

# 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)  
*Assistant Professor of Law*  
*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. The implementation of health care payment and delivery reforms; interaction of law and health care finance and delivery.

- 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.

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## 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).

*Consumer Financial Protection in Health Care* (in progress).

*State Oversight of Vertical Integration in Health Care* (with Jaime S. King, in progress).

*The Anticompetitive Potential of Vertical Integration in Health Care* (with Jaime S. King, in progress).

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## LAW REVIEW PUBLICATIONS

*Resurrecting Health Care Rate Regulation*, 67 HASTINGS L. J. 85 (2015), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2584625](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* (forthcoming 53 U. LOUISVILLE L. REV. \_\_ (2015)), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2451435](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2451435).

*Irrational Hospital Pricing*, 14 HOUS. J. HEALTH L. & POL. 11 (2014) (invited symposium article), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2386104](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2386104).

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

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## PEER REVIEWED PUBLICATIONS

**Fuse Brown, EC.** *The Blind Spot in the Patient Protection and Affordable Care Act's Cost-Control Policies*. Ann Intern Med. [Epub ahead of print 22 September 2015] 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), <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](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) (with J.G. Hodge).

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).

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## OTHER PUBLICATIONS, BLOGS, & WRITTEN WORKS

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>.

Center for Law, Health & Society Blog, *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/>.

Center for Law, Health & Society Blog, *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/>

Center for Law, Health & Society Blog, *More than the ACA at Stake in King v. Burwell* (Nov. 14, 2014), cross-posted at HealthLawProf Blog and Bill of Health Blog (Harvard), <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](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-piketlys-inequality.html](http://lawprofessors.typepad.com/healthlawprof_blog/2014/06/guest-blogger-professor-erin-fuse-brown-the-health-implications-of-piketlys-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](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](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).

*Ethics in Public Health Emergencies: An Arizona Code of Public Health Emergency Ethics*, sponsored by The Lincoln Center for Applied Ethics and the Public Health Law & Policy Program, Sandra Day O'Connor College of Law (Feb. 2012) (with J.G. Hodge), <http://law.asu.edu/publichealthlaw/PublicHealthLaw/PublicHealthEmergencyEthics.aspx>.

Network for Public Health Law Blog, *Student Denied Admission to Private Boarding School Due to HIV-Status*, (Jan. 2012), [http://www.networkforphl.org/the\\_network\\_blog/2012/01/26/83/ramifications\\_of\\_a\\_schools\\_refusal\\_to\\_admit\\_student\\_with\\_hiv](http://www.networkforphl.org/the_network_blog/2012/01/26/83/ramifications_of_a_schools_refusal_to_admit_student_with_hiv).

*Legal Review Concerning the Use of Health Impact Assessments in Non-Health Sectors*, for the Health Impact Project, funded by the Pew Charitable Trusts and the Robert Wood Johnson Foundation (2012) (peer reviewed) (with J.G. Hodge, M. Scanlon, and A. Corbett), [http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Health\\_impact\\_project/HIP%20Legal%20Review.pdf](http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Health_impact_project/HIP%20Legal%20Review.pdf).

Network for Public Health Law Blog, *The Institute of Medicine's New Report: For the Public's Health* (July 21, 2011), <http://www.publichealthlawnetwork.org/institute-of-medicines-new-report-for-the-public%e2%80%99s-health/> (with S. Smith).

*Bruesewitz v. Wyeth's Impact on the Vaccine Safety Debate*, 7 ABA Health eSource 8 (April 8, 2011) (with J.J. Arias).

Network for Public Health Law Blog, *Bruesewitz v. Wyeth, Vaccines and NCVIA* (Mar. 8, 2011) <http://www.publichealthlawnetwork.org/bruesewitz-v-wyeth-vaccines-and-ncvia/> (with J.J. Arias)

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## SELECTED MEDIA CONTRIBUTIONS

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>.

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>.

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>.

HOUSTON CHRONICLE, *Subsidy Case May Affect Health Costs for Millions*, by Lora Hines (Feb. 27, 2015), (provided quotes and comments) <http://www.houstonchronicle.com/business/medical/article/Supreme-Court-ruling-on-Obamacare-subsidies-would-6105626.php#0>.

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

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## SELECTED PRESENTATIONS

*State Options for Regulating Vertical Integration in Health Care*, 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, Speaker (Nov. 2015).

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

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

*Is the ACA Here to Stay? Two Perspectives on King v. Burwell*, Georgia State University College of Law (Sept. 2015).

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

*Addressing Soaring Health Care Prices*, 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*, King & Spalding 24<sup>th</sup> Annual Health Law and Policy Forum (Mar. 2015).

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

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

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

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

*The Health Law Implications of Hobby Lobby*, Georgia State University College of Law (Sept. 2014).

*Fair Hospital Prices Are Not Charity*, Southeastern Association of Law Schools Annual Meeting (Aug. 2014).

*Irrational Hospital Prices*, American Society for Law, Medicine & Ethics Annual Health Law Professors Conference (Jun. 2014).

*Fair Hospital Prices Are Not Charity*, Law & Society Association Annual Meeting (Jun. 2014).

*The Harms of Irrational Hospital Pricing*, 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).

*The Harms of Irrational Hospital Pricing*, 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 Harms of Irrational Hospital Pricing*, Southeastern Association of Law Schools Annual Conference (Aug. 2013).

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

*Health Care Coverage Under PPACA after National Federation of Independent Business v. Sebelius*, U.S. Supreme Court Update, Invited Panelist, State Bar of Georgia ICLE Program (Oct. 2012).

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**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

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**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