

Helping States Address Rising Health Care Costs

Associate professor Erin C. Fuse Brown is helping states to develop policies to control health care costs driven by growing industry consolidation and rising prices. With the Affordable Care Act under attack nearly a decade after its passage, states have assumed a growing role in setting health policy and innovating new health reforms. Fuse Brown's work has attracted the attention of leading health policy organizations, including the National Academy for State Health Policy, the Milbank Memorial Fund and the National Governor's Association.

"It fuels my research to work on issues that are policy-relevant," said Fuse Brown. "And to be policy-relevant, I benefit immensely from working with policymakers and regulators who are actually grappling with these issues. Right now, states are leading the way in terms of health policy innovation."

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Director's Message

In reading this issue, I was impressed with the diversity of the policy-relevant work being conducted by our faculty, graduates and students contained within it.

This combined work covers health care pricing; improving access to health care generally and to biologics; FDA authority over non-therapeutic uses; food safety; fair access to housing; the opioid epidemic; and improving access to research and how it is conducted .

I am equally impressed by the collective commitment to the development of engaged professionals who will be advancing this work in the future.

Best wishes,

Director, Center for Law, Health & Society

Center Faculty Members Sponsor Health Law Scholarship

The Center for Law, Health & Society announces the Endowed Health Law Scholarship. The Georgia State University College of Law has substantially increased the number of endowed scholarships available to students in the last few years, but, until now, there has not been a scholarship for a student with expressed interest in health law. The center faculty decided to join together to endow the merit-based scholarship to recognize a highly talented and promising new student who demonstrates commitment to a career in health law.

"Although we are a best value law school, a scholarship can make a difference in whether a student can come to Georgia State Law," said Paul Lombardo, Regents' Professor and Bobby Lee Cook Professor of Law. "I am proud of our faculty's leadership in endowing the scholarship."

The center hopes to see other endowed scholarships in the future. In the meantime, individuals can donate to increase the value of this award.



Center Launching Master of Jurisprudence in Fall 2019



The Center for Law, Health & Society at Georgia State Law is launching a new master of jurisprudence with a concentration in health law. The M.J. offers non-lawyer health professionals the opportunity to advance their careers by developing a fuller understanding of the role of law and policy in health fields.

"Over the years, we have received many requests for courses from individuals working in health fields who want to better understand the legal principles they interact with on a daily basis, but who don't need a three-year J.D. program because they don't intend to practice law," said Stacie Kershner, center associate director. "To address this need, we spent the last two years creating a program that would serve these students' needs."

The new M.J. program has several distinct advantages over other similar programs. Georgia State Law's health law program is nationally recognized and one of the largest in the country with over a dozen full time faculty members. Low tuition rates coupled with flexibility makes the program attractive to working professionals. The M.J. is a part-time, two-year program. All courses are online and asynchronous, so that M.J. students can complete lessons and assignments as their schedules permit.

"We wanted to create a program that was tailored to this audience and to ensure that we could translate the high-quality education we provide in the classroom into an online environment," said center director Leslie Wolf. To do this, she and other health law faculty members worked with an instructional designer to create and teach online versions of their courses for the J.D. program. With this experience under their belts, they turned their attention to developing the program and courses specifically for M.J. students.

Courses provide an introduction to U.S. law, health care systems, and compliance, as well as coverage of specific topics such as health care liability, financing and access. Initially, electives will focus on the regulation of health care, with later expansion to include public health, human rights, health science and bioethics electives. The program concludes with a capstone project on an area of interest.

Applications are currently being accepted for the M.J. program and courses will begin in Fall 2019. Ideal candidates will have worked in a health field for three or more years. Graduate admissions exams such as the LSAT or GRE are not required. Visit law.gsu.edu/mj for more information.



Journal of Legal Medicine: Call for Papers

Georgia State University College of Law's Center for Law, Health & Society and the American College of Legal Medicine have partnered on its publication, the *Journal of Legal Medicine*, an interdisciplinary, peer-reviewed, internationally-circulated journal that focuses on the intersection of health law, science, and policy. Submissions of short commentaries (up to 3,000 words) and articles (up to 7,500 words), are now being accepted. Visit clhs.law.gsu.edu/journal for more information and to submit.

TOP 10

The health law program at Georgia State Law is ranked No. 2 in the nation by U.S. News & World Report.



The Implication of Changes to the Supreme Court on Reproductive Health

Supreme Court Justice Anthony Kennedy's retirement raises questions about the future of *Roe v. Wade* and how any changes to the federal law could impact women's access to abortion and reproductive health care more generally. In September, before Justice Brett Kavanaugh's confirmation to the court, the Center for Law, Health & Society at Georgia State Law hosted the panel presentation "Beyond Roe: Changes to the Supreme Court and Implications for Reproductive Health."

Paul Lombardo, Regents' Professor and Bobby Lee Cook Professor of Law, moderated the panel. His introduction emphasized the domino effect of overturning *Roe*. "If *Roe* is overturned, other important Supreme Court cases will be up for grabs, including *Griswold* on birth control, *Skinner* on sterilization, and cases relying on a right to privacy, such as *Cruzan* on the right to die, and *Windsor* and *Obergefell* on same sex marriage," said Lombardo.

Lauren MacIvor Thompson (Ph.D. '16), a faculty fellow with the center and a lecturer of history at Georgia State's Perimeter College, reminded the audience of physicians' critical role in the development of reproductive rights in the United States

historically and in the future. "Physicians viewed laws against abortion as improper government imposition on their medical practice. While *Roe* is seen as a feminist success story, in actuality, the physician lobby was integral in achieving this victory," said Thompson. "Roe is on shaky ground, and the continued support and expertise of physicians will be critical moving forward."

“Guessing how the Supreme Court will decide contentious issues is always a risky gamble. But the Court's new composition will highlight this question: What is the proper role of government – state or federal – in regulating the process of reproduction?”

– Paul Lombardo, Regents' Professor and Bobby Lee Cook Professor of Law

Eric Segall, Kathy and Laurence Ashe Professor of Law, argued that *Roe* is unlikely to be overturned. "Roe is the single best tool the Republicans have in an election," he said. "Republican candidates can run against the court's stance on abortion rather than their Democrat opponent." Segall thinks

the real danger is in the court allowing states to impose more restrictions on abortion. "Wealthy women will be able to obtain safe abortions, but poor women will have a much harder time, with substantially increased medical risks."

Jerri Nims Rooker (J.D. '03), COO of Teach Every Nation and a pro-life advocate presented the pro-life perspective. "At what stage should human life be protected?" she asked before outlining the many different biological, religious and legal answers to this question from conception to birth. "The interests of both parties—mothers and fetuses—must be considered," said Nims Rooker. "The Supreme Court has the opportunity to provide greater human rights protections for fetuses, a vulnerable population, by reconsidering the decision in *Roe*."

Unsurprisingly, the question period following the presentations was lively, but the panelists agreed that education and public health efforts to address the social determinants of health and to prevent unintended pregnancies are critical for the future of reproductive health, whatever the fate of *Roe*.

Commemorating the 100th Anniversary of the 1918 Influenza Pandemic

A century ago, influenza infected an estimated one-third of the world's population, claiming over 500,000 Americans and at least 50 million worldwide. The Center for Law, Health & Society at Georgia State Law hosted the "100th Anniversary of the 1918 Influenza Pandemic: Prevention and Control of Communicable Disease Then and Now" in October to examine the role of law in preventing, controlling and mitigating epidemics.

Paula L. Kocher, deputy associate general counsel with the U.S. Department of Health and Human Services Office of the General Counsel at the Centers for Disease Control and Prevention, moderated the panel, which included public health experts Gerardo Chowell-Puente, Zain Farooqui and James J. Misrahi. "It is difficult for us to appreciate the scale of the devastation caused by the 1918 influenza pandemic," said Kocher. "Today we have not only the comfort of technological advancements in identifying, tracking and treating disease outbreaks, but also the knowledge that the best public health minds are working to avert future outbreaks."

Chowell-Puente, professor and chair of the Department of Population Health Sciences at Georgia State University School of Public Health, highlighted how, similar to the 2009 influenza epidemic, the 1918 outbreak had higher transmissibility and greater impact on people under the age of 65 than seasonal influenza. He discussed how the close proximity and poor living conditions of the military in World War I, as well as interaction with local civilian communities, contributed to the spread of disease. He also depicted the disparate impact on mortality in developing countries in the 2009 outbreak due to living conditions and lack of access to health care.

Misrahi, senior attorney with the U.S. DHHS Office of the General Counsel at CDC, outlined the federal government's role in preventing and controlling the spread of communicable disease in 1918 compared to today. Using the 2014-2016 Ebola outbreak as an example, Misrahi described the federal government's past



and current surveillance, education and funding measures, and its role in issuing guidance for state and local public health response. Importantly, Misrahi explained, the federal government's role in isolating and quarantining persons is limited to interstate or international travel and to specific diseases.

Farooqui, associate general counsel for the Georgia Department of Public Health, concluded by differentiating the state's role. The state has broad authority to protect the public's health and to manage and control the spread of disease, whether an emergency has been declared or not. He explained how social distancing measures such as isolation and quarantine are implemented, the factors that public health officials consider and the procedures in place to ensure due process.

"This panel was an opportunity to reflect on the progress that state and federal agencies have made over the past century in understanding and responding to public health threats," said Stacie Kershner, associate director of the center. "It also allowed us to highlight the interdisciplinary nature of public health and the role of law in prevention and control of communicable disease."



Kershner Presents *Health is a Human Right* in Spain

Stacie Kershner (J.D. '08), associate director of the Center for Law, Health & Society at the College of Law, and Kim Ramsey-White (Ph.D. '12), undergraduate director and assistant clinical professor at the School of Public Health, presented the *Health is a Human Right: Race and Place in America* exhibit at the Inclusive Museum Conference in Granada, Spain.

Through photographs and documents, the exhibit examines over a century of challenges in achieving health equity in the U.S. and explores “race and place” as social determinants of health. Originally designed and hosted as a temporary exhibit by the David J. Sencer CDC Museum at the Centers for Disease Control and Prevention, it was donated to Georgia State after the exhibit ended and is now displayed at the College of Law.

“Our exhibit explores health equity, an issue that all countries face,” said Ramsey-White. “Presenting at an international conference allowed people from all over the world to compare challenges in the United States to those faced by disadvantaged populations in their own communities and sparked difficult conversations on how to address health disparities and improve health outcomes for all.”

The annual conference, hosted by the Inclusive Museum Research Network, focused on themes of internationalism, interdisciplinarity and inclusiveness. Over 170 scholars, researchers and practitioners, representing a broad range of disciplines and perspectives, from 39 countries attended.

“While, as an institution, Georgia State has demonstrated leadership in inclusivity with respect to race, age, income and experience, we are always striving to improve,” said Kershner. “This conference provided a chance to share our experience of collaboration with a government agency and across campus, as well as to explore new ways to reach students and members of the community.”

The conference also offered the opportunity to learn how museums in other parts of the world are using their exhibits, growing their audiences and reaching new people. The conference explored new ideas for accessibility, sustainability and growth for both the in person and online versions of the exhibit.

The *Health is a Human Right: Race and Place in America* exhibit is open to the public at Georgia State Law. Visit publichealth.gsu.edu/health-exhibit for details and to view the online archive.



“Engaging with scholars and practitioners from other countries and institutions allows us to share our expertise and inspires us with new ideas that we can implement at Georgia State.”

– Stacie Kershner (J.D. '08), Associate Director, Center for Law, Health & Society

Wolf Participates in HIV Workshop in the Netherlands



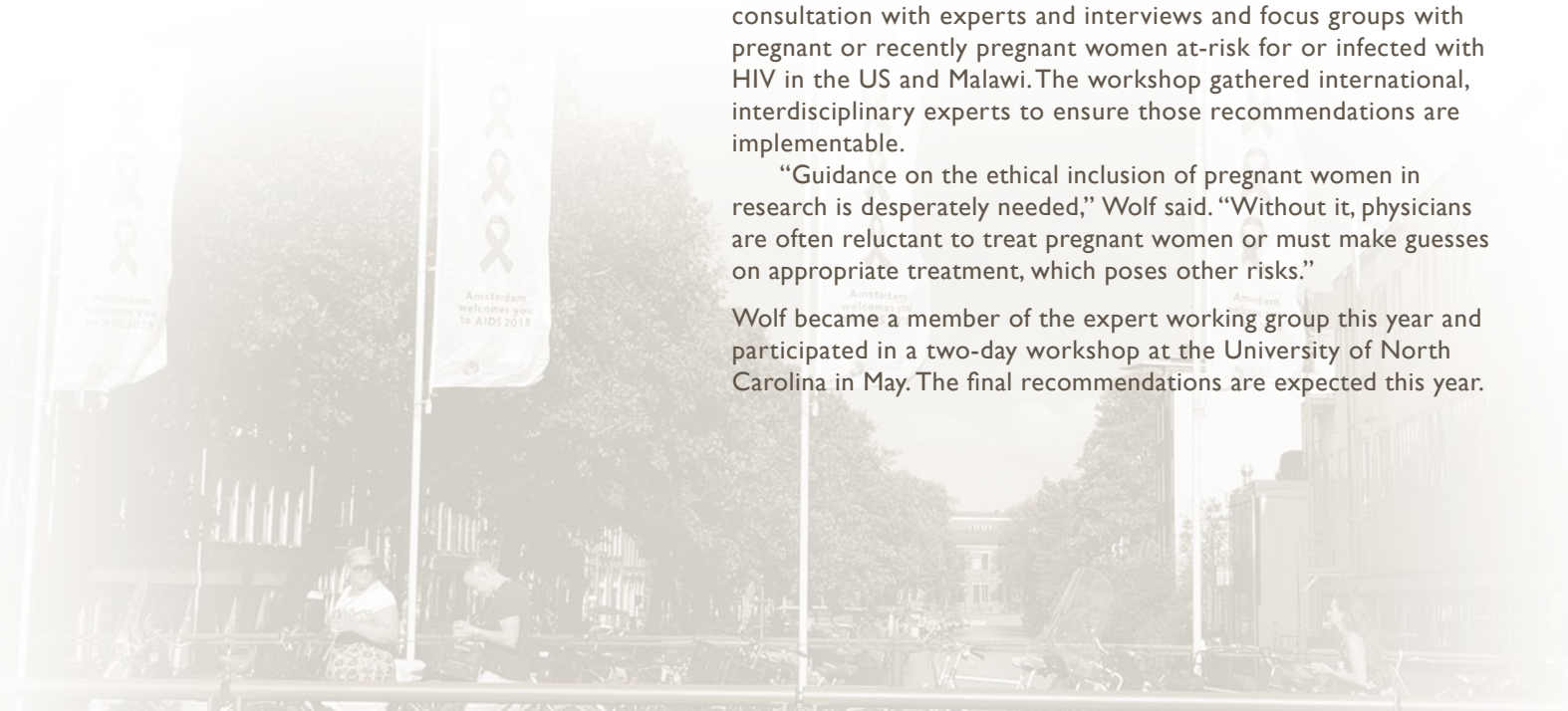
Center director, Leslie Wolf, participated in a day-long workshop that preceded the 22nd International AIDS Conference in Amsterdam to provide expert feedback on recommendations for ethically involving pregnant women in HIV/AIDS research.

Clinical research typically excludes pregnant women for ethical and legal concerns. However, such exclusion results in little evidence to guide treatment of HIV-infected women. The workshop is part of the National Institutes of Health-funded Pregnancy + HIV/AIDS Seeking Equitable Study (PHASES) project, led by Anne Lyerly, University of North Carolina Center for Bioethics, Ruth Faden, Johns Hopkins Berman Institute of Bioethics, and Maggie Little, Georgetown University Kennedy Institute of Ethics. The project seeks ethical solutions to advance research at the intersection of women's reproduction and HIV prevention, treatment and management.

The investigators drafted recommendations following consultation with experts and interviews and focus groups with pregnant or recently pregnant women at-risk for or infected with HIV in the US and Malawi. The workshop gathered international, interdisciplinary experts to ensure those recommendations are implementable.

“Guidance on the ethical inclusion of pregnant women in research is desperately needed,” Wolf said. “Without it, physicians are often reluctant to treat pregnant women or must make guesses on appropriate treatment, which poses other risks.”

Wolf became a member of the expert working group this year and participated in a two-day workshop at the University of North Carolina in May. The final recommendations are expected this year.



Bliss Presents at Clinical Conference in Australia



Lisa Bliss, associate dean of experiential education and clinical programs and co-director of the HeLP Legal Services Clinic, participated in the plenary panel at the International Journal of Clinical Legal Education Conference at Monash University in Melbourne, Australia, in November. The conference theme was “Adding Value: How Clinics Contribute to Communities, Students and the Legal Profession.”

Bliss developed the plenary session, “Supporting Students to Act Consistently with Their Values,” collaboratively with a team of law professors from the United States, Czech Republic, Italy and Australia, including Georgia State Law's externship

director, Kendall Kerew. The session was based on Mary Gentile's book, *Giving Voice to Values: How to Speak Your Mind When You Know What's Right*.

“Gentile suggests developing and practicing scripts or plans to respond to ethical dilemmas as a way for professionals to put their values into practice,” said Bliss. The team designed and facilitated a small group exercise for teachers to help students identify their core values and explore dilemmas they may face in clinic. “By practicing, students are better able to act consistently with their values when confronted with real-life ethical dilemmas.”

Bliss also co-presented “Defining and Balancing Stakeholder Expectations

to Achieve Excellence in External Clinical Legal Education Opportunities” at the conference, drawing on her experiences within the Health Law Partnership. “It can be challenging to meet the competing needs of external partners, the institution and students,” said Bliss. “We explored different models of external stakeholder engagement to identify the essential structures for creating an excellent clinical learning opportunity for students.”

Bliss also presented in a pre-conference workshop that considered the role of emotions in reflective practice and discussed strategies for incorporating emotional responses to a client or a case in learning. Bliss was inspired by the Australian clinicians. “They are doing excellent empirical work on clinical education and are leading the way in research,” she said.

“Learning from and sharing with international clinicians who are doing similar work has tremendous impact on our teaching and provides an excellent opportunity to examine the best current thinking about clinical pedagogy.”

– Lisa Bliss, Associate Dean of Experiential Education and Clinical Programs and Co-Director of the HeLP Legal Services Clinic

Center Hosts Visiting Scholar from Ireland

John Lombard, a lecturer at the University of Limerick School of Law in Ireland, spent two weeks in residence at Georgia State Law this fall as a visiting scholar. Lombard directs the undergraduate law degree program at UL and teaches courses in medical law, bioethics and intellectual property law. His scholarship focuses on legal and ethical issues that arise at the end of life and patenting of biotechnology and nanotechnology. While at Georgia State Law, Lombard conducted research and prepared grant proposals on his current interest – supported decision making for individuals with declining or diminished capacity, whether due to disability or Alzheimer's.

"An international research trip provides unique insight on legal research and pedagogy in other jurisdictions," said Lombard. "The benefits cannot always be fully anticipated at the outset. For instance, my discussion with Georgia State Law faculty stimulated new research questions and encouraged me to adopt a fresh perspective on approaches to pedagogy."

While in Atlanta, Lombard met with Center for Law, Health & Society and Center for Intellectual Property faculty members. They introduced him to health law educational programming at Georgia State

Law, such as the health law certificate, the LL.M. program for foreign lawyers, the new online M.J. for non-lawyers, and the HeLP Legal Services Clinic, and they discussed how those experiences might translate to his institution.

"Hosting John was a welcome opportunity to learn about his cutting-edge research. Our faculty members provided him perspective on these issues from this side of the Atlantic and suggested new scholarly tools and directions for research based on their own work," said Tim Lytton, associate dean for research and faculty development. "His visit illustrates how Georgia State Law has built an international reputation as a destination for health law scholars from around the world."



Lombardo and Thompson Present on Eugenics, Prohibition in United Kingdom

Paul Lombardo, Georgia State University College of Law Regents' Professor and Bobby Lee Cook Professor of Law, and Lauren MacIvor Thompson (Ph.D. '16), faculty fellow and lecturer of history at Georgia State's Perimeter College, presented papers at the University of Bristol in September at a symposium that explored alcohol, stigma and disability. Lombardo's paper examined the roles of William Jennings Bryan, the Women's Christian Temperance Movement and Caleb Saleeby, a British champion of eugenics, who joined as unusual allies to advocate in favor of the prohibition movement in the United States. Thompson focused on birth control activist Margaret Sanger's strategy of "framing the need for birth control through both moral and eugenic politics of alcohol use."

The conference featured an interdisciplinary list of scholars, including historians, philosophers, psychologists, physicians and public health experts who came from every part of Great Britain, as well as Canada and the U.S. The symposium was sponsored by the London based Wellcome Trust, and conference papers will appear in an edited volume published by Manchester University Press.



Helping States Address Rising Health Care Costs

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Professor Erin C. Fuse Brown has consulted with the National Academy for State Health Policy to highlight an array of policy options to address consolidation-driven increases in health care prices, including a published white paper, "State Strategies to Address Rising Health Care Prices Caused by Health Care Consolidation." At NASHP's 2018 annual conference, she was a plenary panelist and helped lead a pre-conference workshop for state health policymakers on this topic.

Rampant health care consolidation has moved beyond traditional horizontal mergers to vertical or cross-market mergers that defy traditional antitrust analysis. Fuse Brown, with co-author Jaime S. King, UC Hastings College of the Law, explored how antitrust analysis should adapt to these new forms of consolidation in "The Anti-Competitive Potential of Cross-Market Mergers in Health Care," published in the *St. Louis University Journal of Health Law and Policy*. The American Antitrust Institute recognized it as the 2018 Best Antitrust and Mergers article.

States are exploring regulatory mechanisms to address health care consolidation, particularly in rural areas with acute health care needs. Fuse Brown wrote a commissioned report for the Milbank Memorial Fund on certificates of public advantage, a relatively untested strategy for states to oversee hospital consolidation in exchange for regulatory oversight against market power abuses. The report, "Hospital Mergers and Public Accountability: Tennessee and Virginia Employ a Certificate of Public Advantage," explored how two states used the certificates to shield a large hospital merger from antitrust scrutiny in exchange for state oversight over the merging hospitals' price increases and commitments to invest in population health and maintain access to rural health care services. The report serves as a case study for other states.

"I am concerned about the effects of rising health care costs on macro-level spending and on individual consumers," said Fuse Brown. Her work on health care affordability and consumer financial protections caused state health policy organizations such as the National Governor's Association and media outlets such as NPR to seek Fuse Brown's expertise on surprise out-of-network medical billing and air ambulance expenses.

Given the plethora of health policy challenges facing the nation, Fuse Brown's expertise will continue to be in high demand.



“Georgia State University provides a terrific platform to do cross-disciplinary research that combines legal, regulatory and policy analysis. My work is improved by my collaborations within the Center for Law Health & Society and across campus with the Georgia Health Policy Center at the Andrew Young School of Policy Studies and the Institute for Health Administration at the J. Mack Robinson College of Business.”

— Erin Fuse Brown, Associate Professor of Law

Lytton Awarded USDA Grant

Georgia State Law professor Timothy D. Lytton and collaborators at North Carolina State University have received a \$500,000 U.S. Department of Agriculture grant to study and enhance the food safety practices of small farmers. Georgia State Law students Caitlin Correa (J.D. '19) and Mark Hunter (J.D. '20) will be part of the research team.

The five-year research collaboration between Lytton and agricultural economists at North Carolina State aims to understand how product recall and liability insurance can improve the food safety practices of small farmers. Insurance companies help food producers stay in business when contamination of their products by microbial pathogens such as *Salmonella* and *E. coli* requires expensive product recalls or sparks civil lawsuits.

Insurance companies do not merely step in after consumers get sick. In many sectors of the food industry, insurers also work to reduce the risk of contamination before it occurs. For example, insurance companies charge lower premiums to companies with good food safety practices, which incentivizes companies to improve their food safety efforts. Insurance companies also provide risk management consulting services, sending food safety experts out to coach company managers on how to reduce the risk of microbial contamination.

The research collaboration will examine current recall and liability insurance markets for small farmers and look for ways to increase small farmers' access to these forms of insurance. Many of the farmers' markets where small farmers sell their produce and many of their large institutional buyers—such as supermarkets and schools—who buy it require their suppliers to carry liability and recall insurance. Increasing small farmers' access to insurance will not only enhance their food safety practices, it will also open up new markets for small farmers and increase their profitability in an industry dominated by large-scale agribusiness.

Lytton Appointed to American Law Institute

Georgia State University Distinguished University Professor and professor of law Timothy D. Lytton was one of 35 new members elected to the American Law Institute in July. The ALI is an independent organization dedicated to clarifying, modernizing and improving the law. Membership is limited to 3000 prominent attorneys, judges and legal academics, selected for their professional achievement and interest in improving the law. Members provide their expertise on ALI projects including restatements of the law, model or uniform codes and principles of law.

Lytton, who serves as the associate dean for research and faculty development, focuses his scholarship on how tort litigation advances the regulation of health and

safety. He has written numerous books and articles dealing with gun violence, clergy sexual abuse, climate change, product safety, and foodborne illness. As a member of the ALI, Lytton will be consulting on the third restatement of torts and a new project to articulate principles of the law related to compliance, enforcement, and risk management for corporations, nonprofits, and other organizations.

Lytton joins a growing number of Georgia State Law professors, including center faculty members Charity Scott and Paul Lombardo, elected to ALI membership. "Congratulations to Tim on this well-earned achievement," said Wendy F. Hensel, dean and professor of law. "We are proud of our Georgia State Law faculty members' many valuable contributions to the profession."



Wolf Presents for Women Inspire

Millions of Americans have shared their genomes with private companies to learn more about their ancestry. DNA kits have become popular family gifts. But the arrest of the Golden State Killer using genomic data relatives had uploaded to a genealogical website brought up an important question: how can the genetic data shared with private companies be used?

Leslie Wolf, Distinguished University Professor of Law and director of the Center for Law, Health & Society at Georgia State Law, provided insight about the subject during the first Women

Inspire lecture for the 2018-19 academic year this November.

Wolf, an expert in research ethics, discussed confidentiality of genomic data in light of the Golden State Killer case in California. She noted that the number of DNA samples in clinical and research databases dwarf those held by ancestry databases, but, wherever the DNA, it may be used for purposes not originally intended. There are some legal protections afforded research databases that are not available to others, but there are gaps in these protections.

"I care about how the Golden State Killer case may impact people's willingness to participate in research that collects DNA," Wolf said. "It provides an opportunity for discussion about how such DNA is used and what we do to protect participants."

Open to the university community, the speaker series showcases distinctive women from the ranks of Georgia State's stellar faculty who are making a difference. Center faculty members Charity Scott and Jessica Gabel Cino have also presented in past Women Inspire sessions.

Center Faculty Participate in Life Sciences Conference

Three faculty members from the Center for Law, Health & Society, Yaniv Heled, Patti Zettler and Leslie Wolf, participated in the Wiet Life Science Law Scholars Conference hosted by Loyola University Chicago's Beazley Institute for Health Law and Policy in September.

The conference is designed to provide an intellectual venue for life science professors, scholars and practitioners to convene and discuss current research and scholarship. Selected scholars presented their paper and receive commentary from an assigned discussant, as well as other participants in the conference.

Zettler presented her paper, "Non-therapeutic Uses and the FDA," which explored FDA's authority to evaluate non-therapeutic uses of drugs and devices. Heled presented his paper, "Toward Effective Competition in Biologics," which examined the Federal Insecticide, Fungicide and Rodenticide Act as a model for increasing competition in the biologics market. Wolf was invited as a discussant on two papers, one on discrimination based on biomarkers and the other on use of forensic databases.

"The conference was a wonderful opportunity for in-depth intellectual exchange among others who are working in this field," said Heled. "Our colleagues at Loyola assembled a terrific group of scholars for it."



PHOTO COURTESY OF WIET LIFE SCIENCE LAW SCHOLARS CONFERENCE, LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW

Anderson Speaks on Fair Housing at the Federal Reserve Bank

In November, associate professor Courtney Anderson was an invited participant in a roundtable discussion of the 50th Anniversary of the Fair Housing Act. The event, hosted by the Federal Reserve Bank of Atlanta, was entitled "Fair Housing: A Look Back and Forward at Racial Equity in Atlanta (and the Southeast)" and brought together community leaders, scholars and practitioners from private, public and non-profit sectors on this complex issue. The event included a keynote speech by Richard Rothstein, author of *The Color of Law: A Forgotten History of How Our Government Segregated America*.

Anderson spoke on best practices for the creation of affordable housing in metropolitan areas. "The Fair Housing Act plays an integral role in prohibiting not only the intentional discrimination in the acquisition, financing, and renting of housing but also acts that negatively and disparately impact protected classes," she said. "The proactive language in the Act requiring the government to 'affirmatively further fair housing' commits our leadership to create more integrated and equitable neighborhoods, which is a necessary step to achieve health equity and to promote public health."



New Mentorship Program for Health Lawyers

Charity Scott and three graduates of the College of Law have joined a mentorship program for lawyers new to the field of health law. This program was launched recently by the Health Law Section of the State Bar of Georgia.

"This new mentorship program is a wonderful opportunity to foster meaningful, one-on-one relationships among experienced health lawyers and lawyers who are starting out in the field," said Charity Scott, Catherine C. Henson Professor of Law. Scott is a member of the program's advisory board.

Mentors and mentees signed a partnership agreement at the outset of the mentorship year, agreeing to meet monthly to develop their relationship and to participate in Health Law Section activities. Mentees also committed to engaging in a pro bono service project.

"One of the goals of the program is to welcome new health care attorneys to our section and assist them in developing professional networks and navigating their careers in health law," said Sean Sullivan (J.D. '07), a senior associate in the health care group at Alston & Bird and a member of the advisory board. "It also creates a pathway for senior health care attorneys to share their valuable perspectives and advice concerning a career in health law."

Charlotte Combre (J.D. '97), a partner at BakerHostetler and an experienced health lawyer, is a mentor with the program. "We can provide a resource for new health care attorneys seeking advice on managing stress and balancing personal commitments and careers in health law," said Combre. "A mentor serves as a coach offering guidance and encouragement and as a supportive listener and professional confidant."

At the kick-off orientation meeting for all participants in the program, Barbara Rogers (M.B.A. '08, M.H.A. '09, J.D. '15), an associate in the health care practice at Arnall Golden Gregory and a member of the advisory board, led a group discussion among the mentees about their roles and responsibilities in the program. "The success of a mentorship relationship depends on both participants actively committing to it," said Rogers. "Mentees should take the initiative, know what they want and ask for what they need." She also advised: "Be prepared, personable and open to feedback."

Scott shared perspectives at the orientation meeting on how the mentorship program can support attorney wellness and the promotion of professionalism and ethics. "Studies show that lawyers are happiest when they are engaged in challenging and meaningful work with people that they like," said Scott. "The program offers a confidential and supportive environment in which health lawyers can thrive."



Graduate Happenings

On the Move

- **Joseph Cantrell (J.D. '15)** is celebrating one year as the senior manager of state affairs at the American College of Rheumatology.
- **Christian Dennis (J.D. '16)** joined Rutherford and Christie as an associate in October defending health care providers and long term care facilities.
- **Gregory Fosheim (J.D. '14)** joined McDermott Will & Emery LLP in Chicago advising health care and life science clients.

Awards and Recognition

- **Janelle Alleyne (J.D. '15)**, an associate with Coleman Talley, completed the Georgia Forward's Young Gamechangers program, a community leadership initiative to grow talent in Southwest Georgia.
- **Dawn Jones (J.D. '00)** was honored by the University of Virginia School of Nursing, her undergraduate alma mater, for "superior achievement in a field other than nursing." Jones relies on her expertise in nursing, medicine and science to inform her law practice.

Do you have news to share? Send news and updated contact information to lawandhealth@gsu.edu.

Student Papers Recognized at National Conferences



American Society of Bioethics and Humanities: Aubrey Incorvaia

The paper that Aubrey Incorvaia, a Ph.D. student at the Georgia Institute of Technology School of Public Policy, originally wrote for center director Leslie Wolf's human subjects research class last spring was recognized by the American Society of Bioethics and Humanities as one of the best student submissions.

In her paper entitled, "Beyond Consent: Incorporating Patient Perspectives into Clinical Trial Research Development," Incorvaia argues for incorporating patient perspectives more broadly into clinical trial research development. She contends that such inclusion will have beneficial effects to the science and the ethics of clinical trials. Incorvaia has a particular passion for this topic, which is part of her overall research for her Ph.D., based on personal experiences with families challenged by genetic disease.

"Professor Wolf worked extensively with me to help me find my voice as a budding scholar. The paper I created is the normative work on which my future scholarship will be founded. I'm delighted that I've also been able to leverage the thinking and product in other venues. This class and my interaction with Professor Wolf were invaluable to my formation. I was also glad to take Professor Zettler's class on Food and Drug Administration Law, which also helped me better understand the regulatory processes involved in determining a drug's safety and efficacy."

"We are so proud of Aubrey," said Wolf. "She comes to these topics with such curiosity and commitment that it is no surprise that she is already being recognized for her work."

ASBH is not the only organization to recognize Incorvaia's work. She presented a version of her paper at the Postgraduate Bioethics Conference at King's College London in July and will be presenting another version at the 2019 Citizen Science Association Conference in Raleigh, North Carolina in March.

American Public Health Association: Thomas Griner

Thomas Griner (J.D. '96, Ph.D. '19) received the Law Section's Best Student Abstract award at the American Public Health Association 2018 Annual Meeting and Expo in November. The abstract entitled, "How Do Medical Amnesty Laws Correlate with Drug Overdose Deaths?" received the highest score during the anonymous peer review process.

A Georgia State Law graduate, Griner is completing a Ph.D. at Georgia State University School of Public Health. His dissertation focuses on analyzing state medical amnesty laws, commonly known as Good Samaritan Laws. "Often drug overdose victims or witnesses delay calling for help because they fear criminal penalties," Griner said. "These laws are designed to reduce overdose deaths by encouraging bystanders to seek timely medical attention."

In his presentation at the conference, Griner described his research, which examines the impact of medical amnesty laws on drug overdose deaths in four states and compares the five-year period before and after each state enacted its law. "These laws vary from state to state," Griner said. "Examining what statutory language works and what doesn't can help policy makers craft laws that better address overdose deaths."

"Presenting at APHA offered a critical opportunity to receive feedback on this next phase of my research," said Griner. "I was able to meet with experts in the field of public health law research and to discuss methodology and best practices in legal analysis."

"We congratulate Tom on this recognition," said Stacie Kershner, associate director of the Center for Law, Health & Society and co-program chair of the APHA Law Section, who is serving on Griner's dissertation committee. "He is using his legal training combined with the skills and knowledge he's developed in his Ph.D. program to conduct important, policy-relevant research. We look forward to the final results."



Graduate Champions Policy to Improve Health

"Lawyers have an opportunity and an obligation to advocate for and lead policy change," said J. Craig Wilson (J.D./M.P.A. '05). He stresses the importance of lawyers to share their skills in critical thinking, problem solving and communication to develop and advance policy that will improve health outcomes.

In his role as health policy director for the Arkansas Center for Health Improvement, Wilson oversees a team of policy analysts. They conduct research and develop materials that support data-driven decision making that can be used by policymakers. "We catalyze policy change by being first, right and credible," he said. They also draft and review legislation and regulations.

While in private practice, Wilson represented the Arkansas Medical Society, the Arkansas State Dental Association and the Arkansas Assisted Living Association, which helped him understand the perspective of major players in the health care arena. "I am pretty fearless about rounding up private and public stakeholders – often with competing interests – into the same room to discuss ideas and address concerns."

Wilson finds personal satisfaction in his work. "I spend every day exploring how to improve the health and well-being of Arkansas citizens, many of whom are challenged by the economic realities of living in rural, poverty-stricken areas," he said. Wilson's initiatives have focused on improving access to quality health care by eliminating financial, geographic, cultural and language barriers. Recent projects include developing policies and resources for the state's unique premium assistance approach to



Medicaid expansion and health care transparency initiatives.

Wilson also teaches a graduate course in health policy and politics at the University of Arkansas for Medical Sciences College of Public Health and the University of Arkansas Clinton School of Public Service, championing the role of policy in improving health outcomes to future health professionals.

Graduate Combines Love of Nursing and Forensics to Improve Patient Safety

Working at Grady Memorial Hospital and Children's Healthcare of Atlanta early in her nursing career, Beatrice Yorker (J.D. '88) frequently saw the classic signs of child abuse, which set the course for Yorker's life work.

After earning her J.D., she involved herself in probing the shadowy corners of human care. Her investigations led to a law review article on Munchausen Syndrome by Proxy, a form of child abuse in which a parent makes their child ill for medical attention. Yorker, along with an international team of researchers, also conducted a comprehensive overview of serial murder in clinical and hospital settings, published in the *Journal of Forensic Sciences*. Both of these established her as a leading expert.

"A nice side effect of our look at the number of patient deaths and injuries has been the safeguards such as barcodes for medication administration and strict pharmacy controls put in place to deter potential rogue nurses," said Yorker. "Now it's much harder to get away with injecting a patient with a lethal dose of medicine."

Yorker's work led her to California State University, Los Angeles, where she

serves as professor emerita in the College of Health and Human Services, School of Nursing. From 2005 to 2015, she oversaw that college, which includes schools of Nursing, Criminal Justice, Social Work, Child Development, Public Health, and Criminal Justice and Criminalistics, as dean.

Her university also built the Hertzberg Davis Forensic Science Center, housing the LA Police Department and LA County Sheriff's Department crime lab and Forensic Science Institute, which provides state-of-the-art DNA, ballistics, trace evidence processing and other forensic analysis. "I am very fortunate to have been able to close out my career in such an interdisciplinary and rewarding setting," Yorker said.

Yorker's path-breaking work and policy impact continues. She is working on a follow-up study on serial murder in health care. She also serves an American Professional Society on the Abuse of Children task force that recently published national guidelines on Munchausen by Proxy, providing practical guidance for practitioners, prosecutors, defense attorneys, judges and the lay public about this baffling type of child abuse.





New Faces, New Roles at HeLP

The Health Law Partnership (HeLP) has new people in new roles this year. HeLP, a medical-legal partnership among Georgia State University College of Law, Atlanta Legal Aid Society and Children's Healthcare of Atlanta, provides civil legal services to low-income patients of Children's and their families.

Sylvia Caley (M.B.A. '86, J.D. '89), now professor emerita, served as HeLP director and Georgia State Law HeLP Legal Services Clinic co-director until her 2018 retirement. These responsibilities are now divided among two positions. In August, Georgia State Law welcomed Margaret Middleton as co-director of the clinic along with Lisa Bliss, associate dean of experiential learning and clinical programs.

Atlanta Legal Aid Society executive director Steve Gottlieb promoted Pam Kraidler to HeLP's Legal Aid Director: "Pam is an exceptional attorney," said Gottlieb. "She has worked with HeLP for nearly eight years and is truly devoted to achieving HeLP's goal of fostering the relationship among attorneys, doctors and health care professionals to improve children's health outcomes."

"HeLP has a great team of lawyers who work tirelessly for our clients," said Kraidler. "I am excited to move the mission of HeLP forward to address the social determinants of health that impact our clients on a daily basis."

Bridget Beier, HeLP's office manager, also retired this fall. She coordinated the day-to-day activities of the main office for more than a decade. Fluent in English and Spanish, she also provided intake services for families

seeking HeLP's assistance.

To fill this position, Gottlieb turned to another long-time Legal Aid employee, JoQuita Etchison. Etchison, now HeLP's paralegal office manager, started at Legal Aid as a receptionist in 2005, before becoming a paralegal for the domestic relations and health law units. She has also worked closely with Legal Aid's pro bono group. "JoQuita's deep roots at Legal Aid will be a great benefit to HeLP," said Kraidler.

In addition, HeLP recently hired Christina Scott (J.D. '18), who joins Sarah Mahmood and Roxy Richardson as a staff attorney. Her position was made possible by a generous grant from the 1998 Society, a physicians' philanthropic group named for the year Eggleston and Scottish Rite merged.

Scott's office is at Children's new Center

for Advanced Pediatrics. This state-of-the-art facility brings together specialists under one roof to enable coordinated, multi-disciplinary outpatient care for children with complex conditions. "I feel well prepared for this role," said Scott. "I spent two semesters in the HeLP clinic, which provided the opportunity to develop my skills in interviewing, counseling, research, drafting and case management."

Dr. Robert Pettignano, a critical care physician at Children's and HeLP's medical director, reflected on the transition. "While no one can replace Sylvia and Bridget, we are lucky to have such a depth of talent within HeLP to facilitate a smooth transition," he said. "This transition has also provided an opportunity to reflect on and refocus HeLP's goals as we move into the future."



PHOTO COURTESY OF CHILDREN'S HEALTHCARE OF ATLANTA



HeLP Co-Founder Honored

Georgians for a Healthy Future honored Sylvia Caley, co-founder of HeLP and clinical professor emerita at Georgia State Law, with the Linda Smith Lowe Health Advocacy Award at the 2018 Consumer Health Impact Awards in September. GHF works to build and mobilize a unified voice, vision and leadership to achieve a healthy future for all Georgians. Several HeLP colleagues and graduates attended the ceremony.



Named for Lowe, a fierce advocate for health equity in Georgia, the award is given each year to an advocate whose work advances access to quality, affordable health care in Georgia. Caley was recognized for her directorship of HeLP, as well as for developing and teaching Health Legislation and Advocacy, a year-long course where law students work with community partners to develop legal responses to health-related issues affecting the community.

First Charity Scott Summer Scholarship Awarded

The first Charity Scott Summer Law Student Scholarship was awarded to Charles Cullen (J.D. '20). The scholarship was created to honor the "vision, inspiration and resourcefulness" of Charity Scott, who was one of the driving forces in creating the Health Law Partnership. Scott, Georgia State Law's Catherine C. Henson Professor of Law, served as HeLP's founding director.

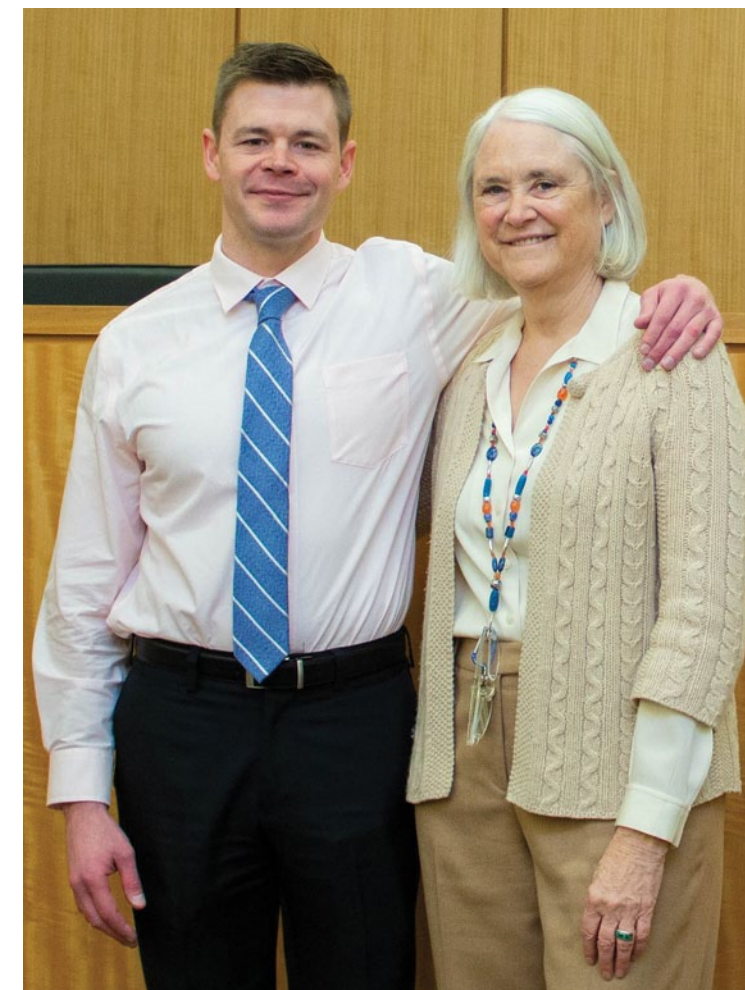
The scholarship is awarded to a deserving law student who will work in the HeLP offices at Children's Healthcare of Atlanta over the summer to improve health outcomes for low-income families of children who are patients of Children's. "Cullen was selected because of his strong work ethic and obvious commitment to HeLP and our clients," said Pam Kraidler, Legal Aid Director of HeLP.

"I am committed to closing the gulf that separates at-risk communities from accessing quality health care," said Cullen. "While working at HeLP, I was able to help clients navigate the legal obstacles that adversely affect their children's health."

The position provided hands-on experience. Cullen conducted client intakes, drafted an emergency advance directive at a hospital bedside with attorney Roxy Richardson, and helped prepare a client for an SSI hearing with attorney Sarah Mahmood. "Every HeLP lawyer and staff member was a vivid example of professionalism. I learned so much from each of them," he said.

"Being selected as the first recipient of this award is an honor," said Cullen. "That it is named for Professor Scott is an even greater honor. She is known for her dedication to health law, as well as her commitment to mindfulness and mental health for law students and attorneys."

"The scholarship is intended to off-set summer expenses for students to work for HeLP who might otherwise not be financially able to do so," said Kraidler. "We are grateful to the many donors who support HeLP and have made this scholarship possible."



Center Highlights



Courtney L. Anderson

Anderson was invited to a roundtable discussion and conference at Atlanta's Federal Reserve Bank to discuss the history and future implication of the Fair Housing Act to commemorate the legislation's 50th anniversary. Anderson also presented "Public Health in the Era of Climate Change" at the Public Health Law Conference in October 2018. Her article, "Planning for Public Health," was published in *The Ohio State Law Journal*.



Jessica Gabel Cino

Cino continues her work related to technological advances in forensic sciences, specifically focusing on facial recognition and the use of algorithms. Her work on wrongful convictions has been featured in two different podcasts: "Murderville, GA" and "Breakdown: Below the Gnat Line."



Yaniv Heled

Heled presented his article, "Follow-On Biologics Are Set Up to Fail" at the FDA Past, Present & Future conference at American University. He presented an upcoming article about competition in biologic pharmaceuticals in the Second Annual Wiet Life Sciences Law Conference at Loyola University Chicago School of Law and has given a CLE talk to the Georgia State Bar Privacy & Technology Law Section entitled, "Genetic Paparazzi: About the Genetic Privacy of Public Figures."



Paul A. Lombardo

Lombardo published "The Power of Heredity and the Relevance of Eugenic History" in *Genetics in Medicine*. He was a featured commentator in the PBS program, "The American Experience: The Eugenics Crusade," and was quoted by the Associated Press in "University Accepted \$458K from Eugenics Fund." He also spoke on the history of eugenics during the U.S. Prohibition movement at a symposium at the University of Bristol, England.



Margaret Middleton

Middleton gave a talk at the Southern Clinical Conference with James Mitchell entitled, "Strengthening Relationships between Legal Clinics and Legal Aid Agencies." She also drafted a comment for the Georgia Chapter of the American Academy of Pediatrics opposing the Department of Homeland Security's proposed "Public Charge" rule, which would discourage many immigrants from using essential federal health programs including Medicaid and SNAP.



Charity Scott

Scott published "Mindfulness in Law: A Path to Well-Being and Balance for Lawyers and Law Students" and "Can Practicing Mindfulness Make You a Better, Happier Lawyer?" She spoke on mindfulness in law to the State Bar of Georgia, at the annual SEALS conference, and for the From the Tower to the Trenches program at the College of Law. She also presented "Early Resolution Programs for Unanticipated Outcomes and Adverse Events" to in-house counsel with the Georgia Hospital Association.



Jonathan Todres

Todres published a book chapter, "Violence, Exploitation, and the Rights of the Child" in *International Human Rights of Children* (Springer 2018). He presented on children's rights in immigration at Indiana University School of Law. Todres was appointed to the community advisory board of the Institute on Healthcare and Human Trafficking at Children's Healthcare of Atlanta and to the editorial board of the *International Journal on Child Maltreatment: Research, Policy, and Practice*.



Patricia J. Zettler

Zettler published articles on FDA-related topics in various journals including *JAMA*, *Boston College Law Review*, *Food and Drug Law Journal*, and *Public Health Reports*. She presented at Biohack the Planet, Loyola University Chicago, University of North Carolina, American University, George Mason University, and University of Utah. She was quoted in media stories in Reuters, STAT, and Nature, and was interviewed for a story on WSB-TV on Bloomberg's Prognosis Podcast.



Lisa R. Bliss

Bliss presented on best practices for law clinics at the conference of the European Network for Clinical Legal Education in Torino, Italy in September. In November, she gave presentations at the conference of the *International Journal of Clinical Legal Education*, and at a pre-conference workshop on reflection held at Monash University in Melbourne, Australia.



Erin C. Fuse Brown

Fuse Brown published "The Anti-Competitive Potential of Cross Market Mergers in Health Care" with Jaime S. King, and the paper was awarded Best Antitrust and Mergers Article by the American Antitrust Institute. She also authored a report commissioned by the Milbank Memorial Fund titled, "Hospital Mergers and Public Accountability: Tennessee and Virginia Employ a Certificate of Public Advantage."



Stacie P. Kershner (J.D. '08)

Kershner presented the *Health is a Human Right* exhibit at the Inclusive Museum Conference in Granada, Spain in September with Kim Ramsey-White (Ph.D. '12) from the School of Public Health. She served as a mentee at the "Career Paths in Public Health Law & Policy" workshop at the Public Health Law Conference in Phoenix in October. She also served as the Law Section's co-program planner, organizing and moderating sessions for the American Public Health Association's 2018 Annual Meeting & Expo in San Diego in November.



Timothy D. Lytton

Lytton was quoted in news articles and interviewed on radio programs about gun control, clergy sexual abuse and foodborne illness outbreaks. He organized a panel on the impact of civil litigation on advancing food safety at the annual meeting of the International Association for Food Protection, and he was elected to membership in the American Law Institute.



James E. Mitchell

Mitchell presented "Serving Society's Most Vulnerable: Interdisciplinary Clinical Models for Assisting Children with Disabilities" at the Midwest Clinical Conference with Christina Jones. The presentation highlighted the HeLP Clinic's interdisciplinary collaboration with Emory University and Morehouse Schools of Medicine. Mitchell also presented "Strengthening Relationships between Legal Clinics and Legal Aid Agencies" with Margaret Middleton at the Southern Clinical Conference.



Lauren MacIvor Thompson

Thompson traveled with Paul Lombardo to the University of Bristol in the U.K. to present on the relationship between alcohol, eugenics and birth control at an interdisciplinary symposium funded by the Wellcome Trust. She also presented at the American Society for Legal History in November on the *U.S. v. One Package* district court case from the 1930s that changed physicians' rights when it came to the distribution of birth control.



Leslie E. Wolf

Wolf has been named the editor-in-chief for the *Journal of Legal Medicine*. She presented on conflicts of interest at Tulane's medical school and on Certificates of Confidentiality at Public Responsibility in Medicine & Research's annual Advancing Ethical Research conference. Her law review article with Erin Fuse Brown on "The Web of Legal Protections in Genomic Research" is forthcoming in *Health Matrix*.