

AMERICAN JOURNAL OF LAW & MEDICINE

Volume 50, Number 3–4 • 2024

ARTICLES

- 149** **Celebrating 70 Years of Health Law at BU** *Christopher Robertson, Elizabeth McCuskey, Aziza Ahmed, Dionne Lomax, Kathy Zeiler, Dianne McCarthy, Laura Stephens, Michael Ulrich, Larry Vernaglia, Danielle Pelfrey Duryea, Nicole Huberfeld, and Kevin Outterson*
- 161** **Just Fix the Damn Payment System!** *Frances H. Miller*
- 168** **Transplantation and Immortality: A Selective History of Boston University's Center for Health Law, Ethics & Human Rights** *George J. Annas*
- 180** **Health Law and Democracy** *Wendy K. Mariner*
- 191** **Skin in the Game: Human Tissue as Property** *Lori Andrews*
- 204** **Informed Consent Forms for Research with Human Subjects: Time to End the Charade** *Leonard H. Glantz*
- 222** **The Evolution of Patient Advocacy: From Rights to Reality** *Heidi B. Kummer*
- 234** **Looking at Law School Healthcare Compliance Programs After Loper-Bright: How We Got Here and Where We Should Go Next** *Jennifer S. Bard*
- 258** **Experiential Learning in Global Health: Engaging with Multilateral Institutions in an Age of Rights Regression** *Caroline Diamond, Laura Ferguson, and Sofia Gruskin*
- 265** **How Torture Became Part of Health Law** *Sondra S. Crosby*
- 279** **The Rise, Fall, and Resurrection of Public Health Law** *Wendy E. Parmet*
- 294** **A Half Century of Change** *Sylvia A. Law*
- 298** **Disability's Role in Health Law** *Mary Crossley*

A Journal of the American Society
of Law, Medicine & Ethics
www.aslme.org



Published by the American Society
of Law, Medicine & Ethics and
Boston University School of Law.
Copyright held by the Trustees of
Boston University.



ISSN: 0098-8588

<https://doi.org/10.1017/amj.2025.12> Published online by Cambridge University Press



CAMBRIDGE
UNIVERSITY PRESS

The American Journal of Law & Medicine (AJLM) is North America's leading health law journal devoted exclusively to the analysis of issues at the nexus of law and medicine. Its broad editorial scope includes health law and policy; updates on significant legal decisions and developments affecting health care; legal, ethical and economic aspects of medical practice, research and education; book reviews; and much more. The editors invite the submission of original manuscripts on medicolegal topics. For details, see the inside back cover.

The American Journal of Law & Medicine is published by Cambridge University Press on behalf of the Trustees of Boston University and the American Society of Law, Medicine & Ethics.

ISSN: 0098-8588

E-ISSN: 2375-835X

Copyright © 2025 by Trustees of Boston University. All rights reserved. No portion of the contents may be reproduced in any form without written permission from the publisher.

Printed in the USA by The Sheridan Group

Editorial Office

American Journal of Law & Medicine, 765
Commonwealth Avenue, Suite 1702, Boston, MA
02215 USA

E-mail: ajlm@bu.edu

Submission Guidelines: For submission guidelines, please contact the editorial office at ajlm@bu.edu or go to cambridge.org/ajlm/submit

Subscribe or Recommend a Subscription to your Librarian: Go to cambridge.org/ajlm/subscribe or email subscriptions_newyork@cambridge.org (in the USA, Canada or Mexico) or journals@cambridge.org (elsewhere).

Copyright and Permissions: To request permission for republishing, reproducing, or distributing material from this journal, please visit the desired article at cambridge.org/ajlm and click "Rights & Permissions." For additional information, please see cambridge.org/about-us/rights-permissions.

Advertising and Reprints: Contact ad_sales@cambridge.org. Acceptance of advertising in this journal in no way implies endorsement of the advertised product or service by Cambridge University Press, the Trustees of Boston University, American Society of Law, Medicine & Ethics or the journal editor(s). We reserve the right to reject any advertising it deems as inappropriate for this journal.

Member Subscription Information: American Society of Law, Medicine & Ethics member inquiries, change of address, back issues, claims, and membership renewal requests should be addressed to Membership Director, American Society of Law, Medicine & Ethics, 765 Commonwealth Avenue, Suite 1704, Boston, MA 02215; telephone: (617) 262-4990 ext. 15. Requests for replacement issues should be made within six months of the missing or damaged issue. Beyond six months and at the request of the American Society of Law, Medicine & Ethics, the publisher will supply replacement issues when losses have been sustained in transit and when the reserve stock permits.

Claims or Change of Address for Non-Members: Should be directed to subscriptions_newyork@cambridge.org (in the USA, Canada or Mexico) or journals@cambridge.org (elsewhere).

Discover the Entire AJLM Back Archive: cambridge.org/ajlm/read

ADMINISTRATIVE OFFICERS OF BOSTON UNIVERSITY SCHOOL OF LAW

ROBERT A. BROWN, Ph.D., PRESIDENT

ANGELA ONWUACHI-WILLIG, J.D., M.Phil., Ph.D., DEAN; PROFESSOR OF LAW

FREDERICK TUNG, J.D., ASSOCIATE DEAN FOR ACADEMIC AFFAIRS; HOWARD ZHANG FACULTY RESEARCH

JAMES E. FLEMING, J.D., Ph.D., ASSOCIATE DEAN FOR RESEARCH AND INTELLECTUAL LIFE AND PROFESSOR OF LAW

KRISTIN COLLINS, J.D., ASSOCIATE DEAN FOR INTELLECTUAL LIFE; PETER PAUL CAREER DEVELOPMENT PROFESSOR; PROFESSOR OF LAW

MARGARET MAISEL, J.D., ASSOCIATE DEAN FOR EXPERIENTIAL EDUCATION, CLINICAL PROFESSOR OF LAW

OFFICERS OF THE AMERICAN SOCIETY OF LAW, MEDICINE & ETHICS

JAIME S. KING, J.D., Ph.D., PRESIDENT

LINDSAY F. WILEY, J.D., M.P.H., IMMEDIATE PAST PRESIDENT

ELLIOT L. SAGALL, M.D. (DEC.), FOUNDER AND FIRST PRESIDENT

AMERICAN JOURNAL OF
LAW & MEDICINE

Volume 50, Number 3–4 • 2024

BOARD OF EDITORS

Faculty Advisors

Nicole Huberfeld, J.D.
Kevin Outterson, J.D., LL.M.
Christopher Robertson, M.A., J.D., Ph.D.
Laura Stephens, J.D.
Kathryn Zeiler, M.S., J.D., Ph.D.
Boston University School of Law

Interim Managing Editor

Nicole Gustas
*American Society of Law,
Medicine & Ethics*

**Faculty Editor-in-Chief
Emerita**

Frances H. Miller, J.D.
Boston University School of Law

Founding Editor

John A. Norris, J.D., M.B.A.
Health Discovery Corp.

EDITORS

Gail B. Agrawal, J.D., M.P.H.
University of Iowa College of Law

David T. Morris, J.D., M.B.A.
AbbVie, Chicago

Michael Baram, J.D.
Boston University School of Law

Joseph P. Newhouse, Ph.D.
Harvard University

Charles H. Baron, LL.B., Ph.D.
Boston College Law School

Irwin N. Perr, M.D., J.D.
University of Washington School of Medicine

Jay A. Gold, M.D., J.D., M.P.H.
MetaStar Inc., Madison

Harvey E. Pies, J.D., M.P.H.
Blue Cross and Blue Shield of Florida

Ernest M. Haddad, J.D.
Boston University School of Law

Arti K. Rai, J.D.
Duke University Law School

Clark C. Havighurst, J.D.
Duke University School of Law

Philip R. Reilly, M.D., J.D.
Third Rock Ventures, LLC

Nathan Hershey, LL.B.
*University of Pittsburgh
Graduate School of Public Health (Retired)*

Marc A. Rodwin, J.D., Ph.D.
Suffolk University Law School

David A. Hyman, M.D., J.D.
University of Illinois College of Law

Mark A. Rothstein, J.D.
*University of Louisville School of Medicine
Institute for Bioethics, Health Policy and Law*

Sheila Jasanoff, J.D., Ph.D.
Harvard University Kennedy School of Government

David S. Szabo, J.D.
Locke Lord

Timothy S. Jost, J.D.
Washington and Lee University School of Law

Linda V. Tiano, J.D.
Healthfirst, Inc.

Stephen Latham, J.D., Ph.D.
*Yale University
Interdisciplinary Center for Bioethics*

Sidney D. Watson, J.D.
Saint Louis University School of Law

Sylvia A. Law, J.D.
New York University School of Law

AMERICAN JOURNAL OF
LAW & MEDICINE

INTERNATIONAL BOARD OF EDITORS

Koichi Bai

*Director, Institute of Medical Humanities
Kitasato University School of Medicine*

JAPAN

M.A.M. de Wachter

*Director, Institute of Bioethics
THE NETHERLANDS*

Erwin Deutsch

*Faculty of Law
University of Göttingen*

GERMANY

Christopher Newdick

*Reader in Health Law
University of Reading*

UNITED KINGDOM

Bernard M. Dickens, Ph.D., LL.D.

*Faculties of Law and Medicine
University of Toronto*

CANADA

Amos Shapira

*Faculty of Law
Tel Aviv University*

ISRAEL

Honorable Justice Michael D. Kirby

*President, Court of Appeal
Supreme Court of New South Wales*

AUSTRALIA

Peter D.G. Skegg

*Faculty of Law
University of Otago*

NEW ZEALAND

AMERICAN JOURNAL OF
LAW & MEDICINE

STUDENT BOARD OF EDITORS
2024-2025

Editor-in-Chief
Ruth Kachatorian

Senior Managing Editor
Adi Caplan-Bricker

Senior Articles Editor
Anderson Riddick

Executive Editor
Hanna Cho

Managing Editors
Marissa Hartz
Taylor Hawkins
Yelitza Montesino

Articles Editors
Mara Lynch
Yixuan (Sherry) Pan

Notes Editors
Ariel Chen
Christopher Durgham
Abigail Pirron

Symposium Editor
André Hanna

Administrative Editor
Jasmine Noh

Staff Editors

Audrey Chu
Nancy Coe
Jack Dunn
Caitlin English
Julien Fenouil
C.J. Hill

Hamid Hoshmand
Sarah Iglesias
Haniyyah Javed
Timothy Johnson
Jacqueline Jordan
Victoria Lee

Bilal Mubarack
Kshithija Mulam
Paloma Ryan
Ellery Robinson
Jacquelin Sheerin-
Weissenberg

Parisa Siddiqui
Lauren Smith
Giffin Werner

Faculty Advisors

Nicole Huberfeld
Kevin Outterson

Christopher Robertson
Laura Stephens

Kathryn Zeiler

AMERICAN JOURNAL OF
LAW & MEDICINE

Volume 50, Number 3-4 • 2024

ARTICLES

- 149 Celebrating 70 Years of Health Law at BU** *Christopher Robertson, Elizabeth McCuskey, Aziza Ahmed, Dionne Lomax, Kathy Zeiler, Dianne McCarthy, Laura Stephens, Michael Ulrich, Larry Vernaglia, Danielle Pelfrey Duryea, Nicole Huberfeld, and Kevin Outterson*
- 161 Just Fix the Damn Payment System!** *Frances H. Miller*
- 168 Transplantation and Immortality: A Selective History of Boston University's Center for Health Law, Ethics & Human Rights** *George J. Annas*
- 180 Health Law and Democracy** *Wendy K. Mariner*
- 191 Skin in the Game: Human Tissue as Property** *Lori Andrews*
- 204 Informed Consent Forms for Research with Human Subjects: Time to End the Charade** *Leonard H. Glantz*
- 222 The Evolution of Patient Advocacy: From Rights to Reality** *Heidi B. Kummer*
- 234 Looking at Law School Healthcare Compliance Programs After Loper-Bright: How We Got Here and Where We Should Go Next** *Jennifer S. Bard*
- 258 Experiential Learning in Global Health: Engaging with Multilateral Institutions in an Age of Rights Regression** *Caroline Diamond, Laura Ferguson, and Sofia Gruskin*
- 265 How Torture Became Part of Health Law** *Sondra S. Crosby*
- 279 The Rise, Fall, and Resurrection of Public Health Law** *Wendy E. Parmet*
- 294 A Half Century of Change** *Sylvia A. Law*
- 298 Disability's Role in Health Law** *Mary Crossley*