BARRY R. FURROW

Professor of Law and Director, the Health Law Program
Thomas R. Kline School of Law

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EDUCATION J.D. 1971: **Harvard Law School**, Cambridge, Ma.
A.B. 1967: **Harvard College**, Cambridge, Ma.

ACADEMIC EMPLOYMENT

Teaching Areas Health Law, Health Care Regulation, Health Care Liability and Quality, Comparative Health Law, Torts, Patient Safety, Managed Care, Conflicts of Interest in Health Care. Have also taught Law and Medicine, Law and Science, Advanced Torts, Administrative Law, Civil Procedure, Products Liability, U.C.C., Urban Redevelopment.

Present appointments

Professor, Drexel University School of Law
Director, Health Law Program, Drexel Univ. School of Law

ADMINISTRATIVE EXPERIENCE

Widener University School of Law
Interim Dean, July 1, 2000 - January 1, 2001
Dean of Faculty, 1997 - 2001
Director (and founder), the Health Law Institute, 1988 - 2006
Director, Graduate Programs, 1996-97

University of Detroit School of Law
Director (and founder), the Health Law Center, 1982-86

TEACHING APPOINTMENTS

2005-Present Professor of Law; Director, the Health Law Program, Drexel Univ. Earle Mack School of Law
1988-2006: Professor of Law; Director, the Health Law Institute, Widener Univ. School of Law
1982-'88: Professor of Law; Director, Health Law Center; University of Detroit School of Law; Professor, Dept. of Environmental and Industrial Health, School of Public Health, Univ. of Michigan, Ann Arbor (adjunct)
1981-'82: Visiting Professor, Univ. of Michigan Law School, Ann Arbor, Michigan
Professor, Dept. of Environmental and Industrial Health, School of Public Health, Univ. of Michigan, Ann Arbor (adjunct)
1980-'81: Visiting Scholar, Univ. of Michigan Law School, Ann Arbor, Michigan
Lecturer in Law, Residential College, Univ. of Michigan
1977-'81: Professor of Law, Washington College of Law, American University, Washington, D.C.
1975-'77: Assoc. Professor of Law, School of Law, George Mason University, Arlington, Va.
1974-'75: Visiting Asst. Professor, School of Law, Univ. of North Carolina, Chapel Hill, N.C.

NONACADEMIC LEGAL EMPLOYMENT

1972-'74: Associate, *Palmer & Dodge*, Boston, Ma. Civil litigation, town counsel, health law work.
1971-'72: Law clerk to the Justices of the Superior Court of Massachusetts; pre-Law Advisor and Head Resident, Comstock Hall, North House, Radcliffe College, Cambridge, Ma.
Summer '70: Law Clerk, *Preston, Thorgrimson, Starin, Ellis & Holman*, Seattle, Wash.

PROFESSIONAL ACTIVITIES

Honors:
- *Brocher Foundation* Award -- visiting researcher *Brocher Centre,* Geneva Switzerland, 2011.
- Research grant, *Mayday Fund*, research pain management liability issues 2000-03.
- *Merck Visiting Scholar,* Seton Hall Law School, spring 1998.
- Recipient, *Jay Healey Distinguished Health Law Teacher Award*, from the Health Law Section of the American Society of Law, Medicine and Ethics, 1995
- Recipient, *James T. Barnes, Sr. Faculty Award*, Univ. of Detroit School of Law 1987.
- Graduate Study, Law and Economics Institute for Law Professors, Emory Law & Econ. Institute, Hanover, N.H., July, 1984.
- Fellowship, National Endowment for the Humanities Summer Program for Law Professors -- Herbert Morris' seminar, "Topics in Moral and Legal Responsibility," UCLA, Los Angeles, Ca., 1979.
- Member, Drafting Committee, U.S. Consumer Product Safety Commission, Voluntary Safety Standards Project for Chainsaws, 1978-'80 (publicly funded consumer participant).

Editorial Positions

Member, Board of International Advisors, *Medico-Legal Journal of Ireland* (University College Dublin) (2010-present).
Recent Developments Contributor, *Journal of Bioethical Inquiry* (2009-present).
Advisory Board, **Doctor's Digest**, Sept/Oct 2009, *"Best Practices: Patient Safety" (and contributor to this special issue).*
Member, Editorial Board, *Law, Medicine & Health Care* (Editor-in-Chief, 1983-'86)
Advisory Board, *Health Law and Policy Abstracts* (Accepted Paper Series), LSN Subject Matter Journals, Social Science Electronic Publishing, Inc (SSEP) and Social Science Research Network (SSRN).
Reviewer: *Health Affairs; Journal of Health Law Politics, Policy & Law; Journal of the American Medical Association.*

Bar Memberships: Michigan, District of Columbia, Massachusetts, Federal District Court (Mass.)

Board Memberships: Member, *Board of Directors,* **Catholic Health East**, a nonprofit health care system (24 regional health corporations and numerous other health care facilities)(2010-2013); Member, Board of Directors, ACLU Delaware (1997-2005).

Organization Memberships:
American Bar Association
American Society of Law, Medicine, & Ethics
Association of American Law Schools
American Health Lawyers Association
Pennsylvania Bar Association (Health Law Section)
Pennsylvania Bar Institute (Health Law Advisory Committee)

PUBLICATIONS

Books

1. **Health Law** (Hornbook Series, with T. Greaney, S. Johnson, T. Jost, and R. Schwartz), 3nd edition, West Academic Publishing 2014.
2. **Health Law: Cases, Materials and Problems** (with T. Greaney, S. Johnson, T. Jost, and R. Schwartz), 7th edition, West Academic Publishing, 2013.
3. **Health Law: Cases, Materials and Problems (Abridged edition)**(with T. Greaney, S. Johnson, T. Jost, and R. Schwartz), 7th edition, West Academic Publishing 2013.
3. **Teacher's Manual for Health Law: Cases, Materials and Problems** (with S. Johnson, T. Jost, and R. Schwartz), 7th edition, West Academic Publishing, 2013.
4. **Health Care Organization & Finance**, 7th edition, American Casebook Series Paperback 2013.
5. **Bioethics: Health Care Law & Ethics**, 7th edition American Casebook Series Paperback 2013.
6. **The Law of Quality, Patient Safety, and Medical Liability**, 7th edition, American Casebook Series Paperback 2013.
7. **Health Care Reform 2012** (*Supplement* to 6th edition, **Health Law: Cases, Materials and Problems,** with T. Greaney, S. Johnson. T. Jost, and R. Schwartz, West publishing Co.)
8. **Health Law** (with T. Greaney, S. Johnson, T. Jost, and R. Schwartz; Practitioners' Treatise Series, West Publishing Company, 2nd edition, 2000).
9. **Malpractice in Psychotherapy**, D.C. Heath / Lexington Books, 1980.

Law Review Articles

1. Cost Control and the Affordable Care Act: CRAMPing our Health Care Appetite, 13 Nevada L. J. 822 (2013).
2. Uncovering Adverse Events: How Should Regulators Proceed? 18 Medico-Legal Journal of Ireland 84 (2012).
3. Adverse Events and Patient Injury: Coupling Detection, Disclosure, and Compensation, 46 New Eng. L. Rev. 436 (2012).
4. The Patient Injury Epidemic: Medical Malpractice Litigation as a Curative Tool, 4 Drexel L. Rev. 101 (2011).
5. Regulating Patient Safety: The Patient Protection and Affordable Care Act, 159 Univ. Penn. L. Rev. 1727 (2011).
6. The Patient Safety Epidemic: Medical Malpractice Litigation as a Curative Tool, 4 Drexel L. Rev. 1 (2011).
7. Toward Universal Health Care Coverage: The Legacy of Senator Ted Kennedy, 14 N.Y.U. J. Leg. & Public Policy 445 (2011).
8. Patient Safety and the Fiduciary Hospital: Sharpening Judicial Remedies, 1 Drexel L. Rev. 101 (2009).
9. Access to Health Care and Political Ideology: Wouldn't You Really Rather Have A Pony? 29 W. New Eng. L.Rev. 405 (2007).
10. The Problem of the Sports Doctor: Serving Two (Or Is It Three or Four?) Masters, 50 St. Louis Univ. L. Rev 165 (2006).
11. Data Mining and Substandard Medical Practice: The Difference Between Privacy, Secrets, and Hidden Defects, 51Villanova L. Rev._101 (2006).
12. Regulating Patient Safety: Toward a Federal Model of Medical Error Reduction, 12 Widener L.Rev 1_(2005).
13. The Current Medical Liability Insurance Crisis: An Overview of the Problem, Its Catalysts, and Solutions, Third Annual Health Law Colloquium, 13 Annals Health Law_505 (2004).
14. From the Doctor to the System: The New Demands of Health Law, 14 Health Matrix_67(2004).
15. Medical Mistakes: Tiptoeing Toward Safety, 3 Houston J. Health Law & Policy_181 (2003).
16. Pain Management and Provider Liability: No More Excuses, 29 J. Law, Med.& Ethics_28 (2001) (reprinted as Failure to Treat Pain: No More Excuses, TRIAL, Oct. 2002, at 32.)
17. Broadcasting Clinical Guidelines on the Internet: Will Physicians Tune In? 25 Am.J.Law & Med. 403 (1999).
18. Regulating the Managed Care Revolution: Private Accreditation and a New System Ethos, 43 Villanova L. Rev._361 (1998).

19. Doctors' Dirty Little Secrets: The Dark Side of Medical Privacy, 37 Washburn L. J. 283 (1998). Reprinted in Specialty Law Digest: Health Care Law 9 (February 2001).
20. Managed Care Organizations and Patient Injury: Rethinking Liability, 31 Univ. Ga. L.Rev. 419 (1997).
21. Enterprise Liability for Bad Outcomes From Drug Therapy: the Doctor, the Hospital, the Pharmacy, and the Drug Firm, 44 Drake Law Review 377 (1996).
22. Incentivizing Medical Practice: What (If Anything) Happens to Professionalism? 1 Widener Law Symposium Journal 1 (1996).
23. Setting Limits in the Dying Zone: Assisted Suicide, Scarce Resources, and Hard Cases, Conference on Assisted Suicide and Euthanasia: Legal, Medical and Ethical Implications, 72 Univ. Detroit Mercy Law Rev. 902 (1995).
24. Managed Care and the Evolution of Quality, 9 Trends in Health Care, Law & Ethics 36 (Summer 1995).
25. An Overview and Analysis of the Impact of the Emergency Medical Treatment and Active Labor Act, 16 J. Legal Medicine 325 (Fall 1995).
26. Managing Care, Managing Risks: Enterprise Liability and National Health Care Reform, 39 St. Louis L. J. 1 (1994).
27. Forcing Rescue: The Landscape of Health Care Provider Obligations to Treat Patients, 3 Health Matrix 31 (1993).
28. Managed Care and Institutional Liability in the AIDS Context, 3 Courts, Health Sciences & the Law 63 (1991).
29. The Effect of Malpractice Litigation on Access to Specialty Physician Services, 11 J. Leg. Med. 201 (1990) (with Walker and Broyles).
30. Physician Payment Reform: Plugging the Drain, 34 St. Louis Univ. L. Rev. 821 (1990) (Symposium issue). 6
31. The Changing Role of the Law in Promoting Quality in Health Care: From Sanctioning Outlaws to Managing Outcomes, 26 Houston L. Rev. 147 (1989) (Symposium issue).
32. The Ethics of Cost-Containment: Bureaucratic Medicine and the Doctor as Patient-Advocate, 3 Notre Dame J. of Law, Ethics & Pub. Pol'y 187 (1988).
33. Medical Malpractice and Cost Containment: Tightening the Screws, 36 Case Western Reserve L. Rev. 985 (1985-'86) (Symposium issue).
34. Defining Health Law: Toward A Client-Oriented Perspective, 63 University of Detroit L. Rev. 1(1985).
35. Malpractice Revisited: Of Medical Errors, Social Transformations, and Tort Standards, 63 Nebraska L. Rev. 806 (1984).
36. Public Psychiatry and the Right to Refuse Treatment: Toward an Effective Damage Remedy, 19 Harvard Civil Rights - Civil Liberties L. Rev. 26 (1984).
37. Governing Science: Public Risks and Private Remedies, 131 Univ. Penn. L. Rev. 1403 (1983); reprinted in Environmental Law and Economics, Volume II: Pollution, Property and Public Law (2007) (David Campbell and Robert Lee, Editors)
38. Defective Mental Treatment: A Proposal for the Application of Strict Liability to Psychiatry, 58 Boston University L. Rev. 391 (1978).
39. Legislative and Judicial Remedies for Environmental Wrongs, 6 Suffolk University L. Rev. 536 (1972).

Peer-reviewed Journal Articles

1. Pain Management and Liability Issues, 16 Hematol. Oncol. Clin. N. Am. 1483 (2002).
2. "Must Physicians Reveal Their Wounds?" 5 Cambridge Quarterly of Healthcare Ethics 204 (1996).
3. "Quality Control and Medical Malpractice: Current Developments", 21 Journal of Law, Medicine, and Ethics 173 (1993).
4. "The Chainsaw and the Regulator: The Chainsaw Project of the Consumer Product Safety Commission," 17 Law, Medicine & Health Care 78 (1989)
5. "The Problem Approach to the Teaching of Health Law: Peer Review and Cost Containment as an Example," 38 The Journal of Legal Education 535 (1988).
6. "Impaired Children and Tort Remedies: The Emergence of a Consensus," 11 Law, Medicine & Health Care 148 (1983).
7. "Damage Remedies and Institutional Reform: The Right to Refuse Treatment," 10 Law, Medicine

& Health Care 152 (1982).

8. "Diminished Lives and Malpractice: The Courts in Transition," 10 Law, Medicine & Health Care 100 (1982).
9. "The Causes of Wrongful Life Suits: Ruminations on the Diffusion of Medical Technologies," 10 Law, Medicine & Health Care 11 (1981) (reprinted in 88 Case & Comment 28 (1983)).
10. "Iatrogenesis and Medical Error: The Case for Medical Malpractice Litigation," 9 Law, Medicine & Health Care 4 (1981).
11. "The Private Firm as Manager of an Urban Renewal Project," 36 Journal of the American Institute of Planners 120 (1970) (co-author, Samuel Doctors).

Book Chapters

1. Medical Malpractice In Perspective, in **Oxford Handbook of American Health Law** (I. Glenn Cohen, Allison Hoffman, and William M. Sage, eds.), New York: Oxford University Press (forthcoming 2015).
2. "Reforming Medical Malpractice Liability," in **Debates on U.S. Health Care** 189 (Jennie Jacobs Kronenfeld, Wendy E. Parmet, and Mark A. Zezza, eds. 2012).
3. "Promoting Patient Safety in the U.S.," in **Patient Safety, Law Policy and Practice** (J. Tingle and Pippa Bark, Eds. Cavendish Routledge 2011).
4. "Patient Rights and Health Care Providers: The Link Between Health Law and Bioethics," in **Penn Center Guide to Bioethics** (2009)
5. "Work in the American System: Health Insurance as a Source of Job Insecurity," **Efficacia e Diritto del Lavoro** (A. Lyon-Caen and A. Perulli, eds. 2008).
6. "Forcing Rescue: The Landscape of Health Care Provider Obligations to Treat Patients", in **Justice and Health Care: Comparative Perspectives** (Andrew Grubb and Maxwell J. Mehlman, eds., Wiley 1995)
7. "Quality Control and Malpractice," in **Legal Medicine 1994.**
8. "Actions for Wrongful Life," in **Pediatric Forensic Medicine and Pathology**, J.K. Mason, ed., Chapman and Hall Ltd. (1989).
9. "Changing Legal Perspectives in Medical Malpractice," in **New Perspectives in Michigan Medical Malpractice Litigation**, Professional Education Systems (1984).
10. "Products Liability Law in Michigan: An Overview," in **Handling Products Liability Cases in Michigan**, Professional Education Systems (1984).

Book Reviews

1. The Problem of Medical Misadventures: A Review of E. Haavi Morreim's Holding Health Care Accountable, 29 J. Law, Medicine & Ethics 381 (2001).
2. Review, Paul C. Weiler et al., A Measure of Malpractice: Medical Injury, Malpractice Litigation, and Patient Compensation (1993), 19 J. Health Politics, Policy & Law 463 (1994).
3. Guest Review, Cystic Fibrosis and DNA Tests, a review of Office of Technology Assessment, Cystic Fibrosis and DNA Tests: Implications of Carrier Screening (1993), XIX Am. J. Law & Med. 177 (1993).
4. "Medical Genetics and the Law's Response: 'In the Rear and Limping'", a review essay of Elias and Annas, Genetics and the Law(1988) and Andrews, Medical Genetics: A Legal Frontier (1988), 9 J. Leg. Medicine 329 (1988) (with Susan Goldberg).
5. "The Great Arc of Progress Toward Total Justice," a review of Lawrence Friedman's Total Justice, 2 Sociological Forum 585 (1988).
6. "Informed Consent: A Thorn in Medicine's Side? An Arrow in Law's Quiver?," 12 Law, Medicine & Health Care 268 (1984).
7. "The Mental Health System in Crisis: Politics and Rights," a review essay of H. Foley and S. Sharfstein's Madness in Government: Who Cares for the Mentally Ill? and S. Herr, S. Arons, and R. Wallace's Legal Rights and Mental-Health Care, 12 Law, Medicine & Health Care 76 (1984).
8. Behavioral Sciences and the Law (vol. 1, no. 1)", review of the new journal by the same name, 11 Law, Medicine & Health Care 130 (1983).
9. Book Review, Marshall Shapo's A Nation of Guinea Pigs, 1981 Duke Law Journal 878.
10. Book Review, Ivan Illich's Medical Nemesis, 27 Am. Univ. L.Rev. 763 (1978).
11. Book Review, Arnold Porter's The Recovery of American Cities, 1 Intern. School of Law Law Review 221 (1976).

Short writings and editorials

1. Malpractice: Avoid Claims With Confidence,1 Practical Neurology 17 (April 2002)
2. "Health Care Reform: Alive or Dead?" Society of Healthcare Attorneys Newsletter(1996)
3. "What's Wrong With Clinton's Health Care Reforms", Society of Healthcare Attorneys Newsletter Reed Hamilton Memorial Lecture, Hospital Association of Pennsylvania Fall Meeting, Hershey, Pa., October 24, 1993.
4. Training American Law Students in Italy, 3 Italian J. 38 (1990).
5. "The Battle Over Cost Control: What if the Patient is Harmed?" Newsletter of the Michigan Society of Hospital Attorneys, February (1987).
6. "New Technology, Illness Keep Med Mal in Flux," 3 Medical Malpractice: Law & Strategy 1 (1986).
7. "The Body Zone," 13 Law, Medicine & Health Care 260(1985)
8. "The Problem of Civil Commitment: Improving Policy by Generating Data," 13 Law, Medicine & Health Care 283 (1985).
9. "Caring for the Elderly: Striking a Balance," 12 Law, Medicine & Health Care 96 (1984).
10. "Surrogate Motherhood: A New Option for Parenting," 12 Law, Medicine & Health Care 106 (1984).
11. "Will Psychotherapy be Transformed in the 1980's?" 11 Law, Medicine & Health Care 96 (1983)

INVITED PRESENTATIONS (past 4 years listed; earlier years upon request)

1. *ObamaCare for Phy*sicians, Post-Baccalaureate Pre-Medical Program, College of Medicine, Drexel University, Philadelphia, Pa., November 14, 2014.
2. *Enhancing Patient Sovereignty: Decision Aids as the Standard of Care*, Dartmouth Institute, 2014 Summer Institute for Informed Patient Choice (SIIPC), Hanover, NH, June 25-27, 2014.
3. *The Ever Shrinking World of Medical Liability*, 37th Annual Health Law Professors Conference, San Francisco, June 4, 2014.
4. *The Book Contract: Thinking Like a Lawyer*, Regional Meeting, Society of Children's Book Writers and Illustrators (SCBWI), Bettondorf, Iowa, May 12, 2014
5. *The Expanding World of Patient Safety: Regulating to Improve Quality, Reduce Errors, and Narrow Practice Variation*, Pennsylvania Bar Institute, 20th Annual Health Law Institute, Philadelphia, Pa., March 13, 2014.
6. *What Do Law Casebooks Do? Equip Lawyers to Understand History, Core Legal Frameworks, and Forces for Industry Change*, Drexel University School of Law, Philadelphia, Pa., January 31, 2014.
7. *Expansion of Scope of Practice Laws: Liability Issues*, Loyola University(Chicago) Law School, Chicago, Illinois, November 15, 2013
8. *The Expanding World of Patient Safety: Regulating to Improve Quality, Reduce Errors, and Narrow Practice Variation*, Pennsylvania Bar Institute, 20th Annual Health Law Institute, Philadelphia, Pa., March 13, 2014.
9. *Non-Profit Hospital Boards and the Affordable Care Act: Hospitals as Fiduciaries,* Pennsylvania Bar Institute, 18th Annual Health Law Institute, Philadelphia, Pa. March 13, 2012.
10. *Reducing Hospital Adverse Events: Some Modest Proposals,* Charleston Law School, Charleston, S.C. March 1, 2012
11. *Regulating Patient Safety: The Patient Protection and Affordable Care Act,* University of Georgia School of Law, Athens, Georgia January 27, 2012
12. *Do Patients Really Benefit from the Affordable Care Act?* Center for Law, Health and Society, College of Law, Georgia State University, Atlanta, Georgia, January 25, 2012.
13. *On the Table: An Examination of Medical Malpractice, Litigation, and Methods of Reform,* New England Law School, Boston, Massachusetts, October 20, 2011.
14. *Physician Practice and Liability: the Effect of the Patient Protection and Affordable Care Act*, Pennsylvania Bar Institute (PBI) Program, Philadelphia, Pa. October 18, 2011.
15. *How to Read a Contract*, Fall Conference of the Society of Children's Book Writers and Illustrators, Mackinac Island, Michigan, Sept. 23-25, 2011.
16. *Why the Affordable Care Act Is a Good Idea*, School of Law, University of Montana, April 15, 2011.

17. *The Economic Impact of Health Reform: It's Better Than You Think*, Hamline Law School, St. Paul, Minnesota, April 5, 2011.
18. *Physician Practice and Liability: the Effect of the Patient Protection and Affordable Care Act*, 17th Annual Health Law Institute, Pennsylvania Bar Institute Program, Philadelphia, Pa. March 15, 2011.
19. *The Economic Consequences of the Affordable Care Act*, Lewis & Clark Law School, Portland, Oregon, Feb. 16, 2011.
20. *The Economic Implications of the Affordable Care Act* (keynote address), Symposium, Health Care Law in the Federal Courts, Charleston School of Law, Charleston, So. Carolina, Jan. 28, 2011.
21. *The Shape of the U.S. Health Care System,* Session for Foreign Scholars, University of Pennsylvania, Philadelphia, Pa. October 27, 2010.
22. *Regulating Patient Safety: The Affordable Care Act,* Symposium on the Affordable Care Act, University of Pennsylvania, October 28, 2010.
23. *Can Hospitals First Do No Harm? Accountability for Adverse Events in Health Care,* Physician Assistant Program, Drexel University, Philadelphia, Pa. August 10, 2010.
24. *Patient Safety and Liability: The Effects of Reform*, *33rd Annual Health Law Professors Conference*, University of Texas, Austin, Texas, June 5, 2010.
25. *Health Care Reform in the U.S.: Universal Health Care Within Reach?* The Faculty of Law, University of Oxford, Oxford, U.K., May 10, 2010.
26. *The Evolution of the American Health Care System: From Anxiety to Security, Centre for Social Ethics and Policy,* School of Law, University of Manchester, Manchester, U.K., May 4, 2010.
27. *Reforming the American Health Care System: Is It Universal Health Care?* Wales Medico-Legal Society, *Cardiff Centre for Ethics, Law and Society*, Cardiff University, Wales, U.K., April 28, 2010.
28. *Reforming the American Health Care System: Are the 2010 Reforms Enough? Centre for Legal Research,* Law School, Nottingham Trent University, Nottingham, U.K., April 16, 2010.