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Professor of Law & Health Sciences
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EDUCATION

STANFORD UNIVERSITY, Ph.D., Economics, 2001.

National Science Foundation graduate student fellowship; Health Care Financing Administration dissertation fellowship grant; 2001 Academic Year Research Fellowship, John M. Olin Program in Law and Economics, Stanford Law School.

YALE LAW SCHOOL, J.D., 2000.

UNIVERSITY OF CALIFORNIA AT BERKELEY, B.A., Economics, 1992.

Highest honors in economics; Highest distinction in general scholarship; Phi Beta Kappa.

EXPERIENCE

NORTHEASTERN UNIVERSITY. Professor of Law and Health Sciences. Health Law, Health Law & Policy, Economic Perspectives on Health Policy. 2011-Present. Courtesy Faculty, Department of Economics, 2012-Present; Affiliated Faculty, School of Public Policy and Urban Affairs, 2015-Present.

HARVARD LAW SCHOOL. Visiting Professor of Law. Health Care Law. Spring 2016.

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL. Professor. Contracts, Health Law, Health Law & Policy. 2001-2007 (Assistant Professor); 2007-2011 (Professor).

STANFORD UNIVERSITY, DEPARTMENT OF ECONOMICS. Teaching Assistant, Economic Policy Analysis: Antitrust Economics. Fall 2000.

CHOATE, HALL & STEWART, BOSTON. Summer Associate. Summer 2000.

YALE LAW SCHOOL. Teaching Assistant, Contracts. Fall 1999.

LATHAM & WATKINS, SAN FRANCISCO. Summer Associate. Summer 1998.

YALE LAW SCHOOL. Research Assistant. 1997-98.

STANFORD UNIVERSITY & NATIONAL BUREAU OF ECONOMIC RESEARCH. Research Assistant. 1996-97.

LEWIN-VHI, CORTE MADERA, CA. Research Assistant. 1992-94.

PUBLICATIONS

- The Risks of Using Workplace Wellness Programs to Foster a Culture of Health*, 35 HEALTH AFF. 2068 (2016).
- Health Care Quality Reporting: A Failed Form of Mandated Disclosure?*, 13 IND. HEALTH L. REV. 310 (2016).
- Legal & Policy Issues in Measuring and Improving Quality*, in THE OXFORD HANDBOOK OF U.S. HEALTHCARE LAW (I. Glenn Cohen, Allison K. Hoffman & William M. Sage eds., 2016).
- The EEOC's Role in Reshaping Wellness Programs*, HEALTH AFFAIRS BLOG (March 17, 2016).
- Employer Wellness Incentives, the ACA, and the ADA: Reconciling Policy Objectives*, 51 WILLAMETTE L. REV. 407 (2015).
- The ACA, the ADA, and Wellness Program Incentives*, HEALTH AFFAIRS BLOG (May 13, 2015).
- Using Reporting Requirements to Improve Employer Wellness Incentives and Their Regulation*, 39 J. HEALTH POL. POL'Y & L. 1013 (2014) (with Harald Schmidt & Kevin G. Volpp).
- Health Regulators as Data Stewards*, 92 N.C. L. REV. 1605 (2014).
- Building a Better Laboratory: The Federal Role in Promoting Health System Experimentation*, 41 PEPP. L. REV. 765 (2014).
- Donabedian's Legacy: The Future of Health Care Quality Law & Policy*, 10 IND. HEALTH L. REV. 325 (2013).
- Smoking, Obesity, Health Insurance, and Health Incentives in the Affordable Care Act*, 310 JAMA 143 (2013) (with Harald Schmidt & Kevin G. Volpp).
- From HCQIA to the ACA: The Evolution of Reporting as a Quality Improvement Tool*, 33 J. LEGAL MED. 63 (2012).
- Legal Issues in Health Care Quality Reporting*, LAHEY CLINIC J. MED. ETHICS, Winter 2012, at 4.
- Health Policy and Regulation*, in SHORTELL AND KALUZNY'S HEALTH CARE MANAGEMENT: ORGANIZATION, DESIGN, AND BEHAVIOR (Lawton Robert Burns, Elizabeth H. Bradley, & Bryan J. Weiner eds., 6th ed. 2012) (with Peter D. Jacobson & Gary Young).
- Rethinking Fraud Regulation by Rethinking the Health Care System*, 32 HAMLINE J. PUB. L. & POL'Y 411 (2011).
- The Law, Policy, and Ethics of Employers' Use of Financial Incentives to Improve Health*, 39 J.L. MED. & ETHICS 450 (2011) (with Kevin G. Volpp & Scott D. Halpern).
- Quality Regulation in the Information Age: Challenges for Medical Professionalism*, in MEDICAL PROFESSIONALISM IN THE NEW INFORMATION AGE (David J. Rothman & David Blumenthal eds., 2010) (with Mark Hall).
- Defragmenting Health Care Delivery Through Quality Reporting*, in THE FRAGMENTATION OF U.S. HEALTH CARE: CAUSES AND SOLUTIONS (Einer R. Elhauge ed., 2010).
- Patients as "Regulators"?: Patients' Evolving Influence Over Health Care Delivery*, 31 J. LEGAL

- MED. 9 (2010).
- Patients as Mercenaries?: The Ethics of Using Financial Incentives in the War on Unhealthy Behaviors*, 2 CIRCULATION: CARDIOVASCULAR QUALITY & OUTCOMES 514 (2009) (with Scott D. Halpern & Kevin G. Volpp).
- Written Informed-Consent Statutes and HIV Testing*, 37 AM. J. PREVENTIVE MED. 57 (2009) (with Peter D. Ehrenkranz et al.).
- The Law and Policy of Health Care Quality Reporting*, 31 CAMPBELL L. REV. 215 (2009).
- Hospital Mergers in an Era of Quality Improvement*, 7 HOUS. J. HEALTH L. & POL'Y 265 (2007).
- Debate, Consumer-Directed Health Care*, 156 U. PA. L. REV. PENNUMBRA 107 (2007), <http://www.pennumbra.com/debates/CDHC.pdf> (with Peter D. Jacobson).
- Regulating Health Care Quality in an Information Age*, 40 U.C. DAVIS L. REV. 1577 (2007).
- ERISA and Liability for Provision of Medical Information*, 84 N.C. L. REV. 471 (2006).
- The Residency Match: Competitive Restraints in an Imperfect World*, 42 HOUS. L. REV. 759 (2005).
- Multihospital Systems and Patient Treatments, Expenditures, and Outcomes*, 39 HEALTH SERVICES RES. 749 (2004).
- Hospital-Physician Affiliations and Patient Treatments, Expenditures, and Outcomes*, 39 HEALTH SERVICES RES. 257 (2004).
- Government, Signaling, and Social Norms*, 2001 U. ILL. L. REV. 867 (2001) (reviewing ERIC POSNER, LAW AND SOCIAL NORMS (2000)).
- Threatening Inefficient Performance*, 44 EUR. ECON. REV. 818 (2000) (with Ian Ayres).
- Threatening Inefficient Performance of Injunctions and Contracts*, 148 U. PA. L. REV. 45 (1999) (with Ian Ayres).
- A Capitated Model for a Cross-Section of Severely Mentally Ill Clients: Hospitalization*, 34 COMMUNITY MENTAL HEALTH J. 13 (1998) (with D. Chandler et al.).
- A Capitated Model for a Cross-Section of Severely Mentally Ill Clients: Employment Outcomes*, 33 COMMUNITY MENTAL HEALTH J. 501 (1997) (with D. Chandler et al.).
- Mental Health Costs, Other Public Costs, and Family Burden Among Mental Health Clients in Capitated Integrated Service Agencies*, 24 J. MENTAL HEALTH ADMIN. 178 (1997) (with Daniel Chandler et al.).
- Client Outcomes in a Three-Year Controlled Study of an Integrated Service Agency Model*, 47 PSYCHIATRIC SERVICES 1337 (1996) (with Daniel Chandler et al.).
- Client Outcomes in Two Model Capitated Integrated Service Agencies*, 47 PSYCHIATRIC SERVICES 175 (1996) (with Daniel Chandler et al.).

PRESENTATIONS

Comment on Eric Helland, Anupam B. Jena, Dan Ly, and Seth A. Seabury, *Self-Insuring against Liability Risk: Evidence from Physician Home Values in States with Unlimited Homestead Exemptions*, Boston University School of Law/Duke University School of Law Empirical Health Law Conference, Boston University School of Law, April 2017.

The Risks of Using Workplace Wellness Programs to Foster a Culture of Health, HEALTH AFFAIRS 2016 November Issue Briefing: Culture of Health, Washington, DC, November 2016.

Consent in the Context of Health Information Exchange, for webinar "Achieving Optimal Data Sharing to Improve Health Outcomes," co-sponsored by the American Health Lawyers Association and the Public Health Law Program at the Centers for Disease Control and Prevention, July 2016.

Employer Wellness Programs: Data Collection, Discrimination, and Regulation, 39th Annual Health Law Professors Conference, Boston, Massachusetts, June 2016.

Consent in the Context of Health Information Exchange, 39th Annual Health Law Professors Conference, Boston, Massachusetts, June 2016.

Employer Wellness Programs, the ACA, and the ADA: Reconciling Policy Objectives, Drexel University, Philadelphia, Pennsylvania, April 2016.

Wellness Incentives, the ADA, and GINA, 4th Annual Health Law Year in P/Review, Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics, Harvard Law School, January 2016.

Comment on Michael D. Frakes, Matthew B. Frank & Seth A. Seabury, *The Impact of National Liability Standards on Local Access to Physician Services*, American Law & Economics Association Annual Meeting, Columbia Law School, May 2015.

Why Mandated Disclosure Might Matter for Health Care Quality, Medical Myths: Exploring Effectiveness, Misinformation and Scientific Rigor, Indiana University Robert H. McKinney School of Law, March 2015.

21st Century Employer Wellness Incentives: Can We Promote Health, Lower Costs, Preserve Access, and Avoid Discrimination?, 21st Century Healthcare: Can We Harmonize Access, Quality & Cost?, Willamette University College of Law, February 2015.

Employer Wellness Programs, 3rd Annual Health Law Year in P/Review, Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics & The New England Journal of Medicine, Harvard Law School, January 2015.

Panel Participant, *Competition Policy in Health Care*, Association of American Law Schools 2015 Annual Meeting, Washington, DC, January 2015.

Health Information in a Connected World: A Panel Discussion, 37th Annual Health Law Professors Conference, San Francisco, California, June 2014.

The Use of Breastfeeding-Related Reporting Requirements to Improve Health Care Quality, Law &

Society Annual Meeting, Minneapolis, Minnesota, June 2014.

Building a Better Laboratory: The Federal Role in Promoting Health System Experimentation, Boston University Law and Economics Seminar, March 2014.

Health Regulators as Data Stewards, Health Care Decisions in the New Era of Health Care Reform, University of North Carolina School of Law, October 2013.

Building an Evidence Base for the Regulation of Employer Incentives, Law & Society Annual Meeting, Boston, Massachusetts, May 2013.

Regulation of Employer Health Incentives, Charting the Future of Wellness: Understanding the Future of an Ascendant Population Health Intervention, University of Michigan School of Public Health, May 2012.

Panel participant, *When Does a Nudge Become a Shove?*, Sylvan M. Cohen Annual Retreat, Institute on Aging and the Penn-CMU Roybal Center on Behavioral Economics and Health, University of Pennsylvania, May 2012.

Legal Issues in Health Care Quality Reporting, Lecture, Lawrence Memorial Hospital, Medford, Massachusetts, May 2012.

Imagining the Next Quarter Century of Quality Regulation, Imagining the Next Quarter Century of Health Care Law, Indiana University Robert H. McKinney School of Law, April 2012.

Building a Better Laboratory: The Federal Role in Promoting Health System Experimentation, University of Illinois College of Law, March 2012.

Building a Better Laboratory: The Federal Role in Promoting Health System Experimentation, UCLA School of Law, February 2012.

The Law, Policy & Ethics of Employer Health Incentives, 34th Annual Health Law Professors Conference, June 2011.

Building a Better Laboratory: The Federal Role in Promoting Innovation in the Health Care System, St. Louis University School of Law, March 2011.

Building a Better Laboratory: The Federal Role in Promoting Innovation in the Health Care System, Willamette University College of Law, February 2011.

Legal Constraints for Wellness Programs, Leonard Davis Institute Center for Health Incentives First Annual Fall Industry Conference, University of Pennsylvania, November 2010.

Rethinking Regulation of Fraud and Abuse in Payment Systems, Rethinking Regulation in an Era of Reform, Hamline University School of Law, November 2010.

Comment on Hyun K. Kim & Bernard S. Black, *Does Hospital Infection Reporting Affect Infection Rates: A Case Study of Pennsylvania*, Conference on Empirical Legal Studies, Yale Law School, November 2010.

The Affordable Care Act: The Nation as Laboratory, The New American Health Care System: Reform, Revolution, or Missed Opportunity?, University of Pennsylvania Law School, October 2010.

The Diffusion of State Health Care Quality Reporting, Louise and Myrtle Moskowitz Workshop on Empirical Health Law and Business Research, University of Michigan, May 2010.

The Diffusion of Health Care Quality Reporting, Petrie-Flom Health Law Policy Workshop, Harvard Law School, April 2010.

The Law & Policy of Health Care Quality Ratings, Campbell Law Review Symposium: Practical Issues in Health Law, January 2009.

Defragmenting Health Care Delivery Through Quality Reporting, Our Fragmented Health Care System: Causes and Solutions, The Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics, Harvard Law School, June 2008.

Health Care Safety and Quality Reporting-Related Initiatives, 31st Annual Health Law Professors Conference, June 2008.

Regulatory Diffusion: Health Care Quality Reporting Requirements, 30th Annual Health Law Teachers Conference, June 2007.

Regulating Health Care Quality in an Information Age, Harvard School of Public Health, April 2007.

Regulating Health Care Quality in an Information Age, Florida State University College of Law, September 2006.

Health Care Regulation in an Information Age, 30th Annual Health Law Teachers Conference, June 2006.

Liability for Failed Negotiations: When Is a Contract to Bargain Breached?, AALS Mid-Year Conference, *Exploring the Boundaries of Contract Law*, Montreal, June 2005.

The Residency Match: Competitive Restraints in an Imperfect World, University of Michigan Law & Economics Workshop, March 2004.

The Medical Residency Antitrust Suit, 27th Annual Health Law Teachers Conference, June 2003.

Evaluating the State of Graduate Medical Education: Antitrust Issues, The Emanuel and Robert Hart Lecture Series, University of Pennsylvania, October 2002.

SELECTED DEPARTMENT, SCHOOL, UNIVERSITY, AND PUBLIC SERVICE

Chair, Calendar Reform Committee, School of Law, 2016-Present

Member, Merit Committee, Dept. of Health Sciences, Spring 2017

Member, University Steering Committee to Reimagine Honors, Fall 2016

Chair, Appointments, Tenure & Promotion Committee, Dept. of Health Sciences, Spring 2014-Present

Member, Chair Search Committee, Dept. of Economics, 2013, 2015-16

Chair, Appointments Committee, School of Law, 2014-15

Member, Appointments Committee, School of Law, 2013-14
Member, Massachusetts Health Information Technology Council, 2013-2016
Member, Undergraduate Curriculum Review Committee, Dept. of Health Sciences, 2013-14
Chair, Ad Hoc Committee on Tenure/Promotion and Annual Performance Review for Faculty Members with Joint Appointments, 2013
Member, Search Committee, Dept. of Economics, 2012-14
Member, Search Committee, Faculty in Pharmacoeconomics, Comparative Effectiveness, or Outcomes Research, School of Pharmacy, 2012-14
Member, Search Committee, Interdisciplinary Faculty in Health Economics, Health Policy, and Health Care Management, 2011-12

PROFESSIONAL SERVICE AND MEMBERSHIPS

Member, AcademyHealth
American Bar Association
American Health Lawyers Association
American Society of Law, Medicine and Ethics

Reviewer, AMERICAN JOURNAL OF PUBLIC HEALTH
HEALTH AFFAIRS
HEALTH SERVICES RESEARCH
INQUIRY
INTERNATIONAL REVIEW OF LAW & ECONOMICS
JOURNAL OF HEALTH POLITICS, POLICY & LAW
JOURNAL OF LAW, ECONOMICS & ORGANIZATION
JOURNAL OF LAW, MEDICINE & ETHICS
LAW & POLICY
LAW & SOCIAL INQUIRY
NEW ENGLAND JOURNAL OF MEDICINE
OBESITY
SOUTHERN ECONOMIC JOURNAL