

ERIN C. FUSE BROWN

Georgia State University College of Law
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EDUCATION

- Georgetown University Law Center** 2006
Juris Doctor, *magna cum laude*, *Order of the Coif*
Associate Editor, THE GEORGETOWN LAW JOURNAL
- Johns Hopkins Bloomberg School of Public Health** 2006
Master of Public Health, Health Policy and Management
Greenwall Fellowship in Bioethics, *Delta Omega* Honorary Society in Public Health
- Dartmouth College** 1999
Bachelor of Arts in Studio Art, *magna cum laude*
Phi Beta Kappa, Rufus Choate Scholar, Presidential Scholar, Robert Read Graphic Arts Prize
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ACADEMIC APPOINTMENTS

- Georgia State University College of Law** (2012-present)
Associate Professor of Law (2017-present)
Assistant Professor of Law (2012-2017)
Faculty Member, Center for Law, Health & Society
- Arizona State University, Sandra Day O'Connor College of Law** (2011-2012)
Visiting Assistant Professor of Law
Visiting Fellow for Ethics and Health Policy, Lincoln Center for Applied Ethics
Deputy Director, Network for Public Health Law – Western Region

COURSES TAUGHT

- Health Law: Financing and Delivery (GSU)
Health Care Transactional & Regulatory Practicum (GSU)
Administrative Law (GSU)
Bioethics and the Law (ASU)
Health Law and Policy (ASU)
Public Health Law and Ethics, Co-Instructor (ASU)
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RESEARCH INTERESTS

- Health care competition, prices, and markets. Legal and policy options to address health care consolidation, and the impact of ERISA preemption on state health reform efforts.

- Consumer financial protection in health care. Surprise medical billing, medical debt collection, facility fees.
- Legal and functional entrenchment of the Patient Protection and Affordable Care Act's provisions, including the right to health care and the Independent Payment Advisory board. The intersection of Administrative Law and Health Law.

LAW REVIEW PUBLICATIONS

Consumer Financial Protection in Health Care, forthcoming 95 WASH. U. L. REV. ____ (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2905260.

The Double-Edged Sword of Health Care Integration: Consolidation & Cost Control, 92 INDIANA L. J. 55-113 (2017) (with Jaime S. King), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2736310.

Resurrecting Health Care Rate Regulation, 67 HASTINGS L. J. 85-142 (2015), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2584625.

Fair Hospital Prices Are Not Charity: Decoupling Hospital Pricing and Collection Rules from Tax Status, 53 U. LOUISVILLE L. REV. 509-557 (2016), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2451435.

Irrational Hospital Pricing, 14 HOUS. J. HEALTH L. & POL. 11-58 (2014) (invited symposium article), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2386104.

Developing a Durable Right to Health Care, 14 MINN. J. L. SCI. & TECH. 439-491 (2013) (peer-reviewed), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2217839.

Expedited Partner Therapies for Sexually Transmitted Diseases: Legal and Policy Approaches, 4 J. HEALTH & BIOMED. L. 1 (2008) (with J.G. Hodge, D. Bhattacharya, and L.F. Wiley).

PEER REVIEWED PUBLICATIONS

Zettler PJ, **Fuse Brown, EC**. *The Challenge of Paying for Cost-Effective Cures*. 23 AM. J. MANAGED CARE 62-64 (2017). <http://www.ajmc.com/journals/issue/2017/2017-vol23-n1/The-Challenge-of-Paying-for-Cost-Effective-Cures> (PMID: 28141931).

Fuse Brown, EC. *The Blind Spot in the Patient Protection and Affordable Care Act's Cost-Control Policies*. 163 ANN INTERNAL MED. 871 (2015) (PMID: 26390146) doi:10.7326/M15-1386, <http://annals.org/article.aspx?articleid=2443063>.

Fuse Brown EC, *IRS Rules Will Not Stop Hospital Billing Abuses*, 17 AMA J. ETHICS 763 (2015) (PMID: 26270877), <http://journalofethics.ama-assn.org/2015/08/hlaw3-1508.html>.

Goodwin KD, Taylor MM, **Fuse Brown EC**, Scanlon M, Hodge JG Jr., Mickey T., England B, *Protecting Adolescents' Rights to Seek Treatment for Sexually Transmitted Diseases without Parental Consent: The Arizona Experience with Senate Bill 1309*, 127 PUB. HEALTH REP. 253 (2012) (PMID: 22547855).

Hodge JG, **Fuse Brown EC**, Orenstein DG, O'Keefe S, *Congress, Courts, and Commerce: Upholding the Individual Mandate to Protect the Public's Health*, 39 J. L. MED. ETHICS 394 (2011) (PMID: 21871037).

Hodge JG, **Fuse Brown EC**, *Assessing Liability for Health Care Entities That Insufficiently Prepare for Catastrophic Emergencies*, 306 JAMA 308 (2011) (PMID: 21771993), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2498170.

Hodge, JG, Pulver A, Hogben M, Bhattacharya D, **Fuse Brown EC**, *Expedited Partner Therapy for Sexually Transmitted Diseases: Assessing the Legal Environment*, 98 AM. J. PUB. HEALTH 238 (2008) (PMID: 18172137).

Hodge JG, **Fuse Brown EC**, *Exchanging Genetic Data for Public Health Practice and Human Subjects Research: Implications for Health Practitioners*, 2 PERSONALIZED MED. 259 (2005).

Hodge JG, **Fuse Brown EC**, O'Connell JP, *The HIPAA Privacy Rule and Bioterrorism Planning, Prevention, and Response*, 2 BIOSECURITY AND BIOTERRORISM 73 (2004) (PMID: 15225400).

RESEARCH IN PROGRESS

Beyond Data Security: Promoting Confidentiality and Advancing Science, National Human Genome Research Institute R01 grant, 7/24/14-5/31/17, Co-investigator (in progress).

The Anticompetitive Potential of Cross-Market Consolidation in Health Care (with Jaime S. King, in progress). Invited law review symposium article.

ERISA as a Barrier to State Health Care Transparency Efforts (with Jaime S. King), Book-chapter for Harvard Petrie-Flom Center Conference on Transparency in Health & Health Care.

HONORS, AWARDS, RECOGNITION

Patricia T. Morgan Award for Outstanding Scholarship, Georgia State University College of Law (2017).

Distinguished Health Law Scholar in Residence, Seton Hall Law School (2017).

Health Law Scholar, American Society for Law, Medicine & Ethics, for *Resurrecting Health Care Rate Regulation* (2014).

SELECTED BLOGS & SHORTER WORKS

Publication of the National Academy for State Health Policy, *Overcoming the ERISA Barrier for State Health Care Transparency Efforts*, (Feb. 28, 2017) (with Trish Riley), <http://www.nashp.org/empowering-and-protecting-consumers-erisa-thwarts-state-innovation/>.

BILL OF HEALTH BLOG, Petrie-Flom Center at Harvard Law, *What Is the Meaning of Trump's Day 1 Executive Order on the ACA?* (January 23, 2017), <http://blogs.harvard.edu/billofhealth/2017/01/23/what-is-the-meaning-of-trumps-day-1-executive-order-on-the-aca/>.

THE CONVERSATION, *If we don't own our genes, what protects study subjects in genetic research?* (Mar. 28, 2016) (with Leslie Wolf and Laura Beskow), <https://theconversation.com/if-we-dont-own-our-genes-what-protects-study-subjects-in-genetic-research-56003>.

HEALTH AFFAIRS BLOG, *The Consequences of Gobeille v. Liberty Mutual Insurance Co. for Health Care Cost Control* (Mar. 10, 2016) (with Jaime S. King) <http://healthaffairs.org/blog/2016/03/10/the-consequences-of-gobeille-v-liberty-mutual-for-health-care-cost-control/>.

HEALTH AFFAIRS BLOG, *States' Critical Role in Overseeing Vertical Health Care Integration* (Mar. 3, 2016) (with Jaime S. King), <http://healthaffairs.org/blog/2016/03/03/new-health-care-symposium-states-critical-role-overseeing-vertical-health-care-integration/>.

TRANSJUS BLOG (University of Barcelona Legal Research Institute), *The Affordable Care Act is now here to stay* (July 15, 2015), <https://transjusblog.wordpress.com/2015/07/14/the-affordable-care-act-is-now-here-to-stay/>.

THE CONVERSATION, *Experts React as Obamacare Survives Another Near-Death Experience* (June 25, 2015), <https://theconversation.com/experts-react-as-obamacare-survives-another-near-death-experience-43233>.

BILL OF HEALTH BLOG, Petrie-Flom Center at Harvard Law, *How to Fix Our Hospital Pricing Problem (and How Not To)* (April 16, 2015), cross-posted at Bill of Health Blog (Harvard), and the Source for Competitive Healthcare (Hastings), <http://blogs.law.harvard.edu/billofhealth/2015/04/16/how-to-fix-our-hospital-pricing-problem-and-how-not-to/>.

BILL OF HEALTH BLOG, Petrie-Flom Center at Harvard Law, *Nonprofit Hospitals Sue Patients, and New IRS Rules Offer Limited Protection* (Jan. 28, 2015), cross-posted at Bill of Health Blog (Harvard), and the Source for Competitive Healthcare (Hastings), <http://blogs.law.harvard.edu/billofhealth/2015/01/30/nonprofit-hospitals-sue-patients/>

GEORGIA HEALTH NEWS, *Much at Stake for Georgia in Upcoming High Court Ruling* (Jan. 19, 2015), <http://www.georgiahealthnews.com/2015/01/stake-georgia-upcoming-high-court-ruling/>

BILL OF HEALTH BLOG, Petrie-Flom Center at Harvard Law, *More than the ACA at Stake in King v. Burwell* (Nov. 14, 2014), cross-posted at HealthLawProf Blog, <http://blogs.law.harvard.edu/billofhealth/2014/11/19/more-than-just-the-aca-at-stake-in-king-v-burwell/>.

BILL OF HEALTH BLOG, Petrie-Flom Center at Harvard Law, *Surprise! The Doctors at Your In-Network Hospital Are Out-of-Network* (Sept. 30, 2014), cross-posted at HealthLawProf Blog, <http://blogs.law.harvard.edu/billofhealth/2014/09/30/surprise-the-doctors-at-your-in-network-hospital-are-out-of-network/#more-12905>.

HEALTHLAWPROF BLOG, *The Hidden Costs of Narrow Networks* (June 2014), http://lawprofessors.typepad.com/healthlawprof_blog/2014/07/guest-blogger-professor-erin-fuse-brown-the-hidden-costs-of-narrow-networks.html.

HEALTHLAWPROF BLOG, *The Health Implications of Piketty's Inequality* (June 2014), http://lawprofessors.typepad.com/healthlawprof_blog/2014/06/guest-blogger-professor-erin-fuse-brown-the-health-implications-of-pikettys-inequality.html.

HEALTHLAWPROF BLOG, *Hospitals Using ACA to Justify Cuts in Charity Care* (June 2014), http://lawprofessors.typepad.com/healthlawprof_blog/2014/06/guest-blogger-professor-erin-fuse-brown-hospitals-using-aca-to-justify-cuts-in-charity-care.html.

HEALTHLAWPROF BLOG, *IPAB May Be a Super-Independent Agency, But It Is Constitutional* (June 2014), http://lawprofessors.typepad.com/healthlawprof_blog/2014/06/guest-blogger-professor-erin-fuse-brown-ipab-may-be-a-super-independent-agency-but-it-is-constitutio.html.

SELECTED MEDIA, REVIEWS, PODCASTS

The WEEK IN HEALTH LAW podcast, guest speaker *Episode 83* (January 30, 2017), <http://www.stitcher.com/s?eid=48970680>.

BOSTON BUSINESS JOURNAL, *Local experts weigh in on what Trump's executive order on Obamacare really means*, by Jessica Bartlett (Jan. 24, 2017) (quoted), <http://www.bizjournals.com/boston/news/2017/01/24/local-experts-weigh-in-on-what-trumps-executive.html>.

SAN ANTONIO EXPRESS-NEWS, *Big disparities found in the charges local hospitals bill to Medicare*, by Peggy O'Hare (Sept. 9, 2016), <http://www.expressnews.com/business/health-care/article/Big-disparities-found-in-the-charges-local-9213874.php>.

SAN ANTONIO EXPRESS-NEWS, *Mylan to lower EpiPen cost – for some*, by Peggy O'Hare (Aug. 25, 2016) (quoted), <http://www.expressnews.com/business/health-care/article/Mylan-to-lower-EpiPen-cost-for-some-9185353.php>.

ORLANDO SENTINEL, *Orlando dermatologist finds success in buying practices*, by Naseem Miller (Aug. 22, 2016) (quoted), <http://www.orlandosentinel.com/health/os-cfb-advanced-dermatology-expanding-20160822-story.html>.

THE WEEK IN HEALTH LAW podcast, guest speaker *Episode 65 (Back to Special Part 2)* (Aug. 17, 2016). <http://twihl.podbean.com/e/65-back-to-school-special-part-2-professors-beletsky-fusee-brown-and-pasquale/>.

KAISER HEALTH NEWS, *Anthem, Express Scripts Face Legal Challenge Over Prescription Drug Prices*, by Julie Appleby (July 1, 2016) (quoted), <http://khn.org/news/anthem-express-scripts-face-legal-challenge-over-prescription-drug-prices/>.

MODERN HEALTHCARE, *Blog: Healthcare providers take heat over debt collection lawsuits against patients*, by Harris Meyer (Apr. 25, 2016) (quoted), <http://www.modernhealthcare.com/article/20160425/BLOG/160429949>.

ST. LOUIS POST-DISPATCH, *When a nonprofit health system outsources its ER, debt collectors follow*, by Samantha Liss (Apr. 18, 2016) (quoted), http://www.stltoday.com/business/local/when-a-nonprofit-health-system-outsources-its-er-debt-collectors/article_826b26bf-0c85-5ae4-9af1-a1f9f9591539.html?utm_medium=social&utm_source=email&utm_campaign=user-share.

THE WEEK IN HEALTH LAW podcast, guest speaker *Episode 46* (Mar. 15, 2016), <http://www.stitcher.com/podcast/the-week-in-health-law-3/the-week-in-health-law/e/46-the-other-larry-guest-erin-fuse-brown-43168392>.

THE TENNESSEAN, *'Surprise bills' shock patients who choose in-network care*, by Holly Fletcher (Mar. 15, 2016), <http://www.tennessean.com/story/money/industries/health-care/2016/03/15/surprise-bills-for-patients-who-go-in-network/81613328/>.

NEW HAVEN REGISTER NEWS, *Possible Yale-New Haven, Lawrence and Memorial Health hospital merger concerns advocates*, by Mary O'Leary (Dec. 12, 2015), (provided quotes and comments), <http://www.nhregister.com/article/NH/20151212/NEWS/151219843>.

FORBES.COM, *Unaffordable Health Care: Financial Roulette*, by Richard Eisenberg (Nov. 17, 2015) (research featured, provided quotes and comments), <http://www.forbes.com/sites/nextavenue/2015/11/17/unaffordable-health-care-financial-roulette/>.

HEALTHCARE FINANCE, *Charity care, financial assistance standards in hospitals unfair to patients, professor says*, by Susan Morse (Sept. 9, 2015) (article featured, provided quotes and comments), <http://www.healthcarefinancenews.com/news/charity-care-financial-assistance-standards-hospitals-unfair-patients-professor-says>.

Review of *Resurrecting Health Care Rate Regulation* by Professor Jessica Mantel on JOTWELL (Journal of Things We Like Lots) (Sept. 2, 2015), <http://health.jotwell.com/the-case-for-rate-regulation-of-hospital-prices/>.

HEALTHLEADERS MEDIA, *Variation Rife in Hospital Charity Care Payment Rules*, by Tinker Ready (Aug. 28, 2015) (article featured, provided quotes and comments), <http://healthleadersmedia.com/page-1/FIN-320127/Variation-Rife-in-Hospital-Charity-Care-Payment-Rules>.

FIERCEHEALTHFINANCE, *Treasury regulations on patient financial assistance may be tough to enforce*, by Ron Shinkman (Aug. 20, 2015) (article featured, provided quotes and comments), <http://www.fiercehealthfinance.com/story/treasury-regulations-patient-financial-assistance-may-be-tough-enforce/2015-08-20>.

GEORGIA HEALTH NEWS, *High Court preserves all ACA subsidies* (June 25, 2015) (provided quotes and comments), <http://www.georgiahealthnews.com/2015/06/high-court-preserves-aca-subsidies/>.

KAISER HEALTH NEWS, *Obamacare ruling could kill coverage for 413,000 in Georgia*, by Misty Williams (June 17, 2015) (provided quotes and comments), <http://khn.org/news/obamacare-ruling-could-kill-coverage-for-413000-in-georgia/>.

THE WEEK IN HEALTH LAW podcast, guest speaker *Episode 5: Irrational Pricing, Doc-Fix & Nonprofit Status* (Mar. 24, 2015), <http://www.stitcher.com/podcast/the-week-in-health-law-3/the-week-in-health-law/e/5-erin-fuse-brown-irrational-pricing-docfix-nonprofit-37418598> (downloaded over 400 times).

ATLANTA JOURNAL CONSTITUTION, *Supreme Court gets health law case*, by Virginia Anderson (Mar. 4, 2015) (provided quotes and comments).

HOUSTON CHRONICLE, *Supreme Court hears case challenging Obamacare subsidies*, by Lora Hines (Mar. 4, 2015) (provided quotes and comments), <http://www.houstonchronicle.com/local/prognosis/article/Supreme-Court-hears-case-challenging-ObamaCare-6114310.php>.

BOSTON GLOBE, *Partners Ruling Could Have National Implications*, by Priyanka Dayal McCluskey (Jan. 31, 2015) (provided quotes and comments).

KANSAS CITY STAR, *Patients Fall Through Cracks as Hospitals Cut Back on Charity Care*, by Alan Bavley (Sept. 17, 2014) (provided quotes and comments), <http://www.kansascity.com/news/local/article2146988.html>.

SELECTED PRESENTATIONS

Consumer Financial Protection in Health Care, Panelist, 2017 ASLME Health Law Professors Conference (Jun. 2017).

ACA Repeal & Replace: Implications & Issues to Watch, Moderator of Plenary Discussion, 2017 ASLME Health Law Professors Conference (Jun. 2017).

Risks, Harms, and Legal Protections in Large-Scale Gene-Environment Interaction Studies, Presenter, The 4th ELSI Congress (Jun. 2017).

ERISA as a Barrier for State Health Care Transparency Laws, Presenter, 2017 Petrie-Flom Center Annual Conference on Transparency in Health Care at Harvard Law School (Apr. 28, 2017).

The Anticompetitive Potential of Cross-Market Mergers in Health Care, Panelist, Association of American Law Schools Annual Meeting (Jan. 2017).

The Future of the Affordable Care Act, Speaker, 2016 Health Care Symposium for Health Care Journalists, Society of Business Editors and Writers & The Commonwealth Fund, Invited Speaker (Dec. 2016).

The Devolution of Obamacare, Panelist, The 12th Annual Meeting of the American College of Business Judges (Dec. 2016) (honorarium).

A federal fix for APCDs post-Gobeille v. Liberty Mutual? Panelist, National Academy for State Health Policy 2016 Annual Conference (Oct. 2016).

The Double-Edged Sword of Health Care Integration, Panelist, ASLME Health Law Professors Conference (Jun. 2016).

The Double-Edged Sword of Health Care Integration, Invited Speaker, Families USA Health Action 2016 conference (Feb. 2016).

An Armchair Conversation: Private Sector Consolidation and Its Impact on Cost, Quality, and Coverage, Invited Plenary Speaker, Academy Health National Health Policy Conference 2016 (Feb. 2016).

State Options for Regulating Vertical Integration in Health Care, Invited Speaker, Yale Law School Conference, The New Health Care Industry: Integration, Consolidation, Competition in the Wake of the Affordable Care Act (Nov. 2015).

Hospital Billing and Collections and Financial Roulette, 2015 Health Care Symposium for Health Care Journalists, Society of Business Editors and Writers & The Commonwealth Fund, Invited Speaker (Nov. 2015).

State Enforcement Options for Vertical Health Care Integration, Invited Speaker, Health Law Workshop, Harvard Law School (Nov. 2015).

The Double-Edged Sword of Health Care Integration, Invited Speaker, Advanced Health Policy Institute for Georgia Policymakers, Georgia Health Policy Center (Oct. 2015).

The Double-Edged Sword of Health Care Integration: Consolidation and Cost Control, Keynote Speaker, National Academy for State Health Policy Annual Conference (Oct. 2015).

King v. Burwell, Moderator, Southeastern Association of Law Schools Annual Meeting (Jul. 2015).

Addressing Soaring Health Care Prices, Panelist, American Society for Law, Medicine & Ethics Annual Health Law Professors Conference (Jun. 2015).

ACA on the Ropes? King v. Burwell Case and Its Impact on Health Care Providers, Invited Panelist, King & Spalding 24th Annual Health Law and Policy Forum (Mar. 2015).

The Health Law Implications of Burwell v. Hobby Lobby, Invited Speaker, Georgia State University College of Law Board of Visitors holiday luncheon & meeting (Dec. 2014).

The Health Law Implications of Burwell v. Hobby Lobby, Bleckley Inn of Court, Invited Speaker (Oct. 2014).

Fair Hospital Prices Are Not Charity, Invited Faculty Speaker, University of Houston Law Center (Oct. 2014).

Resurrecting Health Care Rate Regulation, Invited Scholar, Health Law Scholars Workshop, Saint Louis University School of Law & American Society of Law, Medicine, & Ethics (Sept. 2014).

Irrational Hospital Prices, Invited Speaker, Health Law Grand Rounds, Indiana University McKinney School of Law, Hall Center for Law & Health (Sept. 2014).

The Harms of Irrational Hospital Pricing, Invited Faculty Speaker, University of Tennessee College of Law (Feb. 2014).

Fairness is Not Charity: Decoupling Hospital Pricing and Collection Rules from Tax Status, panelist, Association of American Law Schools Annual Meeting (Jan. 2014).

Got Health Insurance? Navigating Your New Options Under the Affordable Care Act, Presentation, Georgia State University College of Law (Oct. 2013).

The Harms of Irrational Hospital Pricing, Invited Panelist, HOUS. J. OF HEALTH L. & POL. Symposium: Our Patchwork Health Care System: Benefits and Challenges (Sept. 2013).

Developing a Durable Right to Health Care, Presentation to Centers for Disease Control and Prevention, Office of the Associate Director of Policy (Sept. 2013).

The Way Forward for the Affordable Care Act's Right to Health Care, Panelist, American Society for Law, Medicine & Ethics Annual Health Law Professors Conference (June 2013).

The Impact of the Supreme Court's Decision on the Affordable Care Act's Right to Health Care, PPACA and the Supreme Court panel, Georgia State University College of Law (Sept. 2012).

LEGAL EXPERIENCE AND JUDICIAL CLERKSHIP

Ropes & Gray, LLP, San Francisco, CA
Associate, Health Care Group (2008-2011)
Summer Associate (2005)

Hon. Alan C. Kay, Honolulu, HI
Law Clerk, United States District Court for the District of Hawaii (2007-2008)

The Center for Law and the Public's Health, Baltimore, MD
Senior Researcher (2003-2006)

Powers Pyles Sutter & Verville, P.C., Washington, DC
Summer Associate, 2004

BAR ADMISSIONS, PROFESSIONAL MEMBERSHIPS

Admitted to practice law in California and Hawaii
Georgia Bar Health Law Section, Executive Committee Member and Academic Liaison
Association for American Law Schools, Section on Law, Medicine and Health Care
American Society for Law, Medicine, and Ethics
American Bar Association - Health Law Section
American Health Lawyers Association