BARRY R. FURROW

Professor of Law and Director, the Health Law Program
Drexel University Earle Mack School of Law
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EDUCATION J.D. 1971: **Harvard Law School**, Cambridge, Ma.
A.B. 1967: **Harvard College**, Cambridge, Ma.

ACADEMIC EMPLOYMENT

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

Present appointments

Professor, Drexel University Earle Mack School of Law
Director, Health Law Program, Drexel Univ. Earle Mack School of Law
Associate, Center for Bioethics, University of Pennsylvania

ADMINISTRATIVE EXPERIENCE

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

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

TEACHING APPOINTMENTS

2005-Present	Professor of Law; Director, the Health Law Program, Drexel Univ. Earle Mack School of Law
1988-2006:	Professor of Law; Director, the Health Law Institute, Widener Univ. School of Law
1982-'88:	Professor of Law; Director, Health Law Center; University of Detroit School of Law; Professor, Dept. of Environmental and Industrial Health, School of Public Health, Univ. of Michigan, Ann Arbor (adjunct)
1981-'82:	Visiting Professor, Univ. of Michigan Law School, Ann Arbor, Michigan Professor, Dept. of Environmental and Industrial Health, School of Public Health, Univ. of Michigan, Ann Arbor (adjunct)
1980-'81:	Visiting Scholar, Univ. of Michigan Law School, Ann Arbor, Michigan Lecturer in Law, Residential College, Univ. of Michigan

1977-'81: Professor of Law, Washington College of Law, American University, Washington, D.C.
1975-'77: Assoc. Professor of Law, School of Law, George Mason University, Arlington, Va.
1974-'75: Visiting Asst. Professor, School of Law, Univ. of North Carolina, Chapel Hill, N.C.

NONACADEMIC LEGAL EMPLOYMENT

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

PROFESSIONAL ACTIVITIES

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

Editorial Positions

Member, Editorial Board, *Law, Medicine & Health Care* (Editor-in-Chief, 1983-'86)
Advisory Board, *Health Law and Policy Abstracts* (Accepted Paper Series), LSN Subject Matter Journals, Social Science Electronic Publishing, Inc (SSEP) and Social Science Research Network (SSRN).
Contributor, Recent Developments, *Journal of Bioethical Inquiry* (2009-present)
Reviewer, *Health Affairs, Journal of Health Law Politics, Policy & Law, Journal of the American Medical Association*

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

Organization Memberships:

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

PUBLICATIONS

Books

1. **Health Law: Cases, Materials and Problems** (with T. Greaney, S. Johnson, T. Jost, and R. Schwartz), West Publishing Co., 6th edition 2008. 1600 pages.
2. **Teacher's Manual for Health Law: Cases, Materials and Problems** (with S. Johnson, T. Jost, and R. Schwartz), West Publishing Co., 6thedition 2008. 300 pages.
3. **Health Care Organization & Finance**, 6th edition (American Casebook Series aperback 2004) (*6th edition forthcoming Spring 2008)* .
4. **Bioethics: Health Care Law & Ethics**, 6th edition (American Casebook Series Paperback 2008).
5. **Liability & Quality Issues in Health Care**, 6th edition (American Casebook Series Paperback 2008)
6. **Health Law** (with T. Greaney, S. Johnson, T. Jost, and R. Schwartz; Student Hornbook Series, West Publishing Company, 2nd edition 2000).
7. **Health Law** (with T. Greaney, S. Johnson, T. Jost, and R. Schwartz; Practitioners' Treatise Series, West Publishing Company, 2nd edition, 2000).
8. **Medical Law: The United States** (with T. Greaney, S. Johnson, T. Jost, and R. Schwartz, Kluwer 2005.)
9. **Malpractice in Psychotherapy**, D.C. Heath / Lexington Books, 1980.

Law review articles

1. Patient Safety and the Fiduciary Hospital: Sharpening Judicial Remedies, 1 Drexel L. Rev. 101 (2009).
2. Access to Health Care And Political Ideology: Wouldn't You Really Rather Have A Pony? 29 W. New Eng. L.Rev. 405 (2007)
3. The Problem of the Sports Doctor: Serving Two (Or Is It Three or Four?) Masters, 50 St. Louis Univ. L. Rev 165(2
4. Data Mining and Substandard Medical Practice: The Difference Between Privacy, Secrets, and Hidden Defects, 51Villanova L. Rev. 101 (2006).
5. Regulating Patient Safety: Toward a Federal Model of Medical Error Reduction, 12 Widener L.Rev 1 (2005).
6. The Current Medical Liability Insurance Crisis: An Overview of the Problem, Its Catalysts, and Solutions, Third Annual Health Law Colloquium, 13 Annals Health Law 505 (2004).
7. From the Doctor to the System: The New Demands of Health Law, 14 Health Matrix 67(2004)
8. Medical Mistakes: Tiptoeing Toward Safety, 3 Houston J. Health Law & Policy 181 (2003).
9. Pain Management and Provider Liability: No More Excuses, 29 J. Law, Med.& Ethics 28 (2001) (reprinted as Failure to Treat Pain: No More Excuses, TRIAL, Oct. 2002, at 32.)
10. Broadcasting Clinical Guidelines on the Internet: Will Physicians Tune In? 25 Am.J.Law & Med. 403 (1999).
11. Regulating the Managed Care Revolution: Private Accreditation and a New System Ethos, 43 Villanova L. Rev. 361 (1998).
12. Doctors' Dirty Little Secrets: The Dark Side of Medical Privacy, 37 Washburn L. J. 283 (1998). Reprinted in Specialty Law Digest: Health Care Law 9 (February 2001).
13. Managed Care Organizations and Patient Injury: Rethinking Liability, 31 Univ. Ga. L.Rev. 419 (1997).
14. Enterprise Liability for Bad Outcomes From Drug Therapy: the Doctor, the Hospital, the Pharmacy, and the Drug Firm, 44 Drake Law Review 377 (1996).

15. Incentivizing Medical Practice:What (If Anything) Happens to Professionalism? 1 Widener Law Symposium Journal 1 (1996).
16. Setting Limits in the Dying Zone: Assisted Suicide, Scarce Resources, and Hard Cases, Conference on Assisted Suicide and Euthanasia: Legal, Medical and Ethical Implications, 72 Univ. Detroit Mercy Law Rev. 902 (1995).
17. Managed Care and the Evolution of Quality, 9 Trends in Health Care, Law & Ethics 36 (Summer 1995).
18. An Overview and Analysis of the Impact of the Emergency Medical Treatment and Active Labor Act, 16 J. Legal Medicine 325 (Fall 1995).
19. Managing Care, Managing Risks: Enterprise Liability and National Health Care Reform, 39 St. Louis L. J. 1 (1994).
20. Forcing Rescue: The Landscape of Health Care Provider Obligations to Treat Patients, 3 Health Matrix 31 (1993).
21. Managed Care and Institutional Liability in the AIDS Context, 3 Courts, Health Sciences & the Law 63 (1991).
22. The Effect of Malpractice Litigation on Access to Specialty Physician Services, 11 Journal of Legal Medicine 201 (1990) (with Walker and Broyles).
23. Physician Payment Reform: Plugging the Drain, 34 St. Louis Univ. L. Rev. 821 (1990) (Symposium issue). 6
24. The Changing Role of the Law in Promoting Quality in Health Care: From Sanctioning Outlaws to Managing Outcomes, 26 Houston Law Review 147 (1989) (Symposium issue).
25. The Ethics of Cost-Containment: Bureaucratic Medicine and the Doctor as Patient-Advocate, 3 Notre Dame Journal of Law, Ethics & Public Policy 187 (1988).
26. Medical Malpractice and Cost Containment: Tightening the Screws, 36 Case Western Reserve Law Review 985 (1985-'86) (Symposium issue).
27. Defining Health Law: Toward A Client-Oriented Perspective, 63 University of Detroit Law Review 1(1985).
28. Malpractice Revisited: Of Medical Errors, Social Transformations, and Tort Standards, 63 Nebraska Law Review 806 (1984).
29. Public Psychiatry and the Right to Refuse Treatment: Toward an Effective Damage Remedy, 19 Harvard Civil Rights - Civil Liberties Law Review 26 (1984).
30. Governing Science: Public Risks and Private Remedies, 131 Pennsylvania Law Review 1403 (1983).
31. Defective Mental Treatment: A Proposal for the Application of Strict Liability to Psychiatry, 58 Boston University Law Review 391 (1978).
32. Legislative and Judicial Remedies for Environmental Wrongs, 6 Suffolk University Law Review 536 (1972).

Peer-reviewed Journal Articles

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

7. "Damage Remedies and Institutional Reform: The Right to Refuse Treatment," 10 Law, Medicine & Health Care 152 (1982).

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

Book Chapters

1. "Patient Rights and Health Care Providers: The Link Between Health Law and Bioethics," in **Penn Center Guide to Bioethics** (2009)
2. "Work in the American System: Health Insurance as a Source of Job Insecurity," **Efficacia e Diritto del Lavoro** (A. Lyon-Caen and A. Perulli, eds. 2008).
3. "Forcing Rescue: The Landscape of Health Care Provider Obligations to Treat Patients", in **Justice and Health Care: Comparative Perspectives** (Andrew Grubb and Maxwell J. Mehlman, eds., Wiley 1995)
4. "Quality Control and Malpractice," in **Legal Medicine 1994**
5. "Actions for Wrongful Life," in **Pediatric Forensic Medicine and Pathology**, J.K. Mason, ed., Chapman and Hall Ltd. (1989).
6. "Changing Legal Perspectives in Medical Malpractice," in **New Perspectives in Michigan Medical Malpractice Litigation**, Professional Education Systems (1984).
7. "Products Liability Law in Michigan: An Overview," in **Handling Products Liability Cases in Michigan**, Professional Education Systems (1984).

Book reviews

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

Short writings and editorials

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

INVITED PRESENTATIONS (past 10 years listed; earlier years upon request)

1. "Liability: Improving Corporate Practice Through Norms Imposition", 32nd *Annual Health Law Professors Conference,* Case Western Reserve School of Law, Cleveland, Ohio, June 4, 2009.
2. "Patient Safety, Medical Errors, and Liability: An Update," *31st Annual Health Law Professors Conference,* Drexel University College of Law, Philadelphia, Pa., June 6, 2008.
3. "Hospitals At the Center of Liability: Tracking Convergence of Storm Fronts", The Future of Health Law, *Fourth Annual Health Law Program Conference*, Boston University Schools of Law and Public Health, Boston, Massachusetts, March 24, 2008.
4. "Health Law and Medical Practice: A Positive Connection?" Graduation Address , *Drexel College of Medicine Class*, Philadelphia, Pa. March 17, 2008.
5. "Patient Safety–New Efforts," *14th Annual Health Law Institute*, PBI, Philadelphia, Pa. March 11, 2008.
6. "Health Law – What Lawyers Do," *Interdisciplinary Health Sciences Program*, Drexel University College of Medicine, Philadelphia, Pa., March 4, 2008.
7. "The Problem of Medical Errors," 2008 Symposium--Shaping the Future of Medical Practice: Legal and Ethical Considerations, *Temple Journal of Science, Technology & Environmental Law*, Philadelphia, Pa., February 22, 2008.
8. "Health Care Reform," 2007 Symposium--Federalism and the States as Laboratories for Social Change, *Temple Political and Civil Rights Law Review*, Philadelphia, Pa., October 20, 2007.
9. "Universal Health Care", *Panel Discussion*, Drexel University College of Law, Philadelphia, Pa., December 13, 2007.
10. "Regulating the Practice of Medicine", *Cephalon Speaker Series on Science and the Constitution*, National Constitution Center (moderater), Philadelphia, Pa., December 11, 2007.
11. "Global Health Law: Patient Safety in Comparative Perspective" - 30th Annual Health Law Teachers Conference, Boston, MA, June 2, 2007.
12. "The Evolution of Patient Safety Regulation in the United States: From Liability to Payment Systems," National Taiwan University Medical School, Taipei, Taiwan, March

14, 2007.

13. "Representing the Childrens' Book Author: What to Worry About in Dealing with Publishers," Society of Childrens' Book Authors and Illustrators, Tokyo, Japan, March 9, 2007.
14. "Living Wills as Struggle Between Uncertainty and Control: The Lessons of Terry Schiavo", Midyear Meeting of Pennsylvania Trial Judges, Pittsburgh, PA February 23, 2007.
15. "Reducing Patient Injury", Symposium, Drexel University College of Medicine, East Falls, PA February 3, 2007.
16. "Working with an Agent: Promote, Protect, Probe", Chautauqua Writers Conference, July 15, 2006.
17. "The Problem of Medical Error Reduction," Grand Rounds, Mercy Fitzgerald Hospital, March 2005.
18. "When More Law Is Needed: The Problem of Patient Safety," Thomas Jefferson Medical School Forum, March 2005.
19. "Regulating Patient Safety: Should the Model be Fraud and Abuse Regulation?" PBI Health Law Institute, March 14, 2005
20. "The Status of the Law on Death and Dying," PBI Institute, Philadelphia, November 2004.
21. "The Gathering Storm: Patient Injury and the Law's Response," PBI Health Law Institute, May 16, 2004.
22. "Liability Update," Health Law Teachers Conference, Indianapolis, Indiana, June 8, 2002.
23. "Emerging Issues in Health Law," Breakfast Speaker Series, Thomas Jefferson Medical School, Philadelphia, Pa. March 13, 2002.
24. "The Post-PEGRAM World of Managed Care: State Reforms, ERISA Erosion, and Liability," Pennsylvania Bar Institute Annual Health Law Institute, March 13, 2002, Philadelphia, Pa.
25. "Medical Errors, Liability, and Quality," Health Law Teachers Conference, Boston University School of Law, Boston, Massachusetts, June 2, 2001.
26. "Opposing the Doctor: From Treatment Refusal to Insistence on Treatment," Ethics 2001 Conference, Mercy Suburban Hospital, Norristown, Pennsylvania, May 16, 2001.
27. "Socratic Dialogue--Regulating for Outcomes," Annual Meeting, National Association of Boards of Pharmacy, Seattle, Washington, May 8, 2001.
28. "Managed Care at the Crossroads," P.B.I. Health Law Institute, Philadelphia, Pa. March 13-14, 2001.
29. "Medical Errors: Should Providers Sleep With the Enemy?", Reed Hamilton lecture, PBI Headquarters, Camp Hill, Pa. October 12, 2000.
30. "Suing Managed Care Organizations," P.B.I. Health Law Institute, Philadelphia, Pa. March 20, 1999.
31. "Update: Institutional and Individual Liability," Health Law Teachers Conference, University of Houston Law School, Houston, Texas, June 7, 1998.
32. "The Liability of Managed Care Organizations," Annual Meeting, Pennsylvania Bar Association, Hershey, Pa., May 14, 1998.
33. "New Issues in Health Law," Annual Meeting, Delaware State Bar Association, Wilmington, Delaware, April 17, 1998.
34. "Expanding Managed Care Liability: Errors in the System," Institute for Legislative Practice, McGeorge School of Law, Sacramento, California, April 8, 1998.
35. "Introduction to the Health Care Delivery System," Federal Judicial Center Special Focus Program on Health Care for Federal and State Judges, Atlanta, Georgia, March 9, 1998.
36. "Managed Care: Theories of Liability," Federal Judicial Center Special Focus Program on Health Care for Federal and State Judges, Atlanta, Georgia, March 9, 1998 .