

Curriculum Vitae

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EXPERIENCE:

1987-Present **CHESTER A. MYERS PROFESSOR OF LAW**
SAINT LOUIS UNIVERSITY SCHOOL OF LAW

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1973-74

**LEGISLATIVE ASSISTANT, OFFICE OF REPRESENTATIVE
ELIZABETH HOLTZMAN**

Review and advise on legislative matters including House Judiciary
Committee affairs; speech writing.

EDUCATION:

HARVARD LAW SCHOOL, Cambridge, MA.
J.D. 1973

For Profit versus Nonprofit: Does Corporate Form Matter? (with Timothy P

Chicago's Procrustean Bed: Applying Antitrust Law in Health Care, 71 Antitrust

Managed Competition, Integrated Delivery Systems and Antitrust, 79 Cornell L.J. 1201 (1994).

When Politics and Law Collide: Why Health Care Reform Does Not Require Antitrust "Reform", 39 St.L.U.L.J. 135 (1994).

Antitrust Company Law and "Mega-Mergers" -- A Comparison of American and European Approaches to Regulation, Journal of the Europa-Institut, Universitat des Saarlandes.

The Department of Justice/FTC Health Care Policy Statements: A Critique, 8 Antitrust 20 (Spring 1994).

Medical Practice Guidelines, 4 Antitrust Chronicle (1992).

Reforming Physician Payment Under Medicare, 34 St. L. U.L.J. 749 (1990).

Quality of Care and Market Failure Defenses in Antitrust Health Care Litigation, 21 Conn. L.J. 605 (1989)

Competitive Reform in Health Care: The Vulnerable Revolution, 5 Yale Journal on Regulation 179 (1988).

Physician Joint Ventures: An Antitrust Analysis of Preferred Provider Organizations, 18 Rutgers L.J. 513 (1987) (with J. Sindelar).

An Assessment of the Anticompetitive Effects of Preferred Provider Organizations, 24 Inquiry 384 (1987) (with J. Sindelar).

Book Review of C. Havighurst HEALTH CARE LAW AND POLICY: READItu:

Blind Faith in the Market Doesn't Work for Health Care, St. Louis Post Dispatch (Sept. 28, 2008).

The New Infrastructure of Medicare, 1 St. Louis U. J. Health L. & Pol'y 1 (2007).

Why Can't Politicians Be More Like Ball Players? St. Louis Post Dispatch, Sept. 17, 2003.

Lining Up the Suspects in the Enron Affair, St. Louis Post-Dispatch, Jan. 15, 2002.

Television Can Do Justice to the System, St. Louis Post-Dispatch, Nov. 28, 2000.

Misconceptions About Monopoly, Mergers and Microsoft, St. Louis Post-Dispatch, Nov. 14, 1999.

Beware Doctors' Claims for Unionization, St. Louis Post-Dispatch, June 29, 1999. *How the Home Team Lost its Case*, St. Louis Post-Dispatch, November 12, 1997.

Time/Turner Merger: Watch Out, Wall St. Journal (letters to the editor), August 1, 1996.

Health Care Industry Wants Special Protection, Saint Louis Post-Dispatch, March 28, 1994.

No Painless Way to Cut High Costs, National Law Journal, December 21, 1992.

Cut Health Care Costs--But How?, Christian Science Monitor, November 19, 1992.

The Health Care Cost Control Dilemma, St. Louis University School of Public Policy Newsletter, February, 1993.

The Reagan Legacy: Merger Policy and American Competitiveness, St. Louis Post-Dispatch, February 26, 1991, reprinted in The Chicago Tribune, March 16, 1991 and the Cleveland Plain Dealer, March 7, 1991.

Changing Approaches to Financing Indigent Care, Health Progress 87 (1988).

Antitrust Issues Affecting Health Care Providers: An Overview of Emerging Issues >>BDCerview ofr t2Hh 16,

Peer Reviewer for: Health Affairs; Journal of Health Politics, Policy & Law;
Milbank Quarterly; Journal of the American Medical Association.

TESTIMONY AND REGULATORY COMMENTS

Testimony before the Committee on the Judiciary, U.S. House of Representatives, Subcommittee on Regulatory Reform, Commercial and Antitrust Law (Sept. 10, 2015).

Testimony before the Committee on the Judiciary, U.S. House of Representatives, Subcommittee on Regulatory Reform, Commercial and Antitrust Law (Sept. 19, 2013).

Testimony before the Committee on the Judiciary, United States House of Representatives Subcommittee on Intellectual Property, Competition, and the Internet, Hearing on “Health Care Consolidation and Competition After PPACA” (May, 2012).

Panelist, Federal Trade Commission, Another Dose of Competition: Accountable Care Organizations and Antitrust (May 9, 2011)

Comment for Centers for Medicare and Medicaid Services and Federal Trade Commission, Workshop on Accountable Care Organizations (October, 2010).

“Competition in the Health Care Marketplace” (invited testimony) U.S. Senate Subcommittee on Consumer Protection, Product Safety & Insurance, Committee on Commerce, Science & Transportation (July 16, 2009).

Testimony on Competition and Health Care, FTC/DOJ Hearings for Report, Improving Health Care: A Dose of Competition (2004).

SELECTED PRESENTATIONS AND PAPERS:

“Coping with Concentration,” New York University School of Law (April, 2017)

“Markets and Regulation,” ABA Conference “Responding to Market Power in Health Care,” Loyola University School of Law, (September 2016)

“Controlling Provider and Payor Costs” AALS Annual Meeting (January, 2017)

“Antitrust Annual Review” St. Louis Health Lawyers Ass’n (October, 2016)

“Consolidation and Markets in Health Care,” American Society of Law, Medicine and Ethics Annual Health Teachers Meeting, Boston University School of Law (June, 2016)

“Unpacking Merger Analysis,” ABA/AHLA Antitrust in Healthcare Conference (May, 2016)

“Health Insurance Consolidation:

“The Year in Review” ABA/AHLA Annual Meeting Antitrust and Health Care (June, 2012)

“Non-Profit and For-Profit Healthcare: The Legal Framework,” Symposium, “Is a For-Profit Structure a Viable Alternative for Catholic Health Care Ministry?” Seton Hall University School of Law (March, 2012).

“Access, Cost, & Reform,” Keynote Address at Health Law Symposium, University of California, Hastings College of the Law (February, 2012)

“Legal Obstacles to Implementing Cost-Effective Care,” Stanford University Institute for Economic Policy Research, Conference "Fresh Thinking on Cost-Effective Care: How to Overcome the Obstacles to Rapid Diffusion of Cost Effective Care," (February 2012)

“Implementing Health Reform: Accountable Care Organizations,” Health Law Colloquium Workshop, Columbia University School of Law (December, 2011)

“Legal and Regulatory Issues in Antitrust and Health Reform Implementation,” Symposium, U. California Berkeley (co-sponsored by School of Public Health and Office of the Attorney General of California)(November, 2011).

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“Year in Review: Antitrust in the Health Care Sector,” ABA/AHLLA

“Health Reform in America: Medicare as an Object Lesson”, ASLME Health Law Teachers Conference (June 2007)

“Nonprofit Governance and Executive Compensation in Nonprofit Health Systems” AHLA Teleconference on Executive Compensation (February, 2007).

Guest Blog: “Teaching Healthcare Antitrust”, Antitrust Law Blog,
http://lawprofessors.typepad.com/antitrustprof_blog/2007/02/antitrust_pedag.html#comments

“Looking Outside of Silos: Evaluating Technology and IP in Health Care”, Seton Hall Law School Symposium, “A Delicate Balance: FDA Drug & Device Regulation, IP, Public Health and the Economy” (February, 2007).

Comment on Entry Conditions in Antitrust Merger Analysis, Loyola Antitrust Symposium (April 2007)

“Alchemy in the Age of Empiricism: The American Efficiencies Defense”, University of Paris-Dauphine & U. Paris Sorbonne (December 2006).

“Medicare Advantage: Nation Building or Insurgency” Innaugural Consortium Lecture, University of Minnesota (October, 2006)

“Governance of the Nonprofit Hospital and the Provision of Charity Care,” Saint Louis University Annual Health Law Symposium (March 2006).

“Retrospective on the Government’s Joint Venture Policy Statements,” ABA Antitrust Section Annual Spring Meeting, Washington, DC (March 2006).

“Duties of Directors of Nonprofit Healthcare Enterprises in a Post-Enron World” Loyola University School of Law (October, 2004) (Keynote Speech).

“Paradoxes and Conundrums Involving Fiduciary Duties and Mission in the Nonprofit Sector,” American Society of Law, Medicine & Ethics, Health Law Teachers’ Conference (June, 2004).

Witness, Federal Trade Commission, Hearings on Healthcare Policy, February 26, 2003.

“Antitrust, Chicago and Health Care,” Loyola Law School, Los Angeles, Working Paper Series, April 2003.

“Managed Care and Competition Policy,” Executive Leadership Conference, American Association of Health Plans, Phoenix AZ, February 6, 2003.

“Enron, WorldCom and the Crisis in American Corporate Law,” U. Paris-Dauphine, Dec. 11, 2002.

“Antitrust: Future and Past in Healthcare,” Northwestern University School of Law, Forum on Healthcare and Antitrust, November 7, 2002.

“The Role of States in Health Care Antitrust,” Keynote Address, Maine Competition Symposium, October 7, 2002.

Federal Trade Commission, Workshop on Healthcare and Antitrust, September 10, 2002.

“Pharmaceutical Patents and Antitrust: Does Current Doctrine Supply Workable Guidance?” Merck Pharmaceuticals Corp., February, 2002.

“Professionalism and Antitrust,” American Association of Law Schools, Annual Meeting, January 2002.

“The Mirage of Health Care Markets,” American Society of Law, Medicine & Ethics June, 2001.

“Microsoft: A Post Mortem,” St. Louis Economists Club, October, 2001.

“The Last 25 Years of Antitrust Healthcare,” American Health Lawyers Association, February 17-18, 2000.

“Antitrust and Health Care Markets,” Central States Law Schools Association Conference, Oct. 8, 1999.

E.U. Competition Law After the Euro, The Current European Union Agenda, University of Missouri, April, 1999.

Market Definition in a Changing Industry: Health Care, American Association of Law Schools Annual Meeting, Section on Antitrust, January, 1999.

Antitrust and Health Law in Missouri, Missouri Bar Association Mid-Year Meeting, November 1998.

FTC and Missouri v. Tenet Health Care Corp.: Hospital Merger Analysis in Local Markets, St. Louis Health Lawyers, September, 1998.

Antitrust Primer, Federal Trade Commission/Missouri Attorney General Conference on Antitrust and the Health Care Industry, St. Louis, November 14, 1997.

Antitrust Update, American Society of Law, Medicine & Ethics Health Law Teachers' Conference, Seton Hall University Law School, June 6, 1997.

Unilateral Effects, Efficiencies and Other Developments in Merger Analysis, Chicago Antitrust Forum, May 12-13, 1997.

The Impact of the FTC Report on Competition Policy in the New High-Tech Global Marketplace in Establishing Efficiencies in Hospital Mergers, National Health Lawyers Association, Washington, D.C. February 14, 1997

Antitrust and Health Care, American Bar Association, Forum on Health Law & Antitrust Section Program, October, 1996.

Antitrust and Health Care Industry Consolidation, American Society of Law, Medicine & Ethics, Health Law Teachers Conference, June, 1996.

Antitrust and Physician Networks, American Bar Association Section of Antitrust Law: Annual Meeting, Washington, D.C., March, 1995.

Antitrust and Physician Networks, American Bar Association Section of Antitrust Law Annual Meeting, March, 1995.

Efficiencies Defenses in Antitrust Health Care Litigation, Utah University School of Law Symposium on health Care Reform, October, 1994.

Antitrust Policy Statements on Health Care, Loyola University School of Law, October, 1994.

Evaluating Provider Integration Under Health Care Reform, Cornell University Law School Symposium, April 1994.

Competition or Collusion?, Saint Louis University Law Journal Symposium on Health Care Reform, March 18, 1994.

Antitrust Company Law and "Mega-Mergers" -- A Comparison of American and European Approaches to Regulation, Europa-