



**15TH ANNUAL SYMPOSIUM
OF THE *JOURNAL OF LAW,
ECONOMICS & POLICY:*
HEALTH CARE
COST, QUALITY, AND
TRANSPARENCY**

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

**LAW &
ECONOMICS
CENTER**



THE JOURNAL OF
**LAW, ECONOMICS
& POLICY**

FRIDAY, NOVEMBER 16, 2018

Friday, November 16

*Founders Hall Auditorium,
All Sessions*

8:00 AM - **REGISTRATION**
8:45 AM *Founders Hall Gallery*

8:50 AM - **WELCOME AND
OPENING REMARKS**

EMILY YU
Editor in Chief, *Journal of Law, Economics and Policy*

GREGORY CONKO
Deputy Director, Law & Economics Center

9:00 AM - **PANEL 1 –
HEALTH CARE
TRANSPARENCY: PRICE
AND QUALITY**

MODERATOR
DAVID A. HYMAN
Professor of Law, Georgetown University Law Center

PANLEISTS
GE BAI
Associate Professor, Johns Hopkins University Carey Business School

THOMAS P. MILLER
Resident Fellow, American Enterprise Institute

JEAN M. MITCHELL
Professor, Georgetown University McCourt School of Public Policy

JACQUELINE POHIDA
Nurse/Health Policy Researcher

Friday, November 16

*Founders Hall Auditorium,
All Sessions*

10:30 AM - **PANEL 2 –
REGULATING HEALTH
CARE: LICENSING
V. MEDICAL
MALPRACTICE**

MODERATOR
BRIDGET C.E. DOOLING
Research Professor, George Washington University
Regulatory Studies Center

PANELISTS
LORENS HELMCHEN
Associate Professor, George Washington University
Milken Institute School of Public Health

DAVID A. HYMAN
Professor of Law, Georgetown University Law Center

MICHAEL I. KRAUSS
Professor of Law, George Mason University Antonin Scalia Law School

KANDIS MCCLURE
Director of Federal Advocacy & Policy, Federation of State Medical Boards

12:00 PM - **LUNCHEON KEYNOTE**
1:30 PM *Founders Hall
Multipurpose Room*

KEYNOTE SPEAKER
THE HONORABLE WILLIAM CASSIDY
United States Senator (R-LA)

Friday, November 16

Founders Hall Auditorium,
All Sessions

1:45 PM -
3:00 PM **PANEL 3 –
WHY DO DRUGS COST
SO MUCH? WHAT (IF
ANYTHING) SHOULD WE
DO ABOUT IT?**

MODERATOR
GREGORY CONKO
Deputy Director, Law & Economics Center

PANELISTS
DAVID A. BALTO
Founder, Law Offices of David A. Balto

JAMES C. CAPRETTA
Resident Fellow and Milton Friedman Chair, American
Enterprise Institute

RANDALL W. LUTTER
Senior Science and Regulatory Advisor, US Food and Drug
Administration

RICHARD MANNING
Partner, Bates White LLP

DANIEL E. TROY
Attorney, and Former Senior Vice President and General
Counsel, GlaxoSmithKline

Friday, November 16

Founders Hall Auditorium,
All Sessions

3:15 PM -
4:45 PM **PANEL 4 –
THE AFFORDABLE
CARE ACT AND THE
FUTURE OF HEALTH
CARE REFORM**

MODERATOR
W. THOMAS HAYNES
Founder and CEO, TBP Solutions, LLC

PANELISTS
MICHAEL F. CANNON
Director of Health Policy Studies, The Cato Institute

SETH J. CHANDLER
Law Foundation Professor of Law and Co-Director,
Health Law & Policy Institute,
University of Houston Law Center

MATTHEW FIEDLER
Fellow, USC-Brookings Schaeffer Initiative on Health
Policy, The Brookings Institution

ALI MOGHTADERI
Assistant Research Professor of Clinical Research and
Leadership, George Washington University School of
Medicine & Health Sciences

4:45 PM -
5:00 PM **CONCLUDING
REMARKS**

EMILY YU
Editor in Chief, *Journal of Law, Economics and Policy*

GREGORY CONKO
Interim Executive Director, Law & Economics Center

5:00 PM -
6:00 PM **RECEPTION**
Founders Hall Gallery

SPEAKER BIOS



GE BAI

Associate Professor
Johns Hopkins University Carey
Business School

Ge Bai joined the Johns Hopkins Carey Business School in 2016. She is an associate professor of accounting in the practice track. Dr. Bai is an expert on health care pricing, cost management, and pharmaceutical supply chain. Dr. Bai has published in leading academic journals including the *New England Journal of Medicine*, *JAMA*, *JAMA Internal Medicine*, *Annals of Internal Medicine*, *Health Affairs*, *Medicare Care Research & Review*, *Decision Sciences*, *Journal of Management Accounting Research*, *Accounting Horizons*, and the *Journal of Business Ethics*. Her work has been widely featured in CBS, CNN, Forbes, Fox News, *Los Angeles Times*, NBC, *New York Times*, NPR, *US News & World Report*, *The Washington Post*, and other media, and used as testimony before the House Ways & Means Committee.

Dr. Bai has a BA in Japanese literature and a BE in mechanical engineering both from Dalian University of Technology; she has an MS in accounting from Eastern Michigan University; and she has a PhD in accounting from Michigan State University.



DAVID A. BALTO

Founder
Law Offices of David A. Balto

David Balto is an antitrust lawyer with over thirty years of experience in the federal government and private practice. From 1998 to 2001, he served as the policy director of the Bureau of Competition for the Federal Trade Commission, and from 1995 to 1997 he was attorney advisor to Chairman Robert Pitofsky. He led the successful consumer opposition to the proposed health insurance mergers of Anthem and Cigna, and Aetna and Humana, which were blocked in federal court. Mr. Balto is nationally known for his expertise in competition policy, especially health care and drug price competition.



MICHAEL F. CANNON

Director of Health Policy Studies
The Cato Institute

Michael F. Cannon is the Cato Institute's director of health policy studies. Mr. Cannon has been described as "an influential health-care wonk" (*Washington Post*), "ObamaCare's single most relentless antagonist" (*New Republic*), "ObamaCare's fiercest critic" (*The Week*), and "the intellectual father" of *King v. Burwell* (*Modern Healthcare*). He has appeared on ABC, BBC, CBS, CNN, CNBC, C-SPAN, Fox News Channel, and NPR. His articles have been featured in the *Wall Street Journal*; the *New York Times*; *USA Today*; *The Washington Post*; the *Los Angeles Times*; the *New York Post*; the *Chicago Tribune*; the *Chicago Sun-Times*; the *San Francisco Chronicle*; *SCOTUSBlog*; and *Huffington Post*; as well as numerous academic journals. Mr. Cannon is the coeditor of *Replacing Obamacare: The Cato Institute on Health Care Reform* and coauthor of *Healthy Competition: What's Holding Back Health Care and How to Free It*. Previously, he served as a domestic policy analyst for the US Senate Republican Policy Committee, where he advised the Senate leadership on health, education, labor, welfare, and the Second Amendment.

He holds a BA from the University of Virginia, and an MA in economics and a JM in law and economics from George Mason University. He is a member of the Board of Advisors of *Harvard Health Policy Review*.



JAMES C. CAPRETTA

Resident Fellow and Milton Friedman
Chair
American Enterprise Institute

James C. Capretta is a resident fellow and holds the Milton Friedman chair at the American Enterprise Institute, where he studies health care, entitlement, and US budgetary policy, as well as global reform trends in aging, health, and retirement programs.

Mr. Capretta has three decades of experience as a senior analyst of US health care, entitlement, and fiscal policy. From 2001 to 2004, he served as an associate director at the White House Office of Management and Budget, where he had lead responsibility for health care, Social Security, education, and welfare programs.

Mr. Capretta's articles have appeared in numerous print and online publications. He is a regular columnist at *RealClearPolicy*.

Mr. Capretta has an MA in public policy studies from Duke University and BA in government from the University of Notre Dame.



THE HON. WILLIAM CASSIDY

United States Senator (R-LA)

Dr. Bill Cassidy is the United States Senator for Louisiana.

Senator Cassidy grew up in Baton Rouge, Louisiana and attended Louisiana State University (LSU) for undergraduate and Medical School. For nearly three decades, he has provided care for uninsured and underinsured patients in Louisiana's charity hospital system. During this time, he co-founded the Greater Baton Rouge Community Clinic, a clinic providing free dental and health care to the working uninsured. In the wake of Hurricane Katrina, he led a group of health care volunteers to convert an abandoned K-Mart building into an emergency health care facility, providing basic health care to hurricane evacuees.

In 1990, he joined LSU Medical School teaching medical students and residents at Earl K. Long hospital, a hospital for the uninsured. In 2006, he was elected to the Louisiana State Senate. In 2008, he was elected to the United States House of Representatives to represent Louisiana's Sixth Congressional District.

In 2014, he was elected to the US Senate. He serves on the Health, Education, Labor & Pensions (HELP), Energy and Natural Resources, Finance, Veterans Affairs, and Joint Economic Committees.



SETH J. CHANDLER

Law Foundation Professor of Law
and Co-Director, Health Law & Policy
Institute
University of Houston Law Center

Professor Chandler earned his undergraduate degree *summa cum laude* from the Woodrow Wilson School of Public and International Affairs of Princeton University and a JD from Harvard Law School, where he served as managing editor of the *Harvard Law Review*. Professor Chandler specializes in insurance law and related fields such as health law, economic analysis of law, and contract drafting. He has taught at the University of Houston Law Center for eight years, winning the university-wide Teaching Excellence Award in 1995. He was previously engaged in private practice at Munger, Tolles & Olson in Los Angeles, California and Williams & Connolly in Washington DC.

Professor Chandler has authored several articles on insurance law. He has also pioneered use of the Mathematica computer language in the economic analysis of law. His work in progress focuses on use of advanced mathematical methods to study laws relating to insurance underwriting.

SPEAKER BIOS



BRIDGET C.E. DOOLING

Research Professor
George Washington University
Regulatory Studies Center

Bridget C.E. Dooling is a research professor with the GW Regulatory Studies Center. Previously, she was a deputy chief, senior policy analyst, and attorney for the Office of Information and Regulatory Affairs (OIRA) at the US Office of Management and Budget (OMB). She was OMB's voting member of the Administrative Conference of the United States. While at OIRA, Professor Dooling also taught a course on regulation at George Mason University's law school. Professor Dooling's earlier professional experience includes a clerkship for an administrative law judge at the US Department of Labor and positions in the Antitrust Division of the US Department of Justice, a US airline's legal department, and the economics team at an aviation trade association.

Professor Dooling is a regular contributor to the *Yale Journal on Regulation's Notice & Comment* blog. She is a member of the American Bar Association's Administrative Law and Regulatory Practice. She also actively participates in the Food & Drug Law Institute, having served as vice chair of the editorial board of the *Food & Drug Law Journal* and now serving on the editorial board of the institute's bi-monthly *Update* magazine. In law school, Professor Dooling was the editor-in-chief of the *Federal Circuit Bar Journal*.



MATTHEW FIEDLER

Fellow, USC-Brookings Schaeffer
Initiative on Health Policy
The Brookings Institution

Matthew Fiedler is a fellow with the Center for Health Policy in Brookings' Economic Studies Program. His research examines a range of topics in health care economics and health care policy. Prior to joining the Brookings Institution in January 2017, Dr. Fiedler served as Chief Economist of the Council of Economic Advisers, where he oversaw the Council's work on health care policy, including implementation of the Affordable Care Act's health insurance expansions and health care delivery system reforms. Dr. Fiedler currently serves on a technical review panel for the Congressional Budget Office's health insurance simulation model.

Dr. Fiedler holds a PhD in economics from Harvard University and a BA in mathematics and economics from Swarthmore College.



W. THOMAS HAYNES

Founder and CEO
TBP Solutions, LLC

W. Thomas Haynes is owner and CEO of three separate start-up companies, Eagle Health Plans, LLC, a specialty provider of self-funded group health solutions for small and medium sized businesses, Hamilton Landing Beverage Advisors, LLC, a consulting firm specializing in the non-alcoholic beverage industry, and TBP Solutions, LLC, an Insurance industry and financial services consulting firm. He previously served as executive director of The Coca-Cola Bottlers' Association (CCBA) and general counsel of Coca-Cola North America. At the CCBA, he established an insurance program designed to serve both CCBA members and other small business with trade association and industry affiliations, which reached \$100m in premium equivalent revenues in 27 months and then was sold to a major health industry insurance player.

He also currently serves as Chairman of the Board of the Competitive Enterprise Institute, a globally recognized Washington, DC think tank which is a leading advocate of economic liberty, regulatory reform and sound policy promoting the advancement of free market economics in the US and abroad.



LORENS HELMCHEN

Associate Professor
George Washington University Milken
Institute School of Public Health

Lorens A. Helmchen is an Associate Professor of Health Policy and Management in the Milken Institute School of Public Health at The George Washington University.

He applies microeconomic theory and econometric methods to study innovation in provider payment, health insurance benefit design, physician performance, and diagnostics.

Dr. Helmchen's research has been published in *Health Affairs*, *Health Services Research*, *Health Care Management Review*, *Journal of Health Economics*, the *Proceedings of the National Academy of Sciences*, and others, and featured on National Public Radio, in the *New York Times*, and *Bloomberg BusinessWeek*. His research has been funded by the Agency for Healthcare Research and Quality, the Medicaid and CHIP Payment and Access Commission, the Robert Wood Johnson Foundation, the American Cancer Society, the George Washington University Cancer Center, the Inova Translational Medicine Institute, and the American Society for Healthcare Risk Management.

Dr. Helmchen earned an MA in economics from Humboldt University, Berlin, and holds a PhD in economics from The University of Chicago.



DAVID A. HYMAN

Professor of Law
Georgetown University Law Center

David A. Hyman is a professor of law at Georgetown University Law Center where focuses his research and writing on the regulation and financing of health care. He teaches or has taught health care regulation, civil procedure, insurance, medical malpractice, law & economics, professional responsibility, and tax policy.

He is the co-author (with Charles Silver) of *Overcharged: Why Americans Pay Too Much for Health Care* (Cato institute, 2018). His articles have been published in the *Journal of Empirical Legal Studies*, the *Yale Journal of Law & Technology*, the *NYU Journal of Law & Liberty*, and the *Journal of Health Economics*, among others.

Prior to joining the Georgetown faculty, Professor Hyman worked at Mayer Brown in Chicago, and taught at the University of Maryland, Baltimore and the University of Illinois.

He earned his MD, JD, and BA degrees at The University of Chicago.



MICHAEL I. KRAUSS

Professor of Law
George Mason University Antonin
Scalia Law School

In 1994, professor of law Michael I. Krauss became the George Mason University law school's first recipient of the university's "Teacher of the Year" award for his engaging and challenging approach in the classroom. At a national level in 2010, he was nominated for Best Law Teacher by the Institute for Law Teaching and Learning. He has been teaching at George Mason since 1987 and also has taught at the law schools of Seattle University, the University of Toronto, and the Université de Sherbrooke in Canada. Born in the US but raised in Canada, Professor Krauss earned his BA *cum laude* from Carleton University, his LLB *summa cum laude* from the Université de Sherbrooke, and his LLM from Yale Law School. He was Columbia University's Law and Economics Fellow in 1981.

Hired as a law clerk by Justice Louis-Philippe Pigeon of Canada's Supreme Court, Professor Krauss practiced law for Quebec City's largest law firm before entering academia. He also served for five years on Quebec's Human Rights Commission. A Salvatori Fellow of the Heritage Foundation and an Academic Fellow of the Foundation for the Defense of Democracy, Professor Krauss sits on the advisory boards of several other think tanks. He or his op-eds have appeared in varied electronic media, as well as in a wide array of newspapers.

SPEAKER BIOS



RANDALL W. LUTTER

Senior Science and Regulatory
Advisor
US Food and Drug Administration

Randall Lutter is Senior Science and Regulatory Advisor at the US Food and Drug Administration, where he provides policy making, program direction, coordination, liaison, and expert advice to agency leadership and programs in support of FDA's science-based regulatory work. He is also a professor of public policy at the Frank Batten School of Leadership and Public Policy at the University of Virginia. He has previously served the FDA as deputy commissioner for policy, as well as serving as senior economist for the environment and regulation at the President's Council of Economic Advisers, and as senior economist at the federal Office of Management and Budget.

He has previously taught economics at the State University of New York at Buffalo and at American University, and written about various regulatory topics while at Resources for the Future, the American Enterprise Institute, and the AEI-Brookings Joint Center for Regulatory Studies.

Dr. Lutter's research interests span a range of regulatory issues including the benefits and costs of federal regulation, food safety and nutrition, genetically engineered animals, and air pollution. He earned his PhD (in economics) and his MA at Cornell University, and his BA at the University of California, Berkeley.



RICHARD MANNING

Partner
Bates White LLP

Richard Manning has an extensive background providing analysis and thought leadership on issues facing the pharmaceutical, biotechnology, and healthcare industries. Dr. Manning has provided deposition testimony, served as consulting expert, and prepared reports and papers on various matters in healthcare and biopharmaceuticals. His career includes 14 years as an executive at multinational pharmaceutical companies, where he led economic analysis and strategy development to shape practices related to emerging business concerns.

Prior to joining Bates White, Dr. Manning was an executive director at Merck & Co., Inc. where he oversaw economic analysis and strategy relative to challenges affecting pricing and reimbursement and intellectual property protection in worldwide markets. Previously, he was a senior director at Pfizer, Inc. for 12 years. In addition, Dr. Manning was a director in the Advisory Strategy Group at Pricewaterhouse Coopers.

Dr. Manning was an economics professor at Brigham Young University and a visiting professor in the Graduate School of Business at The University of Chicago.



KANDIS MCCLURE

Director of Federal Advocacy & Policy
Federation of State Medical Boards

Kandis McClure is the Director of Federal Advocacy & Policy at the Federation of State Medical Boards (FSMB). The FSMB plays a crucial role in advocating for federal and state policies that positively impact the health and safety of patients and the medical regulatory system, as well as providing legislative, legal, and communications services to assist its member medical boards and partner organizations.

Prior to joining the FSMB, Ms. McClure was an associate and policy advisor at Brownstein Hyatt Faber Schreck in Las Vegas. She earned her JD at the University of Nevada-Las Vegas William S. Boyd School of Law. Ms. McClure also holds a master's degree in public health and global health leadership from the Keck School of Medicine of the University of Southern California and a BS in biology from the University of Missouri-Columbia.



THOMAS P. MILLER

Resident Fellow
American Enterprise Institute

Thomas Miller is a resident fellow at the American Enterprise Institute (AEI), where he studies health care policy, including regulatory barriers to choice and competition, market-based alternatives to the Affordable Care Act, health care litigation, and the political economy of health care reform. A former senior health economist for the Joint Economic Committee in Congress, Mr. Miller was previously a trial attorney, journalist, and sports broadcaster.

Mr. Miller is the coauthor of the bestseller *Why Obamacare Is Wrong for America* (HarperCollins, 2011), the first in-depth examination of the impact of the Affordable Care Act. His analyses and commentary have been published and featured widely in peer-reviewed publications and in the popular press. Mr. Miller has also testified before Congress on the uninsured, health care costs, Medicare cost sharing, high-risk pools, health care competition, health insurance tax credits, the individual mandate, genetic information, Social Security, and the federal reinsurance of catastrophic events, among others.

Mr. Miller has a JD from the Duke University School of Law and a BA in political science from New York University.



JEAN M. MITCHELL

Professor
Georgetown University McCourt
School of Public Policy

Jean M. Mitchell is an economist and professor in the McCourt School of Public Policy. Her areas of expertise are health economics, health services research, and applied econometrics. Nearly all of Dr. Mitchell's research is supported by external grant funding. She has served as the principal investigator or co-investigator on several grants funded by either the federal government or non-profit organizations. Dr. Mitchell has published more than 90 peer reviewed articles in leading economics, health services research, and medical journals.

In the early 1990s, Dr. Mitchell served as the principal researcher of a large scale study to evaluate the impact of physician self-referral arrangements on use of services, costs, access, and quality of health care in Florida. This study was mandated and funded by the Florida legislature. Her findings, which were published in leading peer review journals such as the *New England Journal of Medicine* and the *Journal of the American Medical Association*, had a major impact on public policy. In response to her study and some other published research, Congress passed a federal law (known as Stark II) which prohibits physicians from referring Medicare and Medicaid patients to health care facilities in which the physician has an ownership interest.



ALI MOGHTADERI

Assistant Research Professor of
Clinical Research and Leadership
George Washington University School
of Medicine & Health Sciences

Dr. Ali Moghtaderi, a health economist, is an assistant research professor in the Department of Clinical Research and Leadership at the School of Medicine and Health Sciences, and in the Department of Health Policy and Management at the Milken Institute School of Public Health, George Washington University (GWU). He joined the GWU community in 2014 as a post-doctoral fellow and became an assistant research professor in 2016.

His primary research interests are health economics, public health policy, and economics of risky behaviors. His research has been published in *Health Affairs*, *Pediatrics*, and *Applied Health Economics and Health Policy*.

Dr. Moghtaderi earned his MA and PhD in economics from the University of Wisconsin, Milwaukee. He also holds an MBA from Mazandaran University of Sciences and Technologies, and a BSc in metallurgical engineering from Sharif University of Technology.

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