



Petrie-Flom Center
for Health Law Policy,
Biotechnology and Bioethics
Harvard Law School

ANNUAL REPORT TO THE CARROLL AND MILTON PETRIE FOUNDATION

August 2006

This report chronicles the first year of the Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics at Harvard Law School. The final months of the Petrie-Flom Center's start-up year were highlighted by our move into new offices and the arrival of our first post-graduate fellows. We enter 2006-07 poised to begin the first real year of programming and operations that will mark the next phase of our development.

Infrastructure

In July 2006, the Petrie-Flom Center moved into its permanent offices at 23 Everett Street on the Harvard Law School campus. The Center occupies the entire top floor of this newly renovated and expanded historic building. The space includes a reception area, ten private offices and a common room. The common room will have its own satellite health law policy library and will serve as a meeting and gathering place. The Center also shares a large conference room on the floor below with the Berkman Center on Internet and Society. The conference room can accommodate groups up to 30 and is equipped for videoconferencing and webcasting.

Many fellowship programs around Harvard and elsewhere are hampered by an absence of individual offices in close proximity and common space in which to gather formally or informally as a group. Our facilities are an important asset that give us a physical presence at the Law School. We worked closely with the project's architect and designer to ensure that they will meet our programmatic needs and will be conducive to the building of an intellectual community around the Center's subject areas. For a schematic of the Petrie-Flom space, see **Attachment 1**.

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Fellowship Program

A cornerstone of the Petrie-Flom Center is a fellowship program that will sponsor research fellows at all stages of their academic and professional careers. The program's goals are to encourage the movement of top scholars into issues of health law policy, biotechnology, and bioethics, to support research that is likely to make a significant contribution to these fields, and to create a community of students, fellows and faculty around these areas of interest.

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There are three types of Petrie-Flom fellowships:

- **Post-graduate/mid-career fellows** are in residence for two years and pursue their own research projects. They receive an annual stipend of \$60,000 plus benefits and access to resources that are on the high end of comparable fellowships. Each year we anticipate bringing on up to four post-graduate fellows, so that the Center will have up to eight such fellows once it is fully staffed in 2007-08.
- **Student fellowships** are open to second and third-year students at Harvard Law School and student in other Harvard health policy and bioethics graduate programs who are interested in pursuing research on a part-time basis during the school year or full time during the summer. Student fellows do not receive stipends, except for full-time work during the summer, but can request funding to cover necessary research expenses and have opportunities to participate in Center activities designed especially for them.
- **Senior fellowships** are offered on an ad hoc basis to scholars and practitioners who are established leaders in their fields.

We have met our goal of having our first group of post-graduate fellows on board in the fall of 2006. Last October-January we undertook an expedited process to make this happen, designing the program, advertising it as broadly as we could and efficiently reviewing the sixty-plus applications we did receive in time to make offers before our finalists accepted other fellowships. We were highly conscious of the fact that the quality of the first group of fellows would determine the reputation of the program and our ability to attract top applicants in future years.

Our inaugural group of fellows started to arrive in July 2006. This is an extraordinarily talented group both in terms of their academic records and early scholarly achievements. Glenn Cohen and Ben Roin were Sears Prize Winners at Harvard Law School and have published articles in the field, Holly Fernandez Lynch is a top student at UPenn Law School who took the lead in establishing a bioethics and law society there, and Talha Syed is a doctoral candidate at the law school who has won teaching awards and has a book coming out on drugs and the health crisis in developing countries. They come recommended by faculty who say they are among the most promising students they have had and are likely to become top academics in this field—a primary goal of these fellowships. Their research proposals reflect a diversity of background and interests and include legal issues related to contracting for reproductive goods and services, legal solutions to the underincentive to invest in vaccine research and development, bioethical issues arising from quarantines imposed in

response to pandemics and bioterrorism, and the interaction of patent laws with innovations in life sciences at universities and with pharmaceutical research. Please refer to **Attachment 2** for more complete information about these fellows.

We are pleased to report that the Center also has accepted 20 student fellows for the 2006-07 academic year. The student fellows are mostly second and third year law students, but include several joint degree candidates and one doctoral student in the Department of Economics. Each will be working on a research project with the goal of producing a paper of publishable quality. They will participate in our new workshop (see below) and in a series of lunches and other gatherings that we are in the process of developing to address their interests and needs. See **Attachment 3** for a list of our student fellows and their research topics.

Finally, the Center has obtained a commitment from Frances Kamm to be in residence as our first senior fellow during the 2007-08 academic year. Professor Kamm is Professor of Philosophy in the Harvard Philosophy Department and Littauer Professor of Philosophy and Public Policy at the Kennedy School of Government. She is one of the best moral philosophers in the world who is working on issues relevant to health policy, biotechnology and bioethics. During her fellowship she plans to work on a book on bioethics and to serve as a mentor to the Center's other fellows.

Interdisciplinary Workshop

Starting this fall, Einer Elhauge will lead an annual interdisciplinary Health Law Policy and Bioethics Workshop, the intellectual centerpiece of the Center. We have arranged for 11 of the country's very top scholars working in areas relevant to health law policy, biotechnology and bioethics to present works in progress, creating a forum for interchange among faculty, students and fellows. Over 50 students, including our fellows, are enrolled in this fall's workshop. Early indications are that many others from around and beyond Harvard are interested in attending, and we are planning to accommodate this interest by opening our doors to drop-ins. We envision the workshop evolving into a Boston-wide forum for high level discussion of cutting edge health policy and bioethics issues. The 2006 workshop schedule is included as **Attachment 4**.

Curriculum Development

Harvard Law School, like most leading law schools, has offered a limited health law curriculum that has fallen short of meeting student and societal demand for an academic focus on these issues. This is due in part to a shortage of qualified faculty who have elected to devote their scholarship to health law policy. One of the purposes of the Center's post-graduate fellowship program is to "grow" future health law professors to fill this gap in the long run. To address shorter-

term needs, the Center has worked to identify and recruit professors from other Harvard faculties and from other law schools to teach health law and bioethics courses on a visiting basis at the Law School during the next several years. The result is a greatly-expanded curriculum that will be offered starting this fall. Some of our visiting faculty, including Peter Hutt who teaches a popular winter term course on FDA law, will have offices at the Petrie-Flom Center where they will be an added resource for our fellows. Please see **Attachment 5** for the list of this year's health law policy and bioethics course offerings both at Harvard Law School and available to law students through cross-registration.

Speakers Events

The Petrie-Flom Center presented a full lineup of speakers events during the spring of 2006 that drew higher than expected attendance from around Harvard and the greater Boston area. Our purpose in launching into these events during our organizational year, apart from the educational function they served, was to raise the visibility of the Center not only around Harvard but at the other universities from which some of our speakers are drawn. We co-sponsored several of these events with other organizations at Harvard Law School, helping us to establish connections that we will continue to build upon. The high level of interest in the work of our Center beyond Harvard and the Boston area led us to webcast our speakers panels, making them accessible to a wider audience than could have attended the live event. The webcasts have proven very popular, and we know that visitors to the Petrie-Flom website have continued to view them months after the actual events.

Last spring's speakers events included :

- ***Uncharted Territories: Bioethics, Biotechnology and the Supreme Court***, a panel moderated by Einer Elhauge in which John Robertson of the University of Texas Law School joined Dan Brock of Harvard Medical School and Charles Fried to examine how the justices of the current Supreme Court might respond to emerging bioethics issues;
- ***The Role of Human Rights in HIV Testing: Current Challenges and Opportunities***, a talk by Sofia Gruskin, one of the premier experts on human rights, gender and HIV/AIDS and professor at the Harvard School of Public Health;
- ***Drugs, Law and the Health Crisis in the Developing World***, in which Harvard Law Professor Terry Fisher explored several possible legal reforms that might increase incentives for the development and distribution of vaccines and drugs directed at preventing and treating communicable diseases in developing countries, joined by commentators Michael Kremer of Harvard University, and Owen C.B. Hughes of Pfizer, Inc.; and

- ***Pandemics: Law, Ethics and Governance***, moderated by Michelle Mello of the Harvard School of Public Health, which took an interdisciplinary look at some of the issues surrounding pandemics and included presentations by Arthur Caplan, director of the Center for Bioethics at the University of Pennsylvania, David Fidler of the Indiana University School of Law and Daniel Markovits of Yale Law School.

The Center expects to sponsor a similar series of speakers panels during the 2006-07 academic year.

Sponsored Research

Part of the core mission of the Petrie-Flom Center is to sponsor research on significant issues of health law policy, biotechnology and bioethics. During the summer of 2006, the Center provided stipends to three Harvard Law School faculty members to support their work as follows:

- William Fisher, ***Drugs, Law and the Health Crisis in the Developing World***
- David Rosenberg, ***Improving Medical Malpractice Liability by Allowing the Insurers to Take Charge***
- Elizabeth Warren, ***Medical Bankruptcy: Get Sick and Go Broke***

Outreach and Collaboration

Interdisciplinary collaboration also is central to the mission of the Petrie-Flom Center. From the outset, we have made significant efforts to consult with key players in health policy, biotechnology and bioethics both within and outside of Harvard. The Center also receives a steady stream of inquiries and offers of advice from individuals and organizations with expertise in the Center's subject areas. We have made good progress toward building relationships with these contacts when it seems that there is potential for information sharing about emerging health care and ethics issues, collaboration on projects, or additional funding.

Within Harvard, the development of the Petrie-Flom Center has been welcomed as creating potential linkages with the Law School that previously were not possible. Over the past year, we have initiated meetings with affiliated faculty and administrators of countless research centers and programs at the Law School and throughout the University where we have identified intersecting interests and possibilities for future joint research projects or other endeavors.

In one such joint initiative, the Center worked with the Department of Population and International Health at the School of Public Health on an application to become a collaborating center with the World Health Organization. The proposed collaborating center would advise the WHO on a range of bioethics issues that arise in the global health context and could enter into funded consulting arrangements on such issues. The participation of the Law School, through the Petrie-Flom Center, enhances the application and expands the range of projects in which the collaborating center might engage.

Interfaculty Retreat

The Petrie-Flom Center collaborated with the Medical School to organize the first Cammann Interfaculty Retreat on Health Policy and Bioethics, a two-day meeting that took place in the Berkshires in June 2006. The Cammann Endowment, which funded the retreat, was created through a gift to Harvard to be used in a joint program between the Law School and the Medical School to foster the interdisciplinary study of issues related to law and medicine. With the advent of the Petrie-Flom Center, the Law School gained an infrastructure that enabled it to assume a leadership role in such a program.

The retreat convened almost 30 faculty from Harvard's Business School, Faculty of Arts and Sciences, Law School, Medical School, School of Government and School of Public Health. Its modest aim was for faculty from these six schools to get to know each other's work: (1) as consumers of scholarship, to hear about ideas and findings in other areas that could be used in their own areas; (2) as suppliers of scholarship, to know what people in other fields regard as the important topics or questions that need to be answered; and (3) to identify possible areas for future interdisciplinary projects or activities. The agenda interspersed sets of brief introductory presentations by individual participants with group discussions, and concluded with a strategic planning session about what sorts of larger interactions might make sense in the future. See **Attachment 6** for the entire agenda and list of participants.

The interfaculty retreat already has produced some tangible, if preliminary, outcomes. One involves a new planning effort among the various graduate bioethics programs at Harvard to create opportunities for fellows to come together on a regular basis. Another involves a renewed effort to develop a web-based "gateway" to health policy and bioethics at Harvard that would provide easy access to current information about the activities of the many programs and centers whose work intersects with these areas. The Center will be an active participant in these initiatives. It also will continue to work with the Medical School to formulate next steps to put the Cammann endowment resource to good use, including what it anticipates will become an annual interfaculty meeting that will allow for more substantive engagements.

Global Health and Human Rights Initiative

Thanks to an additional gift by Joseph Flom this past spring, the Petrie-Flom Center will partner with the Human Rights Program at Harvard Law School to develop an initiative on global health and human rights. This program will sponsor one research or clinical fellow for a one or two-year term, host conferences and sponsor research projects. This past spring we advertised the fellowship in the hope of having the first fellow on board in the fall of 2006. This generated significant excitement and interest but an insufficient pool of quality applicants who were available to start on such short notice. We therefore decided to defer the selection of a fellow and have renewed the call for applications with the expectation of having the first fellow start in the fall of 2007. **Attachment 7** provides a more detailed description of our plans for the Global Health and Human Rights Initiative.

Resource for Health Policy

An indicator of the presence that the Center already has established at Harvard is the many requests we receive from faculty, students and administrators for substantive assistance and advice on matters related to our areas of focus. Although not necessarily part of our core mission, we have lined up guest speakers for a biotechnology course and a career services program at the Law School, advised the planners of a major Harvard Alumni Association program on bioethics issues, connected Harvard Law students with health law and policy organizations for summer employment, and lined up interesting clinical opportunities for students during the school year. For instance, at the request of Harvard Medical School's Program in Psychiatry and the Law, we arranged for four students to assist on an amicus brief related to HIPAA's privacy regulations.

Communications

The Center has devoted efforts toward developing communications systems to reach different target audiences at Harvard Law School, throughout the University and beyond Harvard. We have designed and continue to add to several contact databases and listservs that we use to publicize events, advertise our fellowship program and generally keep in touch with those who contact us for information or to offer their expertise. At the beginning of the year we developed a basic website to offer one-stop-shopping for information about the Center's programs and events. This spring we retained a graphic design and communications firm to revamp the website and to help us develop new program materials that convey our mission to various audiences. We expect to launch the new-and-improved version of the website in October 2006.

Administration

The Petrie-Flom Center began in July 2005 as a generously-funded concept with a faculty director but nothing else in place. Over the summer, the faculty director conducted an intensive and expedited search that led to the hiring of an executive director. As a complete start-up, we went through the process of establishing temporary offices and numerous systems from the ground up. We are now entering the second phase of our development, which will require the creation of more systems and consideration of our future staffing needs.

Plans and Initiatives for 2006-07

Opening

To celebrate the start of our first full year of programming, the Center will host a series of opening events on September 7-8, 2006. These will include an open house in our new office space, our first health policy and bioethics workshop at which our post-graduate fellows will present their research plans, a Dean's reception, and a lecture by Einer Elhauge in honor of his appointment as Carroll and Milton Petrie Professor of Law.

Advisory Roundtables

The Petrie-Flom Center will convene a series of Roundtables to serve in a consulting and advisory capacity. The Roundtables will be organized around both the topical focus areas and the strategic planning needs of the Center. They are preliminary to and supplementary to the establishment of a permanent advisory board, but unlike a permanent advisory board or steering committee, the Roundtables will offer a flexible structure that the Center can tap into over time as needs arise. Some Roundtables might meet only once; others the Center might choose to reconvene on either a regular or ad hoc basis. The first one is scheduled to take place during our September opening event.

The objectives of the Roundtables will vary, depending on the topic and the Center's needs, but could include:

- providing a forum for gathering and sharing knowledge and expertise in the Center's subject areas;
- identifying and prioritizing legal and policy issues that could benefit from the Center's focus through conferences, research projects and other activities;

- serving as a temporary planning committee for specific Center activities such as major conferences
- identifying opportunities for interdisciplinary and collaborative initiatives that the Center might lead or support;
- identifying possible members of a permanent Advisory Board;
- including many of the personal and professional contacts of the Center's affiliates, who might contribute strategic insights and linkages to sources of additional funding; and
- allowing the Center to harness the talents of the many individuals (especially alumni) who have been in touch to offer their assistance.

As noted, the Roundtables will serve important advisory and consultative functions that benefit the Center. But if they are truly successful, they will be a two-way street through which the participants benefit as well, perhaps through the opportunity to make new connections or through exposure to interesting ideas. Viewed in that light, the Roundtables are part of the work product of the Center.

Conferences

In March 2007, the Petrie-Flom Center will sponsor its first major conference, *Re-engineering Human Biology: What Should Be the Ethical and Legal Limits?* The conference will gather many of the world's leading figures in law, bioethics, philosophy, and science, for two days of discussion of the ethical and legal questions raised by new biotechnologies, focusing especially on genetic engineering and enhancement. Participants will include the conference participants will include Ronald Dworkin, Richard Posner, Leon Kass, Dan Brock, Norm Daniels, Frances Kamm, Steven Pinker, Michael Sandel, Dan Wikler, Allen Buchanan, and Einer Elhauge. An evening forum open to the public will be part of the proceedings.. The Center is planning this conference in collaboration with Harvard's Stem Cell Institute.

The Center also is in the preliminary stages of planning a conference for the fall of 2007 on issues related to regulation of assisted reproductive technology. We are collaborating with faculty at Harvard's Business School and Medical School on this endeavor.

Finally, the Center is planning the health law track of a major health policy and bioethics conference at the Aspen Institute in October 2007. The conference will draw leaders from government, industry and academia from around the world and is expected to become an annual event. We anticipate presenting three panels at a conference, including one related to the themes of

PETRIE-FLOM FELLOWS FOR 2006-2008

Frances Kamm, Senior Fellow 2007-08. Frances Kamm is Professor of Philosophy in the Harvard Philosophy Department and Littauer Professor of Philosophy and Public Policy at the Kennedy School of Government. Her research is on nonconsequentialist normative ethical theory and topics in applied ethics, including bioethics, the distribution of scarce resources, and just war theory. Her scholarship includes the books *Creation and Abortion* (1992); *Morality, Mortality, Vol. 1: Death and Whom to Save From It* (1993); and *Morality, Mortality Vol. 2: Rights, Duties, and Status* (1996), all from Oxford University Press. She is a member of the editorial boards of *Philosophy & Public Affairs*, *Legal Theory*, *Bioethics*, and *Utilitas* and was a consultant on ethics to the World Health Organization. During her fellowship, she plans to work on a book on bioethics.

I. Glenn Cohen, Fellow 2006-08. Glenn Cohen is a 2000 graduate in Bioethics and Psychology from the University of Toronto and 2003 graduate from Harvard Law School, where he was Primary Editor of the *Harvard Law Review* and received the Sears Prize (awarded to the two students with the best grades out of a class of over 500). After graduating, he clerked for Judge Boudin and has done appellate work for the Department of Justice before the circuit courts and Supreme Court. His past scholarship has included work on ADR approaches to end-of-life decisionmaking and on preembryo disposition agreements and commodification. During his fellowship he plans to work on issues regarding contracting for reproductive rights, which involve the overlap of four doctrinal areas: sperm and egg provision, gestational and full surrogacy contracts, preembryo disposition agreements, and agreements to restrict activities during pregnancy (e.g., agreements not to seek an abortion). One line of projects includes theoretical analysis of whether any right not to procreate actually involves a bundle of four distinct rights, how variations in these distinct rights might affect enforceability, waiver and remedies, and whether and when it might give way to a right of others to procreate. Another line of projects involves an empirical analysis of how allowing payment for reproductive goods and services affects access to services and a theoretical analysis of whether any effects justify restrictions on commercially assisted reproduction.

Holly Fernandez Lynch, Fellow 2006-08. Holly Fernandez Lynch is a summa graduate from the University of Pennsylvania in bioethics, and a top student at the University of Pennsylvania Law School and Bioethics Graduate program, where she will get a joint J.D./Masters in Bioethics this May, and has been President of the Bioethics, Law and Public Policy Society. Her past scholarship has included work on the negligence liability of members of Institutional Review Boards, and her current scholarship includes work on the extent to which forms giving informed consent to clinical research should be treated as enforceable contracts. During her fellowship, she plans to focus on bioethical issues regarding the extent to which rights to individual autonomy must yield to social interests, especially during quarantines to address bioterrorism and pandemics. She also plans to address whether regulations that restrict medical research on prisoners should be loosened in light of the desires of many prisoners. Finally, she plans to analyze issues involving tensions between the duties of medical professionals to treat others and their right to follow their own moral beliefs, such as the appropriateness of conscience clauses that permit pharmacists to refuse to fill prescriptions with which they have a personal objection (like contraceptives) and legal challenges against

physicians who refuse to provide services contrary to their religious beliefs (like fertility services to lesbians).

Benjamin Roin, Fellow 2006-08. Ben Roin is a 2000 graduate from Amherst College and a 2005 graduate from Harvard Law School, where he was Primary Editor of the Harvard Law Review and received the Sears Prize (awarded to the two students with the best grades out of a class of over 500). After graduating, he has clerked for Judge Michael McConnell. His past scholarship includes work on why the patent system fails to achieve one of its functions, the disclosure of patented ideas to others. During his fellowship he plans to work on issues involving patent law and biotechnology, including the perverse adverse effects the anticipation doctrine has on the development of pharmaceuticals, the legal distinction between surgical procedure patents and business method patents, a reformulation of the nonobviousness and disclosure rules for biotechnology in light of new research methods, and possible legal solutions to the underincentive to invest in the research and development of vaccines for potential pandemic diseases.

Talha Syed, Fellow 2006-08. Talha Syed is a 1995 graduate of the University of Western Ontario, a 2000 graduate of University of Victoria Law School where he received the Gold Medal for being the top student his his class, and is getting his SJD at Harvard Law School, where he has been a straight- A student. His past work includes a book coming out in the Stanford University Press entitled DRUGS, LAW AND THE HEALTH CRISIS IN THE DEVELOPING WORLD that he is co-authoring with Harvard Law Professor Terry Fisher. His current work includes a manuscript on the interaction of intellectual property laws with “upstream” life sciences research at universities, which is entitled PATENT LAW AND INNOVATION IN THE LIFE SCIENCES. During his fellowship he plans to finish this work and write a book on interaction of intellectual property laws with domestic “downstream” biopharmaceutical research and development entitled THE INSTITUTIONAL ECONOMICS OF PHARMACEUTICAL INNOVATION: A CRITICAL EVALUATION OF STRONG PATENT PROTECTION AND ALTERNATIVE INNOVATION POLICIES.”

Petrie-Flom Center 2006 Student Fellows

Class	Name	School	Research Topic
2L	Alexander Boni-Saenz	HLS	Long-term Care Insurance Regulation
	Matthew Gordon	HLS	Duty to Disclose Genetic Information to Research Subjects
	Juliana Han	HLS	Law, Policy & Ethics of Genetic Testing
	Eunice Kim	HLS	Impact of Legal Structures on Internal Organization of Hospitals
	Rochelle Lee	HLS	California Stem Cell Initiative
	Robert Lutzker	HLS	Informed Consent Laws--Do they Undermine the Placebo Effect?
	Chris Walsh	HLS	Genetic Enhancement- "Designer Babies"
	Sarah Weston	HLS	Oregon Health Reform - Public Education Model, Rationing
	Katherine Wong	HLS	Predictive Framework for Estimating Public Health Threats
3L	Laura Eichorn	HLS	Policy and Ethics of Children's Mental Health Law
	Brenda Lee	HLS	Intersection of Law & Science on Reproductive Technology
	Nike Opadiran	HLS	Legal Institutions and Civil Society: Addressing HIV/AIDS in Nigeria and South Africa
	Christopher Robertson	HLS	Organ Transplantation Policy/Ethics
	Leah Satine	HLS	Genetic Discrimination in Insurance
	David Sclar	HLS	Mandatory Registration of Clinical Trial Resolves
	Daniel Vorhaus	HLS	Regulation of Embryonic Stem Cell Research and Therapies
JD/MPH	Hani Elias	HLS; HSPH	Impact of Laws on Pharma R&D on Diseases Affecting Developing World
JD/MPP	Rebecca Hamilton	HLS; KSG	Gamete Donorship--Moving to System of Indentifiable Donorship
JD/PhD	Sarah Abiola	HLS; PhD HPP	EMTALA--connection b/w Statutory and Judicial Standards of Care and Medical Outcomes
PhD	Heidi Williams	FAS-Economics	Political Economy of Regulation--Evidence from Medicare

HEALTH LAW POLICY & BIOETHICS WORKSHOP – FALL 2006
Professor Einer Elhauge

(5:00-7:00pm, Thursdays other than Oct 26 and Nov 23)

Sept 7 – Opening of Petrie-Flom Center and Introduction to the Research of Our New Fellows

Sept 14 – Russell Korobkin, Professor of Law, UCLA Law School – *Stem Cell Research and the Law*

Sept 21 – Dan Kessler, Professor of Economics, Law, and Policy, Stanford Business School; Senior Fellow, Hoover Institution; Professor of Law, Stanford Law School – *Combatting Fraud and Abuse in Medicare and Medicaid*

Sept 28 – David Studdert, Assistant Professor of Health Policy and Law, Harvard School of Public Health – *Claims, Errors, and Compensation Payments in Medical Malpractice Litigation*

Oct 5 – Dan Brock, Professor of Medical Ethics, Harvard Medical School – *Resource Prioritization in Health Care*

Oct 12 – Mark Schlesinger, Professor, Division of Health Policy and Administration, Yale School of Public Health – *The Cognitive-Behavioral Underpinnings of Health Policy: A Roadmap for Future Reconstruction*

Oct 19 – Arti Rai, Professor of Law, Duke Law School; Faculty Member, Duke Institute for Genome Sciences and Policy – *Innovation, Collaboration, and the Firm: The Case of the Biopharmaceutical Industry*

Nov 2 – Anup Malani, Visiting Professor, Harvard Law School, Professor of Law, University of Chicago – *Regulation with Placebo Effects.*

Nov 9 – Frances Kamm, Littauer Professor of Philosophy and Public Policy, Harvard's Kennedy School of Government and Professor of Philosophy, Harvard Philosophy Department – *Disability, Discrimination, and Irrelevant Goods*

Nov 16 – Dan Carpenter, Professor of Government, Harvard Government Department – *A General Model of Placebo Learning: How Increasing Consumer Options can Heighten Bias and Reduce Welfare*

Nov 30 – Amitabh Chandra, Assistant Professor of Public Policy, Harvard's Kennedy School of Government – *Racial Health Disparities in Healthcare*

Dec 7 – Norman Daniels, Professor of Ethics and Population Health, Harvard School of Public Health – *A Human Right to Health: Progressive Realizability and Priority-Setting*

**Health Law Curriculum at Harvard Law School
2006-07**

FALL

Health Care Law – Anup Malani (4 credits)

Health Law Policy and Bioethics Workshop- Einer Elhauge (2 credits)

WINTER

Psychiatry & Law Course – Alan Stone (3 credits)

FDA Law Course – Peter Hutt (3 credits)

Health Care Policy – Dan Kessler (2 credits)

SPRING

Bioethics – Norman Daniels (3 credits)

Law & Public Health – Michelle Mello (3 credits)

Health Policy & Bioethics Courses Elsewhere at Harvard

In addition to the above courses taught at Harvard Law School, there are also a wide variety of relevant courses at other schools that students can consider taking via cross-registration. These include the following:

JOHN F. KENNEDY SCHOOL OF GOVERNMENT

API604 Proseminar in Bioethics – Frances Kamm

HCP100 Introduction to Health Policy – Richard Frank

HCP150Y Seminar: Health Policy and Management – Mary Ruggie, Julie Wilson

HCP175 Political Analysis and Strategy for U.S. Health Policy – Robert Blendon

HCP272 The Economics of Health Care Policy – Joseph Newhouse

HCP382 Health Policy Reform: The United States in Comparative Perspective – Mary Ruggie

HCP581 Doctoral Seminar in the Economics of Health and Medical Care – Joseph Newhouse

PED118 Biotechnology in the Global Economy – Juma

STP321 Bioethics, Law and the Life Sciences – Sheila Jasanoff

FACULTY OF ARTS AND SCIENCES

Bio 60/Gov 1093 Ethics, Biotechnology, and the Future of Human Nature – Melton & Sandel

Currier 79 Medicine, Law, and Ethics: An Introduction – Khoshbin

Econ 1385 Introduction to Global Health and Population – Bloom

Econ 2460 Health Economics Workshop – Cutler, Field, and Newhouse

Eng-Sci 214 Advanced Introduction to Biotechnology

Gen Ed 186 Introduction to Health Care Policy – Richard Gabriel Frank

Gen Ed 187 The Quality of Health Care in America – Berwick, Blumenthal, Hiatt and Slack

Hlthpol 3040hf Research Seminar in Health Policy – B. Katherine Swartz

His Stu A-34 Medicine and Society in America – Brandt

History of Science 244 Research in the History of Medical Ethics

Philosophy 176 Topics in Bioethics
Psy 987c Multidisciplinary Perspectives on Drug Policy – Alfonso Caramazza
Q Reas 24 Health Economics and Policy – Cutler
Soc Anal 76 Global Health Challenges – Murray
Soc 160 Medicine, Health Policy and Ethics in Comparative Perspective – Del Vecchio Good
Soc 162 Medical Sociology – Del Vecchio Good
Soc-Std 98ho Health Care in the US: Vulnerable Populations, Policy, and the Market
SciB47 Molecules of Life Jon Clardy and Stuart Schreiber

HARVARD BUSINESS SCHOOL

1660 Entrepreneurship and Venture Capital in Health Care – Hamermesh and Higgins
2105 Innovating in the Health Service Provider Sector – Regina E. Herzlinger
2107 Commercializing Science and High Technology – Lee Fleming
2115 Innovating in Medical Technology – Regina E. Herzlinger and Francois J. Maisonrouge
2185 Innovating in Health Care – Regina E. Herzlinger
2190 Managing Health Care Technology and Operations – Richard Bohmer

HARVARD DIVINITY SCHOOL

2828 Religion and Biomedical Ethics: Suffering, Compassion and Care – Green

HARVARD MEDICAL SCHOOL

HC704.0 Introduction to Health Care Policy – Haiden Huskamp
HO701 Medicine, Human Rights and the Physician
HO705.0 Justice, Health, and Genetics – Guenin
MA701 Medical Ethics in Clinical Practice
ME731.0a Longitudinal Clinical Research Seminar/Year 1 Bioethics – Paul Richard Conlin
SM715.0 Seminar in Global Health Equity – Mary-Jo Delvecchio Good

HARVARD SCHOOL OF PUBLIC HEALTH

BIO205 Statistical Methods for Health and Social Policy
BIO205R Statistical Methods for Health and Social Policy Repeat
BIO234 Research Synthesis and Meta-Analysis in Public Health and Medicine
EH278 Human Health and Global Environmental Change
HCM755 Provider Payment Systems and Policy
HPM205 Economic Analysis for Public Health – Roberts
HPM208 Health Care Regulation and Planning – K. Swartz
HPM209 Economics for Health Policy
HPM211 Capstone Course in Law and Public Health
HPM212 Program Evaluation in Health Policy
HPM213 Public Health Law – M. Mello
HPM215 Health Care Law and Policy – D. Studdert
HPM217 Advanced Topics in Health Law and Policy
HPM227 The Economics of Health Policy (Cross-listed at KSG as HCP-272) – J. Newhouse
HPM228 Intro to the New American Health Care System: Law, Policy, Management – Moseley
HPM235 Managed Care Policy Issues – N. Turnbull, J. Levin-Scherz

HPM243 Health Economics: Economic Analysis of the Health Care System – Hsiao
 HPM246 Seminar in Health Policy
 HPM247 Political Analysis and Strategy for U.S. Health Policy – R. Blendon
 HPM255 Payment Systems in Healthcare – Turnbull and Quigley
 HPM275 Health Policy Issues: Access to Dental Services – Douglass
 HPM276 Survey of Methods in Health Services Research
 HPM277 Current Issues in Health Policy – A. Epstein, T. Komaroff
 HPM292 Research Ethics – Brennan
 HPM516 Quality Improvement in Health Care – Leape and Schneider
 HPM524 Racial and Ethnic Disparities in Health: Historical and Contemporary Issues
 ID242 Politics and Strategies for Change in Health Policy – Blendon
 ID250 Ethical Basis of the Practice of Public Health – D. Wikler
 ID251 Ethical Basis of the Practice of Public Health: Health Care Delivery
 ID261 Practice of Health Care Management
 ID262 Introduction to the Practice of International Health – Cash
 ID272 Financing Health Care in Developing Countries – Y. Liu and W. Hsiao
 ID274 Oral Health Policy Research Seminar (HDS OHPE-222) – Douglass and Joshipura
 ID292 Justice and Resource Allocation – Norman Daniels
 ID506 Theory and Practice of Public Health in the United States – Koh and Walker
 ID513 Ethics and Health Disparities – Norman Daniels
 NUT209 Seminars in Food Science and Technology
 PIH214 Health, Human Rights, and the International System – S. Marks
 PIH218 Health and Human Rights: Concepts and Methods for Public Health – S. Gruskin
 PIH239 Policy Implementation & Management of Health Programs – Mitchell and Bossert
 PIH244 Health Sector Reform: A Worldwide Perspective – T. Bossert
 PIH265 Ethical Issues in International Health Research – R. Cash and D. Wikler
 PIH269 Applied Politics & Economics I: Political Economy of International Health – M. Reich
 PIH270 Policy Analysis and Implementation of IH Reform – T. Bossert
 PIH283 Pharmaceutical Policy and Global Health – Michael R. Reich
 PIH288 Issues in Health and Human Rights – S. Marks
 PIH293 Individual and Social Responsibility for Health – D. Wikler
 PIH294 International Health Economics I – D. Canning
 PIH295 International Health Economics II – W. Yip and A. Mahal
 PIH525 Econometrics for Health Policy – Mahal and Yip
 RDS201 Pharmacoeconomics – Neumann
 RDS280 Decision Analysis for Health and Medical Practices
 RDS282 Cost-Effectiveness and Cost-Benefit Analysis for Health Program Evaluation
 RDS283 Evaluation of Benefit-Cost Analysis in Public Health and Environmental Policy
 RDS285 Decision Analysis Methods in Public Health and Medicine
 SHH291 Policy Analysis Methods for Public Health
 SHH296 Leadership in Minority Health Policy
 SHH298 Issues in Minority Health Policy

CAMMANN INTERFACULTY RETREAT ON HEALTH POLICY AND BIOETHICS

June 8-10, 2006

Cranwell Resort, Lenox, Massachusetts

Agenda

Thursday, June 8

7:00-8:00 p.m. Reception - *Music Room*

8:00 p.m. Dinner - *Sunroom*

Friday, June 9

All Panels in Berkshire Meeting Room

8:30-9:00 a.m. Continental Breakfast - *Berkshire Foyer*

9:00-9:30 a.m. Introduction

Dan Brock, Einer Elhauge

9:30-10:30 a.m. Panel 1

*David Blumenthal, HMS
Joseph Newhouse, HMS, KSG
Einer Elhauge, HLS
Dan Brock, HMS*

10:30-11:00 a.m. Break

11:00 a.m.-12:15 p.m. Panel 2

*Dan Carpenter, FAS
Regina Herzlinger, HBS
Meredith Rosenthal, HSPH
Mildred Zeldes Solomon, HMS*

12:30-2:00 p.m. Lunch - *Rose Terrace*

*David Blumenthal, Joseph Newhouse --
Interdisciplinary Collaborations at Harvard*

2:00-3:15 p.m.	Panel 3 <i>Norman Daniels, HSPH Richard Hamermesh, HBS David Studdert, HSPH Robert Truog, HMS Elizabeth Warren, HLS</i>
3:15-3:45 p.m.	Break
3:45-5:00 p.m.	Panel 4 <i>David Grabowski, HMS Frances Kamm, KSG Anup Malani, HLS Daniel Wikler, HSPH</i>
7:30 p.m.	Cocktails and Dinner - <i>Boardroom, Sunroom</i>

Saturday, June 10

All Panels in Berkshire Meeting Room

8:30-9:00 a.m.	Continental Breakfast - <i>Berkshire Foyer</i>
9:00-10:15 a.m.	Panel 5 <i>Amitabh Chandra, KSG Nir Eyal, HMS Steven Joffe, HMS Charles Nesson, HLS</i>
10:15-10:45 a.m.	Break
10:45 a.m.- 12:00 p.m.	Panel 6 <i>Marcia Angell, HMS Sofia Gruskin, HSPH Michelle Mello, HSPH David Rosenberg, HLS Sadath Sayeed, HMS</i>
12:00-2:00 p.m.	Working Lunch/Planning Session
2:00 p.m.	Adjourn



THE JOSEPH H. FLOM GLOBAL HEALTH AND HUMAN RIGHTS INITIATIVE AT HARVARD LAW SCHOOL

CONCEPT/MISSION

Global health has become the focus of international political attention as infectious diseases (HIV/AIDS, SARS and avian flu) have overwhelmed national borders and budgets. Humanitarian catastrophes, both natural (the 2005 tsunami) and man-made (the Darfur genocide), and chronic epidemics (obesity or tobacco-related) also have served to generate renewed interest in matters of global health. Governments, intergovernmental agencies and many non-governmental organizations are coming to recognize the efficacy of coordinated strategies and cooperative action in addressing health concerns that transcend national boundaries. **Human rights** can provide a coherent and effective framework for international solutions. Virtually every nation is party to at least one international health-related human rights treaty that makes its government accountable for promoting and protecting the health of its population.

A combined approach to global health and human rights targets the causes and effects of disease and disaster. Such an approach might examine whether the burden of illness is undermining a country's development efforts and propose solutions consonant with human rights obligations. It might study the underlying determinants of illness—poor health systems, lack of sanitation and clean water, malnutrition, poverty—and develop strategies to alleviate those conditions. Or it might consider how the behavior of non-state actors, such as pharmaceutical companies and health professionals, can promote global health and rights or hinder their enjoyment.

These are but some of the myriad ways that global health concerns can be framed, analyzed and addressed through human rights. Although this field has been evolving over the past 20 years, much remains to be done to promulgate and implement global norms and standards. Working in collaboration, the Human Rights Program and the Petrie-Flom

Center for Health Law Policy, Biotechnology and Bioethics are well-positioned to inject a legal perspective with the potential to offer an unparalleled contribution to the articulation and application of global public health and human rights norms. Recognizing that the field of global health and human rights is far from settled, this joint initiative would pursue no predetermined agenda nor would it advocate for any particular political outcome. Rather, the initiative would promote academic research as well as engagement in practical measures related to that research in the field of human rights and health law, policy, and practice.

PROGRAM STRUCTURE: The Global Health and Human Rights Initiative will be conducted through a partnership between the Human Rights Program and the Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics at Harvard Law School.

The *Human Rights Program* is an academic and clinical program that seeks to give impetus and direction to international human rights work at Harvard Law School. Now entering its twenty-second year, the Program fosters course work and participation of students in human rights activities through its summer internships, clinical work, speaker series, applied research and scholarship. The Program brings into the law school the worldwide problems of the powerless and abused, problems at the core of much internal and international conflict. It forges cooperative links with a range of human rights organizations in this country and abroad, and works closely with student organizations. The Human Rights Program plans and directs international conferences and roundtables on human rights issues, and publishes reports and scholarship resulting from them. It also develops and supervises student clinical work, advises students wishing to conduct research projects with human rights organizations, and provides counseling on careers in the field. The Human Rights Program is chaired by Ryan Goodman, J. Sinclair Armstrong Assistant Professor of International, Foreign, and Comparative Law and directed by James Cavallaro, Clinical Director and Clinical Professor of Law, and Mindy Jane Roseman, Academic Director.

The *Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics* is a new interdisciplinary research program at Harvard Law School, launched in the fall of 2005. The Petrie-Flom Center is dedicated to the scholarly research of important issues about the intersection of law and health policy, including issues of health care financing and market regulation, biomedical research, and bioethics. The Center plans to sponsor research fellows, fund research projects, hold conferences and workshops, and disseminate scholarship through a website, newsletter and perhaps a new academic journal. The Petrie-Flom Center is led by faculty director Einer Elhauge, Carroll and Milton Petrie Professor of Law, and executive director Barbara Fain.

PROJECTS AND ACTIVITIES: The core mission of the project will be carried out through a joint fellowship program, annual conferences, and research projects.

Global Health Fellows—The Initiative will sponsor a fellow with expertise in global health and human rights. This will be a full-time, residential fellowship for a one or two year term. Global health fellows will have offices at either the Petrie-Flom Center or the Human Rights Program, and will participate in the intellectual and clinical life of both programs. The role of the fellow will be to lead projects on global health and human rights and to supervise Harvard Law School students on these projects. Other responsibilities will include the design and planning of annual conferences. Fellows will determine the scope and detail of their work in consultation with the directors of the Human Rights Program and Petrie-Flom Center. The presence of a global health fellow will provide the support and continuity necessary for the Initiative to undertake complex, long-term projects.

Conferences—Each year, the Initiative will plan and host a major conference on global health and human rights. These conferences will build off of the projects of the Global Health Fellow and students, and will convene academics, practitioners, policymakers and leaders from around the world.

Research Projects. The Initiative will also look to fund promising research projects on global health and human rights.

POTENTIAL AREAS OF FOCUS:

- Protection for human subjects in drug trials: examination of the intersection of international ethical codes and human rights.
- Access to life saving medications: elaboration of governmental obligations under international human rights, trade and intellectual property law.
- Health professionals and dual loyalties: research into ethical and legal obligations of health providers in the military and other institutions.
- New biotechnologies: comparison of international, regional and national regulations on the issues presented by biotechnology in the context of human rights and ethics. (e.g., cloning, genetically modified organisms, DNA testing).

GOVERNANCE: Programmatic decisions, including the selection of fellows, will be made by an executive committee comprised of the directors of the Human Rights Program and the Petrie-Flom Center, and subject to the approval of the faculty director of each.