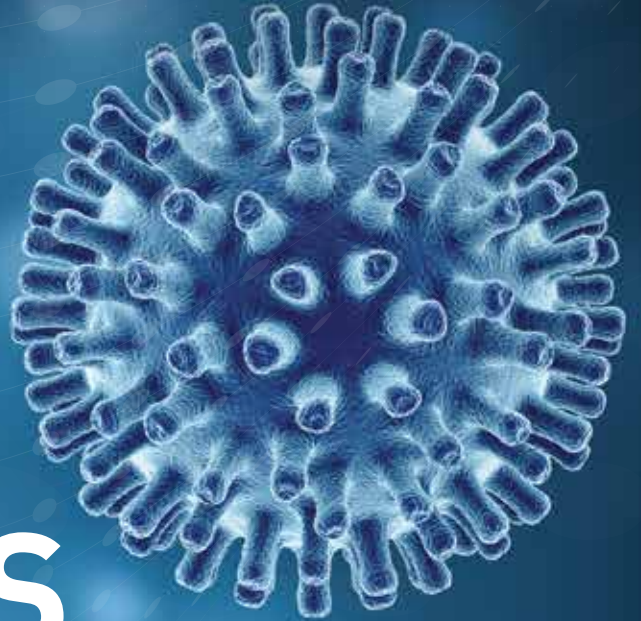




DEPAUL UNIVERSITY

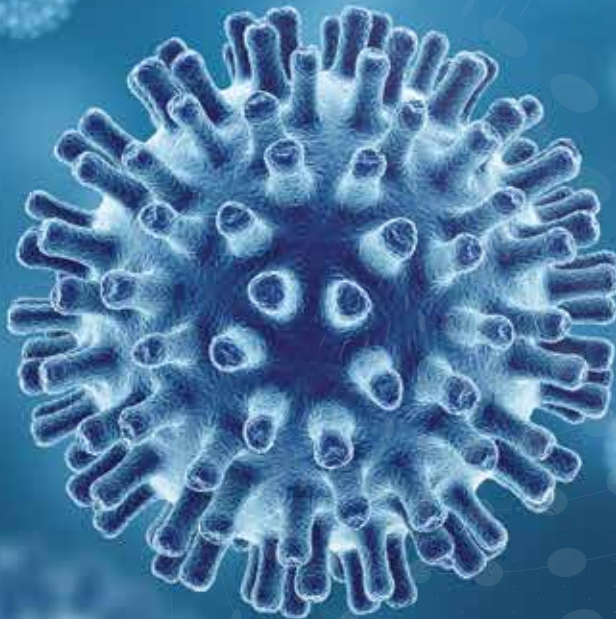
COLLEGE OF LAW



JAHARIS

HEALTH LAW INSTITUTE

A Leader in Health Law



LETTER FROM THE DIRECTORS

The Jaharis Health Law Institute is always bustling with activity. We are excited to share some of the highlights of our past year—from our students, faculty, and alumni—and to look ahead to the new year. This year, we welcome two new Jaharis Faculty Fellows, roll out a new partnership, host our annual Jaharis Symposium and the second-annual Compliance Institute with the support of a new gift, and much more.

Our students are busy taking courses toward their J.D. health law certificates, JD/LLM, and MJ degrees. They are completing externships with health systems, law firms, medical associations, pharmaceutical companies, and employee benefits firms. They are writing for and editing the DePaul Journal of Health Care Law and the brand new Jaharis blog. They are being mentored by terrific alumni and supporters of the Institute in Chicago and around the world. And they are landing their dream jobs doing regulatory and compliance, health transactional, health litigation, public interest, government, and policy work. The students are the heart of our Institute and the future leaders of our profession.



Faculty Director **Wendy Netter Epstein** and
Executive Director **Katherine V. Schostok**

Our faculty both inspire the students and are inspired by them. In this past year, our faculty presented their scholarly work at dozens of conferences around the world and published in leading law journals, on blogs, and in op-eds. As public academics, our faculty were interviewed by the media on issues of national importance and interviewed others through the Jaharis Podcast. The Jaharis Faculty Fellows continue to be an invaluable addition to our faculty. This year, we said goodbye to Charlotte Tschider, who as a fellow wrote articles for the Washington University Law Review, Denver Law Review, and the Annals of Health Law, and also published in the Oxford Journal of Law & Biosciences, and the ABA's The Law of Artificial Intelligence and Smart Machines (2019). And we welcomed two new fellows: Sharon Bassan and Valerie Gutmann Koch. Both are already renowned in their fields. Sharon comes to us having recently completed a postdoctoral program at Princeton University, and with a book, *Regulating Cross-Border Surrogacy*, already forthcoming with Cambridge University Press. Valerie Gutmann Koch is also already a well-known scholar in the field, having recently published work in both the University of Richmond and Houston Law Reviews. Valerie is serving as a Jaharis Fellow while also continuing her work as the Director of Law and Ethics at the University of Chicago's MacLean Center for Clinical Medical Ethics.

Finally, we must note our particular excitement at what is ahead for the Institute this coming year. We are rolling out an exciting new partnership with Dignity Health Global Education, which will allow us to educate students in health law from the country's largest Catholic health system in addition to other health professionals. In the Spring, we will host our annual Jaharis Symposium, entitled Genetic Justice: Data, Privacy, and Crime, where we will welcome Sheila Jasanoff (Pforzheimer Professor of Science and Technology Studies at the Harvard Kennedy School) as our featured speaker along with panels of top scholars from around the world. We are also set to welcome many fabulous speakers to DePaul in programming that is free and open to the public, including Maya Sabatello (Columbia University), Christopher Robertson (University of Arizona), Leslie Gerwin (Princeton University), Stephanie Kuhlmann (Lurie Children's Hospital), Patrick Martinez (McDermott Will & Emery), and many others. And with the generosity of the new Gabriel and Cynthia Imperato Fund for Excellence in Health Law, we will be hosting the second annual CCB-approved Healthcare Compliance Institute.

As always, we are thankful for your support and we welcome your feedback and suggestions. Our doors are always open.

Sincerely,

Wendy Netter Epstein

Faculty Director

Katherine V. Schostok

Executive Director



PROFESSOR EPSTEIN DISCUSSES PRIVATE LAW ALTERNATIVES TO THE INDIVIDUAL MANDATE



Wendy Epstein
Faculty Director; Professor of Law

In “*Private Law Alternatives to the Individual Mandate*,” forthcoming in the *Minnesota Law Review*, Professor Epstein considers how to prompt younger, healthier individuals to buy health insurance. While there is excitement on the left about a move to universal health care, even the most optimistic concede that such a change is years away. Meanwhile, millions of Americans are uninsured—a problem made worse by the recent repeal of the individual mandate penalty.

The penalty was supposed to reduce the number of uninsured, and it did to a degree. But while other mechanisms to prompt insurance purchase remain in place (like the premium tax credits), the repeal of the mandate penalty means that healthy people can now wait to buy insurance until they get sick. The number of (healthy) uninsured will rise, leaving insurers to cover a sicker risk pool. Insurers will undoubtedly respond by raising premiums.

But it is not only the mandate repeal that contributes to the uninsured problem. Even when the mandate was enforced, millions of Americans still lacked coverage, leading to worse health outcomes and adverse spillover effects for the rest of the population that ultimately bears the cost of uncompensated care.

Professor Epstein’s article tackles the uninsured problem by looking to private law mechanisms to prompt insurance uptake, particularly of the coveted young and healthy population. It considers both neoclassical economic theory and principles of behavioral economics to better understand what motivates (and deters) the purchase of health insurance. It then explores economic incentives and “nudges” that encourage healthy individuals to sign up for policies without forcing them to do so.

For example, Professor Epstein suggests co-opting practices previously deployed for nefarious purposes to prompt behavior that policy now seeks, such as offering low introductory rates, long-term contracts, and limited exit rights. Other options include the sale of return of premium-style policies or policies with a generosity frame, simplified plan offerings, or automatic enrollment of the uninsured with a right to opt out. These solutions—many of which would not require congressional action—hold the promise of increasing insurance uptake and lowering premiums without removing choice or requiring substantial government action.

For further discussion, see Wendy Netter Epstein, *Private Law Alternatives to the Individual Mandate*, 104 *MINN. L. REV.* _ [2020].

MARK C. WEBER

Vincent de Paul Professor of Law



In “Of Immigration, Public Charges, Disability Discrimination, and, of All Things, Hobby Lobby,” which is forthcoming in the *Arizona State Law Journal*, Professor Weber contends that federal disability discrimination law conflicts with and thus supervenes the

Trump Administration’s new regulations changing the standards for excluding immigrants from the United States on the basis of their likelihood of becoming a public charge. The new regulations use an explicit disability-related criterion that is not required by the statutory admission standards and will have an unjustified negative impact on immigrants who have disabling conditions. The essay draws a comparison to *Burwell v. Hobby Lobby, Inc.*, a 2014 case in which the United States Supreme Court invalidated a federal regulation on the ground that it conflicted not with its enabling legislation but with an unrelated federal statute, the Religious Freedom Restoration Act. The article will appear in the Journal’s Spring 2020 issue.

Professor Weber also has been active lecturing on disability issues around the country, presenting “Emerging Trends in Disability Discrimination in Employment” at the Illinois Human Rights Commission on October 21, 2019; “Special Education Law in Review” at Loyola University Chicago School of Law on June 26, 2019; “Privacy Protection and Disability Discrimination in a Social Context” at the Law and Society Association Annual Meeting in Washington, D.C. on June 2, 2019; “Disability Rights and DHS’s Proposed Public Charge Exclusion Rules” at the National Federation of the Blind Jacobus tenBroek Disability Law Symposium in Baltimore on March 28, 2019; and “Special Education Law Training for Hearing Officers, Mediators, and Complaint Investigators” at the Texas Education Agency, Austin, on November 16, 2018.

JOSHUA SARNOFF

Professor of Law



On June 4, 2019, Professor Josh Sarnoff testified before the Intellectual Property Subcommittee of the Judiciary Committee of the U.S. Senate on a pending legislative proposal to reform patent law subject matter eligibility doctrine. See

<https://www.judiciary.senate.gov/meetings/the-state-of-patent-eligibility-in-america-part-i>. The bill would amend Section 101 of the Patent Act to dramatically expand what can be patented, and would make additional changes to Section 112 in interpreting functional claiming language. Having spent decades researching these topics, Professor Sarnoff was asked to testify to make suggestions to amend the draft bill.

Professor Sarnoff’s testimony emphasized the “root causes” of the legal uncertainty that the legislative effort was designed to address—namely, lack of legislative specificity and inconsistency in judicial decisions. But perhaps the most important aspect of his testimony was his explanation for why legislation should not seek to provide private property rights for discoveries of nature, of scientific principles, and of “abstract ideas” (understood as fundamental concepts), all of which should be free for everyone to use. His published academic work has explained why such pre-existing aspects of our world were historically viewed as God-given things, and thus why making private property out of such natural, scientific, and fundamental discoveries would have been seen as a religious sin and as unjustly enriching the discoverer. He also pointed out that providing patents for claimed inventions of new discoveries of nature and science and abstract ideas “as such” might be held to be unconstitutional.

The proponents of the legislation have stated publicly that it was never their intention to authorize patents for discoveries of science, nature, and abstract ideas. But we have yet to learn if and how the draft legislation will be revised to avoid that result, and thereby avoid constitutional challenges as applied in particular cases.

VALERIE GUTMANN KOCH

Jaharis Faculty Fellow



Professor Koch's Houston Law Review article, "Research Revolution or Status Quo?: The New Common Rule and Research Arising from Direct-to-Consumer Genetic Testing," examines the confluence of the 2017 revisions to the Common Rule – the regulations that govern a majority of human subjects research in the United States – and the evolving research model utilizing biospecimens and personal

information collected by direct-to-consumer genetic testing companies.

Over the last decade, direct-to-consumer (DTC) genetic testing companies like 23andMe have claimed that their customers have the opportunity to drive cutting-edge research, with the aim of "democratizing" medicine. Based on the extensive collections of genetic data and family medical history that DTC genetic testing companies have amassed, there are incredible opportunities to conduct research that would have been difficult – if not impossible – to conduct previously. In fact, 23andMe's business model is based not on the services it provides to its customer base – the provision and interpretation of genetic testing results – but on sharing or selling the vast amounts of information and data that it collects to research institutions and pharmaceutical companies. For example, the announcement in August 2018 of 23andMe's \$300 million partnership with GlaxoSmithKline will allow the drug behemoth to develop drugs based on "deidentified" DNA and other information collected from the consumer genetics company's five million customers.

However, consumers of DTC genetic companies' services might be unwilling to have their biospecimens and data used for research purposes, necessitating a deeper consideration of the present ethical, legal, and regulatory issues that arise from personal genomic research. Professor Koch's article addresses the question of whether the revised Common Rule appropriately protects individuals who use DTC genetic testing services and whose information and biospecimens are used in future research protocols. She concludes that despite extended efforts to revise the Common Rule to address the use of biospecimens in human subjects research, there is little in the revised Rule to direct or guide DTC genetic testing companies to ensure a more robust informed consent process for the use of customers' biospecimens and data. The lack of sufficient consent processes has ethical implications for consumers' rights and interests, including privacy and self-determination.

Professor Koch, who previously chaired the American Bar Association Special Committee on Bioethics and the Law, authored this article with Kelly Todd, an intern for the committee and a student at Duke University's Institute for Science & Society. For further discussion, see Valerie Gutmann Koch and Kelly Todd, 56(1) *Hous. L. Rev.* 81 _ (2018).

SHARON BASSAN

Jaharis Faculty Fellow



In her forthcoming book, *Regulating Cross-Border Surrogacy*, Sharon Bassan writes about the regulation of surrogacy when the involved parties cross national boundaries. *Regulating Cross-Border Surrogacy* explains why the practice should be regulated, describes

different regulatory mechanisms (national vs. international), critiques proposed regulatory models, and proposes a new model grounded in shared responsibility. The book project approaches these questions from both philosophical and legal perspectives.

In the first part of the book, Professor Bassan describes the need for regulation to legitimize the practice of cross-border surrogacy. If cross-border surrogacy is permitted, or at least not forbidden, the practice will generate consequences that will require monitoring and regulation.

Part two contemplates the global justice implications of the practice. It lays a conceptual framework that requires national responsibility for cross-border surrogacy practices and discusses national/domestic regulatory tools to address them. This part takes a detailed look at the latest rulings of the European Court of Human Rights and at Israel's attempts to use domestic legal tools to influence a cross-border practice. Part three looks into two different optional regulatory models: labor law and human rights. Each chapter independently examines the philosophical rationales behind each model, the model's promises, and its shortcomings.

Finally, *Regulating Cross-Border Surrogacy* suggests a shared responsibility regulatory model. Philosophically, it provides a theoretical framework of associative duties, which emanate from special sorts of cooperative relationships, as a tool to promote global justice concepts and responsibilities to fit new, modern needs. Legally, it offers a proactive shared responsibility model, which addresses the unique aspects of the phenomena in a more fragmented way, each according to the legal tools and mechanisms that fit it. It enables a comprehensive regulation that provides safety and basic human rights safeguards but also aims to ameliorate women's expectations for recognition and acknowledgment of their contribution.

JAHARIS FACULTY FELLOW ALUMNI

Charlotte Tschider

2018-2019 Jaharis Faculty Fellow

Visiting Assistant Professor of Law, University of Nebraska College of Law



As a 2018-2019 Jaharis Faculty Fellow for DePaul University College of Law, Professor Tschider taught, wrote, and presented extensively on topics at the intersection of health law, intellectual property, and cyberlaw. Specifically,

she taught Food and Drug Law, where she was able to incorporate her research interest in medical device regulation; and Healthcare Privacy and Cybersecurity, where she brought her knowledge of the Health Insurance Portability and Accountability Act, international data protection standards, Food and Drug Administration cybersecurity requirements, and compliance program development to bear.

During her time at DePaul Law, Charlotte wrote “The Consent Myth: Improving Choice for Patients of the

Future,” for the *Washington University Law Review*; “Regulating the IoT: Discrimination, Privacy, and Cybersecurity in the Artificial Intelligence Age,” in the *Denver University Law Review*; and book chapters for various publications on health, technology, and artificial intelligence.

Charlotte also presented her scholarly work around the world. For example, in January 2019, she presented at the World Precision Medicine Conference on the role of big data in medical research; and in July 2019, she presented on artificial intelligence liability and global data protection laws at the International Conference on AI in Healthcare. She was also invited to participate in a symposium on *Trust and Privacy in the Digital Age* at the Washington University School of Law, part of their launch of The Cordell Institute for Policy in Medicine & Law; and Hofstra University’s symposium on *Artificial Intelligence in Healthcare: The Ethical, Legal and Medical Implications*.

Ana Santos Rutschman

2016-2018 Jaharis Faculty Fellow

Assistant Professor of Law, Saint Louis University School of Law (SLU)



Ana Santos Rutschman continues to be a powerhouse in the field from her position on SLU’s faculty. Last year, she published “The Vaccine Race in the 21st Century” with the *Arizona Law Review* and signed a contract with Cambridge University

Press for a book entitled “*Vaccines as Technology: Innovation, Barriers and the Public Interest*” (2021). Her commentary pieces appeared in *Health Affairs Blog* and *The Conversation* and were reprinted in newspapers including the *Chicago Tribune*. She presented her work widely both domestically and abroad, including at DePaul, Harvard, Stanford and the University of Copenhagen.

For more information or to apply to be a Jaharis Faculty Fellow, please go to <http://go.depaul.edu/jaharisfacultyfellow>.

JHLI AFFILIATED FACULTY

Wendy Netter Epstein

Faculty Director;
Professor of Law

Katherine Schostok

Executive Director

Max N. Helveston

Associate Dean for Academic
Affairs and Strategic Initiatives;
Associate Professor of Law

Donald Hermann

Professor of Law

Mark Weber

Vincent de Paul Professor of Law

Steven Resnicoff

Professor of Law

Joshua D. Sarnoff

Professor of Law

Valerie Gutmann Koch

Jaharis Faculty Fellow

Sharon Bassan

Jaharis Faculty Fellow



2019 JAHARIS SYMPOSIUM

The 2019 Jaharis Symposium, titled “*Democratizing Medicine in a Data and Tech-Driven World*,” addressed significant and pressing questions of law and policy that will inevitably arise from the adoption of technological and data-driven innovation in medicine. The day-long interdisciplinary symposium was co-sponsored by the Mary and Michael Jaharis Health Law Institute and the Center for Intellectual Property Law & Information Technology (CIPLIT®).

Technological and data-driven innovations are often heralded as breakthroughs that will “democratize” medicine, by promising to vastly improve access – both to knowledge and medical services – and to allow those who are affected by the discoveries to collaborate in their development. But they are not without risk. Featured speakers included Afia Asamoah, JD, MPP, Senior Counsel, Product, Regulatory, and Policy at Verily Life Sciences (formerly Google Life Sciences, an Alphabet company) and Patrick M. McCarthy, MD, Executive Director of the Bluhm Cardiovascular Institute at Northwestern Medicine and the Heller-Sacks Professor of Surgery in the Feinberg School of Medicine and Chief of Cardiac Surgery.

In addition, renowned panelists from the fields of law, technology, and medicine delved into the scientific, ethical, and legal implications of some contemporary examples of “do-it-yourself” and “do-it-together” medicine. The first panel addressed complex and fascinating ethical and legal issues pertaining to the introduction of artificial intelligence in medicine, while the second panel discussed what is collectively referred to as “do it together” medicine: citizen science, participant-driven research, and precision medicine.

The final panel addressed biohacking, or “do it yourself” medicine – altering or conducting research on one’s own body. The speakers explored technology’s promise of collaboration and accessibility, while raising legitimate legal and ethical concerns about ownership, justice, and the law’s ability to keep up with innovation. The symposium discussed important policy and ethical issues and offered practical insight into how the law (and practicing lawyers) can address questions that arise as new technologies impact the practice of medicine.

A full house of students, faculty, local practitioners, and alumni attended the symposium in person, providing lively debate and opportunities for continued learning. The featured talks and panels are now available for viewing on the symposium website, at <http://go.depaul.edu/jhlivevideo>. DePaul Law Alumni can obtain Illinois MCLE credit, including professionalism credit, at no cost by viewing the on-demand seminar videos.



DePaul Professor of Law, **Joshua Sarnoff** addressing the audience at the symposium.




2019 featured speaker **Afia Asamoah**, JD, MPP, Senior Counsel, Product, Regulatory, and Policy at Verily Life Sciences

UPCOMING

Genetic Justice:

Data, Privacy, and Crime
2020 Jaharis Symposium



March 12, 2020

DEPAUL UNIVERSITY
COLLEGE OF LAW

Thursday, March 12, 2020
8:30 am-4:30 pm CDT

The 2020 Jaharis Symposium on Health Law and Intellectual Property will feature **Dr. Sheila Jasanoff**, JD, PhD, Pforzheimer Professor of Science and Technology Studies, Harvard Kennedy School.

Other panelists include:

Panel 1: Justice in the Acquisition of Genetic Information: Inclusion and Representation in Genetics Research

- **Pilar Ossorio**, JD, PhD, University of Wisconsin Law School
- **Jennifer Wagner**, JD, PhD, Geisinger Health System
- **Jonathan Kahn**, JD, PhD, Northeastern University School of Law

Panel 2: Use and Control of Genetic Information: Informed Consent and Privacy through a Justice Lens

- **Leslie Francis**, JD, PhD, S.J. Quinney College of Law, The University of Utah
- **Anya Prince**, JD, MPP, Iowa Law
- **Stephen Hilgartner**, PhD, Cornell University

Panel 3: Genomics in the Justice System

- **Christopher Young**, Intelligence Analyst, FBI-Chicago
- **Maya Sabatello**, LLB, PhD, Columbia University
- **Lauren Kaeseberg**, JD, Illinois Innocence Project

Panel 4: Using Genealogical Data to Solve Crimes

- **Christi Guerrini**, JD, MPH, Baylor College of Medicine
- **Craig Klugman**, PhD, DePaul University
- **Sara Houston Katsanis**, MS, Northwestern Feinberg School of Medicine

This day-long interdisciplinary symposium is co-sponsored by the Mary and Michael Jaharis Health Law Institute and the Center for Intellectual Property Law & Information Technology (CIPLIT®).

For more information, visit <http://go.depaul.edu/lawsymposium>.

THE JAHARIS SPEAKER SERIES

The Institute offers programming that is free and open to the public on a range of hot topics. Last year, we welcomed:

JEWISH BIOETHICS: POSTMORTEM SPERM REMOVAL

Dr. Avishalom Westreich, Esq., Associate Professor, College of Law and Business, Ramat Gan, Israel

THE LEGALITIES OF MEDICAL AESTHETICS

Renee Coover, Associate Attorney at ByrdAdatto

INTRODUCTION TO HEALTHCARE COMPLIANCE AND LAWS

Swati Ayyagari, Sr. Manager, Health Care Regulatory Compliance & Risk and Accounting Advisory Services at Plante Moran

EMPLOYEE ENGAGEMENT IN HEALTH CARE: SERVING THOSE WHO SERVE

Panel: Alison Tothy, MD, Physician/Speaker/Consultant; Barbara Lewis, Director, People Services, AdvantEdge Healthcare Solutions; Cathy Lovely, MBA, Asst. Director of Organizational Development, UI Health; Anna Scaccia, Director of Emergency Department, Trauma and EMS at Advocate Illinois Masonic Medical Center

HIPAA, A BRIEF PRIMER AND RECENT DEVELOPMENTS

Carolyn Metnick, Partner at Akerman

DIGITAL HEALTH TRENDS: ONLINE SALE OF MEDICINE AND CRIMINAL ACTIVITY

Libby Banek, Partner at Faegre Baker Daniels (Washington, DC)

LEGAL AND COMPLIANCE ISSUES

Ilana Shulman, Chief Compliance Officer of Hillrom



2020 JAHARIS SPEAKER SERIES

This year, we are looking forward to hosting, among others:

- **Maya Sabatello**, Assistant Professor of Clinical Bioethics, Politics and Culture Project at Columbia University
- **Leslie Gerwin**, Associate Director of the Program in Law and Public Affairs at Princeton University
- **Panel: Stephanie Kuhlmann**, Assistant General Counsel at Lurie Children's Hospital; **Patrick Martinez**, Partner at McDermott, Will and Emery; **Ann Ford**, Partner at Hall Prangle & Schoonveld and Managing Director of HPS Advise and Faculty Director
- **Lecture and book signing: Christopher Robertson**, Associate Dean for Research and Innovation and Professor for Law at the University of Arizona, and author of the forthcoming book *Exposed: Why Our Health Insurance is Incomplete and What Can Be Done About It*.



Imperato Gift

Through the generosity of attorney **Gabriel Imperato** ('77) and his wife **Cynthia**, a former judge, the Gabriel and Cynthia Imperato Fund for Excellence in Health Law was created to provide unrestricted support with a focus on students, programming, and compliance-based initiatives



“The broad impact of this gift will be felt in the excellent students we recruit, the engaging programs we host, and the curricular innovations we develop.”

Jennifer Rosato Perea
Dean & Professor,
DePaul College of Law

Thanks to the Imperato Fund, JHLI hosted the first annual CCB-approved Health Care Compliance Institute at DePaul in July. The day-long program addressed the key requirements for an effective compliance regime and the challenges compliance professionals face when conducting internal investigations, self-disclosing, communicating and reporting, and navigating HIPAA and other regulations. The speakers were all attorneys and compliance professionals working in this complicated field as chief compliance officers, consultants, and health lawyers.

The conference was approved for over six live CCB Continuing Education Units, in addition to Continuing Legal Education credits.

Speakers at the 2019 conference included **Danielle Capilla**, Director of Compliance, Employee Benefits, Alera Group; **Melissa Mitchell**, Chief Compliance and Privacy Officer, Shirley Ryan Ability Lab; **Gabriel Imperato**, Managing Partner, Nelson Mullins Broad and Cassel; **Ahmed Salim**, Manager, Deloitte; and **Ilana Shulman**, Chief Compliance Officer, Hillrom.

JHLI looks forward to hosting the Second Annual Compliance Institute in 2020.

COMPLIANCE BOARD

With our focus on compliance initiatives and our CCB accreditation, the Institute has convened a Compliance Board to advise on its compliance curriculum, programming, and other opportunities.

The board is comprised of high-level professionals practicing in the health compliance field. Board members participated

in a compliance forum hosted at DePaul College of Law, which provided great insight into market needs. The board will continue to advise the Institute on its compliance curriculum and programming, and assist in developing practice-based compliance programs for our students and professionals working in the field.



NEW PARTNERSHIP WITH DIGNITY HEALTH GLOBAL EDUCATION



The Jaharis Health Law Institute is thrilled to be partnering with Dignity Health Global Education (DHGE) to offer an online health law certificate for health professionals. The initial certificate will teach participants to identify and apply legal rules in the health care setting. It will survey many of the key topics in the field of health law, including an overview of the legal system, health care delivery systems (including Medicare, U.S. Medicaid, and health insurance law), informed consent, surrogate decision-making, fraud and abuse statutes, medical malpractice, and oversight of health care quality. The certificate, which will be rolled out in 2020, translates theory into real-world examples, enabling participants to issue spot in a complicated and shifting legal and regulatory environment. As a leader in health law education, the Jaharis Health Law Institute is excited to work with DHGE, an expert in comprehensive, industry-relevant education programs, to create this exceptional new workforce development offering in health law. The certificate is only the beginning of a long-lasting partnership between DHGE and DePaul.

“DHGE are proud to partner with DePaul University, their College of Law, and the Mary and Michael Jaharis Health Law Institute, a pioneer in health law education. By offering a Certificate, and with other offerings to come, we will empower the health care workforce with the tools to navigate a complex and regulatory focused health care landscape.”

Andrew Malley, CEO of DHGE

“There is a natural and obvious connection between the partners. DePaul wants their students to gain real-world experience and the skills they need to succeed in a modern working environment. DHGE is operating under the exact same principle. We identify industry needs and work with subject matter experts to co-develop applicable learning content that addresses current topics.”

Kurt Hayes, Chief Learning Experience Officer at DHGE

“We are excited to tailor this certificate in health law specifically to meet the needs of health care professionals. Working with an experienced team at Dignity Health Global Education, we interviewed key stakeholders and carefully planned our course coverage to address the topics that health professionals identified as most salient to furthering their careers. The development of this program has been highly collaborative, which will only make it all the more relevant for health care professionals who take the course.”

Wendy Netter Epstein, Faculty Director, JHLI



THE JAHARIS STUDENT EXPERIENCE

The Jaharis Health Law Institute offers students a well-rounded experience inside and outside the classroom. Students can choose from a robust curriculum of both in-person and online coursework. They have a variety of opportunities to engage in experiential learning and to hone their writing skills in courses, through participation in the DePaul Journal of Health Care Law, and through writing for the new Jaharis blog. Our student organizations, programs and competitions are faculty-supported and are an opportunity for students to develop and refine their skills while engaging in real-world practice.



PROGRAM OF EXCELLENCE • HEALTH LAW

CERTIFICATES

- JD, Certificate in Health Law
- JD/LLM in Health Law
- LLM in Health Law
- Health Care Compliance Certificate
- Master of Jurisprudence (MJ)
- Health Law
- Health Care Compliance

HEALTH LAW COURSES*

- Antitrust Issues in Health Care
- Bioethics & the Law
- Child Protection: Abuse & Neglect
- Data Breach Notification Laws
- Disability Law
- Elder Law
- Externship: Health Law
- Food and Drug Law
- Health Care Compliance and Regulations
- Health Care Delivery Systems
- Health Care: Fraud and Abuse
- Health Information Technology Law & Policy
- Health Innovation and Intellectual Property
- Health Policy and the Law
- Insurance Law
- Legal Aspects of the Biotechnology Business
- Legal Drafting: Health Law
- Medical Malpractice Survey
- National Moot Court Competition: Health Competition
- The Practice of Health Care Law
- Privacy Law
- Risk Management and Patient Safety
- Senior Research Seminar: Patent Policy in the Health Industry
- Sexual Orientation and the Law
- Special Topics in Health Law
- Transactional Health Law Practice

EXPERIENTIAL LEARNING

DEPAUL JOURNAL OF HEALTH CARE LAW

Founded in 1996, the journal has long been one of the nation's premiere student-run scholarly publications and provides insightful and progressive articles by academics and practitioners that analyze the legal complexities of the rapidly evolving health care field. The journal's staff writers and editors also have opportunities to submit their work for publication. The journal is one of the few peer-reviewed health law journals in the nation.

JAHARIS BLOG - *E-PULSE*

The *E-Pulse* provides short, blog-style posts on current issues in health law, as well as information on Institute activities. *E-Pulse* publishes submissions from JHLI student fellows as well as from faculty and practitioners who have expertise in special areas of interest. Look to the *E-Pulse* for a constant stream of current, thought-provoking articles for health law scholars and practitioners alike.

HEALTH LAW FELLOWS

DePaul students selected as Health Law Fellows have opportunities to participate in JHLI's programs and substantive work. Fellows are involved in a variety of activities including organizing lectures and annual events, assisting with research and writing, and participating in mentorship and career-focused programs.

JHLI STUDENT ADVISORY BOARD

Working as the liaison between students and the (Alumni) Advisory Board, the Student Advisory Board has the opportunity to initiate new programmatic ideas based on student feedback and promote student and practitioner engagement through educational and networking events.

HEALTH LAW COMPETITIONS

JHLI sponsors student teams to compete in two national competitions: The L. Edward Bryant Jr. National Health Law Transactional Moot Court Competition at Loyola University Chicago and the Health Law Regulatory & Compliance Competition at the University of Maryland. The competitions expose our law students to the core competencies of the corporate and regulatory practice of health care law. Students are challenged to apply corporate lawyering skills and to navigate the complex regulatory landscape of health care law in hypothetical situations.



HEALTH LAW EXTERNSHIPS

DePaul Law offers many ways to connect classroom learning with real world experience through the Externship Program. Externships allow upper-level students to gain valuable career experience while making important professional contacts. DePaul Law offers placements with private sector health care organizations, non-profit providers, litigation firms and in government. For instance, students have recently externed at Presence Health, Lurie Children's Hospital, Nixon Peabody, the U.S. Department of Veterans Affairs and the Illinois Department of Financial and Professional Regulation, among many others.

EXTERNSHIPS

During the school year, JHLI students have the opportunity to participate in externships throughout the Chicagoland area. Students work with prominent health care practitioners and companies to develop practical skills and gain exposure to various facets of health law.

JHLI's programs, in addition to its mentorship program and expanding advisory board, strengthen the connection between practicing health law attorneys in the city and DePaul College of Law students. Through its relationships with health systems, law firms, pharmaceutical companies, health information technology companies, and health care associations, JHLI is able to develop uniquely challenging and immersive programs. For example, JHLI recently developed an intensive externship program alongside Lurie Children's Hospital that accommodates one student each school year, in addition to the three or four externs the hospital hosts each summer.

3YP

Health Law students can take advantage of DePaul's Third Year in Practice program, known as 3YP. The 3YP program allows a select number of law students to complete general JD course requirements in two years and then spend most of the third year of law school engaging in the actual and simulated practice of law.

JHLI SUMMER SCHOLARS

JHLI also coordinates the Summer Scholars Job Placement Program, which has been recognized for its success by various associations and publications. Thanks to generous donors and participating employers, the program offers students a \$5,000 stipend for their summer externship work.

The Summer Scholars Program places students at some of the most distinguished health law firms and health organizations in Chicago. Examples of placements include:

- American Medical Association
- The Joint Commission
- Baxter International
- Hill-Rom
- Husch Blackwell
- Advocate Health
- Nixon Peabody
- Alera Group
- Anne & Robert H. Lurie Children's Hospital of Chicago
- R1 RCM
- Rush Medical Center
- United Benefit Advisors
- Sinai Health System



HANNAH SULLIVAN

Summer Scholar at the American Medical Association (2018), Alera Group (2019)



Hannah Sullivan has participated in the Summer Scholars Program for two consecutive years. Her externship at the American Medical Association (AMA) in a role focused on the Council on Ethical and Judicial Affairs (CEJA) enriched her knowledge of health law issues she had learned about in class.

In supporting the judicial process for reviewing infractions to AMA membership, for example, she gained insight into how doctors and lawyers analyzed real-life situations. “It gave me a new perspective on how I might approach an issue with a client or how I might argue an issue in court.”

Her favorite part of her AMA externship was writing for the Journal of Ethics. She was published as a sole author and also wrote an article with her supervisor, Scott Schweikart. “It was a great privilege to be able to publish. I learned a lot in that summer, and it was

“I saw that my coursework had really prepared me. I got to apply my academic achievements to real client issues, and that was incredibly rewarding.”

fun to be able to control what I was doing and to really dive into research.”

Her externship at Alera Group this past summer was pivotal in terms of establishing long-term goals for her legal career. She worked closely with DePaul professor Danielle Capilla, Alera Group’s Director of Compliance, to onboard, assess, and provide guidance to health care clients. After the externship, Hannah stayed on part-time at Alera Group to continue developing her expertise in ERISA and other health care legislation.

All in all, Hannah considers the experience she has gained through the Summer Scholar program as vital to her time at DePaul. “I saw that my coursework had really prepared me. I got to apply my academic achievements to real client issues, and that was incredibly rewarding.”

VJOSANA MATAJ

Summer Scholar at The Joint Commission



Vjosana Mataj’s experience as a Summer Scholar at The Joint Commission has made a significant impact on the way she views her future, from the classes she decides to take to the relationships she invests in—and, ultimately, the goals she will pursue after graduating from DePaul.

During her externship, she performed research on privacy and accessibility laws, working closely with The Joint Commission’s Chief Compliance Officer to ensure the company’s compliance with regulatory standards. She had the opportunity to see recommendations that she had developed regarding privacy policies transition to the implementation phase that summer. She was also responsible for a comprehensive project involving research into how numerous countries’ privacy legislation has been affected by the General Data Protection Regulation (GDPR) passed in 2018.

“Networking with privacy policy lawyers gave me an idea of what being a privacy lawyer looks like.”

Her on-the-ground experience has advanced her knowledge of the practical and ethical decisions that attorneys face. Reflecting on the relationships and the valuable advice that she has gained from her externship, she also recognizes the Summer Scholar program as an amazing networking opportunity. “Networking with privacy policy lawyers gave me an idea of what being a privacy lawyer looks like.”

For Vjosana, perhaps the most invaluable part of her Summer Scholars experience was the opportunity to recognize and develop her interest in pursuing a practice focused on privacy legislation. “I can say that it gave me a perspective on what I want to do as a lawyer. Before starting the scholarship program, I didn’t have this intention in my mind. And now, it’s pointed me to a direction in which I really like to see myself going.”

ALUMNI HIGHLIGHTS

The list of accomplishments from our large alumni network is extensive. Our alumni serve in leadership positions in the most prestigious law firms, insurance brokerage firms, and pharmaceutical companies, making their contributions of mentoring and supporting our students invaluable. The genuine connection our alumni make with DePaul students provides opportunities to succeed in a challenging and ever-changing industry.

MICHAEL CALLAHAN, JD '79

Senior Partner, Katten Muchin Rosenman LLP



As a national leader in health care law, Michael Callahan focuses his practice around the end goal of improving patient care. As Senior Partner at Katten Muchin Rosenman, he provides expert counsel on various aspects of hospital physician relations, including matters related to

the Emergency Medical Treatment and Active Labor Act (EMTALA), the Health Insurance Portability and Accountability Act (HIPAA), Medicare Conditions of Participation (CoPs), and more. In the last decade, he has been deeply involved with developing and representing patient safety organizations (PSOs) around the country. He has contributed influential work on key health care legislation, including the Patient Safety Act and the Illinois Medical Studies Act.

Michael identifies a foundation for his interest in social policy and health care issues in his undergraduate years, during which he took on leadership roles in student government, becoming involved in the health center as well as the judicial system. At DePaul College of Law, he was appointed as the President of the Student Bar Association at the end of his first year.

He also served as an editor for the *DePaul Law Review* and as a student representative on the faculty committee.

He celebrates the 40th anniversary of his graduation from DePaul College of Law this year. As a brand-new graduate, he clerked for Justice Daniel P. Ward of the Illinois Supreme Court. He recalls sharing experiences with fellow DePaul alumni during this time as they helped each other navigate the first years of their legal careers. After his clerkship, Michael chose to join Hinshaw & Culbertson for the firm's distinctive health care practice. He was involved in litigation work but focused his practice on providing corporate regulatory legal services, advising on an array of issues including physician peer review and disciplinary matters, certificate of need requirements, and corporate reorganizations. "I had a hope that I could do my bit to help hospitals improve patient care."

Michael has since received numerous honors for his impact on the health care and legal fields. Among others, he has been recognized on Best Lawyers for Health Care Law in America since 1991, as an Illinois Super Lawyer since 2005, and has been top-ranked by Chambers USA since 2005. In 2019, he was named a Fellow of the American Health Lawyers Association.

WASIF KHAN, JD '10, LLM '12

Attorney of Counsel, HeplerBroom LLC



Wasif Khan chose DePaul for its health law program and reputable faculty. Now, he especially values his courses in Contracts, Tort Law, and Constitutional Law. He also recalls a particularly influential professor, a practicing attorney and physician who conveyed to his students the everyday

practicalities of medical professionals—knowledge which Wasif considers as instrumental to his own practice as a health care attorney. He opened his

own practice to serve health care providers before transitioning to his current role at HeplerBroom. As Attorney of Counsel, he directs HeplerBroom's health care group on corporate regulatory compliance services. He provides counsel to a wide variety of medical and dental professionals, practices, and entities, advising on legislation such as the Health Insurance Portability and Accountability Act (HIPAA), the Anti-Kickback Statute, and more.

Ultimately, his choice to focus on transactional law reflects his desire to mitigate and minimize conflict for his clients.

YESENIA PEREZ, JD '15, LLM '15

Regional Employee Benefits Counsel, USI Insurance Services



As a pre-med undergraduate, Yesenia Perez was always interested in health care. But she found her “calling” when she looked into health law.

“It was exactly what I wanted to do.” She chose to pursue this path at DePaul Law, where she was actively involved in JHLI through the Health Law Journal,

Moot Court, and the Summer Scholars Program.

At DePaul, Yesenia honed her ability to advocate for others and for herself. In her 2L year, she petitioned to enroll in the newly introduced JD-LLM in Health Law, a program originally designed for incoming students. Ultimately, she successfully obtained both degrees in three years. She also collaborated closely with professors on decisions regarding classes, programming, and speakers.

After graduation, Yesenia joined a litigation firm and then a small brokerage firm before finding her home at USI Insurance Services. In her current role as Regional Employee Benefits Counsel, she handles a range of complex employee benefit matters. Yesenia provides her clients and internal team with guidance on state and federal compliance regulations and also serves on USI’s National Compliance Team, continually advancing her expertise in health care policy and reform.



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