Message from the Director

Last year we celebrated 40 years of health law excellence. Major anniversary years are always exciting times and opportunities to celebrate past successes. We’ve accomplished so much over the last four decades that celebrating was easy. But on the other end of an anniversary comes the daunting prospect of carrying on the legacy and building on our already remarkable track record of accomplishments. As I look forward to the coming academic year, I can’t help but feel humbled by the task ahead of us.

Much stands to change in the next forty years and there is no time to rest on our laurels. This legislative session, the Law Center made positive headway on obtaining the funding necessary to move forward with a brand-new building, which will fundamentally change HLPI in terms of our resources and physical surroundings. We also received approval from UH to grow our program, starting with a new tenure-track faculty member, which will augment our scholarship and expand our programmatic offerings in new and incredible ways. It is already clear that HLPI at 40 will be almost unrecognizable to HLPI at 80.

The future could not be more promising for HLPI. With the development of the new College of Medicine, the Texas Medical Center’s TMC3 initiative, and incredible growth at both the University of Houston and the Law Center, we have many exciting programs coming together that build on our established areas of expertise and challenge us to evolve. We hope you’ll join us on this journey and help us put in the work. Our next forty years starts now.

In This Issue:

- HLPI News & Events
  - HLPI Welcomes Back Professor Leslie Griffin
  - We’re Hiring!
  - Distinguished Health Speakers Visit UHLC
  - HLPI Teams up with NASA for the Annual HJHLP Health Law Symposium Workshop
- Faculty News
- Student News
  - Health Law Students Receive Scholarship to Attend the Texas Health Law Conference in Austin
  - Student Scholarships & Writing Awards
  - Legislative Fellows in Austin
  - Moot Court Competition

In This Issue: HLPI News & Events

HLPI Welcomes a Familiar Face

Leslie Griffin of the University of Nevada Las Vegas William S. Boyd School of Law will be joining us for the 2019-2020 academic year. Professor Griffin is a respected expert in Law and Religion, Bioethics and Constitutional Law. She holds a Ph.D. in Religious Studies from Yale University and a J.D. from Stanford Law School. Lucky first-year students will benefit tremendously from Professor Griffin’s experience in Torts and Constitutional Law. UHLC upper-level students will have the opportunity to enroll in her Bioethics writing seminar. Professor Griffin is no stranger to HLPI or the University of Houston. From 2002-2012, she was a professor and Larry & Joanne Doherty Chair in Legal Ethics. We are so excited to have her with us again!

We’re Hiring!

HLPI is pleased to announce that we will be hiring an entry-level, tenure-track professor this academic year. Interested and qualified applicants will be able to interview this October at the 2019 AALS Recruitment Conference in Washington, DC. We are also hiring for a Research Scholar focusing on Texas Legislation and Advocacy. Successful applicants will have demonstrated experience in the legislative process and interest in state health policy.
Distinguished Speakers Visit UHLC

**Abbe Gluck, UHLC Order of the Coif Speaker**

Last October, the Health Law & Policy Institute joined forces with the University of Houston Law Center and the Order of the Coif to host Abbe Gluck from Yale Law School’s Solomon Center for Health Law & Policy as part of the Order of the Coif’s Distinguished Visitor Program. The University of Houston was one of only three schools selected for the honor of hosting Professor Gluck, who spoke to three different audiences on issues related to the opioid epidemic and the Affordable Care Act during her whirlwind trip.

Gluck is the faculty director of the Solomon Center for Health Law and Policy at Yale Law School. She joined Yale Law School in 2012, having previously served on the faculty of Columbia Law School. Her scholarship has been published in the *Yale Law Journal*, the *Harvard Law Review*, the *Stanford Law Review*, the *Columbia Law Review*, the *New England Journal of Medicine*, *Health Affairs* and many others.

**Professor Natalie Ram**

Natalie Ram, assistant professor at the University of Baltimore School of Law, joined us on February 11th. Professor Ram specializes in genetics and criminal law and shared her current research on the scope of law enforcement’s ability to access and use genetic information uploaded to public and private databases in light of the recent Supreme Court decision *Carpenter v. United States*. This is the first paper in a pair of pieces exploring new challenges posed by genetic databases and criminal investigation. This publication is forthcoming in the *Virginia Law Review*.

**Nicholson Price**

Nicholson Price, assistant professor at the University of Michigan Law School, joined us on March 4th. Professor Price, one of the nation’s leading experts on the intersection of law and the life sciences, presented his paper, *Medical AI and Contextual Bias*. In it, he explored the problems raised by artificial intelligence when used in high- versus low-resource health care settings. This paper is forthcoming in the *Harvard Journal of Law & Technology*.
On March 21, 2019, the Public Interest Law Organization and the Health Law & Policy Institute jointly hosted a special virtual installment of the Health Law Speaker Series. Professor Jennifer Shinall of Vanderbilt Law School presented her forthcoming paper *Anticipating Accommodation*. During the lecture, Professor Shinall discussed how employers’ inability to anticipate the costs of implementing reasonable accommodations may have hindered the effectiveness of the Americans with Disabilities Act in increasing the employment of people with disabilities.

On March 25, 2019, Dayna Matthew of the University of Virginia School of Law joined us to give a talk called “Preventive Lawyering: Empirical Evidence That Medical Legal Partnerships Improve Lives.” Professor Matthew, a renowned expert in civil liberties, human rights, and public health, shared her recent research to a packed room. The audience included members of the University of Houston College of Medicine, including the founding dean Dr. Stephen Spann, who share our vision for developing a medical-legal partnership at the University of Houston. As part of her presentation, Professor Matthew provided an in-depth look at racial, residential, educational, and nutritional disparities in Houston, Texas. This information only strengthened our resolve to develop this important resource for our community.

We were so thrilled to welcome both local and out-of-state experts to our health law classes this academic year. Our Genetics and the Law students benefited from the in-person expertise of Baylor College of Medicine’s Stacey Pereira, and Natalie Ram skyped in to share her work. In Disabilities and the Law, our students had the honor of listening to a presentation by disability rights pioneer Lex Frieden and, later, a skype session with Jennifer Shinall, a renowned discrimination scholar. Professor Jessica Mantel also introduced local health policy experts to her classes, including Dr. Cedric Dark and UH alum Ken Janda, formerly of Community Health Choice. Her students also enjoyed the expertise of local general counsel, including Lance Lightfoot of Texas Children’s Hospital. Our students benefit tremendously from the incredible health law and policy talent in the Houston area and the rich contribution of national experts willing to share their time to enrich our students’ education.
In November, the Houston Journal of Health Law & Policy hosted its annual symposium on cutting-edge health policy concerns related to space travel. Capitalizing on our location in Space City, USA, the Health Law & Policy Institute partnered with NASA to discuss issues as diverse as informed consent and quarantine. Fascinating presentations discussed the health risks to humans inherent in space travel and the ways we can protect individuals in long-duration space flight. Others explored the promises and perils of genetic information and what it means to utilize the power of personalized medicine in space.

Panelists included NASA employees Dr. Erik Antonsen and Dr. Rebekah Reed. Dr. Reed is the Chief, Space and Occupational Medicine Branch Human Health and Performance Directorate and Dr. Antonsen is the Assistant Director, Human System Risk Management as well as an emergency physician at Baylor College of Medicine. The Health Law & Policy Institute was pleased to benefit from their extensive expertise and personal experience with mitigating human risks in space flight. Several of their colleagues joined in the audience and participated meaningfully in the post-presentation questions. Their contributions provided for a rich discussion.

Additionally, our panel benefitted from the extensive expertise of Texas Tech Professor Dr. Victoria Sutton. Her work on the possibilities of space biocontamination and the extent of permissible quarantine practices given unknown risks raised many provocative questions. Dr. Sutton’s innovative use of technology for her presentation enhanced the audience’s viewing experience.

Benjamin Sproule, a recent graduate of the George Washington University Elliott School of International Affairs master’s degree program, joined us as our most junior panelist. He presented a portion of his Master’s thesis on the physiological risks of human space travel, and enjoyed the feedback of real NASA experts to refine his paper.

Select papers presented at the symposium will be featured in a forthcoming issue of the Houston Journal of Health Law & Policy.
Jessica Mantel continues her insightful work on the social determinants of health and how payment reforms impact the physician-patient relationship. Her forthcoming symposium piece in the Northeastern Law Review, A Qualitative Study of the Promises and Perils of Medical-Legal Partnerships, co-authored with Leah Fowler, presents findings from qualitative interviews with attorneys, clinicians, social workers and other professionals on the strategic decision points and operational challenges facing those establishing or modifying a medical-legal partnership. Her article An Unintended Consequence of Payment Reform: Providers Avoiding Nonadherent Patients, forthcoming in the Journal of Law, Medicine, and Ethics, explains how higher patient cost-sharing can lead to conflict between patients and providers operating under value-based payment models. Two symposium articles, How Efforts to Lower Health Care Costs are Putting Patients and Physicians on a Collision Course and Legal and Ethical Impediments to Data Sharing and Integration Among Medical Legal Partnership Participants, were published this past fall by the Ohio Northern University Law Review (44 Ohio N. U. L. Rev. 371 (2018)) and Annals of Health Law (27 Annals of Health L. 183 (2018) (co-authored with Renee Knake)), respectively. Jessica also presented her research at several conferences, including Promises and Perils of Emerging Health Innovations at Northeastern University School of Law, the American Association of Law Schools annual conference, Legal Writing Across the Curriculum at the University of Illinois College of Law, The American Society of Law, Medicine, and Ethics annual health law professors conference and the Southeastern Association of Law Schools annual conference.

Jessica L. Roberts had an exciting and busy year! She took a research sabbatical in the fall, taught two classes in the spring, and settled into being a toddler mom. Recently, Roberts has focused on genetics and the law. She discussed her work on genetic conversion this spring during BioLaw-LaPalooza at Stanford Law School and during Petrie Flom’s Annual Conference at Harvard Law School. She also presented her scholarship at faculty workshops at Duke University School of Law (with Trina Jones), Irvine School of Law (with Trina Jones), Northeastern University School of Law and Texas A&M School of Law. She shared her opinions on cutting edge legal issues with the Wall Street Journal, U.S. News, Channel 11 and Gizmodo, as well as on the popular podcast, The Week in Health Law. Roberts’ 2018-2019 publications include HEALTHISM (Cambridge University Press 2018) (with Elizabeth Weeks); GINA, Big Data, and the Future of Employee Privacy, 128 Yale L.J. 710 (2019) (with Bradley A. Areheart); Housing, Healthism, & the HUD Smoke-Free Policy, 113 NW. U. L. Rev. 917 (2019) (selected for print edition from online edition) (with Dave Fagundes); Forensic Genealogy and the Power of Defaults, Correspondence, 37 Nature Biotech. --- (2019) (with Natalie Ram); Who Owns the Data in a Medical Information Commons?, 47 J.L. Med. & Ethics 62 (2019) (with Amy L. McGuire, Sean Aas, & Barbara J. Evans); A Nudge Toward Meaningful Choice, Open Peer Commentary, 19 AMER. J. BIOETHICS 5 (2019) (with Leah Fowler); and Sex, Religion, and Politics, or the Future of Healthcare Antidiscrimination Law, 19 MARQUETTE BENEFITS & SOCIAL WELFARE LAW REVIEW 217 (2019) (invited symposium contribution) (with Elizabeth Sepper). Her article with Trina Jones and D. Wendy Greene DNA-Based Race? is forthcoming in the NORTH CAROLINA LAW REVIEW this fall. She is contributing chapters to two books: one is a volume of feminist rewrites of significant health law opinions and the other is a compilation of essays on consumer genetics from Petrie Flom’s Annual Conference. She continued her work as head of the legal aim on a grant dealing with the reclassification of variants of unknown clinical significance based at Columbia University Medical Center. She presented her team’s initial findings at a kick-off meeting of the Executive Advisory Panel in New York and during a plenary session at Northeastern University Law School’s Annual Health Law Conference in Boston. Finally, the dean awarded Roberts the Leonard Childs Professorship, effective this fall, in recognition of her contributions to the Law Center.
Three UHLC students were selected to attend the annual Texas Health Law Conference hosted by the Health Law Section of the State Bar of Texas on October 8-9, 2018. The three-day event held in Austin is considered one of the preeminent health law conferences in Texas. Topics ranged from insurance and health care reform to privacy and ethical issues.

As part of its commitment to continuing education and to promote the practice of health law, the Bar’s health law section sponsors two scholarships for Texas law school students who are interested in the field. Scholarship recipients nominated by the faculty of the UHLC Health Law & Policy Institute for the 2018 conference were Elizabeth P. Wroblewski, Megan E. Brown and Caitlin M. Erchick.

Leah R. Fowler had a productive first year. Recently, her work has focused on the ethical and legal effects of health care innovation on vulnerable populations. Looking at innovations broadly, Leah has written about new technologies, new modes of health delivery, and public health initiatives. She has also worked extensively with Jessica Mantel exploring barriers to integration and communication in medical-legal partnerships. That work has generated many presentations, including two blog posts, a radio segment on Briefcase Radio and talks at the Belmont Health Law Symposium, Northeastern University Law School Health Law Conference, and the ASLME Health Law Professors Conference. A publication related to this work is forthcoming in the *Northeastern Law Review*. Additionally, she joined Jessica Roberts for an Open Peer Commentary, *A Nudge Toward Meaningful Choice*, in the *American Journal of Bioethics*, elaborating on some of their previous work on workplace wellness programs and behavioral economics. Though she left Baylor College of Medicine (BCM) last August, Leah remains involved in teaching and scholarship with her colleagues in the Center for Medical Ethics and Health Policy. In the spring, she was a small group leader for the medical ethics course for first-year medical students. She also coauthored three pieces with BCM collaborators, including: *From Cervical Cap to Mobile App: Examining the Potential Reproductive Health Impacts of New Technologies* (with Stephanie Morain and Julie Marie Dorland), *Health Promotion Practice* (forthcoming), *Engineering Eden: Does Earthly Pursuit of Eternal Life Threaten the Future of Religions?* (with Kristin Kostick and Christopher Scott), 17 *Theology and Science* 2 (2019) and *A Matter of Life and Longer Life* (with Kristin Kostick and Christopher Scott) 50 *J. Aging Stud.* (2019). She was also invited lecturer discussing disability rights law for the University of Houston College of Pharmacy Houston Program and the Lonestar LEND program. Personally, Leah Fowler is excited to share that she will begin pursuing a Masters in Public Health at the University of Texas Health Science Center – Houston part time starting in August of 2019.

**Student News**

**Three Health Law Students were Sponsored to Attend the State Bar of Texas Health Law Conference in Austin**

Three UHLC students were selected to attend the annual Texas Health Law Conference hosted by the Health Law Section of the State Bar of Texas on October 8-9, 2018. The three-day event held in Austin is considered one of the preeminent health law conferences in Texas. Topics ranged from insurance and health care reform to privacy and ethical issues.

Professor Chandler has submitted a draft of his book provisionally titled *Transforming Data into Information: the Wolfram Language*, to Wolfram Media and, in conjunction therewith has had accepted 16 “repository functions” on diverse topics relating to data analysis, and three data archives. He made several media appearances this past year, including two on KUHF’s Houston Matters and one on the Isiah Factor Uncensored relating to municipal provision of health insurance.
Students Receive Scholarships in Health Law & Disability Law from Generous Donors

Every year we have the privilege of honoring exceptional law students with promising futures in the health law field. This year we awarded the Scott Chase Health Law Scholarship to Jennifer Pier and the Prudential Life Insurance Scholarship to Elizabeth Wroblewski and Neil Young. The 2019 HLPI Scholarship in Health Law was awarded to Nicholas Monroe and Sydney Reed.

For 2019, we awarded the inaugural Lex Frieden Endowed Scholarship for Health Law to Nida Din. The Lex Frieden Endowed Scholarship is awarded to a qualified student who has demonstrated a commitment to disability rights and advocacy, and exhibits good moral character and a strong work ethic. When asked about receiving the honor, Nida Din stated, “People often associate the word “public interest” with women’s rights, consumer rights, immigration, civil rights, etc. However, disability rights have been neglected and under appreciated. Disability rights attorneys and advocates have done so much for the past 29 years since Americans with Disabilities Act (ADA) was established. They have created so many opportunities and rights for people with disabilities. Although we still have a lot of work left to do, I believe one of the best ways to change the perception of people with disabilities and make progress is to spread awareness. The Health Law & Policy Institute and it’s generous donor have recognized this by creating a disability rights scholarship and spreading awareness about professions promoting disability rights. As a proud Deaf activist, I am very honored to be the first recipient of this scholarship. The fact that this scholarship is in recognition of one of the well-known and well-respected disability advocates and one of the original ADA drafters, Lex Frieden, makes this even more exciting and meaningful. I am grateful to the Health Law & Policy Institute for recognizing disability law as a very important profession and for granting me this scholarship.”

Health Law Students Receive Writing Awards

An awards ceremony was held on April 25, 2019, to honor law students for writing papers related to health law. Sponsored by special donors and HLPI, we had the privilege of awarding two writing awards to three exceptional student authors.

- Alexandra Abston earned the 2019 Dr. Alvin Goldstein Health Law Writing Scholarship for her piece *Could the U.S. Food and Drug Administration’s Latest Public Health Crisis be Related to Ethics? An Examination of the Modern Ethical Dilemmas Facing the FDA in 2018*. Established by Wendy C. Goldstein-Feldman, this writing award recognizes an outstanding paper prepared by a J.D. or LL.M. student on a current health/life sciences law topic that embodies the professional spirit of Dr. Goldstein.

- The 12th Annual Ewer-Oren Health Law Writing Award was split between Alexandra Grafton, who wrote on *CRISPR Germline Editing & the Limits of Liberty’s Substantive Reach* and Taylor Hood, for his piece entitled *A Constitutional Challenge to the Uniform Determination of Death Act*. This J.D. writing award was established by Professor Laura Oren, Ph.D., J.D., in honor of Dr. Michael Ewer and her mother, Grace Oren, to be given to the best health law paper written by a J.D. student.
The Health Law & Policy Institute continued its tradition of sending Health Law Legislative Fellows to Austin for the 2019 legislative session. For the first time, the application process was open to students and graduates from other University of Houston programs, including the Honors College and the College of Social Work. Kayla Laywell (MSW ’18) worked for Rep. Garnet Coleman and Abel Chacko (Col ’17) worked in the Senate Committee on Health & Human Services. Abel commented, “The UH Law Center fellowship is a perfectly mixed introduction to the realities of Texas politics and advocacy around the public health and health care worlds. No other experience is as adrenaline-inducing as it is educational.”

When asked to comment on her experience, Kayla stated: “I had a wonderful opportunity through the HLPI Legislative Fellowship as a staffer in Representative Garnet Coleman’s office, analyzing and staffing the representative on all bills that were heard in the House Public Health Committee. Understanding and evaluating multiple perspectives on some complex issues - medical marijuana, health care, professional scope of practice, opioid abuse interventions - was difficult, but it provided me the foundation upon which all my future policy work will stand.”

Last November, 28 moot court teams from around the country descended on Carbondale, IL for the SIU National Health Law Moot Court Competition. After the preliminary rounds, the UHLC team of McKenna Andrepont and Elizabeth Wroblewski was ranked 3rd and the UHLC team of Ken Deng and Pedro Segura was ranked 6th. The team of Deng/Segura placed third place and they were also awarded Best Brief in the competition. The teams were coached by UHLC JD/LLM alum Julia Peebles.
HLPI in print

HLPI continues to be a source of expert information for news outlets across the country. Professor Seth Chandler appeared on Isiah Factor Uncensored to discuss New York City’s plan for universal health care and was quoted extensively on insurance matters such as the Texas Windstorm Insurance Association in local news outlets. Additionally, he spoke to the Washington Post about the 5th Circuit’s ruling in Planned Parenthood v. Smith. He also appeared on KHOU discussing recent efforts at price transparency using hospital price lists.

Professor Barbara Evans was quoted on HIPAA and EMT body cameras in the Houston Chronicle. Professor Jessica Roberts was interviewed alongside Amy McGuire in TMC Pulse discussing direct-to-consumer genetic tests in Open Secrets: Are We Ready for What DNA Kits Reveal? Professor Jessica Mantel authored a piece for the health law blog Jotwell entitled Rethinking Federalism: ACA as a Case Study. Professor Leah Fowler appeared on Briefcase Radio discussing medical-legal partnerships.

Publication Spotlight

Jessica Roberts co-authored GINA, Big Data, and the Future of Employee Privacy with Bradley Areheart of the University of Tennessee College of Law. This piece, published in the Yale Law Journal, explores the Genetic Information Nondiscrimination Act (GINA) ten years after its passage in 2008. While they conclude that GINA may have failed to achieve the original goals, it has unappreciated value as an employee privacy statute. Read the full article here.

Healthism Hits the Shelves

Jessica Roberts celebrated the publication of her first book, Healthism: Health Status Discrimination and the Law, at an event with Dr. Susan Wootton of UT Health and McGovern Medical School. At the well-attended lecture and cocktail hour, they discussed the Healthism framework for determining when and why health discrimination based on health status should be allowed in the context of a very timely topic: vaccines and schools. The book, coauthored with Elizabeth Weeks Leonard of the University of Georgia Law School, is available now on Amazon and wherever fine books are sold.

Support the Health Law & Policy Institute

Help us make the next 40 years as great as the last by making a charitable gift today to support research, service and other top funding priorities in Health Law with the University of Houston Law Center. For more information, visit us online.

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