

NICOLE HUBERFELD

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ACADEMIC APPOINTMENTS

Boston University, Boston, MA

Edward R. Utley Professor of Health Law, 2021-present

Professor of Law, School of Law, tenured appointment Dec. 2023-present (secondary appointment 2017-2023)

Professor of Health Law, Ethics & Human Rights, Center for Health Law, Ethics & Human Rights, Dept. of Health Law, Policy & Management, School of Public Health, 2017-present

Co-Director, BU Program for Reproductive Justice, 2023-present

Affiliate Faculty, BUSPH Medicaid Policy Lab

Honors: Excellence in Teaching Award, SPH, 2019 (Teaching in the Core) (nominated by students and colleagues); nominee, Melton Teaching Award, BU Law School, 2021 (nominated by students); nominee, Mark Pettit Teaching Award, BU Law School, 2022 (nominated by students); nominee, SPH Faculty Award for Excellence in Research and Scholarship, 2023; nominee, Mark Pettit Teaching Award, BU Law School, 2023 (nominated by students)

Courses: Health Systems, Policy & Law; Public Health Law; Health Law, Bioethics & Human Rights; Health Insurance and the ACA; guest lectures across BU

Select Service: Associate Director, Center for Health Law, Ethics & Human Rights (2021-present); Director, Human Rights & Social Justice Context Certificate; Appointment & Promotion Committee (SPH); HLPM Translation & Dissemination Committee; Co-Chair, Health Law Committee Co-Chair (LAW); Hiring Committee, SPH (Spring 2022; Fall 2022); 1stGen Mentor (SPH)

University of Kentucky, Lexington, KY

Ashland-Spears Distinguished Research Professor, 2015–2017

Professor of Law, 2012–17; Assoc. Professor of Law, 2008-12; Asst. Professor of Law, 2005-08

Bioethics Associate, College of Medicine, 2006–2017

Honors: 2008 Duncan Teaching Award (teaching excellence award); 2010 nominee, Great Teacher Award (university-wide); 2010 nominee, ALI Young Scholars Medal

Courses: Law of American Health Care; Healthcare Organizations & Finance; Bioethical Issues in the Law; Health Law & Policy Seminar; Constitutional Law I; Constitutional Law II

*Select Service: Assoc. Dean for Academic Affairs, 2016-17; Faculty Advisor *Kentucky Law Journal* (2006-15); Faculty Executive Committee (selected by peers to advise Dean); Chair, Faculty Development Committee (equivalent Assoc. Dean for Research) (2012-14)*

Seton Hall Law School, Newark, NJ

Health Law Faculty Fellow (first visiting assistant professor in health law), 2003-05

Founding Director, Health Care Compliance Certification Program, 2003-05

SELECT CITATIONS

- *Nat’l Fed’n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 132 S. Ct. 2566, 2631 n. 13 (2012) (citing *Federalizing Medicaid*)

- *Georgia v. Brooks-LaSure*, No. 2:22-CV-6, 2022 WL 3581859 (S.D. Ga. 2022)) (citing *Federalizing Medicaid*)
- *Texas v. Brooks-LaSure*, No. 6:21-cv-00191, 2021 WL 5154219, at *1 (E.D. Tex. Aug. 20, 2021) (quoting *Federalizing Medicaid*)
- *Smith v. Mahoney*, 150 A.3d 1200, n. 21 (Supreme Court DE, 2016) (citing *Plunging into Endless Difficulties*)
- *Planned Parenthood Gulf Coast v. Kleibert*, 141 F.Supp.3d 604 (M.D. La. 2015) (citing *Bizarre Love Triangle*, and quoting *Where There is a Right, There Must be a Remedy*)
- Notable amicus briefs (citing *Bizarre Love Triangle* – 9):
 - Brief of Former Senior Officials of DHHS as Amici Curiae in Support of Respondent, Health and Hospital Corporation of Marion County v. Talevski, No 21-806 (filed Sep. 23, 2022)
 - Brief of Former HHS Officials as Amici Curiae in Support of Respondents at 20 *Armstrong v. Exceptional Child Ctr., Inc.* (2015) (No. 14-15)
 - Brief Health Law & Policy Scholars and Prescription Policy Choices in Support of Respondents on the Constitutional Validity of the Medicaid Expansion at 37 *Florida v. Dept. of Health and Human Serv.*, Docket No. 11-400 (2012)
 - Brief of Former HHS Officials as Amici Curiae in Support of Respondents at 20 *Douglas v. Indep. Living Ctr. of So. Cal., Inc.*, 132 S. Ct. 1204 (2012) (Nos. 09-958, 09-1158, and 10-283) 2011 WL 3706105
- Petition for Writ of Certiorari, *Arkansas v. Gresham* (filed July 13, 2020)
- Petition for Writ of Certiorari, *Sec’y of the Indiana Family and Social Serv. Admin. v. Planned Parenthood of Indiana, Inc.* at 14 n. 1 (2013) (No. 12-1039) 2013 WL 660665
- Petition for Writ of Certiorari at 18 n. 1 *Indiana Family and Social Serv. Admin. v. Bontrager* (2013) (No. 12-1037) 2013 WL 660664
- Petition for Writ of Certiorari at 28, 33 n. 3, *Kane v. Grammer* (2009) (No. 09-696) 2009 WL 4875833
- CMS Administrator Letters to States Withdrawing Approval of the Community Engagement Requirement (citing *Can Work Be Required in the Medicaid Program?*)

PUBLICATIONS

BOOKS & BOOK CHAPTERS

THE LAW OF AMERICAN HEALTH CARE (Aspen 2016) (with Outterson & Weeks)
 2d Edition (2018) (with Outterson & Weeks)
 3d Edition (2023) (with Weeks, Outterson & Lawrence)

PUBLIC HEALTH LAW, 3d ed. (Carolina Academic Press 2019) (with Mariner, Annas & Ulrich) (4th ed. forthcoming, late 2024)

Federalism, Leadership, and COVID-19: Evolving Lessons for the Public’s Health, in COVID-19 AND THE LAW: DISRUPTION, IMPACT, AND LEGACY (Cambridge U. Press, I. Glenn Cohen et al. eds., 2023)

DAVID K. JONES, *RIPPLES OF HOPE IN THE MISSISSIPPI DELTA* (co-editor, w/Debra Bingham & Sarah Gordon; UNC Press, forthcoming 2024)

American Public Health Federalism and the Response to the COVID-19 Pandemic, in *COVID-19, INTERNAL BORDERS, AND REGIONAL GOVERNANCE* (Beylier & Molinari, eds., 2022) (w/S. Gordon & D.K. Jones)

Disparities in Health Care: The Pandemic's Lessons for Health Lawyers, Ch. 1, *HEALTH LAW WATCH* (2021) (w/D.P. Duryea & R. Yearby)

Lessons Learned: Strengthening Medicaid to Address Health and Economic Emergencies, in *COVID-19 POLICY PLAYBOOK II: LEGAL RECOMMENDATIONS FOR A SAFER, MORE EQUITABLE FUTURE* (2021) (w/S. Watson), https://www.publichealthlawwatch.org/covid-playbook-ii?blm_aid=92786689

Medicaid's Vital Role in Addressing Health and Economic Emergencies, in *ASSESSING LEGAL RESPONSES TO COVID-19* (2020) (w/S. Watson), <https://www.publichealthlawwatch.org/covid19-policy-playbook>

Federalism under the ACA: Implementation, Opposition, Entrenchment, in *THE TRILLION DOLLAR REVOLUTION: HOW THE AFFORDABLE CARE ACT TRANSFORMED POLITICS, LAW, AND HEALTH CARE IN AMERICA* (Ch. 10, w/A. Gluck) (Ezekiel J. Emanuel & Abbe R. Gluck eds., 2020)

Federalism in Health Care Reform, in *HOLES IN THE SAFETY NET: FEDERALISM AND POVERTY* (Ezra Rosser, ed., 2019)

Health Care: Legal Issues, in *INT'L ENCYCLOPEDIA OF SOCIAL & BEHAVIORAL SCIENCE* (2d ed., 2014)

Reproductive Rights (Chapter 14, *PROBLEMS IN HEALTH CARE LAW*, 10th ed., 2013)

Federal Spending and Compulsory Maternity (chapter in *FEMINIST CONSTITUTIONALISM*) (2012)

ARTICLES & ESSAYS

- *High Stakes, Bad Odds: Health Laws and the Revived Federalism Revolution*, 57 U.C. DAVIS L. REV. 977 (2023)
- *A Cross-Cutting Public Law Scholar for the Ages*, 88 U. CHI. L. REV. 1651 (2021) (symposium)
- *Health Equity, Federalism, and Cannabis Policy*, 101 B.U. L. REV. 897 (2021) (symposium)
- *Is Medicare for All the Answer? Assessing the Health Reform Gestalt as the ACA Turns 10*, 20 HOUS. J. HEALTH L. & POL'Y 69 (2020) (symposium)
- *Health Care, Federalism, and Democratic Values*, 45 AM. J. L. MED. 247 (2019) (symposium)
- *Rural Health, Universality, and Legislative Targeting*, 12 HARV. L. & POL'Y REV. 241 (2019) (symposium)
- *What Is Federalism in Health Care For?*, 70 STAN. L. REV. 1689 (2018) (with A.R. Gluck) (Top 10 Employee Benefits Article in *Tax Notes*, 2019)

- *Measuring the New Health Care Federalism on the Ground*, 15 IND. HEALTH L. REV. 1 (2018) (with A. Gluck) (symposium)) (Top 10 Employee Benefits Article in *Tax Notes*, 2019)
- *NFIB v. Sebelius at 5*, 11 U. OF ST. THOMAS J. OF L. & PUB. POL'Y 1 (2018) (symposium key note)
- *Instrumental and Transformative Medical Technologies*, 19 VAND. J. ENT. & TECH. L. 267 (2017) (symposium)
- *Teaching the Law of American Health Care*, 61 ST. LOUIS U. L.J. 401 (2017) (w/ Weeks and Outterson)
- *Health Care and the Myth of Self-Reliance*, 57 B.C. L. REV. 1 (2016) (w/ J. Roberts) (excerpted in GOSTIN, PUBLIC HEALTH LAW & ETHICS, Georgetown University Press; also BRODIE, PASTORE, ROSSER & SELBIN, POVERTY LAW, POLICY AND PRACTICE (2ND ED., 2020))
- *The Universality of Medicaid at Fifty*, 15 YALE J. HEALTH POL'Y, L. & ETHICS 67 (2015)
- *An Empirical Perspective on Medicaid as Social Insurance*, 46 U. TOLEDO L. REV. 545 (2015) (with J. Roberts) (symposium)
- *Medicaid Expansion as Completion of the Great Society*, 2014 U. ILL. L. REV. SLIP OPINIONS 1 (with J. Roberts), <http://www.illinoislawreview.org/slip-opinions/> (solicited)
- *Where There Is a Right, There Must Be a Remedy (Even in Medicaid)*, 102 KY. L. J. 327 (2013) (*Medicaid Matters* symposium)
- *With Liberty and Access for Some: The ACA's Disconnect for Women's Health*, 40 FORDHAM URB. L. J. 1357 (2013) (symposium)
- *Heed Not the Umpire (Justice Ginsburg Called NFIB)*, 15 U. PA. J. CONST. L. HEIGHT. SCRUTINY 43 (2013)
- *Plunging into Endless Difficulties: Medicaid and Coercion in National Federation of Independent Business v. Sebelius*, 93 B.U. L. REV. 1 (w/Weeks & Outterson) (2013) (cited by Delaware Supreme Court)
- *Post-Reform Medicaid before the Court: Discordant Advocacy Reflects Conflicting Attitudes*, 21 ANNALS OF HEALTH L. 513 (2012) (symposium)
- *Challenging the Stakeholders: A Review of Laura Katz Olson*, THE POLITICS OF MEDICAID (2010), 33 J. OF L. MED. 201 (2012)
- *Federalizing Medicaid*, 14 U. PA. J. CONST. L. 431 (2011) (cited by U.S. Supreme Court in *NFIB v. Sebelius*; also 42 U.S.C.A. § 1396 (2014))
- *Conditional Spending and Compulsory Maternity*, 2010 U. ILL. L. REV. 751
- *Bizarre Love Triangle: The Spending Clause, Section 1983, and Medicaid Entitlements*, 42 U.C. DAVIS L. REV. 413 (2008)
- *Clear Notice for Conditions on Spending, Unclear Implications for States in Federal Healthcare Programs*, 86 N.C. L. REV. 441 (2008)
- *Tackling the "Evils" of Interlocking Directorates in Healthcare Nonprofits*, 85 NEB. L. REV. 681 (2007)
- *Pharma on the Hot Seat*, 40 J. HEALTH L. 241 (2007)
- *Be Not Afraid of Change: Time to Eliminate the Corporate Practice of Medicine Doctrine*, 14 HEALTH MATRIX 243 (2004) (cited, *Midtown Medical Group, Inc. v. State Farm Mut. Auto. Ins. Co.*, 206 P.3d 790 (2008))

PEER REVIEWED PUBLICATIONS

- *Introduction: Securing Reproductive Justice After Dobbs*, 51 J. L. MED. & ETHICS 463 (2023) (w/A. Ahmed & L.C. McClain)
- Co-Editor, Symposium: *Seeking Reproductive Justice in the Next 50 Years*, 51 J. L. MED. & ETHICS Issue 3, Fall 2023 (pp. 463-625) (w/A. Ahmed & L.C. McClain)
- *Georgia Pathways—Partial Medicaid Expansion With Work Requirements and Premiums*, 330 J. AM. MED. ASSN. 1225 (2023) (w/S.H. Gordon & M.B. Cole)
- *Making pandemic era Medicaid continuous coverage automatic in future crises*, 2023 HEALTH SERV. RES. 1-4 (w/P. Shafer, et al.)
- *Private Actions to Protect Medicaid Live to See Another Day*, 330 J. AM. MED. ASSN. 411 (online 6/23/23, print Aug. 2023)
- *Medicaid, the Supreme Court, and Safe Care for Nursing Home Residents*, 329 J. AM. MED. ASSN. 17 (online 12/9/22; print Jan. 2023)
- *The Impact of the Affordable Care Act on Cancer Prevention and Cancer Care: Proceedings of a Workshop*, National Academies of Sciences, Engineering & Medicine, Health and Medicine Division; National Cancer Policy Forum; Amankwah, et al., Rapporteurs (2022)
- *Medicaid Waivers, Administrative Authority, and the Shadow of Malingering*, 49 J. L. MED. & ETHICS 394 (2021)
- *Health Care in the Biden Administration's First 100 Days*, JAMA HEALTH FORUM (Dec. 28, 2020), <https://jamanetwork.com/channels/health-forum> (w/P. Shafer)
- *Pursuing Medicaid Block Grants with the Healthy Adult Opportunity Initiative: Dressing Up Old Ideas in New Clothes*, 46 J. HEALTH POL., POL'Y & L. 357 (2020) (w/E.A. Miller & D.K. Jones)
- *Struggle for the Soul of Medicaid*, 48 J. L. MED. & ETHICS 429 (2020) (w/ S. Watson & A. Barkoff)
- *Federalism Complicates the Response to the COVID-19 Health and Economic Crisis: What Can Be Done?*, 45 J. HEALTH POL., POL'Y & L. 951 (2020) (w/ S.H. Gordon & D.K. Jones) (reviewed in *The Penn Regulatory Review*, <https://www.theregreview.org/2020/12/23/chung-federalism-harmed-public-health/>)
- *What Federalism Means for the US Coronavirus Disease 2019 Response*, JAMA HEALTH FORUM (May 8, 2020), <https://jamanetwork.com/channels/health-forum/fullarticle/2766033> (w/ S.H. Gordon & D.K. Jones) (top 5% of papers, *Altimetric* score)
- *Have the ACA's Exchanges Succeeded? It's Complicated*, 45 J. HEALTH POL., POL'Y & L. 661 (2020) (w/ D.K. Jones & S.H. Gordon)
- *Stewart v. Azar and the Purpose of Medicaid: Work as a Condition of Enrollment*, 134 PUB. HEALTH REPORTS 197 (2019)
- *Health Care Federalism and Next Steps in Health Reform*, 46:4 J. L. MED. & ETHICS 841 (2019) (w/A. Gluck)
- *Can Work Be Required in the Medicaid Program?*, 378 NEW ENG. J. MED. 788 (March 1, 2018) (cited in CMS Administrator Brooks-LaSure's Letter to States revoking work requirement waiver approvals)
- *The Supreme Court Ruling That Blocked Providers from Seeking Higher Medicaid Payments also Undercut the Entire Program*, 34 HEALTH AFF. 1156 (2015)

- *Quality Control, Enterprise Liability, and Distintermediation in Managed Care*, 29:3&4 J. L. MED. & ETHICS (2001) (w/ J. Jacobi)

HEALTH AFFAIRS

- *Public Health Messages And The First Amendment: Graphic Warning Labels Struck Down*, HEALTH AFF. FOREFRONT, March 22, 2023 (w/ Gregory Curfman), <https://www.healthaffairs.org/content/forefront/public-health-messages-and-first-amendment-graphic-warning-labels-struck-down>
- *Demonstrating Tension Between State and Federal Power in Medicaid: The Price of Georgia’s Waiver Fight*, HEALTH AFF. FOREFRONT, April 11, 2022, <https://www.healthaffairs.org/doi/10.1377/forefront.20220408.52165>
- *When Should An 1115 Medicaid Expansion Experiment be Approved? Considering The Case Of Georgia Pathways*, HEALTH AFF. FOREFRONT, April 11, 2022, <https://www.healthaffairs.org/doi/10.1377/forefront.20220408.762712> (w/S. Rosenbaum et al.)
- *In Its First 100 Days, The Biden Administration Must Restore the Soul of Medicaid*, HEALTH AFF. BLOG (Jan. 11, 2021) (w/P. Shafer), <https://www.healthaffairs.org/doi/10.1377/hblog20210106.54888/full/>
- *Medicaid Retroactive Eligibility Waivers Will Leave Thousands Responsible For Coronavirus Treatment Costs*, HEALTH AFF. BLOG (May 8, 2020), <https://www.healthaffairs.org/doi/10.1377/hblog20200506.111318/full/> (w/P. Shafer & E. Golberstein)
- *The Problematic Law and Policy of Medicaid Block Grants*, HEALTH AFF. BLOG (July 24, 2019), <https://www.healthaffairs.org/doi/10.1377/hblog20190722.62519/full/> (w/R. Sachs)
- *Decoupling Myths about Employment and Health Insurance*, HEALTH AFF. BLOG (Feb. 8, 2016), <http://healthaffairs.org/blog/2016/02/08/decoupling-myths-about-employment-and-health-insurance/> (w/J. Roberts)
- *Medicaid at 50: From Exclusion To Expansion To Universality*, HEALTH AFF. BLOG (Nov. 14, 2014) (Yale Law School Symposium) <http://healthaffairs.org/blog/2014/11/14/medicaid-at-50-from-exclusion-to-expansion-to-universality/>

OTHER PUBLICATIONS (COMMENTARIES, DIGITAL PUBLICATIONS, ETC.)

- *Abortion rights victories show this issue is unlikely to fade in 2024 elections – 3 things to know*, THE CONVERSATION (Nov. 9, 2023) (w/L.C. McClain), <https://theconversation.com/abortion-rights-victories-show-this-issue-is-unlikely-to-fade-in-2024-elections-3-things-to-know-217249>
- *The End of Public Health? It’s Not Dead Yet*, in THE END OF PUBLIC HEALTH?, HARVARD LAW BILL OF HEALTH (2023), <https://blog.petrieflom.law.harvard.edu/2023/02/27/the-end-of-public-health-its-not-dead-yet/>
- *In first nationwide election since Roe was overturned, voters opt to protect abortion access*, THE CONVERSATION (Nov. 9, 2022) (w/L.C. McClain), <https://theconversation.com/in-first-nationwide-election-since-roe-was-overturned-voters-opt-to-protect-abortion-access-194140> (translated into Portuguese)

- *Returning regulation to the states, and predictable harms to health*, SCOTUSBLOG, June 30, 2022, <https://www.scotusblog.com/2022/06/returning-regulation-to-the-states-and-predictable-harms-to-health/> (symposium on *Dobbs v. Jackson Women’s Health Organization*)
- *Roe overturned: What you need to know about the Supreme Court abortion decision*, THE CONVERSATION, June 24, 2022 (w/L. McClain), <https://theconversation.com/roe-overturned-what-you-need-to-know-about-the-supreme-court-abortion-decision-184692> (translated into Spanish, Italian, and French; available on Noa)
- *Possibilities and Pitfalls of Health Reform Through Budget Reconciliation*, in RECOMMENDATIONS FOR A BIDEN/HARRIS HEALTH POLICY AGENDA, HARVARD LAW BILL OF HEALTH (2021), <https://blog.petrieflom.law.harvard.edu/symposia/recommendations-for-a-biden-harris-health-policy-agenda/>
- *While the US is reeling from COVID-19, the Trump administration is trying to take away health care*, THE CONVERSATION (8/25/2020) (w/ P. Shafer), <https://theconversation.com/while-the-us-is-reeling-from-covid-19-the-trump-administration-is-trying-to-take-away-health-care-142470>
- *National Federation of Independent Business v. Sebelius*, ENCYCLOPEDIA OF FEDERALISM (2018) (w/ D. Jones & E. Miller)
- *Federal-State Tensions in Fulfilling the ACA’s Promises*, CONSTITUTION DAILY (invited), <http://blog.constitutioncenter.org/2013/10/federal-state-tensions-in-fulfilling-the-acas-promises/>
- *After the Health Care Ruling: Medicaid but Not Medicaid*, JURIST (July 27, 2012) (invited), www.jurist.org/forum/2012/07/nicole-huberfeld-nfib-medicaid.php
- *Medicaid in the Supreme Court: Small Errors, Big Problems*, JURIST (April 21, 2012) (invited), www.jurist.org/forum/2012/04/nicole-huberfeld-medicaid.php
- *Viewpoint: Taking Stock of Democracy, Voting, and Health*, Feb. 20, 2020, <https://www.bu.edu/sph/2020/02/20/taking-stock-of-democracy-voting-and-health/>
- *Viewpoint: Texas v. US: Another State-Led Threat to the ACA*, July 22, 2019, <https://www.bu.edu/sph/2019/07/22/texas-v-us-another-state-led-threat-to-the-aca/>

ACS BLOG

- *A Win with the Status Quo for Social Programs*, ACS BLOG (2023), <https://www.acslaw.org/expertforum/a-win-with-the-status-quo-for-social-programs/>
- *Texas v. U.S.: Another Day, Another Threat to the Affordable Care Act*, ACS BLOG (2019), <https://www.acslaw.org/expertforum/texas-v-u-s-another-day-another-threat-to-the-aca/>
- *Work ≠ Health Insurance*, ACS BLOG (2017), <https://www.acslaw.org/expertforum/work-%E2%89%A0-health-insurance/>
- *“Very Real Consequences” for States, Medicaid and Beyond*, ACS BLOG (2015), <http://www.acslaw.org/acsblog/%E2%80%9Cvery-real-consequences%E2%80%9D-for-states-medicaid-and-beyond>
- *Circuit Split in One Day: Tax Credits, Halbig and King (or, The Latest ACA Headache)*, ACS BLOG (2014) (solicited commentary), <https://www.acslaw.org/acsblog/circuit-split-in-one-day-tax-credits-halbig-and-king-or-the-latest-aca-headache>

Jotwell

- *Addressing the Health Care/Public Health Dichotomy through Justice*, reviewing L.F. Wiley, *Health Law as Social Justice*, 24 CORNELL J.L. & PUB. POL'Y 47 (2014)
- *Finding a Positive Right to Healthcare*, reviewing E. Rubin, *The Affordable Care Act, The Constitutional Meaning of Statutes, and the Emerging Doctrine of Positive Constitutional Rights*, 53 WM. & MARY L. REV. 1639 (2012)
- *Farewell, School House Rock (Understanding Legislative History through the Lens of the ACA)*, reviewing J. Cannan, *A Legislative History of the Affordable Care Act: How Legislative Procedure Shapes Legislative History*, 105 L. LIBRARY J. 131 (2013)

Contributing Editor, HealthLawProf Blog, 2012-16

Concurring Opinions Blog: June 2012; week of Mar. 26, 2012 (*NFIB v. Sebelius* oral arguments); Dec. 2011; Jan. 2012; Book Review, L. Katz Olson, *THE POLITICS OF MEDICAID* (9/18/11); Book Review, A. LaCroix, *THE IDEOLOGICAL ORIGINS OF AMERICAN FEDERALISM* (7/13/10)

Select Op-Eds:

- *A straightforward solution to the newly uninsured*, THE HILL, June 8, 2020, <https://thehill.com/opinion/healthcare/501743-a-straightforward-solution-to-the-newly-uninsured> (w/ M. Stein)
- *Medicaid block grants would gut law and cut care*, THE HILL, Jan. 31, 2020, <https://thehill.com/opinion/healthcare/480860-medicaid-block-grants-would-gut-law-and-cut-care>
- *KY must provide stability in our Medicaid program*, COURIER-JOURNAL (2018) (w/ E. Parento)
- *Kentucky's Medicaid work waiver bad for people and goes beyond law's intent*, COURIER-JOURNAL, Jan. 25, 2018 (w/ E. Parento)
- *ACA at the Supreme Court: Instant Commentaries*, NATIONAL LAW JOURNAL (June 28, 2012) (invited analysis), www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202546956823
- *States Seek to Bite the Hand that Funds*, NATIONAL LAW JOURNAL (March 26, 2012) (invited column), www.law.com/jsp/nlj/legaltimes/PubArticleLT.jsp?id=1202546797117

Select Amicus Brief Authorships:

- Co-Author, Brief of Amici Curiae For American Public Health Assn., American College Of Preventive Medicine, and 40 Deans, Chairs, and Public Health and Health Policy Scholars In Support Of Respondent, *Health and Hospital Corporation of Marion County v. Talevski*, Docket No. 21-806 (filed Sep. 22, 2022)
- Principle Co-author, Brief of Amici Curiae Health Law & Policy Scholars and Prescription Policy Choices in Support of Respondents on the Constitutional Validity of the Medicaid Expansion, *Florida v. Dept. of Health and Human Services*, Docket No. 11-400 (filed Feb. 17, 2012) (Supreme Court amicus brief in 1st ACA challenge)
- Co-author, Brief for Administrative Law Scholars as Amici Curiae in Support of Respondents, *Little Sisters of the Poor v. Pennsylvania & U.S. v. Pennsylvania*, Docket Nos. 19-431, 19-454 (filed April 8, 2020)

PRESENTATIONS, PANELS & OTHER SELECTED SPEAKING ENGAGEMENTS

- Planning Committee: *The Impact of the Dobbs Decision on Cancer Care* (3-part series); Speaker, Webinar 1, Co-Moderator, Webinars 2 & 3, The National Academies of Sciences, Engineering, and Medicine, July & August 2023, <https://www.nationalacademies.org/our-work/national-cancer-policy-forum>
- Presenter, *Overturing Roe v. Wade: Conflict and Confusion Impact Provider and Patient Health*, Boston Medical Center, Grand Rounds for Department of Obstetrics & Gynecology, Aug. 2023
- Panelist, *Federalism in Health Care, Chaos, Conflict and Confusion: – Dobbs’ Disruptive Abortion Federalism*, Health Law Professors’ Conference, June 2023
- Panelist, Featured Panel, *Overturing Roe v. Wade: Implications for Women’s Mental Health*, American Psychiatric Assn. Annual Meeting, May 2023
- Panelist, *The Future of Health Care Series—Rethinking Health Reform and the Role of Medicaid in Advancing Health Equity*, American U. Washington College of Law, April 2023
- Panelist, *Confusion and Conflict in U.S. Law and Reproductive Care after the Dobbs Decision*, Abortion Across Borders: UK and North America Symposium, U. of Grenoble, Mar. 2023
- Panelist, *Reproductive Rights in a Post-Dobbs Era*, Goodwin Women’s History Month DEIJ Event, Mar. 2023
- Keynote Presenter, JHBL Symposium on Gender, Health, and Equity, *Chaos, Confusion, Conflict: Overturing Roe v. Wade & Implications for Women’s Health*, Suffolk U. Law School, Mar. 2023
- Conference Co-Host and Panel Moderator, *After Roe and Dobbs: Seeking Reproductive Justice in the Next 50 Years*, BU School of Law and School of Public Health, Jan. 26, 2023
- Presenter, *After Roe v. Wade: Legal Chaos and Reproductive Care after the Dobbs Decision*, Spectrum of Physician Advocacy, Jan. 2023
- Panelist, AALS Section on Law, Medicine and Healthcare - Primary Program: *Public Health Law at a Crossroads*, AALS Annual Meeting, Jan. 2023
- Panelist, *Interdisciplinary Conversation on Reproductive Rights Post-Dobbs*, BUSM Bioethics Society, Dec. 2022
- Presenter, *Overturing Roe v. Wade: Legal Disarray and Reproductive Care after Dobbs*, Boston Medical Center, Department of Medicine Grand Rounds, Nov. 2022
- Panel Moderator, *(De)Criminalization of Public Health*, APHA Annual Meeting, Nov. 2022
- Presenter, *Confusion, Chaos, Conflict, After Dobbs: What Comes Next?*, Harvard Law School Federalist Society, October 2022
- Presenter, *Overturing Roe v. Wade: Implications for Women’s Health and the Practice of Medicine*, American Psychiatric Assn. Mental Health Services Conference, Oct. 2022
- Presenter, *Old Laws, New Problems: Federalism, Capacity, and a Game of Trust/Fall In Public Health*, Harvard Health Law, Policy, Bioethics, and Biotechnology Workshop, Sep. 2022
- Speaker and Moderator, *6th Annual Supreme Court Watch*, Center for Health Law, Ethics & Human Rights, Sep. 2022
- Discussant: *Give Me Liberty and Give Me Death: The Use, Misuse, and Abuse of Massachusetts General Laws Ch. 123 §12*, MGH Psychosomatics Conference, June 2022

- Panel Speaker, *Public Health Is Universal: Building Better Engagement via Scholarship & Curriculum*, ASLME Health Law Professors Conference, ASU Law School, June 2022
- Moderator, *Roe in the Balance: The Future of Reproductive Health*, Public Health Conversations, BUSPH, June 9, 2022
- Speaker, *The Promise (and Peril) of Public Financing for Long Term Care*, Public and Private Financing of LTSS Panel, Long-Term Care Services and Supports (LTSS): Payment and Caregiving, Seton Hall Law School, March 1, 2022
- Distinguished Visiting Professor, Seton Hall Law School, February 2022
- Moderator, Federalism and Cannabis Panel, Conversations on Cannabis Symposium, Seton Hall Law School, Feb. 2022
- Academy Health, *Harnessing Medicaid to Improve Health Equity: A Research and Policy Agenda*, Dec. 2021
- Paper Presenter, “We’re Not a Shipping Clerk”: Federalism, Capacity, and the Public’s Health, Virtual Health Law Workshop, Nov. 2021 (Prof. David Super, commenter)
- Panelist, *IF/WHEN/HOW S.B.8 Discussion*, Oct. 2021
- Presenter, Plenary Panel: Hot Topics, *We’re Not a Shipping Clerk: Leadership, Federalism & COVID’s Legacy*, ASLME Health Law Professors Conf., June 2021
- Presenter, Panel: Anti-Poverty Programs and Policies after Trump, *We’re Not a Shipping Clerk: Leadership, Federalism & COVID’s Legacy*, Law & Society Annual Conf., May 2021
- Presenter, *American Public Health Federalism and the Response to the COVID-19 Pandemic*, Covid-19, Internal Borders and Regional Governance Symposium, University of Grenoble, May 2021
- Presenter, UCLA Health Law and Policy Workshop, April 2021
- Planning Committee: *The Impact of the Affordable Care Act on Cancer Prevention and Cancer Care: A Virtual Workshop*; Speaker and Moderator, Session 3: Medicaid Expansion and Non-Expansion; Speaker, Closing Plenary Panel, The National Academies of Sciences, Engineering, and Medicine, March 1 & 2, 2021
- Presenter, COVID-19 and the Law: Panel 1, COVID-19’s Legacy & Evolving Legal Doctrines, *Federalism, Leadership, and COVID-19: Evolving Lessons for the Public’s Health*, Yale Law School Solomon Center & Harvard Law School Petrie-Flom Center, Feb. 2021
- Presenter, *Marijuana Law 2020: Lessons from the Past, Ideas for the Future*, *Health Equity, Federalism, and Marijuana Law*, Nov. 2020
- Guest expert, Public Health Law Network: COVID-19 Law Briefing, *Supreme Court Hears Arguments on the Affordable Care Act*, Nov. 2020
- Presenter, BU Law Faculty Workshop, *Can Health Equity Be Achieved with Divided Government?*, Oct. 2020
- Plenary Presentation, American College of Epidemiologists, *Can Health Equity Be Achieved with Divided Government?*, Sept. 2020
- Presenter, Public Health Law Summit 2020: COVID-19 Response and Recovery, *Medicaid’s Vital Role in Addressing Health and Economic Emergencies*, Sept. 2020
- Commenter, R. Sachs, *Integrating Health Policy Innovation*, Virtual Health Law Workshop, July 2020

- Commenter, M. Makhoul, *Laboratories of Exclusion: Medicaid, Federalism & Immigrants*, Virtual Poverty Law Workshop, June 2020
- Presenter, *Law & the Health of Populations*, Dean's Seminar, BU School of Public Health, Mar. 2020
- Presenter, *Is Medicare for All the Answer? Assessing the Health Reform Gestalt as the ACA Turns 10*, U. of Miami Law School Legal Theory Series, Feb. 2020
- Moderator, *Voting and the Health of Populations: Celebrating the 19th Amendment Centennial*, Boston U. School of Public Health, Feb. 2020
- Commenter, Seton Hall Law School Health Law Works In Progress Retreat, Feb. 2020
- Presenter, *Is Medicare for All the Answer? Assessing the Health Reform Gestalt as the ACA Turns 10*, U. of Connecticut Law School Faculty Workshop Series, Jan. 2020
- Moderator and Presenter, *Reading the Fine Print: Challenges in Public Health Jurisprudence*, American Public Health Assn. Annual Meeting, Nov. 2019
- Presenter, *Is Medicare for All the Answer? Assessing the Health Reform Gestalt as the ACA Turns 10*, U. of Houston Law Center Symposium ("Health Care Reform Part 2: Is Medicare for All the Answer?"), Oct. 2019
- Presenter, *Accountability*, Struggle for the Soul of Medicaid Panel, Next Steps in Health Reform Conf., American U., Oct. 2019
- Presenter, *The Politics of Enactment and Implementation*, Yale Law School, *The ACA at 10 Conference*, Sept. 2019
- Commenter, New England Area Medicaid Research Symposium, Sept. 2019
- Presenter & Moderator, *Reform without Rights?*, Panel: Legal and Ethical Dimensions of Patients' Rights, International Academy of Law and Mental Health Congress, July 2019, Rome, Italy
- Presenter, *Problem? Solution? Medicaid and the Health Reform Gestalt*, Medicaid Matters Panel, ASLME Health Law Professors Conf., June 2019
- Guest Lecture, Stanford Law School, Law and the Biosciences Workshop, *Rural Health Disparities and State Resistance to the ACA*, May 2019
- Presenter, *The Future of Medicaid's Health Care Safety Net*, Harvard Medical School Health Policy and Bioethics Consortium, April 2019
- Closing Keynote Speaker, *Rural Health, Universality, and Legislative Targeting*, U. of Maine *Ensuring Equal Access to Justice in Maine's Rural Communities Symposium*, April 2019; panel presenter, *Legal and Political Issues in Rural Health Care*
- Presenter, *Rural Health, Universality, and Legislative Targeting*, Center for Health Policy & Law Roundtable, Northeastern U. School of Law, March 2019
- Presenter, *Rural Health, Universality, and Legislative Targeting*, Law & Rurality Workshop, U.C. Davis School of Law, Feb. 2019
- Presenter, *Health Care, Federalism, and Democratic Values*, American J. L. & Med. Symposium, Boston U., Jan. 2019
- Presenter, *Health Reform, Medicaid, and Health Care Federalism*, Southeastern Assn. of Law Schools Annual Meeting, Aug. 2018
- Discussant, Health Law and Bioethics Discussion Group, SEALS Annual Meeting, Aug. 2018

- Presenter, *Rural Health, Universality, and Legislative Targeting*, Medicaid Matters Panel, ASLME Health Law Professors Conf., June 2018
- Presenter, *What Is Federalism in Health Care For?*, Stanford Law Review Symposium: Federalism in an Age of Polarization, Stanford Law School, Feb. 2018
- Presenter, *Medicaid “Cost Concerns”*, Next Steps in Health Reform Conf., American U. & ASLME, October 2017
- Presenter, Plenary Session, *The Future of Medicaid, Part I: Struggling for the Soul of Medicaid*, ASLME Health Law Professors Conf., June 2017
- Key Note Speaker, *What Is Health Care Federalism For?*, U. of St. Thomas School of Law Symposium, March 2017
- Presenter, *Health Care Reform: What’s Next?*, ACS Minneapolis Chapter, March 2017
- Presenter, *The People’s Constitution: Our 18th Century Constitution in Modern Context*, Filson Historical Society, Nov. 2016
- Presenter, *Measuring the New Health Care Federalism*, Indiana Health Law Review Symposium: Ideology Meets Reality: What Works and What Doesn’t in Health Law and Policy, Oct. 2016
- Presenter, *Judicial and Political Federalism*, Federalism and Race Discussion Group, Southeastern Assn. of Law Schools Annual Meeting, Aug. 2016
- Testimony, Legislative Task Force on Vulnerable Kentuckians, *Health Care and the Myth of Self Reliance*, July 2016
- Presenter, *Health Care and the Myth of Self Reliance*, ASLME Health Law Professors Conf., June 2016
- Presenter, *Health Care Federalism after Gobeille*, U. of Connecticut School of Law 5th Annual Benefits and Social Insurance Conf., April 2016
- Presenter, *Whole Women’s Health v. Hellerstedt and the Documentary “Trapped”*, Kentucky Theater Public Forum, April 2016
- Presenter, *Pursuing Universality: The State of the ACA after King v. Burwell*, AALS Annual Meeting (joint session Employee Benefits Section & Section on Law, Medicine & Healthcare), Jan. 2016
- Health Law Grand Rounds Distinguished Speaker, *Pursuing Universality: Taking Stock of the ACA 5 Years In*, Indiana U. McKinney School of Law, Sept. 2015
- Presenter, *The New Universality in American Health Care*, International Academy on Law and Mental Health Congress, July 2015, Vienna, Austria
- Presenter, *The Supreme Court Ruling that Blocked Providers from Seeking Higher Medicaid Payments also Undercut the Entire Program*, at *Medicaid’s Evolving Delivery Systems, Health Affairs Medicaid at 50 Symposium*, July 2015
- Panelist, *Health Care Reform and (In)Equality in Health Care*, Plenary Session: Social Safety Net, AALS Mid-Year Meeting: Workshop on Next Gen. Issues - Sex, Gender, and the Law, June 2015
- Presenter, *The Universality of Medicaid at 50*, ASLME Health Law Professors Conf., June 2015
- Presenter, *The New Health Care Federalism*, Case Western U. School of Law, March 2015
- Presenter, *Medicaid and the New Health Care Federalism*, Medicaid Matters, St. Louis U. Law School, Feb. 2015

- Presenter, *The Universality of Medicaid*, at The Law of Medicare and Medicaid at 50 Conf., Yale Law School, November 2014
- Presenter, *Healthcare as a Vehicle for Constitutional Change: The Supreme Court, Conditional Spending & Medicaid*, Constitutionally Speaking, UNH College of Law, Nov. 2014
- Panelist, *Medicaid Post-ACA: From Welfare to Universality*, at Scalpel to Gavel: Exploring The Modern State of Health Law, U. of Toledo College of Law, Oct. 2014
- Invited Commenter/Mentor, Health Law Scholars Workshop (co-hosted, ASLME & St. Louis U. Law School), Sept. 2014
- Presenter, *Dynamic Federalism in Medicaid Expansion*, ACA Implementation – Some Initial Observations & Critiques, Southeastern Assn. of Law Schools Annual Meeting, Aug. 2014
- Presenter, *Dynamic Federalism in Medicaid Expansion*; Presenter, *Rethinking Health Law Teaching After the ACA*, ASLME Health Law Professors Conf., June 2014
- Presenter, *Dynamic Implementation of the Medicaid Expansion*, 3d Annual ERISA, Employee Benefits & Social Insurance National Conf. (Marquette U. Law School), March 2014
- Presenter, *Dynamic Implementation after NFIB*, Loyola Chicago Constitutional Law Colloquium, Nov. 2013
- Presenter, *Rights Must Have Remedies*, Labor & Employment Law Discussion Group, SEALS Annual Meeting, Aug. 2013
- Presenter, *Three Theories of the Medicaid Expansion*, Health Law Discussion Group, SEALS Annual Meeting, Aug. 2013
- Presenter, Plenary Panel: *Healthcare as a Vehicle for Constitutional Change: Take 2, NFIB, Medicaid, and Federalism*, ASLME Health Law Professors Conf., June 2013
- Presenter, *Medicaid's Remedy Problem*, Panel: Making a Better Safety Net, ASLME Health Law Professors Conf., June 2013
- Organizer & Presenter, UK College of Law Medicaid Matters Workshop, *With Liberty and Access for Some: The ACA's Women's Health Disconnect*, March 2013
- Distinguished Speaker, *Plunging into Endless Difficulties: Medicaid after NFIB*, St. Louis U. School of Law, Jan. 2013
- Presenter, *Context for Legislative Barriers to Reproductive Healthcare*, Reproductive Justice Symposium: Race, Reproduction, and Social Justice, Jan. 2013
- Presenter, *Plunging into Endless Difficulties: Medicaid and Coercion in NFIB v. Sebelius*, Hot Topic Panel: The *NFIB* Medicaid Decision: Interpretation and Implications, AALS Annual Meeting (selected by competition), Jan. 2013
- Presenter, *Plunging into Endless Difficulties: Medicaid and Coercion in the Healthcare Cases*, Loyola Chicago Law School Constitutional Law Colloquium, Nov. 2012
- Health Law Grand Rounds Distinguished Speaker, *Plunging into Endless Difficulties: The NFIB Aftermath*, Indiana U. McKinney School of Law, Oct. 2012
- Presenter, Colloquium: *Plunging into Endless Difficulties: Medicaid and Coercion in the Healthcare Cases*, Temple Law School, Sept. 2012
- Presenter, *Remedies are what's missing in the ACA*, SEALS Annual Meeting, July 2012
- Presenter, *Two Decisions, One Three Ring Circus: Dissonance in Spending*, ACS "Schmooze" with Mark Tushnet (paper selected for presentation), June 2012

- Presenter, *Healthcare as a Vehicle for Constitutional Change*, Panel: Theories of Healthcare Reform in the U.S., ASLME Health Law Professors Conf., June 2012
- Presenter and Founder, Medicaid Matters Workshop, St. Louis U. School of Law, Feb. 2012
- Presenter, *Federalizing Medicaid: Tension between Reinvention and Path Dependence*, Reinventing Medicaid in a Post-Health Reform America, Loyola Chicago Annual Symposium on Access to Care (2011)
- Presenter, *The Roberts Court & the False Claims Act*; and *No Rights for You: The Surprising Implications of Douglas v. Indep. Living Ctr*, Loyola Chicago Constitutional Law Colloquium (2011)
- Presenter, *Federal-State Complicity in Violating Constitutional Rights*, Panel: From Reproductive Rights to Reproductive Justice, Women Rethinking Equality AALS Conf. (2011)
- Presenter, *Federalizing Medicaid*; Panel: Implementation of Healthcare Reform, ASLME Health Law Professors Conf. (2011)
- Presenter, *The Health Care Reform Law (Affordable Care Act): What Are Its Constitutional Implications?* Discussion, ACS & Federalist Society (ACS speaker) (2011)
- Presenter, *Federalizing Medicaid*, U. of Cincinnati Faculty Works in Progress (2011)
- Presenter, *The Roberts Court and the False Claims Act*; Panel: Antitrust, Fraud, and Tax Exemption, ASLME Health Law Professors Conf., June 2010
- Federalism Roundtable, Vanderbilt U. Law School, Commenter on James Blumstein, *Some Second Thoughts on Cooperative Federalism: The Problem of Displacement of Political Accountability* (2010)
- Presenter, *Conditional Spending and Compulsory Maternity*, Florida State U. College of Law Faculty Workshop (009)
- Presenter, *Federal Spending and Compulsory Maternity*, International Conf. on Feminist Constitutionalism, Panel: Abortion and Reproductive Rights, Queen's U., Ontario (2009)
- Presenter, *Spending and Compulsory Maternity*, Wash. U. School of Law Workshop (2009)
- Presenter, *The Spending Clause, Section 1983, and Medicaid Entitlements*, Panel: Federalism and Government Healthcare Programs, ASLME Health Law Professors Conf. (2008)

PODCASTS

TIHL: The Week In Health Law (regular guest); *WGN Legal Face-Off* (repeat guest); *C2: Critical Conversations that Lie at the Heart of Health Justice* (repeat guest); *The Legal Edition* (repeat guest)

APPOINTMENTS, MEMBERSHIPS, COMMUNITY ENGAGEMENT

- Research Director, Uniform Law Commission, Joint Editorial Board for Health Law (2021-present)
- Board of Directors, American Society of Law, Medicine & Ethics, 2019-present (member since 2004); Finance Committee, 2023-2024
- National Academies of Sciences, Engineering, and Medicine, National Cancer Policy Forum
 - Planning Committee, The Impact of the *Dobbs* Decision on Cancer Care, 2023
 - Planning Committee, The Impact of the Affordable Care Act on Cancer Prevention and Care, 2021

- Consortium for History of Science, Technology & Medicine—2020-21 Working Group: Malingering and Social Welfare Policy
- Scholars Strategy Network, Member, 2019-present
- American Public Health Assn., member, 2019 - present
- Chair; Board Member; Child Advocacy Today, 2014 - 2017
- AHLA Best Practices for Health Law Curricula, Steering Committee, 2012-2013
- American Bar Assn.: Special Committee on Bioethics and the Law, 2012-2013
- AALS (2006 to present): Section on Women in the Law; Section on Law, Medicine and Healthcare; Section on Poverty Law; Section on Constitutional Law
- Southeastern Assn. of Law Schools; Mentor Committee, 2011-2012
- American Constitution Society: Member; Host Committee 2012 Convention

EDUCATION

Seton Hall Law School

Juris Doctor, *cum laude*, 1998; concentration in Health Care Law

Seton Hall Law Review, Book Review Editor

Selected Honors: National Assn. of Women Lawyers Award for Outstanding Female Graduate; Raymond DeTufio Constitutional Law Award (highest Constitutional Law cumulative GPA)

University of Pennsylvania

Bachelor of Arts in History, 1995

Selected Honors and Awards: Award of the Trustees' Council of Penn Women; Friars Senior Honor Society; Order of Omega Honor Society

OTHER LEGAL EXPERIENCE

- Wolff & Samson PC, NJ; NY *Associate, Corporate & Healthcare Group*, 2002–2003
- Gibbons PC, NJ; NY *Associate, Corporate & Healthcare Group*, 2000–2002
- Wilentz, Goldman & Spitzer PC, NJ; NY *Associate, Corporate & Healthcare Team*, 1998–2000; *Summer Associate*, 1997

BAR ADMISSIONS

New Jersey, December 1998; District Court of New Jersey, December 1998; New York, March 2000