement programs. She regularly trains other attorneys and community members about expungements and health care employment disqualification issues.

AFFILIATE FACULTY

Larry Bakken, JD, LL.M., M.S.

Professor of Law

Professor Bakken's diverse background includes business, economics, politics, and scholarly achievement. As one of the founding professors of the Hamline Law, Bakken has served in various leadership roles. He has been a consultant to the Minnesota House of Representatives, the Administrative Conference of the United States, and the Minnesota Private College Council. Bakken serves as Chair of the International Advisory Committee to the Metropolitan Council and on the Board of Directors of the National League of Cities. He has taught and lectured in Canada, China, Germany, Moldova, Norway, Estonia, Latvia, Lithuania, Russia, and Italy.

Cathryn Deal, JD

Associate Professor of Law

Professor Deal teaches Taxation of Individuals, Nonprofit Organizations, and the General and Extended Externship online classes. She served as Director of the Externship

continued



FACULTY AND STAFF *CONTINUED*

program. She expanded and directed Hamline's acclaimed Competitions Program and is faculty advisor for the national Taxation Moot Court Competition teams.

Jason Marisam, JD

Assistant Professor of Law

Professor Marisam teaches Administrative Law, Constitutional Law, and Torts. His areas of expertise include legislation, regulation, and election law. Professor Marisam graduated cum laude from Harvard Law School, where he was an editor on the Harvard Law Review. Before joining Hamline, Marisam was the Kauffman Legal Research Fellow in residence at Harvard Law School. He also practiced in the litigation department of Skadden, Arps, Slate, Meagher & Flom.

HEALTH LAW INSTITUTE STAFF

Kari McMartin

Program Manager

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651-523-2130

Kari joined the Health Law Institute in October 2011. Prior to her current position she worked as the Director of Development and Alumni Relations at the Minnesota State University Student Association. She graduated in 2007 from Winona State University where she majored in Political Science and Public Administration and minored in Women's and Gender Studies. While in college she interned with Senator Richard Durbin in Washington D.C. and was elected to serve as the Student Government Vice President for two years.

2012-2013 ADJUNCT FACULTY

Isaac Buck

Professor of Law, Mercer University School of Law

Course Taught: Fraud & Abuse

Nanette Elster

Vice President, Spence & Elster, PC

Lecturer, Neiswanger Institute

Course Taught: Assisted Reproductive Technologies

Nancy Evert

Deputy General Counsel, Care Group, HealthPartners

Course Taught: Governance & Ethics in Health Care Compliance

Marlene Garvis

Partner, Jardine, Logan & O'Brien

Course Taught: Medical Malpractice: Theory & Practice

Gina Kastel

Partner, Faegre Baker Daniels LLP

Course Taught: HIPAA Privacy

Lori Oleson

Director of Compliance, UCare

Course Taught: Compliance Skills: Auditing, Investigating, and Reporting

Vernellia Randall

Professor of Law, University of Dayton School of Law

Course Taught: Race, Health Care, and the Law

Suzy Scheller

Scheller Legal Solutions, LLC

Course Taught: Elder Law

Patti Skoglund

Partner, Jardine, Logan & O'Brien, P.L.L.P.

Course Taught: Medical Malpractice: Theory & Practice

Barbara Tretheway

Senior Vice President, Chief Legal Officer, HealthPartners

Course Taught: Governance & Ethics in Health Care Compliance



“Health law revolves around an industry, not a casebook. It impacts every American every day. The health care challenges for academics, industry leaders, and students confront us in the headlines each morning. And, because it is so dynamic, we need to make sure that our students experience the most advanced health law curriculum in the most compelling way from expert instructors.”

— Thaddeus Pope
Associate Professor of Law and
Director, Health Law Institute

FACULTY SCHOLARSHIP

Health Law Institute Faculty Publications, Presentations, and Appointments

THADDEUS POPE

Publications

Dispute Resolution Mechanisms for Intractable Medical Futility Disputes, 58 N.Y. L. SCH. L. REV. __ (forthcoming 2013).

Legal, Medical, and Ethical Issues in Minnesota End-of-Life Care, 36(2) HAMLIN L. REV. __ (forthcoming 2013).

Healthcare Ethics Committees: Mediation or Adjudication, 15 CARDOZO J. CONFLICT RESOL. __ (forthcoming 2014).

Public Health Paternalism: Seven Criteria of Justifiability, 46 CONN. L. REV. __ (forthcoming 2014).

Medical Futility and Physician Power, in OXFORD HANDBOOK ON DEATH AND DYING (Stuart Younger & Robert Arnold eds., Oxford University Press forthcoming 2014) (with Douglas B. White).

Quality of Life in Legal Perspective, in ENCYCLOPEDIA OF BIOETHICS (4th ed., Jennings ed., Macmillan Reference forthcoming 2013).

Death Penalty, in ENCYCLOPEDIA OF BIOETHICS (4th ed., Jennings ed., Macmillan Reference forthcoming 2013).

Patient Rights, in OXFORD TEXTBOOK OF CRITICAL CARE (Webb, Angus, Finfer, Gattioni & Singer eds., Oxford University Press forthcoming 2013) (with Douglas B. White).

Managing Conscientious Objection in Intensive Care Medicine, AMERICAN THORACIC SOCIETY (in progress) (with ATS Ethics Committee and other external content experts).

Statement on Futility and Goal Conflict in End-of-Life Care, in ICU Medicine AMERICAN THORACIC SOCIETY (in progress) (with ATS Ethics Committee and other external content experts).

Clinical Practice Guideline for Physician Aid-in-Dying (under review) (with Compassion & Choices Guidelines Committee).

Legal Briefing: Home Birth and Midwifery, 24(3) JOURNAL OF CLINICAL ETHICS __ (forthcoming 2013).

POLST Legislative & Regulatory Guide (forthcoming 2013) (with Legislative Working Group of the National POLST Paradigm Task Force).

Clinicians May Not Administer Life-Sustaining Treatment without Consent: Civil, Criminal, and Disciplinary Sanctions, 9 J. HEALTH & BIOMED. L. 213-296 (2013).

Lessons from Tragedy - Part Two, 19 WIDENER L. REV. 239-258 (2013).

Legal Briefing: The New Patient Self Determination Act, 24(2) J. CLINICAL ETHICS 156-167 (2013).

Legal Briefing: Shared Decision Making and Patient Decision Aids, 24(1) J. CLINICAL ETHICS 70-80 (2013) (with Mindy Hexum).

Legal Briefing: POLST (Physician Orders for Life-Sustaining Treatment), 23(4) J. CLINICAL ETHICS 353-376 (2012) (with Mindy Hexum).

Facebook Can Improve Surrogate Decision Making, 12(10) AM. J. BIOETHICS 43-45 (2012).

Primary Contributor: *Medical Futility Blog*: <http://medicalfutility.blogspot.com/> (2007-present).

Primary Contributor: *Health Paternalism Blog*: <http://healthpaternalism.com/> (2013-present).

Regular Contributor: *Bioethics Blog*: <http://bioethics.net/> (2013-present).

The Government's Duty to Preserve in False Claims Act Litigation, American Health Lawyers Association (AHLA) HEALTHCARE LIABILITY & LITIGATION PRACTICE HEALTH BRIEFS E-NEWSLETTER (Oct. 2012).

FACULTY SCHOLARSHIP CONTINUED

Physicians and Safe Harbor Legal Immunity, 21(2) ANNALS HEALTH L. 121-135 (2012).

The Courts, Futility, and the Ends of Medicine, 307(2) JAMA 151-152 (2012) (with Douglas B. White).

Medical Futility, in GUIDANCE FOR HEALTHCARE ETHICS COMMITTEES ch.13 (Micah D. Hester & Toby Schonfeld eds., Cambridge University Press 2012).

Review of Lawrence J. Schneiderman and Nancy S. Jecker, Wrong Medicine: Doctors, Patients, and Futile Treatment, 12(1) AMERICAN JOURNAL OF BIOETHICS 49-51 (2012).

Responding to Requests for Non-Beneficial Treatment, 5(1) MD-ADVISOR: A JOURNAL FOR THE NEW JERSEY MEDICAL COMMUNITY (Winter 2012) at 12-17.

Legal Briefing: The Unbefriended: Making Healthcare Decisions for Patients without Proxies (Part 1), 23(1) J. CLINICAL ETHICS 84-96 (2012).

Legal Briefing: The Unbefriended: Making Healthcare Decisions for Patients without Proxies (Part 2), 23(2) J. CLINICAL ETHICS 177-192 (2012).

Legal Fundamentals of Surrogate Decision Making, 141(4) CHEST 1074-1081 (2012).

Presentations

Five Legal Lessons for Bioethics, YALE SCHOOL OF MEDICINE, PROGRAM FOR BIOMEDICAL ETHICS, New Haven, Connecticut (March 27, 2014).

Medical Futility: Legal Status Nationwide and in Minnesota, What Does the Future Hold?, REGIONS HOSPITAL ETHICS GRAND ROUNDS, Saint Paul, Minnesota (December 10, 2013).

Dispute Resolution and Bioethics, CARDOZO UNIVERSITY SCHOOL OF LAW, New York, New York (November 18, 2013).

Futility in the ICU: Prevention, Procedure, and Policy, AMERICAN COLLEGE OF CHEST PHYSICIANS ANNUAL MEETING, Chicago, Illinois (October 26-31, 2013).

Top 10 Issues in Law and Bioethics, AMERICAN SOCIETY OF BIOETHICS & HUMANITIES (ASBH) ANNUAL MEETING, Atlanta, Georgia (October 24-27, 2013).

Dispute Resolution and Medical Futility, MARQUETTE UNIVERSITY, Milwaukee, Wisconsin (October 18, 2013).

Health Care Reform Revisited: What Has Changed Since Last Year? SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS (SEALS) ANNUAL MEETING, Palm Beach, Florida (August 4-10, 2013).

Is There Room for Conscientious Objection in Critical Care Medicine? AMERICAN THORACIC SOCIETY (ATS) INTERNATIONAL CONFERENCE, Philadelphia, Pennsylvania (May 21, 2013).

The Status of Medical Futility in the United States, Annual Ethics Committee Retreat and Grand Rounds, UNIVERSITY OF VERMONT COLLEGE OF MEDICINE, Burlington, Vermont (May 10, 2013).

The ACA and Public Health, HAMLINE UNIVERSITY HEALTH SCIENCES, Saint Paul, Minnesota (April 22, 2013).

Improving Surrogate Decision Making, GEISINGER HEALTH SYSTEM, BIOETHICS REVIEW & ADVISORY COMMITTEE ANNUAL SYMPOSIUM, Danville, Pennsylvania (April 10, 2013).

Facebook Can Help You Die - Better, AMARILLO COLLEGE CREATIVE MINDS HUMANITIES LECTURE SERIES, Amarillo, Texas (March 28, 2013).

Averting Today's Biggest Public Health Epidemics with Social Media, AMARILLO COLLEGE CREATIVE MINDS HUMANITIES LECTURE SERIES, Amarillo, Texas (March 28, 2013).

Does the Concept of "Medical Futility" Help Clinicians, CHILDRENS MERCY BIOETHICS CENTER, Kansas City, Missouri (February 5, 2013).

Health Law Cases before the Minnesota Supreme Court and Court of Appeals, HAMLINE UNIVERSITY, Saint Paul, Minnesota (January 29, 2013).

Graceful Journey Project - World Cafe, MINNESOTA COUNCIL OF CHURCHES & HONORING CHOICES MINNESOTA, Saint Paul, Minnesota (November 29, 2012).

The ACA and Public Health, INTRODUCTION TO PUBLIC HEALTH, HAMLINE UNIVERSITY HEALTH SCIENCES, Saint Paul, Minnesota (November 27, 2012).

Freedom of Choice at the End of Life: Protecting the Patient's Rights over Government, Health Care Provider and Pressure Group Resistance, NEW YORK LAW SCHOOL, New York, NY (November 16, 2012).

Legal, Medical, and Ethical Issues in End-of-Life Care, HAMLINE UNIVERSITY LAW REVIEW & HAMLINE HEALTH LAW INSTITUTE, Saint Paul, Minnesota (November 8-9, 2012) (organizer, moderator).

Law Affinity Group, AMERICAN SOCIETY OF BIOETHICS & HUMANITIES ANNUAL MEETING, Washington, D.C. (October 19, 2012) (moderator).

Legal Update 2012: Top Ten Legal Developments in Bioethics, AMERICAN SOCIETY OF BIOETHICS & HUMANITIES ANNUAL MEETING, Washington, D.C. (October 18, 2012).

Plenary Panelist: *Healthcare Reform and Health Care Stakeholder Disputes: Can We Identify Common Ground?* MARQUETTE UNIVERSITY PROGRAM IN DISPUTE RESOLUTION, Milwaukee, Wisconsin (October 12, 2012).

The Patient-Healthcare Provider Relationship: When Is the Relationship Broken? - Healthcare Reform and Health Care Stakeholder Disputes: Can We Identify Common Ground? MARQUETTE UNIVERSITY PROGRAM IN DISPUTE RESOLUTION, Milwaukee, Wisconsin (October 12, 2012).

The Affordable Care Act Decisions: Implications for Healthcare and Beyond, HAMLIN UNIVERSITY SCHOOL OF LAW, Saint Paul, Minnesota (September 12, 2012) (moderator).

ASBH-ABA Collaboration, ABA SPECIAL COMMITTEE ON BIOETHICS AND THE LAW, ABA ANNUAL MEETING, Chicago, Illinois (August 4, 2012).

The Meaning of Reproductive Rights Today, SOUTHEAST ASSOCIATION OF LAW SCHOOLS (SEALS) ANNUAL MEETING, Amelia Island, Florida (July 30, 2012).

Implementing Healthcare Reform: What the Headlines Missed, SOUTHEAST ASSOCIATION OF LAW SCHOOLS (SEALS) ANNUAL MEETING, Amelia Island, Florida (July 29, 2012).

Developing Clinical Practice Guidelines, COMPASSION & CHOICES CONFERENCE, Chicago, Illinois (July 2, 2012).

Appointments

Secretary, Association of American Law Schools (AALS), Section on Law, Medicine and Health Care, 2013–present

Medicare Evidence Development & Coverage Advisory Committee (MEDCAC), 2012–present

Governing Council, Minnesota State Bar Association Health Law Section, 2012–present

Program Committee, American Society of Bioethics and Humanities, 2012–present

Litigation Advisory Committee & Clinical Practice Guidelines Committee, Compassion & Choices, July 2012–present

28th Economics Institute for Law Professors; One of thirty law professors selected; Law and Economics Center at the George Mason University School of Law; Estes Park, Colorado; July 15, 2012 to July 27, 2012

Legal consultant to two policy drafting committees of the American Thoracic Society, 2011–present

JONATHAN KAHN

Publications

Guest Contributor: *Biopolitical Times*.
www.biopoliticaltimes.org, 2010–present

“The Politics of Framing Health Disparities: Markets and Justice.” Book chapter in *Mapping ‘Race’: Critical Approaches to Health Disparities Research*, Gomez, L. and Lopez, N. eds. New Brunswick: Rutgers University Press, 37-58 (2013).

“The OHRP and SUPPORT — Another View.” *New England Journal of Medicine* June 26, 2013. e3(1), (co-authored with Ruth Macklin et al.)

Race in a Bottle: BiDiI and the Rise of ‘Ethnic’ Medicine in a Post-Genomic Age; New York: Columbia University Press (2012).

“The Troubling Persistence of Race in Pharmacogenomics.” *Journal of Law, Medicine & Ethics*, 40: 873–885 (2012).

“Forensic DNA and the Inertial Power of Race in American Legal Practice.” Book chapter in *Genetics and the Unsettled Past: The Collision of DNA, Race, and History* Wailoo K., et al eds. New Brunswick: Rutgers University Press, 114-142 (2012).

“Connecting the Dots in Translational Research.” *Nature Reviews Drug Discovery* 11: 811-812 (2012).



“Kahn’s approach offers an airtight analysis of the commoditization of race in pharmaceutical development, and *Race in a Bottle* should be of interest and deep concern to numerous audiences.”

— Ruha Benjamin,
Boston University

“Jonathan Kahn has produced a major and unique contribution, giving readers a ‘big picture’ understanding of this vital issue by integrating empirically grounded analysis of real controversies with a detailed conceptual roadmap. This is a substantial piece of scholarship, and will be of interest to anyone concerned with the escalating, even geometrically expanding use of the concept of race in science and medicine.”

— Troy Duster, University of California, Berkeley

FACULTY SCHOLARSHIP CONTINUED

Presentations

Invited Lecture: “The Troubling Persistence of Race in Biomedicine.” Programme Group ‘Anthropology of Health, Care and the Body’ Amsterdam Institute for Social Science Research (AISSR). University of Amsterdam, Netherlands. June 24, 2013.

Master Class Presentation : *Race in a Bottle: Law, Commerce and the Production of Race in Biomedicine*. Royal Netherlands Academy of Arts and Sciences. RNAAS-Hendrik Muller Summer School on Race and Racialization. Amsterdam, Netherlands. June 19, 2013.

“Privatizing Biomedical Citizenship.” Presentation at the Annual Health Law Professors Conference, Seton Hall University School of Law, Newark, NJ. June 6, 2013.

Featured Panelist. “Author Meets Reader - *Race in a Bottle: Racialized Medicine in a Post-Genomic Age*.” Annual Meeting of the Law & Society Association, Boston, MA. May 31, 2013.

Invited Speaker. “Privatizing Biomedical Citizenship.” 1st Annual Conference on Governance of Emerging Technologies: Law, Policy, and Ethics. Arizona State University, Phoenix, AZ, May 20-21, 2013.

Invited Panelist. “The Global Situation of Postcolonial Medicine,” Medicine on the Edge, a workshop sponsored by the Department of Anthropology, University of California, Santa Cruz, CA, May 3-4, 2013.

“Producing Race as Biology: The Cycle of Race, Law, and Commerce.” Presentation on the BioLaw Panel at the Annual Meeting of the American Association of Law Schools, New Orleans, LA, January 4, 2013.

Telling the Biopolitical Story. Tarrytown Meetings on Genomics and Society. Tarrytown, NY. July 23-25, 2012.

World Café Table Host/Facilitator. 35th Annual Health Law Professors Conference, Arizona State University School of Law, Tempe, AZ. June 7, 2012.

Gene Patenting and Its Impact on Access. Why We Can't Wait: Conference to Eliminate Health Disparities in Genomic Medicine. University of Miami, Miller School of Medicine, Miami, FL. May 31-June 1, 2012.

Mandating Race: How the USPTO is Forcing Race into Biotechnology Patents, Great Britain's ESRC Genomics Network Conference on Genomics in Society: Facts, Fictions & Cultures, British Museum, London, GB, April 23-24, 2012.

Law, Race, and Bioethics. Law 907 Law and Bioethics. Loyola University School of Law. February 15, 2012.

Race in Bottle. Science and Technology Studies Circle Seminar, Harvard University, Cambridge, MA. February 13, 2012.

Appointments

Advisory Board. Center for Genomics and Society, University of North Carolina, Chapel Hill, NC. 2008–present

Executive Committee. BioLaw Section of the American Association of Law Schools. 2010–present

LAURA HERMER

Publications

Merle Lenihan, *Enterprise Liability: Medical Malpractice Reform in the Service of Improved Health Care Quality and Outcomes*, __ *J. Health Care L. and Pol'y* __, __ KY. L.J. __ (forthcoming, 2014).

Merle Lenihan & Laura D. Hermer, *On the Uneasy Relationship Between Medicaid and Charity Care*, __ NOTRE DAME J. L., POL'Y & ETHICS __ (forthcoming, 2013).

Nichole Piemonte & Laura Hermer, *Avoiding a “Death Panel” Redux*, 43 *HASTINGS CENTER REP.* 20 (2013).

Federal/State Tensions in Fulfilling Medicaid's Purpose, 21 *ANN. HEALTH L.* 615 (2012).

Howard Brody, Jason E. Glenn, & Laura D. Hermer, *Racial/Ethnic Health Disparities and Ethics: The Need for a Multilevel Approach*, 21 *CAMBRIDGE Q. HEALTHCARE ETHICS* 309 (2012).

“Healthy Iowa” Plan Needs a Checkup, *DES MOINES REGISTER*, March 22, 2013.



Federal/State Tensions in Fulfilling Medicaid's Purpose, 22 Ann. Health L., (forthcoming, 2012).

Health Law & Policy Scholars and Prescription Policy Choices in support of respondents on the constitutional validity of the Medicaid expansion, Amicus brief in Florida v. Department of Health & Human Services, No. 11-400, Co-authored with Michael Outterson, Nichole Huberfeld, Elizabeth Weeks Leonard, Sara Rosenbaum, and Sidney D. Watson

Legal, Social, and Economic Issues for Cancer Patients with Heart Disease, CANCER AND THE HEART, Michael S. Ewer & Edward Yeh, eds. (forthcoming, 2nd ed 2012) (with William Winslade).

Time for States to Take Responsibility for Medicaid Choices, HOUSON CHRONICLE, April 1, 2012.

Racial/Ethnic Health Disparities and Ethics: The Need for a Multilevel Approach, 21 Cambridge Quarterly Healthcare Ethics 309 (2012) (with Howard Brody, Jason E. Glenn).

Presentations

Medicaid and Dual-Eligibles after the Affordable Care Act. To be presented at the Association of American Law Schools 2014 Annual Meeting, New York City, NY, January 2014.

On the Uneasy Relationship Between Medicaid and Charity Care. Presented at the 36th Annual Health Law Professors' Conference, Newark, New Jersey, June 7, 2013.

On Ethical Duties in Tight Places. Presented at the Annual Meeting of the Texas Rheumatology Society, The Woodlands, Texas, May 4, 2013.

Medical Malpractice Reform After the Affordable Care Act. Presented at the Anoka County Law Clerk CLE Seminar, January 10, 2013.

A Radical Departure: The Court's Treatment of Medicaid in *NFIB v. Sebelius*. Presented at Hamline University School of Law's CLE program on "The Affordable Care Act Decision: Implications for Health Law and Beyond," St. Paul, MN, September 12, 2012.

Medical Malpractice After the Affordable Care Act. Byron Bailey Surgical Society Conference, Galveston, TX, June 23, 2012.

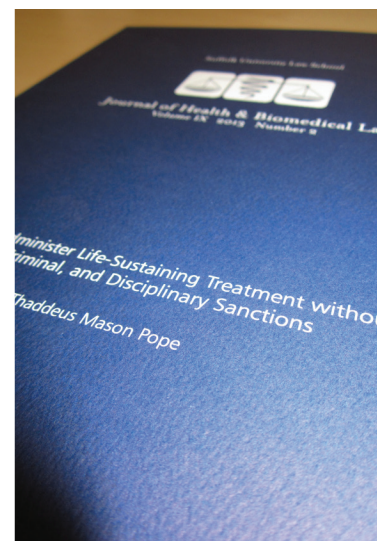
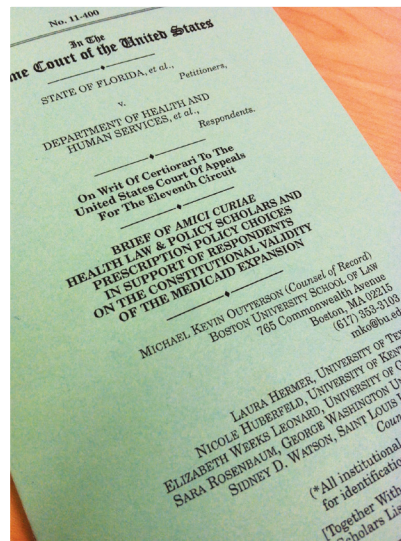
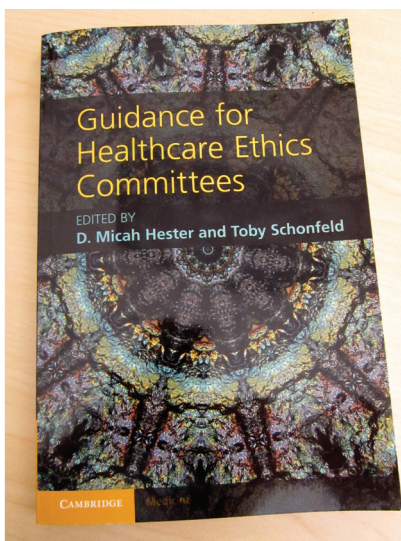
Medical Malpractice After the Affordable Care Act. 35th Annual American Society for Law, Medicine and Ethics Health Law Professors Conference, Arizona State University, Phoenix, AZ, June 8, 2012.

The Current Status of Secondhand Smoke Ordinances in Texas. 2012 Tobacco Prevention and Control Coalition Program Coordination Meeting, American Cancer Society, Austin, TX, March 28, 2012.

Medical Malpractice After the Affordable Care Act. Grand Rounds, Department of Pediatrics, University of Texas Medical Branch, Galveston, TX, March 2, 2012.

Appointments

Member and incoming Chair, Human Rights Committee, Phoenix House Residences, St. Paul, MN, December 2012–present.





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2013-14 HEALTH LAW INSTITUTE EVENTS

TUESDAY, JULY 23, 2013

**MNSURE: Minnesota Health Insurance Exchange—
What You Need To Know**

Presented by April Todd-Malmlov, Executive Director, MNSure

MONDAY, SEPTEMBER 9, 2013

**Health Care Compliance Reception for Students,
Alumni, and Professionals**

at Halleland Habicht

THURSDAY, SEPTEMBER 19, 2013

Health Law Information Session

SUNDAY, SEPTEMBER 22, 2013

Health Law Information Session

THURSDAY, SEPTEMBER 26, 2013

**State-Level Attacks on Reproductive Choice:
Where Are We and How Did We Get Here?**

Presented by Jessica Pieklo, Senior Legal Analyst for RH Reality Check, Hamline Law alumna '02 and former HLI assistant director and Robin Marty, Senior Political Report for RH Reality Check

THURSDAY, OCTOBER 3, 2013

Bodies, Liberal Political Theory, and Public Health Law

Presented by Professor Alisa Rosenthal, Gustavus Adolphus College

MONDAY, OCTOBER 14, 2013

**Complementary and Alternative Natural Healing Arts:
Legal Challenges for Practitioners and Consumers**

Presented by Diane Miller, Hamline Law Alumna '90 and Legal and Public Policy Director of the National Health Freedom Coalition

NOVEMBER 2013

Minnesota Medical Board Operations

Presented by Sarah Evenson, Hamline Law Alumna '02 and Firm Administrator at Anderson, Helgen, Davis & Nissen, LLC and Jamall Faeel, Hamline Law Alumna '02 of Fredrikson & Byron

THURSDAY, NOVEMBER 7, 2013

Health Care Compliance Career Panel

THURSDAY, NOVEMBER 21, 2013

Dean's Dinner

Featuring Dr. Ezekiel Emanuel, the Diane & Robert Levy University Professor, University of Pennsylvania

JANUARY 2014

**Lost Chance Causation: Implications of the Minnesota
Supreme Court's Dickhoff Decision**

FEBRUARY 2014

Human Subjects Research

Presented by Carl Elliott, MD, PhD, Professor, University of Minnesota

THURSDAY, MARCH 6, 2014

HIPAA Privacy Update

Jerome Meites, Chief Regional Civil Rights Counsel, Office of General Counsel, Region V, US Department of Health & Human Services

THURSDAY, MARCH 20, 2014

Elder Law Career Panel

APRIL 2014

Public Health Law Perspectives on Sexual Assault

TUESDAY, APRIL 16, 2014

National Healthcare Decisions Day

Students will advise clients on advance care planning and to help them to complete advance health care directives.

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