

Short C.V., May 2010
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EDUCATION

Brandeis University, Heller Graduate School, Ph.D., 1991.

University of Virginia Law School, J.D., 1982.

Oxford University, B.A., M.A., (Philosophy, Politics and Economics), 1979.

Brown University, B.A., with Honors, Magna Cum Laude, (Analytic Method & Policy), 1977.

ACADEMIC APPOINTMENTS

Principal Appointments

Suffolk University Law School, Boston, MA.

Professor, Fall 2001 to present.

Co-Director, Health Law Concentration, Fall 2001-2005

Indiana University, School of Public and Environmental Affairs, Bloomington, IN. 1992-2001.

Associate Professor

Other Appointments

Tokyo University Law School, Visiting Research Scholar, Fall 2002.

University of Rennes Law School (France). Visiting Professor, Spring 2001.

Centre National de la Recherche Scientifique (CNRS), Research Scholar, Rennes. Fall 2000-01.

University of Paris-V Medical School, Institut d'Etudes des Politiques de Santé. Research Scholar, 2000-01.

Suffolk University Law School, Visiting Professor, Boston, MA, Summer 2000.

Seton Hall University Law School, Merck Health Law Scholar, Newark, NJ. March, 1997.

Chuo University Faculty of Law, Visiting Research Fellow, Tokyo, Japan. Summer 1993.

Tufts University Community Health Program, Lecturer, Medford, MA. Fall 1989-Spring 1991.

Brandeis University, Legal Studies Program, Lecturer, Waltham, MA. Spring 1987, Fall 1988.

PROFESSIONAL EMPLOYMENT

Fordham & Starrett, Attorney/Associate, Boston, MA. 1985-86.

Sullivan and Worcester, Associate, Boston, MA. 1983-84.

GRANTS AND FELLOWSHIPS

Social Science Research Council, Abe Fellowship, 12 months during 2000-2002.

German Marshall Fellowship, August-December 2000.

Fulbright Fellowship, Summer 2001.

Robert Wood Johnson Foundation/Foundation for Health Services Research—Investigator Award, Accountable Health Care: Competing Interests, Goals and Policy Approaches, 1995-1999.

Robert Wood Johnson Foundation
Representing Consumers in Managed Care, 1997-98.

Indiana University RUGS Summer Research Fellowship: Accountable Health Care, 1993.

Pew Health Policy Fellowship, Pew Charitable Trust, Fall 1986 (Tuition and two-year stipend).

Forstman Fellowship, (Support for summer research awarded by the Society of Fellows)
University of Virginia, 1982.

RESEARCH CONTRACTS

Fédération Nationale de la Mutualité Française, Paris, France, 2001-2002
Wrote three reports: 1) Conflicts of Interest in the French Health Care System. 2) Physician Payment in the United States. 3) Influences on Physician Prescribing in The United States: Countering the Role of The Pharmaceutical Industry.

HONORS

Indiana University Teaching Excellence Recognition Award, Spring 2000.

Minkoff Award in Health Economics, (for Ph.D. dissertation), Heller School, Brandeis University, 1991.

PUBLIC SERVICE

National/Governmental

U.S. Supreme Court. Co-organizer, Brief of Health Law, Policy, And Ethics Scholars As *Amici Curiae* in Support of Respondent, *Pegram v. Herdrich*, Fall 2000.

United States Food and Drug Administration, Scientific Advisory Board, Washington, D.C. Special member for policy on conflicts of interest in clinical research. September 9, 1993.

United States Congress, Committee on Ways and Means, Subcommittee on Health, Washington, D.C. Testimony on H.R. 345, a bill to prohibit physician self-referral, April 20, 1993.

National/Organizations

National Partnership for Women and Families. Washington, D.C., Fall 2005.

I wrote a memo that analyzed the impact on health care consumers of proposed regulations that would exempt certain funding of physicians from prohibitions under the Medicare anti-kickback statute and the Stark self-referral law. The memo was the basis of comments submitted by the consumer groups to the administrative agencies. The proposed regulations allowed certain funding or gifts of electronic medical record and prescribing technology.

National Academy of Sciences, Institute of Medicine. Washington, D.C.

- Physicians and Professionalism, Presenter. December 2, 1997.
- National Roundtable on Health Care Quality
Commentator on paper on the role of incentives in quality of care. October 29-30, 1997.
- National Roundtable on Health Care Quality, Managed Care Panel.
Presentation on accountability in managed care. June 13, 1997.
- Resource expert: Choice and Managed Care: Assuring Public Accountability and Informed Purchasing by and on Behalf of Medicare Beneficiaries. February 1-2, 1996.

Consumer Federation of America, Washington, D.C.

White paper on representing consumers in managed care, 1997-1998.

American Bar Association, Commission on the Legal Problems of the Elderly, Washington, D.C. Roundtable on the Resolution of Consumer Disputes in Managed Care. April 25-26, 1997.

Agency for Health Care Policy and Research and Kaiser Family Foundation. Washington, D.C. Invited Expert, Meeting to design survey of health care consumers' information needs. April 15, 1996.

State Government

Indiana Department of Health, Indianapolis, IN.
Task Force on Hospital Antitrust. November-December, 1993.

Organizational Leadership

American Public Health Association, Washington, D.C.
Chair, Health Law Forum, 1996-1998; Program Chair, Health Law Forum, 1993-1996.

Foundation Advisory Boards

Open Society Institute, Program on Medicine as a Profession 1998-2003

Editorial Boards

Journal of Health Politics, Policy and Law, Spring 2000-Spring 2003

American Journal of Law and Medicine, 1995-present

Health Expectations: An International Journal for Participation in Health Care, 1997-present

PUBLICATIONS:

Peer Reviewed Books

Rodwin, Marc A. *Conflicts of Interest and the Future of Medicine: The United States, France and Japan* (November, 2010)

Rodwin, Marc A. *Medicine, Money and Morals: Physicians' Conflicts of Interest*, New York: Oxford University Press (1993); paperback edition (1995). Outstanding Academic Book 1993, *Choice Magazine*

Peer Reviewed Journal Articles

Rodwin, Marc A. 2010. "The Metamorphosis of Managed Care" *Journal of Law, Medicine and Ethics* 38, No. 2: (In Press).

Rodwin, Marc A. 2009. "The Case for Public Ownership of Patient Data." *Journal of the American Medical Association.*" 302, No.1: 86-88.

Rodwin, Marc A., Hak J. Chang, Melissa M. Ozaeta, and Richard J. Omar. 2008. "Malpractice Premiums in Massachusetts: A High-Risk State: 1975 to 2005." *Health Affairs* 27, No 3: 835-844.

Rodwin, Marc A.. 2007. Medical Commerce, Physician Entrepreneurialism, and Conflicts of Interest, *Cambridge Quarterly of Healthcare Ethics* 16, No.4: 387-397.

- Rodwin, Marc A., Hak Chang, and Jeffrey Clausen. 2006. "Malpractice Premiums and Physician Income: Perceptions of a Crisis Conflict with Empirical Evidence." *Health Affairs* 25(3):750-758.
- Rodwin, Marc A. 2004. "Editorial--Are Physician Incentives in the Patients' Interest?" *British Medical Journal*. 328:1328-29 (June 5).
- Rodwin, Marc A. 2001. "The Politics of Evidence-Based Medicine." *Journal of Health Politics and Law* 26(2): 439-446.
- Rodwin, Marc A. and AtoZ Okamoto. 2000. "Physicians' Conflicts of Interest in Japan and the United States: Lessons for the United States" *Journal of Health Politics, Policy and Law* 25(2):343-375.
- Rodwin, Marc A. 1999. "Backlash: Prelude to Managing Managed Care." *Journal of Health Politics, Policy and Law* 24(5): 1115-1126.
- Tai-Seal, Ming, Marc A. Rodwin and Gerrard Wedig. 1999. "Drive Through Deliveries: Where are the 'Savings'?" *Medical Care Research and Review* 56(1):20-46.
- Rodwin, Marc A. 1998. "Conflicts of Interest and Accountability in Managed Care: The Aging of Medical Ethics." *Journal of the American Geriatrics Society* 46(3): 338-341.
- Rodwin, Marc A. 1996. "Consumer Protection and Managed Care: The Need for Organized Consumers." *Health Affairs* 15(3):110-123.
- Rodwin, Marc A. 1995. "Conflicts in Managed Care." *The New England Journal of Medicine* 332(9):604-607.
- Rodwin, Marc A. 1993. "Inside Information and Peer Review: A Legal and Ethical Analysis." *Ethics & Behavior* 3(1):135-147 (Invited Case Comment).
- Rodwin, Marc A. 1992. "The Organized American Medical Profession's Response to Financial Conflicts of Interest: 1890-1992." *The Milbank Quarterly* 70(4):703-741.
- Rodwin, Marc A. 1989. "Physicians' Conflicts of Interest: The Limitations of Disclosure." *The New England Journal of Medicine* 321(20):1405-1408.
- Rodwin, Marc A. 1989. "Preventing AIDS: Self-Interest and Public Spirit." *AIDS and Public Policy Journal* 4(2):131.
- Altman, Stuart H. and Marc A. Rodwin. 1988. "Halfway Competitive Markets and Ineffective Regulation: The American Health Care System." *Journal of Health Politics, Policy and Law* 13(2):323-339. Reprinted in W. Greenberg, ed. 1988. *Competition in the Health Care Sector: Ten Years Later*. Durham: Duke University Press.
- Rodwin, Marc A. 1982. "Can Bargaining and Negotiation Change the Administrative Process?" *Environmental Impact Assessment Review* 3(4):373-86.

Editorially Reviewed Journal Articles

Rodwin, Marc A. 2004. "The Dark Side of a Consumer Driven Health Care System." *Frontier of Health Care Management* (19):31-34.

Rodwin, Marc A. 1997. "The Neglected Remedy: Strengthening Consumer Voice in Managed Care." *The American Prospect* 34 (September/October): 45-50.

Law Review Articles

Rodwin, Marc A. (forthcoming December 2010). "Patient Data: Property, Privacy and the Public Interest." *American Journal of Law and Medicine* 36 (4).

Rodwin, Marc A. 2001. "Consumer Voice and Representation in Health Care." *Journal of Health Law* 34 (2): 223-272..

Rodwin, Marc A. 1999. "Exit and Voice in American Health Care." *Michigan Journal of Law Reform* 32(4):1041-67.

Rodwin, Marc A. 1996. "Protecting Consumers in Managed Care: What are the Issues?" (Lead article, symposium, Consumer protection & managed care) *Seton Hall Law Rev.* 26(3): 1007-1054.

Rodwin, Marc A. 1996. "Consumer Protection and Managed Care: Issues, Reform Proposals, and Trade-Offs." (lead article for a symposium on Non-Financial Barriers to Care) *Houston Law Review* 32(5): 1319-1381.

Rodwin, Marc A. 1996. "The Elusive Quest for Accountable Health Care." (invited article for Symposium on the Doctor, the Patient and the New Health Care Economy and for inaugural issue of journal) *Widener Law Symposium Journal* 1(1):65-88.

Rodwin, Marc A. 1995. "Strains in the Fiduciary Metaphor: Divided Physician Loyalties and Obligations in a Changing Health Care System." (Invited article for a symposium on Conflicts of Interests in Medicine) *American Journal of Law and Medicine* 21(2 & 3):241-257.

Rodwin, Marc A. 1994. "Patient Accountability and Quality of Care: Lessons from Medical Consumerism and the Patients' Rights, Women's Health and Disability Rights Movements." (Invited article) *American Journal of Law and Medicine* 20(1&2):147-167.

Book Chapters (Peer Reviewed)

Rodwin, Marc A. 2011. Patient Appeals as Policy Disputes: Individual and Collective Action in Managed Care, In, *Impatient Voices: Patients as Policy Actors in U.S. Health Care*. (eds., Hoffman, Beatrice Rachael Grob and Mark Schlesinger). New Brunswick: Rutgers University Press.

Rodwin, Marc A. (Under review). Patient Appeals as Policy Disputes. In, *Impatient Voices: Patients as Policy Actors in U.S. Health Care*. (eds., Hoffman, Beatrice Rachael Grob and Mark Schlesinger). New Brunswick: Rutgers University Press.

Rodwin, Marc A. 1996. "Physicians' Conflicts of Interest in HMOs and Hospitals," In *Conflicts of Interest in Clinical Practice and Research* (eds. Roy Spece Jr., David S. Shimm and Allen E. Buchanan) New York: Oxford University Press.

Reports

Rodwin, Marc A. 2000. *Promoting Accountable Managed Health Care: The Potential Role for Consumer Voice* (A Report to Consumer Federation of America, Families U.S.A., and the National Health Law Program). September.

Marc Cohen and Marc Rodwin. 1994. *Consumer Protection in Israeli Health and Nursing Insurance Markets*. JDC/Brookdale Institute, Jerusalem, Israel.

Marc Cohen, Nandu Kumar, Marc A. Rodwin and Stanley Wallack. 1991. *Consumer Protection and Long-Term Care Insurance: A Framework For Analysis and Policy Options*. Waltham: LifePlans.

Rodwin, Marc A. 1986. *Third World Debt and Conservation*. Report for the World Wildlife Fund/Conservation Foundation, Washington, D.C.

INVITED TALKS AND PROFESSIONAL MEETINGS

Over 90 talks in the U.S., Japan, Canada, United Kingdom, France, Germany, Switzerland and Mexico, including:

University of California, University of Chicago, Yale, MIT, RAND, Stanford University, Wharton School, *Institut d'Etudes des Politiques de Santé*, Tokyo University Law School, Wasseda University, York University, National Institutes of Health, American Bar Association, American College of Physicians, American Political Science Association, American Public Health Association, American Society of Law, Medicine and Ethics, American Association of Bioethics, Association for Health Services Research, Hastings Center, Health Care Financial Management Association,.

CONSULTING

Cheon Park And Lynne Park V. Wellstar Health System, Inc. Fulton County, Georgia, C..A. No. 2007-CV-135208. Expert witness on malpractice insurance costs in lawsuit challenging constitutionality of legislation that caps damage awards

Arrington, V. Galen-Med, Inc., D/B/A Lake Area Medical Center, And Healthcare Indemnity, Inc. and the State Of Louisiana, Suit No. 97-4329 Div. B, Calcasieu Parish, Louisiana. Expert witness on malpractice insurance costs in lawsuit challenging constitutionality of legislation that caps damage awards.

Accreditation Council for Continuing Medical Education, Chicago, IL
Consultant, on conflicts-of-interest policies, Spring 2007.

Sorling, Northrup, Hanna, Cullen & Cochran, Ltd., Springfield, IL

Expert witness on duties of medical director and the review process for deciding when it is appropriate to obtain services of physicians outside of the usual provider network.

Ronald J. Cook v. Health Alliance Medical Plans, Inc., 2005-2006.

Corr Cronin, LLP, Seattle, WA

Expert witness on hospital fiduciary obligations in hospital joint ventures with physicians.

Garrett, et al. V. Swedish, et al., 2003-2004.

Tachau, Maddox, Hovious & Dickens, PLC, Louisville, KY

Expert witness on physician self-referral and competition issues in *Opensided MRI of Louisville, L.L.C. v. Stacie L. Grossfeld*, and *Opensided MRI of Louisville v. Ronald Solnosky*, 2002.

Law Offices of George Parker Young, Fort Worth, TX.

Expert witness on financial incentives, utilization review and physician behavior in *Carpenter v. Harris Methodist Health Plan* and *Dawson v. Harris Methodist Health Plan*, 2002

Methodist Hospital, Dallas, TX.

Expert witness in an antitrust lawsuit brought by Methodist Hospital against a physician oncology group. *Methodist Hospital of Dallas v. Physician Reliance Network, Inc et al.* . 1997-1998.

City of Cincinnati, Cincinnati, OH.

Analyzed the conflicts of interest of hospital trustees and filed affidavit. *City of Cincinnati v. University of Cincinnati, et al.* March, 1997.

Baker, Donelson, Bearman & Caldwell, Jackson, MI.

Analyzed hospital conflict of interest policies as part of litigation between the Mary Black Health Care System, LLC and Spartanburg Health Services District (North Carolina). *Nichols et al v. Oddis, Spartanburg County Health Services District, Inc., et al.* 1996-1997.

Johnson, Clifton, Larson and Corson, P.C., Eugene, OR.

Expert witness on physician hospital financial arrangements and physicians' conflicts of interest. *Henslee by Conservator v. Southern Willamette Medical Clinics.* May, 1994.

National Health Policy Forum, Washington, D.C.

Drafted a background paper on physician self-referral and professionalism. 1992-1993.

Brandeis Health Policy Institute, Waltham, MA.

Analyzed New York State regulation of health care providers for a report commissioned by the New York State Department of Public Health. 1991-1992.

LifePlans, Inc., Waltham, MA.

Co-author of a white paper on consumer protection and long-term health care. 1991.

World Wildlife Fund/Conservation Foundation, Washington, D.C.

Assessed links between Third World debt and environmental policy and analyzed policy options including forgiveness of debt in return for land conservation guarantees. 1986.

Blue Cross/Blue Shield Massachusetts, Boston, MA.

Analyzed national trends on HMO finance of medical malpractice insurance and regulatory issues. 1984-1985.