

# AALS SECTION ON AGING & THE LAW NEWSLETTER - WINTER 2023



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## MESSAGE FROM THE CHAIR – JOAN C. FOLEY

Dear Section Members,

Thank you for the opportunity to serve as Chair of the Section. I am grateful for the experience of working with our Section members, executive committee members, and officers to design and provide innovative programming on aging and the law, as well as pedagogy. For example, on June 21, 2023, our Section hosted the Speed-Sharing Presentation Webinar “Teaching Elder Law Topics.” The presenters -- Deborah Denno, Ann Marie Marciarille, and Tara Sklar – offered strategies to boost student engagement and support student learning. And in the upcoming AALS Annual Meeting, our Section program “Preparing for the Demands of an Aging Population” will provide a robust discussion of the experiences of older adults and how law can promote healthy and equitable aging with presenters -- Nina A. Kohn, Ashvin Gandhi, Barry Furrow, and Alison Lintal. Thank you to the presenters in our Section programs for deepening the academy’s understanding of aging and the law and sharing your expertise.

I give a warm welcome to our new members this year. We are delighted that you have joined our Section. I invite you to get involved in Section committees, programs, and presentations. And I send a heartfelt thanks to our long-time members for your valued contributions.

Finally, I would like to thank fellow officers Tara Sklar, Kendall Kerew, and Ann Marie Marciarille for your leadership, dedication, and good cheer in serving our Section this past year.

Happy holiday season, and I hope to see many of you at our Section events at the upcoming Annual Meeting in DC.

Sincerely,  
*Joan*

2023 Section on Aging & the Law  
Leadership

**Chair: Joan C. Foley**

Touro University Jacob D. Fuchsberg Law Center

**Chair-Elect: Tara Sklar**

The University of Arizona James E. Rogers College of Law

**Secretary/Newsletter Editor: Kendall L. Kerew**

Georgia State University College of Law

**Treasurer: Ann Marie Marciarille**

University of Missouri-Kansas City School of Law

**Executive Committee:**

**Alexander A. Boni-Saenz**

Chicago-Kent College of Law, Illinois Institute of Technology

**Naomi R. Cahn**

University of Virginia Law School

**Richard L. Kaplan**

University of Illinois College of Law

**Alicia B. Kelly**

Widener University Delaware Law School

**Nina A. Kohn**

Syracuse University College of Law

**Kathryn C. Liss**

DePaul College of Law

**Rachel E. Lopez**

Drexel University Thomas R. Kline School of Law

**Mary Helen McNeal**

Syracuse University College of Law

**Rebecca C. Morgan**

Stetson University College of Law

**Jessica Dixon Weaver**

SMU Dedman School of Law

**SECTION LEADERSHIP ELECTION**

The Section on Aging and the Law will hold its election for leadership positions for the 2024 year by email. The Section's Nominating Committee announces the slate of candidates below. The Section Chair will email members a Qualtrics platform link to vote for the leadership slate. Please vote by **12:00 p.m. (noon) EST on December 29, 2023.**

**Officers:**

**Chair:** Tara Sklar, University of Arizona James E. Rogers School of Law

**Chair-Elect:** Kendall L. Kerew, Georgia State University College of Law

**Secretary:** Ann Marie Marciarille, University of Missouri-Kansas City School of Law

**Treasurer:** Victoria Haneman, Creighton University School of Law

**Executive Committee:**

- Alexander A. Boni-Saenz, University of Minnesota Law School
- Naomi R. Cahn, University of Virginia School of Law
- Joan C. Foley, Touro University Jacob D. Fuchsberg Law Center
- Richard L. Kaplan, University of Illinois College of Law
- Alicia Kelly, Widener University, Delaware Law School
- Nina A. Kohn, Syracuse University College of Law
- Kathryn C. Liss, DePaul University College of Law School
- Rachael E. Lopez, Drexel University Thomas R. Kline School of Law
- Mary Helen McNeal, Syracuse University College of Law
- Rebecca C. Morgan, Stetson University College of Law
- Jessica Dixon Weaver, SMU Dedman School of Law

## AALS ANNUAL MEETING INFORMATION

### Aging and Law Section's Main Program

Wednesday, January 3, 2024 (1 - 2:40 pm ET)

#### ***“Preparing for the Demands of an Aging Population”***

*Co-Sponsored by the Disability Law, Poverty Law, Antitrust & Economic Regulation, and Law, Medicine & Health Care Sections*

The United States is undergoing a demographic transformation with a rapidly aging population. A robust discussion of the experiences of older adults and how law can promote healthy and equitable aging is critical. The program feature presentations on preparing for the demands of an aging population.

Moderator: Joan C. Foley, Touro University Jacob D. Fuchsberg Law Center

#### Presentations:

- Nina A. Kohn, Syracuse University College of Law, *"Institutionalized and Disenfranchised: Sounding the Call to Protect Voting Rights of Long-Term Care Residents"*
- Ashvin Gandhi, UCLA Anderson School of Management, *"Regulating Financial Ownership in the Healthcare Industry"*
- Barry Furrow, Drexel University Thomas R. Kline School of Law, *"Policing Private Equity in Nursing Home Care"*
- Alison Lintal, Penn State Dickinson Law, *"Aging in Place Through Shared Housing"*

*In the program, we will honor our Lifetime Achievement Award and Emerging Scholar Awards recipients. After the program, we hold a Section Business Meeting to discuss topics to address and programming ideas for 2024.*

### Aging and the Law's Co-Sponsored Programs:

Wednesday, January 3, 2024 (8 – 9:40 am ET)

#### ***“Emerging Issues in Retirement Equity”***

Host: Employee Benefits and Executive Compensation Section

Friday, January 5, 2023 (10 – 11:40 am ET)

#### **“The End of the COVID-19 Public Health Emergency: Lessons Learned and the Future of Pandemic Law”**

Host: Law, Medicine, and Health Care Section

## AALS SECTION ON AGING AND THE LAW LIFETIME ACHIEVEMENT AWARD RECIPIENT

**Lawrence A. Frolik, Professor Emeritus of Law,  
University of Pittsburgh School of Law**

Congratulations, Professor Frolik! Thank you for your dedicated service to the profession, to your students, to your colleagues in mentorship, and to scholarship in aging and the law.

Bio: <https://www.law.pitt.edu/people/lawrence-frolik>

Please share your congratulations with Professor Frolik at [frolik@pitt.edu](mailto:frolik@pitt.edu).

*Join us at our January 3, 2024, program 1-2:40 pm at the AALS annual Meeting as we honor Professor Frolik. While Professor Frolik will not be joining us in person, we will share his words accepting this award.*



## AALS SECTION ON AGING AND THE LAW INAGURAL EMERGING SCHOLAR AWARD RECIPIENT

**Genevieve Mann, Assistant Professor, & Rita G. &  
Normal L. Roberts Faculty Scholar, Gonzaga University  
School of Law**

Professor Mann researches and writes in the elder law arena with a focus on reimagining legal tools that sit at the intersection of client self-determination and empowerment.

Bio: [www.gonzaga.edu/academics/faculty-listing/detail/manng](http://www.gonzaga.edu/academics/faculty-listing/detail/manng)

*Join us at our January 3, 2024, program 1-2:40 pm at the AALS Annual Meeting as we honor Professor Mann and present this award.*



## ANNOUNCEMENTS

### AALS Aging and the Law Section Webinar

Our Section held the second annual Speed-Sharing Presentation Webinar “Teaching Elder Law Topics” on June 21, 2023.

- AALS YouTube channel direct link: [https://youtu.be/myUIW6GW\\_08](https://youtu.be/myUIW6GW_08)
- AALS website program page with bios: <https://www.aals.org/sections/list/aging/teaching-elder-law-topics/>

Moderator: Joan C. Foley, Kermit Gitenstein Distinguished Professor of Health Law & Policy and Professor of Legal Process, Touro University Jacob D. Fuchsberg Law Center

#### Presentations:

- Ann Marie Marciarille, Professor of Law, University of Missouri-Kansas City School of Law. “*Diagnosing Loneliness*”
- Deborah Denno, Arthur A. McGivney Professor of Law & Founding Director of the Neuroscience and Law Center, Fordham Law School, “*Teaching Dementia and the Law*”
- Tara Sklar, Faculty Director, Health Law & Policy Program and Distinguished Public Service Scholar, University of Arizona James E. Rogers School of Law, “*Teaching Elder Law Across Disciplines, Generations, and Geographic Regions*”

## NEWS AND NEWSWORTHY

**Alexander A. Boni-Saenz**, Professor, University of Minnesota Law School

#### News:

- Professor Boni-Saenz made a lateral move to the University of Minnesota Law School from Chicago-Kent College of Law.

#### Publications:

- *The Age of Racism*, 100 WASHINGTON UNIVERSITY LAW REVIEW 1583 (2023).

This Essay introduces the concept of aged racism, a distinct species of systemic racism characterized by its intersection with age. This subject has yet to receive significant theoretical attention in the legal scholarship, despite the social importance of both age and race and the many ways in which they are embedded in the law and legal institutions. Aged racism contributes to racial subordination in three unique ways. First, age categories are raced, saddling many people of color, particularly children, with age-based expectations that can lead to punitive or carceral outcomes. Second, due to the differential legal treatment of age and race in the law, age may function as a vehicle for

impermissible racial classifications or negative racial effects. Finally, racism exerts an influence over the lifecourse to create cumulative disadvantage for people of color, particularly older adults. This dynamic may convert facially neutral age-based rules into mechanisms of racial inequality. By highlighting aged racism and discussing its legal implications, this Essay puts the fields of law and aging and critical race theory in conversation by considering in tandem the social categories with which each is most concerned.

**Joan C. Foley**, Kermit Gitenstein Distinguished Professor of Health Law & Policy and Professor of Legal Process, Touro University Jacob D. Fuchsberg Law Center

Sessions Moderated:

- Association of American Law School's Aging and the Law Section Speed-Sharing Presentation Webinar "Teaching Elder Law Topics," June 21, 2023.
- Touro Interdisciplinary Institute of Health Aging 2023 Symposium, November 29, 2023.

**Lawrence A. Frolik**, Professor Emeritus of Law at the University of Pittsburgh School of Law

Publications:

- LexisNexis will publish the 7<sup>th</sup> edition of his casebook, *ELDER LAW: CASES, MATERIALS AND PROBLEMS* in the Spring of 2024. It will be available for adoption for courses in the Fall Semester of 2024.

**Barry R. Furrow**, Professor and Director, Kline Health Law Program, Drexel University Kline School of Law

Publications:

- *Private Equity in Healthcare: Barbarians at the Gate?* (with Robert Field, David Hoffman, Kevin Lownds, and Hilary Pearsall), 15 DREXEL LAW REVIEW 101 (2023) .
- "The Hollowed-Out American Nursing Home: Using Private Law to Police Poor Quality Care and Expand Owner Responsibilities", in CAMBRIDGE HANDBOOK: *Health Law as Private Law: Pathology or Pathway?* ([I. Glenn Cohen](#), [Wendy Netter Epstein](#), [Christopher Robertson](#), and [Carmel Shachar](#), eds.) (Cambridge University Press 2024).
- *The Role of the Lawyer as Deal Maker in Health Care Acquisitions: From Amoral to Immoral?* J. Law, Medicine and Ethics 2024 (examining private equity deals in the nursing home industry over the past five years).

Presentations:

- *Policing Private Equity In Nursing Home Care*, Law and Medicine, anticipated AALS January 3, 2024.
- *The Hollowed-Out American Nursing Home: Using Private Law to Police Poor Quality Care and Expand Owner Responsibilities*, 2023 Petrie-Flom Center Annual Conference: "Health Law as Private Law", Harvard Law School, Cambridge, Mass., June 23, 2023.

**Sharona Hoffman**, Edgar A. Hahn Professor of Law, Professor of Bioethics, and Co-Director of Law-Medicine Center, Case Western Reserve University School of Law

Publications:

- Sharona Hoffman & Andy Podgurski, *The Patient's Voice: Legal Implications of Patient-Reported Outcome Measures*, 22 YALE J. HEALTH POL'Y, L. & ETHICS 1 (2023).
- Katharine Van Tassel & Sharona Hoffman, *Vulnerable Populations and Vaccine Injury Compensation: The Need for Legal Reform, in COVID-19 AND THE LAW: DISRUPTION, IMPACT AND LEGACY* (I. Glenn Cohen et al., eds. Cambridge University Press 2023).
- Sharona Hoffman, [Key Considerations for Patient-Reported Outcome Measures](#), THE BILL OF HEALTH, November 3, 2023.
- Sharona Hoffman, [Employers and the Future of Public Health](#), THE BILL OF HEALTH, February 22, 2023.

Awards:

- 2023 Case Western Reserve University School of Law Distinguished Research Award.

Presentations:

- Book talk: "Aging with a Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow," numerous local and national venues throughout 2023.
- "The Patient's Voice: Patient Reported Outcome Measures and Telemedicine," Arizona Telemedicine Summit, Phoenix, AZ, October 24, 2023.
- "Cognitive Decline and the Workplace," St. Louis Area Health Lawyers Association, St. Louis, MO, September 15, 2023 and Association of American Law Schools Annual Meeting, San Diego, CA, January 6, 2023.
- "The Patient's Voice: Legal Implications of Patient Reported Outcome Measures," Health Law Professors Conference, Baltimore, Maryland, June 8, 2023.
- Panelist, "Legal, Ethical, and Equity Issues Surrounding AI in Healthcare," Yale Law School, April 3, 2023.

**Richard L. Kaplan**, Guy Raymond Jones Chair in Law, University of Illinois College of Law

Publications:

- *The Declining Appeal of Inherited Retirement Accounts*, 42 VA. TAX REV. 267 (2023).
- ELDER LAW IN A NUTSHELL (8th ed. 2023) [solo-authored].

Presentations:

- *SECURE 2.0: What Is It Good For?*, East Central Illinois Estate Planning Council, Decatur.

**Genevieve Mann**, Assistant Professor, & Rita G. & Normal L. Roberts Faculty Scholar, Gonzaga University  
School of Law

Publications:

- *A Good Death: End-of-Life Lawyering Through a Relational Autonomy Lens*, 98 WASH. L. REV. \_\_\_\_ (forthcoming 2023).

Presentations:

- Professor Mann is presenting this article at the 4<sup>th</sup> International Conference on End of Life: Law, Ethics, Policy, and Practice at the S.J. Quinney College of Law in March 2024.

**Thaddeus Mason Pope**, Professor, Mitchell Hamline School of Law

Publications:

- *Your End-of-Life Options: Medical Aid in Dying May Allow You or Your Loved Ones to Take Steps to Avoid Unnecessary End-of-Life Suffering*, 33(4) ABA EXPERIENCE MAGAZINE 12-15 (July/August 2023).
- *Widespread Misinterpretation of Advance Directives and POLSTs Threatens Patient Safety and Causes Undertreatment and Overtreatment*, 19(5) JOURNAL OF PATIENT SAFETY 289-292 (2023) (with Ferdinando Mirarchi).
- *Medicolegal Issues (Professional Version)*, in MERCK MANUAL (Oct. 2023).
- *Medicolegal Issues (Consumer Version)*, in MERCK MANUAL (Oct. 2023).
- *Top Ten New and Needed Expansions of U.S. Medical Aid in Dying*, 23(11) AMERICAN JOURNAL OF BIOETHICS 89-91 (2023).
- *Brain Death: Controversies, Changes, and Strategies in Canada, USA, and UK*, 9(2) JOURNAL OF HOSPITAL ETHICS 59-60 (2023).
- *Top Ten Things Clinical Ethicists Need to Know About VSED*, 9(2) JOURNAL OF HOSPITAL ETHICS 60 (2023).
- *Medical Aid in Dying Ethics Consultation*, 9(2) JOURNAL OF HOSPITAL ETHICS 91 (2023).
- *Pediatric Decision Making: Consensus Recommendations*, 152(3) PEDIATRICS (August 2023) (with Erika K. Salter et al.).
- *Medical Aid in Dying: Clinical Considerations*, In: UpToDate, Post TW (Ed), UpToDate, Waltham, MA. (July 2023) (with Lonny Shavelson and Margaret Battin).
- *Medical Aid in Dying: Ethical and Legal Issues*, In: UpToDate, Post TW (Ed), UpToDate, Waltham, MA. (July 2023) (with Lonny Shavelson and Margaret Battin).
- *Neurologic Diseases and Medical Aid in Dying: Aid-in-Dying Laws Create an Underclass of Patients Based on Disability*, 23(9) AMERICAN JOURNAL OF BIOETHICS 5-15 (Sept. 2023) (with Lonny Shavelson, Margaret Battin, Alicia Ouellette, and Benzi Kluger).
- *Permit Assisted Self-Administration: A Response to Open Peer Commentaries on Neurologic Diseases and Medical Aid in Dying: Aid-in-Dying Laws Create an Underclass of Patients Based on Disability*, 23(9) AMERICAN JOURNAL OF BIOETHICS W9-W14 (Sept. 2023) (with Lonny Shavelson, Margaret Battin, Alicia Ouellette, and Benzi Kluger).



- *SED by AD: Prepare to Respect Patient Wishes*, 24 JAMDA - JOURNAL OF THE AMERICAN MEDICAL DIRECTORS ASSOCIATION (May 31, 2023) (with Dan Haimowitz).
- *Response to Resolution A19 Regarding Stopping Eating and Drinking by Advance Directives*, 24(6) JAMDA - JOURNAL OF THE AMERICAN MEDICAL DIRECTORS ASSOCIATION e1-e2 (June 2023) (with Ladislav Volicer, Karl E. Steinberg, Stanley A. Terman).
- *Hospice Nurse Ethics and Institutional Policies Toward Medical Aid in Dying*, 123(6) AMERICAN JOURNAL OF NURSING 37-43 (June 2023) (with Jean Abbott, Jeanne Kerwin, Constance Holden, Margaret Pabst Battin, Charles Miller).
- *Recommendations of the International Donation and Transplantation Legislative and Policy Forum*, 9(5) TRANSPLANTATION DIRECT e1395 (May 2023) (with Maeghan Toews, Jennifer A. Chandler, Roger Pape, Matthew Weiss, Alberto Sandiumenge).
- *Consent for Death Determination Testing - Recommendations of the Definition and Determination of Death Project*, 70(4) CANADIAN JOURNAL OF ANESTHESIA 570-584 (April 2023) (with others).
- *Navigating Disagreement and Conflict in the Context of a Brain-based Definition of Death*, 70(4) CANADIAN JOURNAL OF ANESTHESIA 724-735 (April 2023) (with others).
- *A Brain-Based Definition of Death and Criteria for its Determination After Arrest of Circulation or Neurologic Function in Canada: A Clinical Practice Guideline*, 70(4) CANADIAN JOURNAL OF ANESTHESIA 483-557 (April 2023) (with others).
- *Legal Considerations for the Brain-Based Definition of Death*, 70(4) CANADIAN JOURNAL OF ANESTHESIA 659-670 (April 2023) (with others).
- *Traveling Across States for Prohibited Treatments: Medical Aid in Dying and Looming Battles Over Abortion*, 38 JOURNAL OF GENERAL INTERNAL MEDICINE 517-519 (2023) (with I. Glenn Cohen & Eli Y. Adashi).
- *THE RIGHT TO DIE: THE LAW OF END-OF-LIFE DECISIONMAKING* (Wolters Kluwer Law & Business 2023) (semi-annual update) (with Alan Meisel & Kathy L. Cerminara).
- *Palliative Care: Medically Futile and Potentially Inappropriate Therapies of Questionable Benefit*, In: UpToDate, Post TW (Ed), UpToDate, Waltham, MA (2023) (with John Lantos and Laura Miller-Smith).
- *Legal Aspects in Palliative and End of Life Care in the United States*, In: UpToDate, Post TW (Ed), UpToDate, Waltham, MA (updated May 2023).
- *Physician Assisted Dying*. In: UpToDate, Post TW (Ed), UpToDate, Waltham, MA (2023) (with Lonny Shalvelson and Peggy Battin) (updated 2023).
- *Over 350 daily Blog Posts*, MEDICAL FUTILITY BLOG (2023).

#### Presentations:

- *Interprofessional Approaches to End-of-Life Care*, YALE PHYSICIAN ASSOCIATE PROGRAM (November 13, 2023).
- *Connecticut's Bill on Medical Aid-in-Dying for Terminally Ill Patients*, YALE INTERDISCIPLINARY CENTER FOR BIOETHICS, New Haven, Connecticut (November 14, 2023).
- *Capacity and Consciousness: Ethical Dilemmas Involving Death, Brain Injury, and Neurological Disabilities*, MICHIGAN STATE MEDICAL SOCIETY COMMITTEE ON BIOETHICS, Ann Arbor, Michigan (November 10, 2023).

- *Lives in a Crossroad: Is a Person Free to Seek Medical Treatment That is Morally Contested in their Home States?* COMPLETED LIFE INITIATIVE FALL CONFERENCE (November 2, 2023).
- *Dead Donor Rule Transgressions: Brain Death, DCD, and NRP*, LOYOLA UNIVERSITY MEDICAL CENTER (October 24, 2023).
- *Ethical Controversies in the Clinical Practice of Determination of Death by Neurologic Criteria*, AMERICAN SOCIETY FOR BIOETHICS & HUMANITIES (ASBH) 24th ANNUAL MEETING, Baltimore, Maryland (October 11-14, 2023).
- *Top 10 Legal Developments in Bioethics and Public Health*, AMERICAN SOCIETY FOR BIOETHICS & HUMANITIES (ASBH) 24th ANNUAL MEETING, Baltimore, Maryland (October 11-14, 2023).
- *Meet the Expert*, AMERICAN SOCIETY FOR BIOETHICS & HUMANITIES (ASBH) 24th ANNUAL MEETING, Baltimore, Maryland (October 11-14, 2023).
- *Key Strategies for Responding to Requests for Non-Beneficial and Potentially Inappropriate Treatment (Ethics Grand Rounds)*, UNIVERSITY HOSPITALS OF CLEVELAND, Cleveland, Ohio (October 4, 2023).
- *VSED and Dementia Planning for Elder Law Attorneys*, NATIONAL ACADEMY OF ELDER LAW ATTORNEYS - MINNESOTA (NAELA) (September 12, 2023).
- *Roundtable on Medical Aid in Dying with Media and Elected Officials*, COMPASSION & CHOICES, Minnetonka, Minnesota (July 6, 2023).
- *Key Strategies for Responding to Requests for Non-Beneficial and Potentially Inappropriate Treatment*, BAPTIST HEALTH SOUTH FLORIDA (July 19, 2023).
- *Organ Transplantation and Death Determination*, HASTINGS CENTER SUMMER BIOETHICS PROGRAM (Toward a More Inclusive Bioethics Community) (June 15, 2023).
- *Informed Consent: Methods to Reduce Risk*, COVERYS MED-IQ (June 14, 2023).
- *Top Ten Things Clinical Ethicists Need to Know About VSED*, 17th INTERNATIONAL CONFERENCE ON CLINICAL ETHICS AND CONSULTATION (ICCEC 2023), Rome, Italy (June 8-9, 2023).
- *Medical Aid in Dying: A Specialized National Ethics Consultation Service*, 17th INTERNATIONAL CONFERENCE ON CLINICAL ETHICS AND CONSULTATION (ICCEC 2023), Rome, Italy (June 8-9, 2023).
- *Brain Death: Controversies, Changes, and Strategies in Canada, USA, and UK*, 17th INTERNATIONAL CONFERENCE ON CLINICAL ETHICS AND CONSULTATION (ICCEC 2023), Rome, Italy (June 8-9, 2023).
- *Pitfalls of Advance Directives, DNR, and POLST Orders*, CENTER FOR EMERGENCY MEDICAL EDUCATION (CEME), Los Angeles, California (May 19, 2023).
- *Top Ten Things Clinical Ethicists Need to Know About VSED*, UNIVERSITY OF WASHINGTON, Seattle, Washington (May 10, 2023).
- *Protect Patient Rights, Reduce Medical Errors, and Improve Healthcare Quality: Moving from Informed Consent to Shared Decision Making*, SANFORD MEDICAL CENTER 21st ANNUAL ETHICS IN ACTION CONFERENCE, Sioux Falls, South Dakota (May 3, 2023).
- *When Surrogates Cross the Line: How to Challenge Substitute Decision Makers*, SANFORD MEDICAL CENTER 21st ANNUAL ETHICS IN ACTION CONFERENCE, Sioux Falls, South Dakota (May 3, 2023).
- *The Most Compelling Medical-Legal-Ethical Updates in 2023*, SAN DIEGO BIOETHICS COMMISSION (April 26, 2023).
- *Legal and Ethical Arguments for Respecting the Donor's Registration Status*, 29th Annual Thomas A. Pitts Memorial Lectureship in Medical Ethics, MEDICAL UNIVERSITY OF SOUTH CAROLINA, Charleston, South Carolina (April 7, 2023).

- *Advance Directives: Essential Tools for a Win- Win- Win Opportunity*, ST. JOSEPH / CANDLER HEALTH SYSTEM, Savannah, Georgia (March 9, 2023).
- *Current Concepts and Controversies: Brain Death Determination and Circulatory Death Organ Donor Status*, ST. JOSEPH / CANDLER HEALTH SYSTEM, Savannah, Georgia (March 10, 2023).
- *Medical Aid in Dying in Pennsylvania*, PENN STATE COLLEGE OF MEDICINE, Hershey, Pennsylvania (March 6, 2023) (Physician Assistant Medical Ethics).
- *Clinical Impact of Key Variations in U.S. MAID Laws*, SECOND ANNUAL NATIONAL CLINICIANS CONFERENCE ON MEDICAL AID IN DYING (NCCMAID), Portland, Oregon (February 17-18, 2023).
- *Move from Informed Consent to Shared Decision Making*, DARTMOUTH UNIVERSITY (February 15, 2023).
- *Unpacking Bedside Bioethics: Informed Consent*, UNIVERSITY OF MINNESOTA, Minneapolis, Minnesota (February 14, 2022).
- *New Strategies for Avoiding and Resolving Conflicts over Medically Ineffective Treatment*, MOUNT SINAI INSTITUTE FOR CRITICAL CARE MEDICINE GRAND ROUNDS, New York, New York (February 2, 2023).
- *Key Strategies for Responding to Requests for Non-Beneficial and Potentially Inappropriate Treatment*, ADVENT HEALTH REDMOND, Rome, Georgia (February 1, 2023).
- *Key Strategies for Responding to Requests for Non-Beneficial and Potentially Inappropriate Treatment*, ADVENT HEALTH REDMOND, Rome, Georgia (January 31, 2023).
- *Navigating Challenges with VSED Dementia Directives*, VISITING NURSE SERVICE OF NEW YORK (January 12, 2023).

#### Professional Activities:

- Elected 2023 Fellow of The Hastings Center.
- Member, University of Minnesota Hospital Ethics Committee.
- American Clinicians Academy on Medical Aid in Dying Ethics Consultation Service.
- Observer, Uniform Law Commission Drafting Committee on the Uniform Determination of Death.
- Observer, Uniform Law Commission Drafting Committee on the Uniform Health Care Decisions Act.
- Legal Consultant, Canadian Death Definition and Determination Project.
- Expert witness in organ donation and medical futility lawsuits in California and Kentucky.

**Lucia A. Silecchia**, Professor of Law and Associate Dean for Faculty Research. The Catholic University of America Columbus School of Law

#### Publications:

- *COVID-19, Visitation and Spiritual Care: Responding to the Silent Suffering of the Isolated in Times of Crisis* 74 BAYLOR LAW REVIEW (2022) (<https://ssrn.com/abstract=4435854>).

**Tara Sklar**, Faculty Director of the Health Law & Policy Program at the University of Arizona James E. Rogers College of Law

Publications:

- *Equity is Inextricably Linked to Healthcare*, in Ann Bartow & Ryan Vacca, eds., THE JURISPRUDENTIAL LEGACY OF JUSTICE RUTH BADER GINSBURG, NYU Press (2023) (with Kirin Goff).
- *Immigrant Workers' Voices as Catalysts for Reform in the Long-Term Care Industry*, 55 ARIZ. ST. L. J. 3 (2023) (with Shefali Milczarek-Desai).
- *Addressing State-Based Barriers to Decentralized Clinical Trials*, 7 J. OF CLINICAL & TRANSLATIONAL SCI. 162 (2023) (with Stephanie Zawada, Kevin Ruff, & Bart Demaerschalk).
- *Achieving Digital Health Equity by Personalizing the Patient Experience*, 4 TELEMEDICINE REPORTS 1 (2023) (with Priya Bathija, Elizabeth Krupinski, & Jorge Rodriguez).
- *What Does Talevski Tell Us About Future Nursing Home Litigation?* American Health Law Association, July 2023 (with Katherine Barnett).
- *Navigating Telehealth Legislative and Policy Changes Beyond the Public Health Emergency*, Arizona Telemedicine Program and Southwest Telehealth Resource Center, April 2023.
- *Regulating Emerging Models of Digital Healthcare for the Cognitively Impaired*, J. OF HEALTH & LIFE SCI. (forthcoming 2024) (with Kathryn Huber).
- *Digitally Enabled Medicaid Home and Community-Based Services*, in I. Glenn Cohen, Daniel B Kramer, Julia Adler-Milstein, & Carmel Shachar, eds., DIGITAL HEALTH CARE OUTSIDE OF TRADITIONAL CLINICAL SETTINGS, Cambridge University Press (forthcoming 2024) (with Kathryn Huber).

Presentations:

- *Advancing Virtual Care Practices Across the Cognitive Impairment Continuum*, 2024 Case Western Reserve University's Cognitive Decline and the Law Conference, anticipated March 2024.
- *Year in Review: Telehealth Policy & Legal Developments*, 2024 Arizona Society for Healthcare Attorneys Annual Conference, anticipated February 2024.
- *Closing Care Gaps Through Telehealth Policy and Broadband Access*, 2024 Arizona Rural & Public Health Policy Forum, anticipated February 2024.
- *Immigrant Workers' Voices as Catalysts for Reform in the Long-Term Care Industry*, 2024 AALS Annual Meeting Section on Law, Medicine and Health Care, anticipated January 2024.
- Master of Ceremonies at the 2023 University of Arizona Telehealth Policy Summit, October 2023.
- *Nevada Telehealth Law & Policy Updates*, University of Nevada 2023 Nevada Telehealth Conference, July 2023.
- *Achieving Digital Health Equity & Inclusion for an Aging Population*, 2023 American Society for Law, Medicine, & Ethics Annual Health Law Professors Conference, June 2023.
- Master of Ceremonies at the 2023 University of Arizona Innovations in Healthy Aging Summit, May 2023.

Awards:

- Distinguished Public Service Scholar, University of Arizona James E. Rogers College of Law, 2023.

### Professional Activities:

- Chair-Elect, Association of American Law Schools, Aging & the Law Section, 2023.
- Member, LeadingAge, University Advisory Council, 2023.
- Member, Center for Telehealth and eHealth Law, Advisory Board.
- Subject Matter Expert, Health Resources and Services Administration in the Office for the Advancement of Telehealth.

**Megan S. Wright**, Professor of Law, Medicine, Ethics, and Sociology at Penn State Law

### Publications:

- *Healthcare Organization Policies about the California End of Life Option Act: The Paper Victory of the Medical Aid in Dying Movement*, in *HEALTH LAW AS PRIVATE LAW: PATHOLOGY OR PATHWAY?* (I. Glenn Cohen et al. eds. forthcoming) (with Cindy L. Cain).
- *Using Disability Law to Expand Access to Medical Aid in Dying for Persons with Cognitive and Other Impairments*, in *LAW AND ASSISTED DYING* (Ben White ed. forthcoming).
- *Different MAiD Laws, Different MAiD Outcomes: Expected Rather than “Disturbing”*, 23 *AM. J. BIOETHICS* 92 (2023) (with Cindy L. Cain).
- *Supported Decision Making in the United States: Supporters Provide Decision-Making Assistance but Are Not Decision Makers*, 14 *AJOB NEUROSCIENCE* 252 (2023).
- *Current Aid-in-Dying Laws Discriminate against Individuals with Disabilities*, 23 *AM. J. BIOETHICS* 33 (2023).

### Grants:

- Co-Investigator, “Post-trial Access, Clinical Care, Psychosocial Support, and Scientific Progress in Experimental Deep Brain Stimulation Research.” National Institutes of Health: R01[MH133657], 8/18/2023-5/31/2027.

### Presentations:

- *Reconsidering Capacity Assessments*, 46<sup>th</sup> Annual ASLME Health Law Professors Conference, University of Maryland Francis King Carey School of Law, 2023.
- *Healthcare Organization Policies about the California End of Life Option Act: The Paper Victory of the Medical Aid in Dying Movement*, 2023 Petrie-Flom Center Annual Conference: Health Law as Private Law, Cambridge, MA, 2023.

**Yiran Zhang**, Assistant Professor of Labor and Employment Law, Cornell University Industrial and Labor Relations School

### Publications:

- *The Care Bureaucracy*, 99 *Ind. L.J.* (forthcoming 2024).

## Presentations:

- *The Care Bureaucracy*, Annual Health Law Professor Conference, University of Maryland Carey School of Law, Jun. 2023.
- *The Care Bureaucracy*, Family Law Scholars and Teachers Conference, Boston College Law School, Jun. 2023.
- *Caring Like a State: The Governance of Home Care Work in Medicaid Programs*, Roundtable on Nonmarriage and the Law, Rutgers Law School, Sep. 2023.

## **Case Western Reserve University Law-Medicine Center Programs**

The Law-Medicine Center at Case Western Reserve University is thrilled to announce that its annual conference will take place on March 1, 2024 and is entitled “Cognitive Decline and the Law.” Information about the conference can be found at <https://case.edu/law/centers-institutes/law-medicine-center>.

On February 6, 2024 Professor Erin Fuse Brown from Georgia State University will deliver “Private Equity and the Corporatization of Health Care.”

Our relevant 2023 programs included:

- October 16, 2023 – “When Doctors Become Cops” with University of Utah Professor Teneille Brown;
- October 11<sup>th</sup> – “Health Care Delivery In America: Its Weaknesses and How to Make It Better” with attorney and author Sheldon Greene;
- September 20<sup>th</sup> – “The Lopsided Law of Medical Conscience” with University of San Diego Professor Dov Fox; and
- April 5<sup>th</sup> – “Prescribing Algorithmic Discrimination” with Professor Jennifer Oliva (now at Indiana University Bloomington).

Thank you! We hope to see you in January at the Annual Meeting!