OREGON PRESCRIPTION DRUG MONITORING PROGRAM, an agency of the STATE OF OREGON,

Plaintiff,

v.

UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, an agency of the UNITED STATES DEPARTMENT OF JUSTICE,

Defendant.

DECLARATION OF MARK ROTHSTEIN IN SUPPORT OF PLAINTIFFS-INTERVENORS’ MOTION FOR SUMMARY JUDGMENT

Case No.: 3:12-cv-02023-HA

1 - DECLARATION OF MARK ROTHSTEIN
I, Mark A. Rothstein, a resident of Kentucky, hereby declare:

1. I am the Herbert F. Boehl Chair of Law and Medicine and Director of the Institute for Bioethics, Health Policy and Law at the University of Louisville School of Medicine. I am also a Professor of Law at the Brandeis School of Law of the University of Louisville. As indicated on my attached resume, many of my scholarship and public service activities have focused on the ethical, legal, and social implications of health privacy. For example, from 1999-2008, I served as a member of the National Committee on Vital and Health Statistics (NCVHS), the congressionally chartered federal advisory committee to the Secretary of Health and Human Services (HHS) on health information policy. I served as Chair of the Subcommittee on Privacy and Confidentiality, and I was responsible for chairing public hearings and meetings throughout the country and initiating the process of drafting NCVHS recommendations on health privacy to the Secretary of HHS and Congress dealing with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, the effect on privacy of adopting electronic health records, and other issues.
2. I have been furnished with a copy of the Complaint in Intervention for Declaratory and Injunctive Relief as well as other documents in this case. My declaration is based on the facts alleged in these pleadings.

3. Ever since the time of Hippocrates in the fourth century B.C.E., the confidentiality of patient health information has been a cornerstone of medical practice throughout much of the world. In the United States, the first Code of Medical Ethics of the American Medical Association (AMA) in 1847 contained a provision explicitly declaring the importance of preserving the confidentiality of patient health information. Every subsequent edition of the AMA Code of Medical Ethics, as well as the codes of ethics of numerous medical specialty colleges and societies, has also recognized the importance of maintaining confidentiality. Comparable provisions on confidentiality also appear in the ethical codes of other health professionals, including the codes of the American Nurses Association and the American Pharmaceutical Association.

4. Confidentiality is essential in encouraging patients to provide their physicians with accurate and complete health information, without which medical care would be severely compromised. It is difficult to imagine modern health care without confidentiality protections, because of the potential for numerous harms to individual patients as well as public health and safety in the four categories described below.

5. First, without confidentiality protections, some patients would delay medical care or avoid treatment altogether, especially for sensitive health conditions, such as sexually transmitted infections and domestic violence. Survey research indicates that individuals concerned about the confidentiality of their health information already engage in
“defensive practices,” such as providing inaccurate or incomplete information to their physicians, thereby undermining effective treatment.

6. Second, lack of confidentiality protections can lead to a patient’s embarrassment and stigma or the economic harms caused by health-based discrimination. Even the possibility of discomforting disclosures can result in a wide range of psychic harms to patients.

7. Third, lack of individual confidentiality protections can lead to severe, adverse public health consequences. For example, when individuals forego seeking prompt treatment for tuberculosis, hepatitis, mental illness, substance abuse, or other stigmatizing health conditions, public health and safety is placed at great risk.

8. Fourth, lack of confidentiality protections undermines the physician-patient relationship which, in turn, can lessen societal support for the health care system in various ways. For example, without confidentiality, individuals may be less willing to comply with public health measures such as immunization; enroll as biomedical research subjects; and support health care institutions in the private and public sectors.

9. The harm associated with illicit drug use and diversion is well known. What is less well known is that for some populations pain control medicines are actually under-prescribed and under-used. Some physicians, concerned about law enforcement and licensing oversight of their prescribing practices, are reluctant to prescribe scheduled analgesics, even where clinically indicated. Similarly, some -- especially elder -- patients who are unreasonably concerned about addiction to a scheduled pain medicine are loath to take medicine necessary to control their pain. Needlessly expansive law enforcement access to
prescription drug records is likely to exacerbate these concerns of physicians and patients, resulting in more under-treatment of chronic pain.

10. As described in the pleadings, access to prescription drug records is only the first of several intrusions on physicians and patients. As represented by plaintiff Dr. Roe, DEA agents requested the diagnoses and treatment plans of certain of his patients, as well as the addresses of his patients, to conduct follow-up questioning. In some instances, merely knowing the prescription drug being taken will identify an individual’s likely medical condition, thereby disclosing information beyond a mere prescription drug record. In the absence of a warrant or court order based on probable cause of unlawful activity by a physician, pharmacist, or patient, a series of intrusive inquiries and investigations based on records submitted to the Prescription Drug Monitoring Program is ethically indefensible.

11. Although the prosecution of those involved in illicit drug use is an important public policy, Congress has recognized it is secondary to the public policy supporting the treatment of individuals with substance abuse disorders. Section 527 of the Public Health Service Act provides that a program receiving federal financial assistance for alcohol and drug abuse treatment may not disclose any information about an individual who is in the program. This provision gives substance abuse treatment centers the right to refuse federal and state administrative and judicial orders for disclosure of their treatment records. Without this protection many individuals would be unwilling to undergo treatment, especially for addiction to illicit drugs, because they would fear law enforcement access to their records and subsequent prosecution. The regulations implementing this statutory provision appear at 42 C.F.R. Part 2.
12. The diversion and unlawful use of prescription drugs is an important social problem and an appropriate activity for law enforcement agencies. Nevertheless, the legitimate ends of law enforcement do not justify the use of means violating constitutional guarantees against unreasonable searches and seizures. Justice Louis Brandeis specifically addressed the issue of excessive governmental intrusions by law enforcement in one of his most famous dissenting opinions.

"And it is also immaterial that the intrusion was in aid of law enforcement. Experience should teach us to be most on our guard when the Government’s purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

Olmstead v. United States, 277 U.S. 438, 479 (1928) (Brandeis, J., dissenting).

Pursuant to 28 U.S.C. § 1746, I hereby declare and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Mark A. Rothstein

Dated: June 25, 2013
MARK A. ROTHSTEIN  
*Curriculum Vitae*

167 Totem Road  
Louisville, KY 40207  
(502) 895-4688  

Institute for Bioethics, Health Policy and Law  
University of Louisville School of Medicine  
501 East Broadway, Suite #310  
Louisville, Kentucky 40292  
(502) 852-4982, (502) 852-8319 (FAX)  
mark.rothstein@louisville.edu

**ACADEMIC APPOINTMENTS**

**2001 - Present**  
Herbert F. Boehl Chair of Law and Medicine and Director, Institute for Bioethics, Health Policy and Law, University of Louisville School of Medicine

Professor of Medicine, Division of General Internal Medicine, Palliative Medicine, and Medical Education, Department of Medicine, University of Louisville School of Medicine

Professor of Law, Louis D. Brandeis School of Law, University of Louisville

Associate, Division of Medical Humanities and Ethics, Department of Family and Geriatric Medicine, University of Louisville School of Medicine

Adjunct Professor of Public Health, University of Louisville School of Public Health and Information Sciences

Adjunct Professor of Nursing, University of Louisville School of Nursing

**2003 – 2006**  
Director, Center for Public Health Law Partnerships, a CDC Collaborating Center, University of Louisville School of Medicine

**1995 - 2000**  
Hugh Roy and Lillie Cranz Cullen Distinguished Professor of Law, University of Houston

**1986 - 2000**  
Director, Health Law and Policy Institute, University of Houston

**1988 - 2000**  
Adjunct Professor of Public Health, The University of Texas School of Public Health
1990 - 1995  Law Foundation Professor of Law, University of Houston
1986 - 1990  Professor of Law, University of Houston
1985 - 1986  Visiting Professor of Law, University of Houston
1984 - 1986  Adjunct Professor of Medicine, West Virginia University School of Medicine
1980 - 1986  Professor of Law, West Virginia University
1980 - 1986  Adjunct Professor of Public Health, Graduate School of Public Health, University of Pittsburgh
1979 - 1980  Visiting Associate Professor of Law, University of Pittsburgh
1975 - 1979  Assistant and Associate Professor of Law, Ohio Northern University
Fall 2007  Visiting Professor of Law, University of Maryland
Winter 2005  Sadie Lewis Webb Visiting Professor of Law, University of Virginia (short course)
Summer 1979  Visiting Associate Professor of Law, Georgetown University

PRACTICE EXPERIENCE

1975 - present  Consultant on biobanks, bioethics, employment law, genetics and the law, health information technology, health policy, health privacy, occupational safety and health law, public health law, and research ethics

EDUCATION

J.D.  Georgetown University, 1973
B.A.  University of Pittsburgh, 1970

PROFESSIONAL ACTIVITIES

2013 – present  Adviser, Restatement (Third) of Information Privacy Principles, American Law Institute
2011 – present  Department Editor, Public Health Ethics, American Journal of Public Health
2011 – present  Member, Research Oversight Committee, Jewish Hospital & Saint Mary’s Healthcare (Louisville, Ky.)

2009 – present  Member, National Advisory Committee, Robert Wood Johnson Foundation Community Health Leaders Award

2008 – present  Member, Public Stakeholders Committee, National Board of Medical Examiners

2002 – present  Adviser, Restatement (Third) of Employment Law, American Law Institute

2002 – present  Member, Ethics Committee, Jewish Hospital & Saint Mary’s Healthcare (Louisville, Ky.)

2000 - present  Section Editor and Primary Author of “Currents in Contemporary Bioethics,” Journal of Law, Medicine & Ethics

2011 –2013  Member, Carrier Screening Workgroup, Secretary’s Advisory Committee on Heritable Disorders in Newborns and Children, Department of Health and Human Services

2012  Member, College of Reviewers, Genome Canada

2011  Member, Lincoln Biohistory Study Group Ethics Board, Chicago History Museum

2011  Member, Working Group on PCAST Report, HIT Policy Committee, Office of the National Coordinator of Health Information Technology, Department of Health and Human Services

2002 – 2010  At-Large Member, National Board of Medical Examiners

2006 – 2008  Member, Personalized Health Care Working Group, American Health Information Community, Department of Health and Human Services

2005 – 2008  Member, Physicians Depression and Suicide Prevention Project, Suicide Prevention International/Milbank Memorial Fund

2003 – 2008  Member, Board of Directors, American Society of Law, Medicine & Ethics

2001 – 2008  Chair, Subcommittee on Privacy and Confidentiality (and member, Executive Subcommittee), National Committee on Vital and Health Statistics

1999 - 2008  Member, National Committee on Vital and Health Statistics,
Department of Health and Human Services (appointed by Secretary of Health and Human Services Donna Shalala, reappointed by Secretary Tommy G. Thompson)

2007  Member, Special Review Committee, Genome-Wide Studies in Biorepositories with Electronic Medical Records Data, National Human Genome Research Institute, National Institutes of Health

2002 – 2007  Member, Committee on Emerging Issues and Data on Environmental Contaminants (and Chair, Subcommittee on Ethical, Legal, and Social Implications), National Research Council, National Academy of Sciences

2006  President, American Society of Law, Medicine & Ethics

2005 – 2006  Member, Committee on Applications of Toxicogenomic Technologies to Predictive Toxicology, National Research Council, National Academy of Sciences


2001 – 2004  Member, Newborn Screening Expert Group, American College of Medical Genetics

2001 – 2004  Member, Genetics Advisory Committee, Partnership for Prevention

2003  Member, Expert Panel, Canadian Networks of Centers of Excellence

1997 – 2003  Member, Medical Advisory Panel for Nuclear Weapons Workers at the Nevada Test Site, United States Department of Energy

2002  Member, Special Emphasis Panel, Human Genetic Variation, National Human Genome Research Institute, National Institutes of Health

2002  Co-Chair, Working Group on Nonmedical Applications of Genomics, National Human Genome Research Institute, National Institutes of Health

2000 – 2002  Member, Steering Committee on Pharmacogenetic Research, National Institute of General Medical Sciences, National Institutes of Health

2000 – 2002  Member, Advisory Board for “Our Genes/Our Choices” PBS Television Series, Fred Friendly Seminars

2000 - 2001  Chair, Section on Post-Graduate Legal Education, Association of
American Law Schools

2000 - 2001 Member, Genetics Working Group, Clinical Laboratory Improvement Advisory Committee, Centers for Disease Control and Prevention

1998 – 2001 Member, National Advisory Panel, National Conference of State Legislatures Legislative Task Force on Genetics

1997 - 2001 Member, Social Issues Committee, American Society of Human Genetics (Chair, 1998-2001)

2000 Member, Special Emphasis Panel, Public Health Practice Program Office, Centers for Disease Control and Prevention

1998 - 2000 Chair, Subcommittee on Adoption, Social Issues Committee, American Society of Human Genetics

1997 - 2000 Member, Committee for the Protection of Human Subjects, University of Houston (Chair, 1998)

1998 Member, Subcommittee on Genetic Testing, Clinical Laboratory Improvement Act Advisory Committee, Centers for Disease Control and Prevention


1997 - 1998 Ethics Consultant, National Aeronautics and Space Administration

1996 Co-Chair, Special Committee to Evaluate the Ethical, Legal, and Social Implications (ELSI) Program, Human Genome Project, National Institutes of Health/U.S. Department of Energy

1996 Member, Working Group to Develop the National Occupational Research Agenda, National Institute for Occupational Safety and Health

1995 Consultant, Therapeutic Chelation Protocols for Nuclear Weapons Workers Exposed to Plutonium and Americium, United States Department of Energy

1994 - 1995 General Reporter, Third American Congress of Labor Law and Social Security, Montreal, Canada

1994 - 1995 Special Legislative Counsel on Genetic Discrimination in Employment, National Center for Human Genome Research, National Institutes of Health

1994 Consultant, American Bar Association, Special Committee on the Drug Crisis

1993 - 1994 Member, Board of Advisers, Biological Sciences Curriculum Study Genetics Project

1991 - 1993 Member, Committee on Assessing Genetic Risks: Issues and Implications for Health and Social Policy, Institute of Medicine, National Academy of Sciences

1991 - 1993 Member, Committee on Genetics and the Insurance Industry, American Society of Human Genetics

1990 Member, Genome Study Section and Special Review Committee on Ethics Grants, National Center for Human Genome Research, National Institutes of Health

1989 - 1990 Member, Secretarial Panel for the Evaluation of Epidemiologic Research Activities, United States Department of Energy (appointed by Secretary of Energy James D. Watkins)

1988 - 1990 Member, Genetic Testing in the Workplace Advisory Panel, Office of Technology Assessment, United States Congress

1989 - 1990 Chair, Labor and Employment Section, Association of American Law Schools

1988 - 1990 Member, Study Group on Identifying Carriers of Cancer Genes, Environmental Health Institute

1988 - 1990 Member, Advisory Group on Hospital Occupational Health and Safety, American Hospital Association

1987 - 1988 Member, Medical Testing and Health Insurance Advisory Panel, Office of Technology Assessment, United States Congress

1987 Member, Health Monitoring in the Workplace Advisory Panel, National Academy of Sciences

1986 Consultant, American Medical Association, Study on Drug Testing in the Workplace

1984 - 1985 Principal Legal Contractor, Reproductive Health Hazards in the Workplace, Office of Technology Assessment, United States Congress
1982 - 1985 Founder and Director, West Virginia University Occupational Health Law Program

1982 - 1984 Member, Preventing Illness and Injury in the Workplace Advisory Panel, Office of Technology Assessment, United States Congress


HONORS AND AWARDS

2013 Received Louis D. Brandeis Privacy Award, Patient Privacy Rights

2001 Named Herbert F. Boehl Chair of Law and Medicine, University of Louisville School of Medicine

1999 Received Esther Farfel Award, University of Houston’s highest honor for research, teaching, and service.

1999 Received National Public Health Hero Award, University of California-Berkeley School of Public Health

1997 Received Jay Healey Distinguished Health Law Teacher Award, American Society of Law, Medicine and Ethics

1996 Received Ethel M. Baker Faculty Award for Community Service, University of Houston Law Center

1995 Named Hugh Roy and Lillie Cranz Cullen Distinguished Professor of Law, University of Houston Law Center

1995 Received Mayor and City Council of Houston Proclamation for Faculty Excellence

1993 Elected Fellow of the Hastings Center

1990 Named Law Foundation Professor, University of Houston Law Center

1990 Inducted into Abington (Pa.) High School Hall of Fame

1984 Received Hale Posten Award for Legal Scholarship, West Virginia University College of Law
BOARD MEMBER OR GRANT CONSULTANT (current)

Advisory Board, National Information Resource on Ethics and Human Genetics, Kennedy Institute of Ethics, Georgetown University
Board of Editors, American Journal of Law and Medicine
Column Editor and Principal Author, Journal of Law, Medicine & Ethics
Consultant, Duke University Study on Incidental Findings in Pharmacogenomic Testing
Consultant, Hastings Center Working Group on Synthetic Biology
Consultant, Indiana University Center for Bioethics Project on Informational Health Privacy
Consultant, Mayo Clinic/University of Minnesota Study on Incidental Findings in a Cancer Biobank
Editorial Board, American Journal of Public Health
Editorial Board, Journal of Biolaw and Business
Editorial Board, Journal of Law and Biosciences
Editorial Board, Personalized Medicine
Editorial Board, World Journal of Medical Genetics
External Ethics Advisory Board, Vanderbilt University Medical Center DNA Databank
Fellow, Hastings Center
International Editorial Advisory Board, Genetics and Society Book Series
Member, Bioethics Workgroup, International Human Epigenome Consortium
Member, Consultation and Oversight Group, NHGRI Sample Repository for Human Genetic Research, Coriell Institute for Medical Research
Member, Hastings Center Working Group on Ethical Issues in Synthetic Biology
Scientific Advisory Board, Lifeboat Foundation

DISSERTATION COMMITTEES (current)

Kyle B. Brothers, “N of 1: Caring for Each Person in the Era of Personalized Medicine,” Vanderbilt University Graduate Department of Religion
Allan McCay, “Behavioural Genetics, Moral Agency and Retributive Sentencing: The Case for Mitigation,” University of Sydney School of Law

EXTERNAL REVIEWER FOR PROMOTION AND TENURE

Arizona State University College of Law
Baylor College of Medicine
Brooklyn Law School
Bryant University
Catholic University School of Law
Cleveland State University College of Law
Columbia University School of Law
Drake University Law School
Duke University
Florida A&M University College of Law
Florida State University College of Law
George Washington University Law School
Georgia State University College of Law
Golden Gate University School of Law
Harvard University
IIT-Chicago Kent College of Law
Indiana University School of Law
Johns Hopkins University School of Public Health
Lewis and Clark School of Law
Loyola of Chicago School of Law
Marquette University School of Law
Mayo Clinic College of Medicine
Mercer University School of Law
Northern Illinois University College of Law
Oregon Health & Science University
Seton Hall University School of Law
St. Louis University School of Medicine
St. Thomas University School of Law
South Texas College of Law
Suffolk University School of Law
University of Alberta Faculty of Law
University of Arizona School of Law
University of Arkansas-Fayetteville School of Law
University of California-Berkeley College of Natural Resources
University of California-Berkeley School of Law
University of California-Berkeley School of Public Health
University of California-Davis School of Law
University of California-San Francisco School of Medicine
University of Cincinnati College of Law
University of Cincinnati College of Medicine
University of Houston Law Center
University of Kansas School of Law
University of Maryland School of Law
University of Memphis School of Law
University of Minnesota School of Medicine
University of Missouri School of Law
University of North Carolina School of Law
University of South Carolina School of Law
University of Utah School of Law
University of Washington School of Law
University of Wisconsin School of Law
Vanderbilt University School of Law
Vanderbilt University School of Medicine
West Virginia University College of Law

REVIEWER
Journal of Medical Ethics
Journal of Occupational and Environmental Medicine
Jurimetrics Journal
Kennedy Institute of Ethics Journal
Law and Policy
McGill Journal of Law and Health
Milbank Quarterly
MIT Press
Molecular Genetics and Metabolism
Mount Sinai Journal of Medicine
National Institute for Occupational Safety and Health
National Science Foundation
Nature Genetics
Nature Reviews Genetics
Neuropsychiatric Genetics
New England Journal of Medicine
New Genetics and Society
North American Actuarial Journal
Nuffield Council on Bioethics
Oxford University Press
Personalized Medicine
Pharmacogenomics Journal
Philosophy, Ethics and Humanities in Medicine
Public Health Ethics
Public Health Law Research Program
Robert Wood Johnson Foundation
Science
Science, Technology, and Human Values
Social Studies of Science
Studies in Ethics, Law, and Technology
Theoretical Medicine and Bioethics
Trends in Biotechnology
Trial
University of California Press
Wellcome Trust

SELECTED SPEECHES AND LECTURES

Topics include: Americans with Disabilities Act, behavioral genetics, biobanks, bioethics, clinical ethics, electronic health records and networks, employment law, epigenetics, forensics, genetic privacy and discrimination, genome sequencing, health information technology, health insurance, Health Insurance Portability and Accountability Act, health law and policy, infectious diseases, medical privacy and confidentiality, occupational health, occupational medicine, pandemic preparedness, pharmacogenomics, privacy, public health, research ethics, SARS, synthetic biology, toxicogenomics.
Albany Law School (1995)
American Association for the Advancement of Science (2003, 2007, 2009)
American Association of Health Plans (1998)
American Bar Association, Committee on Employee Rights and Responsibilities (1995)
American Bar Association, Section on Business Law (2001)
American Bar Association, Section on Labor and Employment Law (2003)
American Bar Association, Section on Science and Technology Law (1992, 2003)
American Cancer Society (1990)
American Civil Liberties Union of Delaware (1996)
American College of Legal Medicine (1993)
American College of Medical Genetics (2008)
American College of Physicians (2004)
American College of Preventive Medicine (2006)
American Council of Life Insurers (1998)
American Enterprise Institute (1997)
American Heart Association (1992)
American Law Institute/American Bar Association (1999)
American Liver Foundation (1999)
American Medical Association (2000)
American Medical Informatics Association (2007)
American Psychiatric Association (2008)
American Public Health Association (2005)
American Society for Pharmacology and Experimental Therapeutics (2002)
American Society for Preventive Oncology (1995)
American Society of Clinical Oncology (1999)
Baptist Health System (San Antonio) (1999, 2000)
Biotechnology Industry Organization (Toronto) (2002)
Brooklyn Law School (2001)
Capital University Law School (2009)
Case Western Reserve University School of Law (1996, 2013)
Case Western Reserve University School of Medicine (1988, 2005, 2012)
Center for Democracy and Technology (2008)
Chartered Property Casualty Underwriters Society (1999)
Cleveland Clinic (2005, 2012)
Cold Spring Harbor Laboratory (1990, 2002)
College of Wooster (2002)
Colorado Springs Osteopathic Foundation (1994)
Columbia University School of Law (2000)
Columbia University School of Public Health (1989)
Columbus State University (2004)
Council of Appellate Staff Attorneys (2003)
Dartmouth College (2000)
Duke University School of Law (Siegel Lecture) (2008)
Duquesne University School of Law (2001)
Eighth and Tenth Circuit Judicial Conference (2000)
Environmental Mutagen Society (2012)
Fairleigh Dickinson University (2007)
Federalist Society (1998)
Fifth International DNA Sampling Conference (Banff, 2009)
Forum Club of Houston (1993)
Fourth International DNA Sampling Conference (Montreal, 2006)
Georgetown University (2001)
Gulf States Hemophilia Foundation (1996)
Hartford Hospital (2005)
Harvard Law School (2001)
Hawaii Bar Association (1998)
Hawaii Judicial Conference (1998)
Hawaii Legislature (1998)
Health Care Compliance Association (2007)
Health Information and Management Systems Society (2007)
Huntington Disease Society of America (1998)
IIT-Chicago-Kent College of Law (Piper Memorial Lecture 1987, 1997)
Indiana University School of Law (2002)
Institute of Medicine (2007, 2009)
International Council of Chemical Associations (2001)
International Society for Technology Assessment in Health Care (1990)
International Society of Labor Law and Social Security (Montreal, 1995)
Jewish Hospital (Louisville) (2005, 2006)
Johns Hopkins University School of Public Health (2005, 2007)
Kentucky Bar Association (2003)
Kentucky Cabinet for Health Services (2001)
Kentucky Department for Public Health (2012)
Kentucky Medical Association (2010)
Kentucky Public Health Association (2007)
Keystone Conference on Epigenetics (2011)
Los Alamos National Laboratories (1991)
Louisiana State University (2004)
Louisville Bar Association (2002, 2005)
Marshall University School of Medicine (2008)
Massachusetts Institute of Technology (1998)
Mayo Clinic (2001)
Medical University of South Carolina (1997)
Methodist Hospital (Houston) (2000)
Mexico-U.S. Committee for Occupational and Environmental Health (Cuernavaca, Mexico 1990)
Miami Children’s Hospital (2004)
Midwest Center for Occupational Health and Safety (1991)
Mt. Sinai (N.Y.) School of Medicine (Richman Lecture, 1999)
National Association of Science Writers (2001)
National Association of Women Judges (2005)
National Committee on Vital and Health Statistics (2010)
National Heart, Lung and Blood Institute (1997)
National Human Genome Research Institute (1997)
National Institute of General Medical Sciences (2001)
National Research Council (2004, 2007)
New York Academy of Sciences (1988)
New York Law School (2001)
Occupational Safety and Health Review Commission (2012)
Ohio State Medical Association (1987)
Open Minds (2008, 2010)
Organization Resources Counselors (1998)
Overlook and Morristown Memorial Hospitals (N.J.) (Wolfe Lecture, 1999)
Parkinson’s Disease Foundation (2004)
Patient Privacy Rights, Second International Summit (2012)
Pennsylvania Bar Association (1992)
Pharmaceutical Manufacturers Association (1987)
Princeton University (2000)
Rice University (1994)
Risk and Insurance Management Society (1992)
St. Jude Children’s Research Hospital (1999)
St. Louis University School of Law (1989)
Secretary’s Advisory Committee on Human Research Protections (2004, 2008)
Seton Hall Law School (Merck Distinguished Scholar 2002)
Seventh and Eighth Circuit Judicial Conference (1998)
Sixth Circuit Judicial Conference (2004)
Society for Occupational and Environmental Health (1993)
Society of General Internal Medicine (2001)
Society of Toxicology (2010)
South Carolina State Bar, Employment Law Section (2009)
Southern Illinois University School of Law (John & Marsha Ryan Bioethicist in Residence, 2007)
Southern Illinois University School of Medicine (2007)
Southern University Law Center (2000)
Stanford University School of Medicine (2003)
Substance Abuse and Mental Health Services Administration (2005)
Suffolk University Law School (2001)
Swiss Institute of Comparative Law (Lausanne, Switzerland 1994)
Temple University School of Law (2004)
Tenth Circuit Judicial Conference (1996)
Texas Cancer Council (1998)
Texas Center for the Judiciary (1990)
Texas Legislature (numerous)
Texas Lutheran University (1996)
Texas Medical Association (1994)
Texas State Bar, Health Law Section (2008)
The Institute for Rehabilitation and Research (1992)
Transylvania University (2002)
United States Commission on Civil Rights (1998)
United States House of Representatives, Committee on Government Reform (2006)
United States House of Representatives, Committee on Energy and Commerce, Subcommittee on Investigations and Oversight (2013)
United States Senate, Committee on Homeland Security and Governmental Affairs (2007)
Universidad Nacional Autónoma de México (Mexico City, 1995)
University of Alberta Faculty of Law (2003)
University of Calgary Faculty of Medicine (O’Byrne Lecture, 2003)
University of California-Berkeley School of Public Health (1999, 2010)
University of California-Hastings College of the Law (2013)
University of California-Los Angeles School of Law (2004)
University of California-Los Angeles School of Medicine (2003, 2004)
University of California-Los Angeles School of Public Health (2005)
University of Chicago School of Law (1987)
University of Cincinnati College of Law (2007)
University of Georgia School of Law (2000)
University of Kentucky College of Law (2002)
University of Kentucky College of Medicine (2013)
University of Maryland School of Law (2008)
University of Memphis School of Law (1996)
University of Michigan School of Public Health (1987, 1988, 1991)
University of Minnesota School of Medicine (2002, 2003)
University of Missouri School of Law (2000)
University of North Carolina (2011)
University of North Carolina School of Medicine (2003)
University of Ottawa (2009)
University of Pittsburgh Medical Center (2006)
University of Pittsburgh School of Law (1988)
University of Pittsburgh School of Medicine (2000)
University of Pittsburgh School of Public Health (2000)
University of South Carolina School of Law (Johnson & Johnson Lecture, 2005)
University of Tennessee Health Sciences Center (2002)
University of Texas Graduate School of Biomedical Sciences (1993, 1994, 1995)
University of Texas – Houston School of Medicine (2010)
University of Texas Medical Branch-Galveston (1994, 1996)
University of Texas School of Law (1999)
University of Texas School of Public Health (annual, 1985-2000)
University of Toronto School of Law (2011)
University of Utah School of Law (2010)
University of Utah School of Medicine (1999, 2004, 2007)
University of Virginia (2008)
University of Virginia Medical Center (2005)
University of Virginia School of Law (2009, 2011, 2013)
University of Washington School of Medicine (2003)
Utah Legislature (1998)
Vanderbilt University School of Medicine (2003, 2013)
Washington State Department of Health (1999)
Workshop on International Cooperation for the Human Genome Project (Valencia, Spain 1990), (Bilbao, Spain 1993)
World Conference on Diabetes Research (Monaco, 1992)
World Healthcare Innovation & Technology Congress (2008)
Wyoming Medical Association/Wyoming Bar Association (1987)
Xavier (La.) University (1999)
Yale University (2004)
Zeta Phi Beta Educational Foundation (2003)

BAR MEMBERSHIPS

Supreme Court of the United States
District of Columbia Court of Appeals
Supreme Court of Pennsylvania

PROFESSIONAL MEMBERSHIPS

American Public Health Association
American Society for Bioethics and Humanities
American Society of Human Genetics
American Society of Law, Medicine & Ethics

SPONSORED RESEARCH (all as principal investigator unless otherwise noted)

2007  “Center for Environmental Genomics and Integrative Biology,”
      National Institutes of Health, $50,552 (co-investigator)

2003  “Center for Public Health Law Partnerships,” Centers for Disease
      Control and Prevention, $989,000

2003  “Quarantine and Isolation: Lessons Learned from SARS,” Centers for
      Disease Control and Prevention, $99,868

2002  “Education in Genetics Ethics,” National Human Genome Research
      Institute, National Institutes of Health, $1,460,592

2002  “Research Agenda for Maternal Fatality Review Laws,” Centers for
      Disease Control and Prevention/American College of Obstetricians and
      Gynecologists, $10,868

2001  “Analysis of State Child Fatality Review Laws,” Centers for Disease
      Control and Prevention, $171,202

2001  “Regulation of Biobanks: Banking Without Checks or Insured
      Deposits?,” United States Department of Energy, $600,000

2001  “Genetic Ties and the Future of the Family,” National Human Genome
      Research Institute, National Institutes of Health, $814,471

2000  “Pharmacogenomics and Minority Populations,” National Institute of
<table>
<thead>
<tr>
<th>Year</th>
<th>Project Title</th>
<th>Funding Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>&quot;Genetic Information and Life Insurance Underwriting,&quot; National Human Genome</td>
<td>Institute of the National Institutes of Health</td>
<td>$784,227</td>
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<tr>
<td></td>
<td>Research Institute, National Institutes of Health</td>
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<tr>
<td>2000</td>
<td>&quot;Texas Genetics Legislation,&quot; Texas Department of Health</td>
<td>$7,500 (co-investigator)</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>“Legal Issues in the Regulation of Tuberculosis,” Centers for Disease Control</td>
<td>and Prevention</td>
<td>$7,500</td>
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<td>and Prevention</td>
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<td>2000</td>
<td>“Evaluating the Effectiveness of Laws Regulating Tobacco in Texas,” Centers</td>
<td>for Disease Control and Prevention/Texas Department of Health</td>
<td>$50,000 (co-investigator)</td>
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<td>1999</td>
<td>“Texas Health Legislation Research Center,” Texas Legislature</td>
<td>$700,000</td>
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<td>1998</td>
<td>“Texas Partnership to Improve End-of-Life Care,&quot; Robert Wood Johnson</td>
<td>Foundation</td>
<td>$75,000 (co-investigator)</td>
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<td>1998</td>
<td>&quot;Policy Development on Managed Care and Cancer in Texas,&quot; Texas Cancer Council</td>
<td>$105,000</td>
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<td>1997</td>
<td>“Legal Protections for People with Disabilities,” National Institute on</td>
<td>Disability and Rehabilitation Research, United States Department of Education</td>
<td>$60,000 (co-investigator)</td>
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<td>1997</td>
<td>“Texas Health Legislation Research Center,” Texas Legislature</td>
<td>$700,000</td>
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<td>1997</td>
<td>“Education on Legal Issues Involving Managed Care and Cancer,” Texas Cancer</td>
<td>Council</td>
<td>$104,000</td>
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<td>1996</td>
<td>&quot;Measuring the Effects of a Unique Law Limiting Employee Medical Examinations</td>
<td>to Job-Related Matters,&quot; United States Department of Energy</td>
<td>$126,000</td>
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<td>1996</td>
<td>&quot;Impact of Managed Care on Cancer Services in Texas,&quot; Texas Cancer Council</td>
<td>$99,000</td>
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<td>1995</td>
<td>&quot;Privacy, Confidentiality, and New Genetic Technology,&quot; United States</td>
<td>Department of Energy</td>
<td>$30,000</td>
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<td>1995</td>
<td>&quot;Family Violence and the Health Care System in Texas,&quot; Texas</td>
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Legislature, $518,200

1993  "Nonfinancial Barriers to Health Care in Texas," Texas Legislature, $283,600

1992  "The Human Genome Project and the Future of Health Care," National Center for Human Genome Research, National Institutes of Health, $70,000 (co-investigator)

1991  "Occupational Injury and Illness in Texas," Texas Legislature, $290,400

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