

Kevin Díaz, OSB No. 970480
Email: kdiaz@aclu-or.org
ACLU Foundation of Oregon
PO Box 40585
Portland, OR 97240
Tel.: (503) 227-6928; Fax: (503) 227-6948

Nathan Freed Wessler (*pro hac vice*)
Email: nwessler@aclu.org
Ben Wizner (*pro hac vice*)
Email: bwizner@aclu.org
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Tel.: (212) 549-2500; Fax: (212) 549-2654

Attorneys for the Plaintiffs-Intervenors

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**OREGON PRESCRIPTION DRUG
MONITORING PROGRAM**, an agency of
the **STATE OF OREGON**,

Plaintiff,

v.

**UNITED STATES DRUG
ENFORCEMENT ADMINISTRATION**,
an agency of the **UNITED STATES
DEPARTMENT OF JUSTICE**,

Defendant.

Case No.: 3:12-cv-02023-HA

**DECLARATION OF MARK ROTHSTEIN
IN SUPPORT OF PLAINTIFFS-
INTERVENORS' MOTION FOR
SUMMARY JUDGMENT**

JOHN DOE 1, et al.,

Plaintiffs-Intervenors,

v.

**UNITED STATES DRUG
ENFORCEMENT ADMINISTRATION,**
an agency of the **UNITED STATES
DEPARTMENT OF JUSTICE,**

Defendant in Intervention.

I, Mark A. Rothstein, a resident of Kentucky, hereby declare:

1. I am the Herbert F. Boehl Chair of Law and Medicine and Director of the Institute for Bioethics, Health Policy and Law at the University of Louisville School of Medicine. I am also a Professor of Law at the Brandeis School of Law of the University of Louisville. As indicated on my attached resume, many of my scholarship and public service activities have focused on the ethical, legal, and social implications of health privacy. For example, from 1999-2008, I served as a member of the National Committee on Vital and Health Statistics (NCVHS), the congressionally chartered federal advisory committee to the Secretary of Health and Human Services (HHS) on health information policy. I served as Chair of the Subcommittee on Privacy and Confidentiality, and I was responsible for chairing public hearings and meetings throughout the country and initiating the process of drafting NCVHS recommendations on health privacy to the Secretary of HHS and Congress dealing with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, the effect on privacy of adopting electronic health records, and other issues.

2. I have been furnished with a copy of the Complaint in Intervention for Declaratory and Injunctive Relief as well as other documents in this case. My declaration is based on the facts alleged in these pleadings.
3. Ever since the time of Hippocrates in the fourth century B.C.E., the confidentiality of patient health information has been a cornerstone of medical practice throughout much of the world. In the United States, the first Code of Medical Ethics of the American Medical Association (AMA) in 1847 contained a provision explicitly declaring the importance of preserving the confidentiality of patient health information. Every subsequent edition of the AMA Code of Medical Ethics, as well as the codes of ethics of numerous medical specialty colleges and societies, has also recognized the importance of maintaining confidentiality. Comparable provisions on confidentiality also appear in the ethical codes of other health professionals, including the codes of the American Nurses Association and the American Pharmaceutical Association.
4. Confidentiality is essential in encouraging patients to provide their physicians with accurate and complete health information, without which medical care would be severely compromised. It is difficult to imagine modern health care without confidentiality protections, because of the potential for numerous harms to individual patients as well as public health and safety in the four categories described below.
5. First, without confidentiality protections, some patients would delay medical care or avoid treatment altogether, especially for sensitive health conditions, such as sexually transmitted infections and domestic violence. Survey research indicates that individuals concerned about the confidentiality of their health information already engage in

“defensive practices,” such as providing inaccurate or incomplete information to their physicians, thereby undermining effective treatment.

6. Second, lack of confidentiality protections can lead to a patient’s embarrassment and stigma or the economic harms caused by health-based discrimination. Even the possibility of discomfoting disclosures can result in a wide range of psychic harms to patients.
7. Third, lack of individual confidentiality protections can lead to severe, adverse public health consequences. For example, when individuals forego seeking prompt treatment for tuberculosis, hepatitis, mental illness, substance abuse, or other stigmatizing health conditions, public health and safety is placed at great risk.
8. Fourth, lack of confidentiality protections undermines the physician-patient relationship which, in turn, can lessen societal support for the health care system in various ways. For example, without confidentiality, individuals may be less willing to comply with public health measures such as immunization; enroll as biomedical research subjects; and support health care institutions in the private and public sectors.
9. The harm associated with illicit drug use and diversion is well known. What is less well known is that for some populations pain control medicines are actually under-prescribed and under-used. Some physicians, concerned about law enforcement and licensing oversight of their prescribing practices, are reluctant to prescribe scheduled analgesics, even where clinically indicated. Similarly, some -- especially elder -- patients who are unreasonably concerned about addiction to a scheduled pain medicine are loath to take medicine necessary to control their pain. Needlessly expansive law enforcement access to

prescription drug records is likely to exacerbate these concerns of physicians and patients, resulting in more under-treatment of chronic pain.

10. As described in the pleadings, access to prescription drug records is only the first of several intrusions on physicians and patients. As represented by plaintiff Dr. Roe, DEA agents requested the diagnoses and treatment plans of certain of his patients, as well as the addresses of his patients, to conduct follow-up questioning. In some instances, merely knowing the prescription drug being taken will identify an individual's likely medical condition, thereby disclosing information beyond a mere prescription drug record. In the absence of a warrant or court order based on probable cause of unlawful activity by a physician, pharmacist, or patient, a series of intrusive inquiries and investigations based on records submitted to the Prescription Drug Monitoring Program is ethically indefensible.

11. Although the prosecution of those involved in illicit drug use is an important public policy, Congress has recognized it is secondary to the public policy supporting the treatment of individuals with substance abuse disorders. Section 527 of the Public Health Service Act provides that a program receiving federal financial assistance for alcohol and drug abuse treatment may not disclose any information about an individual who is in the program. This provision gives substance abuse treatment centers the right to refuse federal and state administrative and judicial orders for disclosure of their treatment records. Without this protection many individuals would be unwilling to undergo treatment, especially for addiction to illicit drugs, because they would fear law enforcement access to their records and subsequent prosecution. The regulations implementing this statutory provision appear at 42 C.F.R. Part 2.

12. The diversion and unlawful use of prescription drugs is an important social problem and an appropriate activity for law enforcement agencies. Nevertheless, the legitimate ends of law enforcement do not justify the use of means violating constitutional guarantees against unreasonable searches and seizures. Justice Louis Brandeis specifically addressed the issue of excessive governmental intrusions by law enforcement in one of his most famous dissenting opinions.

“And it is also immaterial that the intrusion was in aid of law enforcement. Experience should teach us to be most on our guard when the Government’s purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.”

Olmstead v. United States, 277 U.S. 438, 479 (1928) (Brandeis, J., dissenting).

Pursuant to 28 U.S.C. § 1746, I hereby declare and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Mark A. Rothstein

Dated: June 25, 2013

EXHIBIT A

MARK A. ROTHSTEIN
Curriculum Vitae

167 Totem Road
Louisville, KY 40207
(502) 895-4688

Institute for Bioethics, Health Policy and Law
University of Louisville School of Medicine
501 East Broadway, Suite #310
Louisville, Kentucky 40292
(502) 852-4982, (502) 852-8319 (FAX)
mark.rothstein@louisville.edu

ACADEMIC APPOINTMENTS

- | | |
|----------------|---|
| 2001 - Present | Herbert F. Boehl Chair of Law and Medicine and Director, Institute for Bioethics, Health Policy and Law, University of Louisville School of Medicine |
| | Professor of Medicine, Division of General Internal Medicine, Palliative Medicine, and Medical Education, Department of Medicine, University of Louisville School of Medicine |
| | Professor of Law, Louis D. Brandeis School of Law, University of Louisville |
| | Associate, Division of Medical Humanities and Ethics, Department of Family and Geriatric Medicine, University of Louisville School of Medicine |
| | Adjunct Professor of Public Health, University of Louisville School of Public Health and Information Sciences |
| | Adjunct Professor of Nursing, University of Louisville School of Nursing |
| 2003 – 2006 | Director, Center for Public Health Law Partnerships, a CDC Collaborating Center, University of Louisville School of Medicine |
| 1995 - 2000 | Hugh Roy and Lillie Cranz Cullen Distinguished Professor of Law, University of Houston |
| 1986 - 2000 | Director, Health Law and Policy Institute, University of Houston |
| 1988 - 2000 | Adjunct Professor of Public Health, The University of Texas School of Public Health |

1990 - 1995	Law Foundation Professor of Law, University of Houston
1986 - 1990	Professor of Law, University of Houston
1985 - 1986	Visiting Professor of Law, University of Houston
1984 - 1986	Adjunct Professor of Medicine, West Virginia University School of Medicine
1980 - 1986	Professor of Law, West Virginia University
1980 - 1986	Adjunct Professor of Public Health, Graduate School of Public Health, University of Pittsburgh
1979 - 1980	Visiting Associate Professor of Law, University of Pittsburgh
1975 - 1979	Assistant and Associate Professor of Law, Ohio Northern University
Fall 2007	Visiting Professor of Law, University of Maryland
Winter 2005	Sadie Lewis Webb Visiting Professor of Law, University of Virginia (short course)
Summer 1979	Visiting Associate Professor of Law, Georgetown University

PRACTICE EXPERIENCE

1975 - present	Consultant on biobanks, bioethics, employment law, genetics and the law, health information technology, health policy, health privacy, occupational safety and health law, public health law, and research ethics
1973 - 1975	Attorney-advisor to Commissioner Timothy F. Cleary, Occupational Safety and Health Review Commission, Washington, DC

EDUCATION

J.D.	Georgetown University, 1973
B.A.	University of Pittsburgh, 1970

PROFESSIONAL ACTIVITIES

2013 – present	Adviser, Restatement (Third) of Information Privacy Principles, American Law Institute
2011 – present	Department Editor, Public Health Ethics, American Journal of Public Health

2011 – present	Member, Research Oversight Committee, Jewish Hospital & Saint Mary’s Healthcare (Louisville, Ky.)
2009 – present	Member, National Advisory Committee, Robert Wood Johnson Foundation Community Health Leaders Award
2008 – present	Member, Public Stakeholders Committee, National Board of Medical Examiners
2002 – present	Adviser, Restatement (Third) of Employment Law, American Law Institute
2002 – present	Member, Ethics Committee, Jewish Hospital & Saint Mary’s Healthcare (Louisville, Ky.)
2000 - present	Section Editor and Primary Author of “Currents in Contemporary Bioethics,” Journal of Law, Medicine & Ethics
2011 –2013	Member, Carrier Screening Workgroup, Secretary’s Advisory Committee on Heritable Disorders in Newborns and Children, Department of Health and Human Services
2012	Member, College of Reviewers, Genome Canada
2011	Member, Lincoln Biohistory Study Group Ethics Board, Chicago History Museum
2011	Member, Working Group on PCAST Report, HIT Policy Committee, Office of the National Coordinator of Health Information Technology, Department of Health and Human Services
2002 – 2010	At-Large Member, National Board of Medical Examiners
2006 – 2008	Member, Personalized Health Care Working Group, American Health Information Community, Department of Health and Human Services
2005 – 2008	Member, Physicians Depression and Suicide Prevention Project, Suicide Prevention International/Milbank Memorial Fund
2003 – 2008	Member, Board of Directors, American Society of Law, Medicine & Ethics
2001 – 2008	Chair, Subcommittee on Privacy and Confidentiality (and member, Executive Subcommittee), National Committee on Vital and Health Statistics
1999 - 2008	Member, National Committee on Vital and Health Statistics,

Department of Health and Human Services (appointed by Secretary of Health and Human Services Donna Shalala, reappointed by Secretary Tommy G. Thompson)

- 2007 Member, Special Review Committee, Genome-Wide Studies in Biorepositories with Electronic Medical Records Data, National Human Genome Research Institute, National Institutes of Health
- 2002 – 2007 Member, Committee on Emerging Issues and Data on Environmental Contaminants (and Chair, Subcommittee on Ethical, Legal, and Social Implications), National Research Council, National Academy of Sciences
- 2006 President, American Society of Law, Medicine & Ethics
- 2005 – 2006 Member, Committee on Applications of Toxicogenomic Technologies to Predictive Toxicology, National Research Council, National Academy of Sciences
- 2003 – 2005 Chair, Government Affairs Committee, Health Enterprises Network, Louisville, Ky.
- 2001 – 2004 Member, Newborn Screening Expert Group, American College of Medical Genetics
- 2001 – 2004 Member, Genetics Advisory Committee, Partnership for Prevention
- 2003 Member, Expert Panel, Canadian Networks of Centers of Excellence
- 1997 – 2003 Member, Medical Advisory Panel for Nuclear Weapons Workers at the Nevada Test Site, United States Department of Energy
- 2002 Member, Special Emphasis Panel, Human Genetic Variation, National Human Genome Research Institute, National Institutes of Health
- 2002 Co-Chair, Working Group on Nonmedical Applications of Genomics, National Human Genome Research Institute, National Institutes of Health
- 2000 – 2002 Member, Steering Committee on Pharmacogenetic Research, National Institute of General Medical Sciences, National Institutes of Health
- 2000 – 2002 Member, Advisory Board for “Our Genes/Our Choices” PBS Television Series, Fred Friendly Seminars
- 2000 - 2001 Chair, Section on Post-Graduate Legal Education, Association of

American Law Schools

- 2000 - 2001 Member, Genetics Working Group, Clinical Laboratory Improvement Advisory Committee, Centers for Disease Control and Prevention
- 1998 – 2001 Member, National Advisory Panel, National Conference of State Legislatures Legislative Task Force on Genetics
- 1997 - 2001 Member, Social Issues Committee, American Society of Human Genetics (Chair, 1998-2001)
- 2000 Member, Special Emphasis Panel, Public Health Practice Program Office, Centers for Disease Control and Prevention
- 1998 - 2000 Chair, Subcommittee on Adoption, Social Issues Committee, American Society of Human Genetics
- 1997 - 2000 Member, Committee for the Protection of Human Subjects, University of Houston (Chair, 1998)
- 1998 Member, Subcommittee on Genetic Testing, Clinical Laboratory Improvement Act Advisory Committee, Centers for Disease Control and Prevention
- 1997 - 1999 Member, Working Group on Hereditary Susceptibility, National Action Plan on Breast Cancer
- 1997 - 1998 Ethics Consultant, National Aeronautics and Space Administration
- 1996 Co-Chair, Special Committee to Evaluate the Ethical, Legal, and Social Implications (ELSI) Program, Human Genome Project, National Institutes of Health/U.S. Department of Energy
- 1996 Member, Working Group to Develop the National Occupational Research Agenda, National Institute for Occupational Safety and Health
- 1995 Consultant, Therapeutic Chelation Protocols for Nuclear Weapons Workers Exposed to Plutonium and Americium, United States Department of Energy
- 1994 - 1995 General Reporter, Third American Congress of Labor Law and Social Security, Montreal, Canada
- 1994 - 1995 Special Legislative Counsel on Genetic Discrimination in Employment, National Center for Human Genome Research, National Institutes of Health

1993, 1995	Reviewer, Ethical, Legal, and Social Issues Grants, Human Genome Program, United States Department of Energy
1994	Consultant, American Bar Association, Special Committee on the Drug Crisis
1993 - 1994	Member, Board of Advisers, Biological Sciences Curriculum Study Genetics Project
1991 - 1993	Member, Committee on Assessing Genetic Risks: Issues and Implications for Health and Social Policy, Institute of Medicine, National Academy of Sciences
1991 - 1993	Member, Committee on Genetics and the Insurance Industry, American Society of Human Genetics
1990	Member, Genome Study Section and Special Review Committee on Ethics Grants, National Center for Human Genome Research, National Institutes of Health
1989 - 1990	Member, Secretarial Panel for the Evaluation of Epidemiologic Research Activities, United States Department of Energy (appointed by Secretary of Energy James D. Watkins)
1988 - 1990	Member, Genetic Testing in the Workplace Advisory Panel, Office of Technology Assessment, United States Congress
1989 - 1990	Chair, Labor and Employment Section, Association of American Law Schools
1988 - 1990	Member, Study Group on Identifying Carriers of Cancer Genes, Environmental Health Institute
1988 - 1990	Member, Advisory Group on Hospital Occupational Health and Safety, American Hospital Association
1987 - 1988	Member, Medical Testing and Health Insurance Advisory Panel, Office of Technology Assessment, United States Congress
1987	Member, Health Monitoring in the Workplace Advisory Panel, National Academy of Sciences
1986	Consultant, American Medical Association, Study on Drug Testing in the Workplace
1984 - 1985	Principal Legal Contractor, Reproductive Health Hazards in the Workplace, Office of Technology Assessment, United States Congress

- 1982 - 1985 Founder and Director, West Virginia University Occupational Health Law Program
- 1982 - 1984 Member, Preventing Illness and Injury in the Workplace Advisory Panel, Office of Technology Assessment, United States Congress
- 1982 - 1983 Principal Legal Contractor, The Role of Genetic Testing in the Prevention of Occupational Disease, Office of Technology Assessment, United States Congress

HONORS AND AWARDS

- 2013 Received Louis D. Brandeis Privacy Award, Patient Privacy Rights
- 2001 Named Herbert F. Boehl Chair of Law and Medicine, University of Louisville School of Medicine
- 1999 Received Esther Farfel Award, University of Houston's highest honor for research, teaching, and service.
- 1999 Received National Public Health Hero Award, University of California-Berkeley School of Public Health
- 1997 Received Jay Healey Distinguished Health Law Teacher Award, American Society of Law, Medicine and Ethics
- 1996 Received Ethel M. Baker Faculty Award for Community Service, University of Houston Law Center
- 1995 Named Hugh Roy and Lillie Cranz Cullen Distinguished Professor of Law, University of Houston Law Center
- 1995 Received Mayor and City Council of Houston Proclamation for Faculty Excellence
- 1993 Elected Fellow of the Hastings Center
- 1990 Named Law Foundation Professor, University of Houston Law Center
- 1990 Inducted into Abington (Pa.) High School Hall of Fame
- 1984 Received Hale Posten Award for Legal Scholarship, West Virginia University College of Law

BOARD MEMBER OR GRANT CONSULTANT (current)

Advisory Board, National Information Resource on Ethics and Human Genetics,
Kennedy Institute of Ethics, Georgetown University
Board of Editors, American Journal of Law and Medicine
Column Editor and Principal Author, Journal of Law, Medicine & Ethics
Consultant, Duke University Study on Incidental Findings in Pharmacogenomic
Testing
Consultant, Hastings Center Working Group on Synthetic Biology
Consultant, Indiana University Center for Bioethics Project on Informational Health
Privacy
Consultant, Mayo Clinic/University of Minnesota Study on Incidental Findings in a
Cancer Biobank
Editorial Board, American Journal of Public Health
Editorial Board, Journal of Biolaw and Business
Editorial Board, Journal of Law and Biosciences
Editorial Board, Personalized Medicine
Editorial Board, World Journal of Medical Genetics
External Ethics Advisory Board, Vanderbilt University Medical Center DNA
Databank
Fellow, Hastings Center
International Editorial Advisory Board, Genetics and Society Book Series
Member, Bioethics Workgroup, International Human Epigenome Consortium
Member, Consultation and Oversight Group, NHGRI Sample Repository for Human
Genetic Research, Coriell Institute for Medical Research
Member, Hastings Center Working Group on Ethical Issues in Synthetic Biology
Scientific Advisory Board, Lifeboat Foundation

DISSERTATION COMMITTEES (current)

Kyle B. Brothers, "N of 1: Caring for Each Person in the Era of Personalized
Medicine," Vanderbilt University Graduate Department of Religion
Allan McCay, "Behavioural Genetics, Moral Agency and Retributive Sentencing:
The Case for Mitigation," University of Sydney School of Law

EXTERNAL REVIEWER FOR PROMOTION AND TENURE

Arizona State University College of Law
Baylor College of Medicine
Brooklyn Law School
Bryant University
Catholic University School of Law
Cleveland State University College of Law
Columbia University School of Law
Drake University Law School
Duke University
Florida A&M University College of Law

Florida State University College of Law
George Washington University Law School
Georgia State University College of Law
Golden Gate University School of Law
Harvard University
IIT-Chicago Kent College of Law
Indiana University School of Law
Johns Hopkins University School of Public Health
Lewis and Clark School of Law
Loyola of Chicago School of Law
Marquette University School of Law
Mayo Clinic College of Medicine
Mercer University School of Law
Northern Illinois University College of Law
Oregon Health & Science University
Seton Hall University School of Law
St. Louis University School of Medicine
St. Thomas University School of Law
South Texas College of Law
Suffolk University School of Law
University of Alberta Faculty of Law
University of Arizona School of Law
University of Arkansas-Fayetteville School of Law
University of California-Berkeley College of Natural Resources
University of California-Berkeley School of Law
University of California-Berkeley School of Public Health
University of California-Davis School of Law
University of California-San Francisco School of Medicine
University of Cincinnati College of Law
University of Cincinnati College of Medicine
University of Houston Law Center
University of Kansas School of Law
University of Maryland School of Law
University of Memphis School of Law
University of Minnesota School of Medicine
University of Missouri School of Law
University of North Carolina School of Law
University of South Carolina School of Law
University of Utah School of Law
University of Washington School of Law
University of Wisconsin School of Law
Vanderbilt University School of Law
Vanderbilt University School of Medicine
West Virginia University College of Law

REVIEWER

Academic Press
ActionBioScience
Agency for Healthcare Research and Quality
American College of Clinical Pharmacy
American Journal of Epidemiology
American Journal of Human Genetics
American Journal of Law and Medicine
American Journal of Medical Genetics
American Journal of Pharmacogenomics
American Journal of Preventive Medicine
American Journal of Public Health
American Journal of Surgery
Applied Clinical Informatics
Archives of Internal Medicine
Behavioral Sciences and the Law
Bioethics
BMC Medical Ethics
BMC Medicine
BMC Public Health
Cambridge University Press
Community Genetics
Economic and Social Research Council
Encyclopedia of Bioethics
European Journal of Human Genetics
European Society of Human Genetics
Future Medicine
Genetics in Medicine
Genome Canada
Globalization and Health
Harvard University Press
Hastings Center Report
Human Genetics
Institute of Medicine
International Archives of Occupational and Environmental Health
IRB: Ethics and Human Research
JAMA Internal Medicine
Johns Hopkins University Press
Journal of the American Medical Association
Journal of the American Medical Informatics Association
Journal of Clinical Ethics
Journal of General Internal Medicine
Journal of Genetic Counseling
Journal of Health Politics, Policy, and Law
Journal of Infection and Public Health
Journal of Law, Medicine, and Ethics
Journal of Legal Medicine

Journal of Medical Ethics
Journal of Occupational and Environmental Medicine
Jurimetrics Journal
Kennedy Institute of Ethics Journal
Law and Policy
McGill Journal of Law and Health
Milbank Quarterly
MIT Press
Molecular Genetics and Metabolism
Mount Sinai Journal of Medicine
National Institute for Occupational Safety and Health
National Science Foundation
Nature Genetics
Nature Reviews Genetics
Neuropsychiatric Genetics
New England Journal of Medicine
New Genetics and Society
North American Actuarial Journal
Nuffield Council on Bioethics
Oxford University Press
Personalized Medicine
Pharmacogenomics Journal
Philosophy, Ethics and Humanities in Medicine
Public Health Ethics
Public Health Law Research Program
Robert Wood Johnson Foundation
Science
Science, Technology, and Human Values
Social Studies of Science
Studies in Ethics, Law, and Technology
Theoretical Medicine and Bioethics
Trends in Biotechnology
Trial
University of California Press
Wellcome Trust

SELECTED SPEECHES AND LECTURES

Topics include: Americans with Disabilities Act, behavioral genetics, biobanks, bioethics, clinical ethics, electronic health records and networks, employment law, epigenetics, forensics, genetic privacy and discrimination, genome sequencing, health information technology, health insurance, Health Insurance Portability and Accountability Act, health law and policy, infectious diseases, medical privacy and confidentiality, occupational health, occupational medicine, pandemic preparedness, pharmacogenomics, privacy, public health, research ethics, SARS, synthetic biology, toxicogenomics.

Albany Law School (1995)
American Association for the Advancement of Science (2003, 2007, 2009)
American Association of Health Plans (1998)
American Bar Association, Committee on Employee Rights and Responsibilities (1995)
American Bar Association, Section on Business Law (2001)
American Bar Association, Section on Health Law (2003)
American Bar Association, Section on Labor and Employment Law (2003)
American Bar Association, Section on Science and Technology Law (1992, 2003)
American Cancer Society (1990)
American Civil Liberties Union of Delaware (1996)
American College of Legal Medicine (1993)
American College of Medical Genetics (2008)
American College of Occupational and Environmental Medicine (2002, 2004,
Patterson Memorial Lecture 2011)
American College of Physicians (2004)
American College of Preventive Medicine (2006)
American Council of Life Insurers (1998)
American Enterprise Institute (1997)
American Health Lawyers Association (1998)
American Heart Association (1992)
American Hospital Association (1987, 1988, 1989)
American Law Institute/American Bar Association (1999)
American Liver Foundation (1999)
American Medical Association (2000)
American Medical Informatics Association (2007)
American Psychiatric Association (2008)
American Public Health Association (2005)
American Society for Bioethics and Humanities (2002, 2003)
American Society for Pharmacology and Experimental Therapeutics (2002)
American Society for Preventive Oncology (1995)
American Society of Clinical Oncology (1999)
American Society of Human Genetics (1993, 2001, 2003, 2005)
American Society of Law, Medicine, and Ethics (1987, 1993, 1995, 2004, 2005, 2006,
2010, 2012, 2013)
Arizona State University College of Law (2005, 2007, 2013)
Association of American Law Schools (1998, 2000, 2001, 2002)
Baptist Health System (San Antonio) (1999, 2000)
Baylor College of Medicine (1989, 1994, 1999, 2006)
Biotechnology Industry Organization (Toronto) (2002)
Brooklyn Law School (2001)
Capital University Law School (2009)
Case Western Reserve University School of Law (1996, 2013)
Case Western Reserve University School of Medicine (1988, 2005, 2012)
Center for Democracy and Technology (2008)
Centers for Disease Control and Prevention (1997, 1998, 2001, 2002, 2003, 2006)
Chartered Property Casualty Underwriters Society (1999)

Cleveland Clinic (2005, 2012)
Cleveland-Marshall College of Law (GTE Lecture) (1994)
Cold Spring Harbor Laboratory (1990, 2002)
College of Wooster (2002)
Colorado Springs Osteopathic Foundation (1994)
Columbia University School of Law (2000)
Columbia University School of Public Health (1989)
Columbus State University (2004)
Council of Appellate Staff Attorneys (2003)
Computers, Freedom, and Privacy Annual Conference (1998)
Council of State Governments (1991, 1992)
Dartmouth College (2000)
Duke University School of Law (Siegel Lecture) (2008)
Duquesne University School of Law (2001)
Eighth and Tenth Circuit Judicial Conference (2000)
Environmental Mutagen Society (2012)
Fairleigh Dickinson University (2007)
Federal Judicial Center (1995, 1999)
Federalist Society (1998)
Fifth Circuit Judicial Conference (1996, 1999)
Fifth International DNA Sampling Conference (Banff, 2009)
Forum Club of Houston (1993)
Fourth International DNA Sampling Conference (Montreal, 2006)
Georgetown University (2001)
Gulf States Hemophilia Foundation (1996)
Hartford Hospital (2005)
Harvard Law School (2001)
Hastings Center (1987, 1988, 2002, 2003, 2007, 2012)
Hawaii Bar Association (1998)
Hawaii Judicial Conference (1998)
Hawaii Legislature (1998)
Health Care Compliance Association (2007)
Health Information and Management Systems Society (2007)
Huntington Disease Society of America (1998)
IIT-Chicago-Kent College of Law (Piper Memorial Lecture 1987, 1997)
Indiana University School of Law (2002)
Institute of Medicine (2007, 2009)
International Council of Chemical Associations (2001)
International Society for Technology Assessment in Health Care (1990)
International Society for the Study of Xenobiotics (2002)
International Society of Labor Law and Social Security (Montreal, 1995)
Jewish Hospital (Louisville) (2005, 2006)
Johns Hopkins University School of Public Health (2005, 2007)
Kentucky Bar Association (2003)
Kentucky Cabinet for Health Services (2001)
Kentucky Legislature (2001, 2003)

Kentucky Department for Public Health (2012)
Kentucky Medical Association (2010)
Kentucky Office of the Attorney General (2010)
Kentucky Public Health Association (2007)
Keystone Conference on Epigenetics (2011)
Los Alamos National Laboratories (1991)
Louisiana State University (2004)
Louisville Bar Association (2002, 2005)
Marshall University School of Medicine (2008)
Massachusetts Institute of Technology (1998)
Mayo Clinic (2001)
M.D. Anderson Cancer Center (1991, 1996, 1997, 1999, 2002)
Medical University of South Carolina (1997)
Methodist Hospital (Houston) (2000)
Mexico-U.S. Committee for Occupational and Environmental Health (Cuernavaca, Mexico 1990)
Miami Children's Hospital (2004)
Midwest Center for Occupational Health and Safety (1991)
Milbank Memorial Fund (1999, 2000)
Missouri Judicial Conference (2001, 2002)
Mt. Sinai (N.Y.) School of Medicine (Richman Lecture, 1999)
National Academy of Arbitrators (1991, 1993, 1998)
National Academy of Sciences (1992, 1993, 2002, 2003)
National Action Plan on Breast Cancer (1996, 1997)
National Association of Science Writers (2001)
National Association of Women Judges (2005)
National Cancer Institute (1994, 2005)
National Committee on Vital and Health Statistics (2010)
National Conference of State Legislatures (1998, 2001, 2004)
National Health Law Teachers Conference (1995, 1996, 1997, 2003, 2006)
National Heart, Lung and Blood Institute (1997)
National Human Genome Research Institute (1997)
National Institute of General Medical Sciences (2001)
National Institute of Environmental Health Sciences (2001, 2002, 2004)
National Institutes of Health (1991, 1994, 1996, 1997, 2001, 2002, 2003)
National Institute for Occupational Safety and Health (1991, 2000, 2010)
National Research Council (2004, 2007)
New York Academy of Medicine (1991, 2002)
New York Academy of Sciences (1988)
New York Law School (2001)
Ninth Circuit Judicial Conference (2000)
North Central Occupational and Environmental Medicine Association (1998)
Norton Healthcare System (Louisville) (2005, 2008, 2011)
Occupational Safety and Health Review Commission (2012)
Ohio State Medical Association (1987)
Open Minds (2008, 2010)

Organization Resources Counselors (1998)
Overlook and Morristown Memorial Hospitals (N.J.) (Wolfe Lecture, 1999)
Parkinson's Disease Foundation (2004)
Patient Privacy Rights, Second International Summit (2012)
Pennsylvania Bar Association (1992)
Pharmaceutical Manufacturers Association (1987)
Presidential Commission for the Study of Bioethical Issues (2012)
Princeton University (2000)
Rice University (1994)
Risk and Insurance Management Society (1992)
St. Jude Children's Research Hospital (1999)
St. Louis University School of Law (1989)
Secretary's Advisory Committee on Human Research Protections (2004, 2008)
Seton Hall Law School (Merck Distinguished Scholar 2002)
Seventh and Eighth Circuit Judicial Conference (1998)
Sixth Circuit Judicial Conference (2004)
Society for Occupational and Environmental Health (1993)
Society of General Internal Medicine (2001)
Society of Toxicology (2010)
South Carolina State Bar, Employment Law Section (2009)
Southern Illinois University School of Law (John & Marsha Ryan Bioethicist in Residence, 2007)
Southern Illinois University School of Medicine (2007)
Southern University Law Center (2000)
Stanford University School of Medicine (2003)
Substance Abuse and Mental Health Services Administration (2005)
Suffolk University Law School (2001)
Swiss Institute of Comparative Law (Lausanne, Switzerland 1994)
Temple University School of Law (2004)
Tenth Circuit Judicial Conference (1996)
Texas Cancer Council (1998)
Texas Center for the Judiciary (1990)
Texas Legislature (numerous)
Texas Lutheran University (1996)
Texas Medical Association (1994)
Texas State Bar, Health Law Section (2008)
The Institute for Rehabilitation and Research (1992)
Transylvania University (2002)
United States Commission on Civil Rights (1998)
United States Department of Energy (1991, 1993, 1994, 1997, 1998)
United States House of Representatives, Committee on Government Reform (2006)
United States House of Representatives, Committee on Energy and Commerce, Subcommittee on Investigations and Oversight (2013)
United States Senate, Committee on Homeland Security and Governmental Affairs (2007)
Universidad Nacional Autónoma de México (Mexico City, 1995)
University of Alberta Faculty of Law (2003)

University of Calgary Faculty of Medicine (O'Byrne Lecture, 2003)
University of California-Berkeley School of Public Health (1999, 2010)
University of California-Hastings College of the Law (2013)
University of California-Los Angeles School of Law (2004)
University of California-Los Angeles School of Medicine (2003, 2004)
University of California-Los Angeles School of Public Health (2005)
University of Chicago School of Law (1987)
University of Cincinnati College of Law (2007)
University of Cincinnati College of Medicine (annual 1984-1998, 2003, 2012)
University of Georgia School of Law (2000)
University of Kentucky College of Law (2002)
University of Kentucky College of Medicine (2013)
University of Maryland School of Law (2008)
University of Memphis School of Law (1996)
University of Michigan School of Public Health (1987, 1988, 1991)
University of Minnesota School of Law (2002, 2003, 2007, 2012, 2013)
University of Minnesota School of Medicine (2002, 2003)
University of Missouri School of Law (2000)
University of North Carolina (2011)
University of North Carolina School of Medicine (2003)
University of Ottawa (2009)
University of Pittsburgh Medical Center (2006)
University of Pittsburgh School of Law (1988)
University of Pittsburgh School of Medicine (2000)
University of Pittsburgh School of Public Health (2000)
University of South Carolina School of Law (Johnson & Johnson Lecture, 2005)
University of Tennessee Health Sciences Center (2002)
University of Texas Graduate School of Biomedical Sciences (1993, 1994, 1995)
University of Texas – Houston School of Medicine (2010)
University of Texas Medical Branch-Galveston (1994, 1996)
University of Texas School of Law (1999)
University of Texas School of Public Health (annual, 1985-2000)
University of Toronto School of Law (2011)
University of Utah School of Law (2010)
University of Utah School of Medicine (1999, 2004, 2007)
University of Virginia (2008)
University of Virginia Medical Center (2005)
University of Virginia School of Law (2009, 2011, 2013)
University of Washington School of Medicine (2003)
Utah Legislature (1998)
Vanderbilt University School of Medicine (2003, 2013)
Washington State Department of Health (1999)
Workshop on International Cooperation for the Human Genome Project (Valencia, Spain 1990), (Bilbao, Spain 1993)
World Conference on Diabetes Research (Monaco, 1992)
World Healthcare Innovation & Technology Congress (2008)

World Research Group (2004)
Wyoming Medical Association/Wyoming Bar Association (1987)
Xavier (La.) University (1999)
Yale University (2004)
Zeta Phi Beta Educational Foundation (2003)

BAR MEMBERSHIPS

Supreme Court of the United States
District of Columbia Court of Appeals
Supreme Court of Pennsylvania

PROFESSIONAL MEMBERSHIPS

American Public Health Association
American Society for Bioethics and Humanities
American Society of Human Genetics
American Society of Law, Medicine & Ethics

SPONSORED RESEARCH (all as principal investigator unless otherwise noted)

2007	“Center for Environmental Genomics and Integrative Biology,” National Institutes of Health, \$50,552 (co-investigator)
2003	“Center for Public Health Law Partnerships,” Centers for Disease Control and Prevention, \$989,000
2003	“Quarantine and Isolation: Lessons Learned from SARS,” Centers for Disease Control and Prevention, \$99,868
2002	“Education in Genetics Ethics,” National Human Genome Research Institute, National Institutes of Health, \$1,460,592
2002	“Research Agenda for Maternal Fatality Review Laws,” Centers for Disease Control and Prevention/American College of Obstetricians and Gynecologists, \$10,868
2001	“Analysis of State Child Fatality Review Laws,” Centers for Disease Control and Prevention, \$171,202
2001	“Regulation of Biobanks: Banking Without Checks or Insured Deposits?,” United States Department of Energy, \$600,000
2001	“Genetic Ties and the Future of the Family,” National Human Genome Research Institute, National Institutes of Health, \$814,471
2000	“Pharmacogenomics and Minority Populations,” National Institute of

General Medical Sciences, National Institute of Environmental Health Sciences, and National Human Genome Research Institute of the National Institutes of Health, \$903,748

- 2000 "Genetic Information and Life Insurance Underwriting," National Human Genome Research Institute, National Institutes of Health, \$784,227
- 2000 "Texas Genetics Legislation," Texas Department of Health, \$7,500 (co-investigator)
- 2000 "Legal Issues in the Regulation of Tuberculosis," Centers for Disease Control and Prevention, \$7,500
- 2000 "Evaluating the Effectiveness of Laws Regulating Tobacco in Texas," Centers for Disease Control and Prevention/Texas Department of Health, \$50,000 (co-investigator)
- 1999 "Texas Health Legislation Research Center," Texas Legislature, \$700,000
- 1998 "Texas Partnership to Improve End-of-Life Care," Robert Wood Johnson Foundation, \$75,000 (co-investigator)
- 1998 "Policy Development on Managed Care and Cancer in Texas," Texas Cancer Council, \$105,000
- 1997 "Legal Protections for People with Disabilities," National Institute on Disability and Rehabilitation Research, United States Department of Education, \$60,000 (co-investigator)
- 1997 "Texas Health Legislation Research Center," Texas Legislature, \$700,000
- 1997 "Education on Legal Issues Involving Managed Care and Cancer," Texas Cancer Council, \$104,000
- 1996 "Measuring the Effects of a Unique Law Limiting Employee Medical Examinations to Job-Related Matters," United States Department of Energy, \$126,000
- 1996 "Impact of Managed Care on Cancer Services in Texas," Texas Cancer Council, \$99,000
- 1995 "Privacy, Confidentiality, and New Genetic Technology," United States Department of Energy, \$30,000
- 1995 "Family Violence and the Health Care System in Texas," Texas

	Legislature, \$518,200
1993	"Nonfinancial Barriers to Health Care in Texas," Texas Legislature, \$283,600
1992	"The Human Genome Project and the Future of Health Care," National Center for Human Genome Research, National Institutes of Health, \$70,000 (co-investigator)
1991	"Occupational Injury and Illness in Texas," Texas Legislature, \$290,400
1990	"Legal and Ethical Issues Raised by the Human Genome Project," National Center for Human Genome Research, National Institutes of Health, \$90,000

PUBLICATIONS

Books

1. Mark A. Rothstein, Occupational Safety and Health Law (West Group) (1978), (2d ed. 1983), (3d ed. 1990), (4th ed. 1998), and annual editions: 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013
2. Lori B. Andrews, Maxwell J. Mehlman, & Mark A. Rothstein, Genetics: Ethics, Law and Policy (West Group) (2002), (2d ed. 2006), (3d ed. 2010)
3. Mark A. Rothstein & Lance Liebman, Cases and Materials on Employment Law (Foundation Press) (1987), (2d ed. 1991), (3d ed. 1994), (4th ed. 1998), (5th ed. 2003), (6th ed. 2007), (7th ed. 2011), and 2013 Supplement
4. Mark A. Rothstein, Charles B. Craver, Elinor P. Schroeder & Elaine W. Shoben, Employment Law Treatise (2 vols.) (West Group) (1994), (2d ed. 1999), (3d ed. 2004), (4th ed. 2009), and 2013 Supplement
5. Mark A. Rothstein, Charles B. Craver, Elinor P. Schroeder, & Elaine W. Shoben, Employment Law Hornbook (West Group) (1994), (2d ed. 1999), (3d ed. 2004), (4th ed. 2009)
6. Daniel Oberdorfer & Mark A. Rothstein, West's Legal Forms (Employment Law) (Vol. 24A) (Thomson/West) (3d ed. 2003), and 2010 Supplement
7. Baruch A. Brody, Mark A. Rothstein, Laurence B. McCullough, & Mary Anne Bobinski, Medical Ethics: Analysis of the Issues Raised by the Codes, Opinions and Statements (BNA Books) (2001)
8. Mark A. Rothstein, Charles B. Craver, Elinor P. Schroeder, Elaine W. Shoben & Lea VanderVelde, Human Resources and the Law (BNA Books)

(1994)

9. Mark A. Rothstein, Medical Screening and the Employee Health Cost Crisis (BNA Books) (1989)
10. Mark A. Rothstein, Medical Screening of Workers (BNA Books) (1984)

Books Edited

11. Mark A. Rothstein, Thomas H. Murray, Mary Anderlik Majumder, & Gregory E. Kaebnick, eds., Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children (Johns Hopkins University Press) (2005)
12. Mark A. Rothstein, ed., Genetics and Life Insurance: Medical Underwriting and Social Policy (MIT Press) (2004), paperback (2009)
13. Mark A. Rothstein, ed., Pharmacogenomics: Social, Ethical, and Clinical Dimensions (Wiley-Liss) (2003)
14. Richard A. Goodman, Mark A. Rothstein, Richard E. Hoffman, Wilfredo Lopez, & Gene W. Matthews, eds., Law in Public Health Practice (Oxford University Press) (2002), (2d ed. 2006)
15. Baruch A. Brody, Mark A. Rothstein, Laurence B. McCullough, & Mary Anne Bobinski, eds., Medical Ethics: Codes, Opinions, and Statements (BNA Books) (2000)
16. Ronald A. Carson & Mark A. Rothstein, eds., Behavioral Genetics: The Clash of Culture and Biology (Johns Hopkins University Press) (1999), paperback (2002)
17. Mark A. Rothstein, ed., Genetic Secrets: Protecting Privacy and Confidentiality in the Genetic Era (Yale University Press) (1997), paperback (1999)
18. Thomas H. Murray, Mark A. Rothstein, & Robert F. Murray, Jr., eds., The Human Genome Project and the Future of Health Care (Indiana University Press) (1996)
19. Mark A. Rothstein, ed., Legal and Ethical Issues Raised by the Human Genome Project: Proceedings of the Conference in Houston, Texas, March 7-9, 1991 (Health Law and Policy Institute) (1991)

Book Chapters

20. Mark A. Rothstein, Privacy and Confidentiality, Handbook of Medical Law

- and Ethics (Bartha Maria Knoppers & Yann Joly, eds.) (Routledge 2013)
21. Heather L. Harrell & Mark A. Rothstein, Genetic Privacy, ACP Clinical Genetics (Michael Murray et al., eds.) (McGraw-Hill 2013)
 22. Mark A. Rothstein, Legal and Ethical Implications of Epigenetics, Environmental Epigenomics in Health and Disease (Randy L. Jirtle & Frederick L. Tyson, eds.) (Springer-Verlag 2013)
 23. Mark A. Rothstein, Occupational Health Law, Occupational Health Services: A Practical Approach, 2d ed. (Tee L. Guidotti et al., eds.) (Routledge 2012)
 24. Mark A. Rothstein, Protecting Privacy in Genetic Research on Alcohol Dependence and Other Addictions, Genetic Research on Addiction: Ethics, the Law and Public Health (Audrey Chapman, ed.) (Cambridge University Press 2012)
 25. Mark A. Rothstein, Informed Consent in Pharmacogenomic Research and Treatment, Principles of Pharmacogenetics and Pharmacogenomics (Russ Altman, David Flockhart, & David Goldstein, eds.) (Cambridge University Press 2012)
 26. Mark A. Rothstein & Yann Joly, Genetic Information and Insurance Underwriting: Contemporary Issues and Approaches in the Global Economy, Handbook of Genetics and Society: Mapping the New Genomic Era (Paul Atkinson, Peter Glasner, & Margaret Lock, eds.) (Routledge 2009)
 27. Mark A. Rothstein, Occupational Health and Discrimination Issues Raised by Toxicogenomics in the Workplace, Genomics and Environmental Regulation (Richard R. Sharp, Gary E. Marchant, & Jamie Grodsky, eds.) (Johns Hopkins University Press 2008)
 28. Mark A. Rothstein, Privacy Issues in Public Health Genomics, Genomics and Public Health: Legal and Socio-Ethical Perspectives (Bartha Maria Knoppers, ed.) (Martinus Nijhoff Publishers 2007)
 29. Mark A. Rothstein, Privacy and Confidentiality in the Nationwide Health Information Network, Paper Kills: Transforming Health and Health Care with Information Technology (David Merritt, ed.) (CHT Press 2007)
 30. Mark A. Rothstein & Heather L. Hinds, Ethical Criteria for Evaluating Hand Transplantation, Hand Transplantation (Vijay S. Gorantla, ed.) (Landes Bioscience 2006)
 31. Ellen Wright Clayton & Mark A. Rothstein, Integrating Genetics Into Public Health Policy and Practice, Law in Public Health Practice, 2d ed. (Richard A. Goodman et al. eds.) (Oxford University Press 2006)

32. Mary Anderlik Majumder & Mark A. Rothstein, Pharmacogenomics and Cancer: Ethical, Legal and Social Issues, Cancer Bioinformatics: From Cancer Biology to Therapy Design and Treatment (Sylvia Nagl, ed.) (John Wiley & Sons 2006)
33. M. Gabriela Alcalde & Mark A. Rothstein, Ethical Considerations in Pharmacogenomic Research, Pharmacogenomics and Proteomics: Enabling the Practice of Personalized Medicine (Steven H. Wong, Mark W. Linder & Roland Valdes, Jr., eds.) (AACC Press 2006)
34. Mark A. Rothstein, Translating Values and Interests Into the Law of Parentage Determination, Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children (Mark A. Rothstein et al., eds.) (Johns Hopkins University Press 2005)
35. Mark A. Rothstein, Government Agencies/Statutes/Legislation, Textbook of Clinical Occupational and Environmental Medicine, 2d ed. (Linda Rosenstock et al., eds.) (Elsevier Saunders 2005)
36. Mark A. Rothstein & Carlton A. Hornung, Public Attitudes About Genetics and Life Insurance, Genetics and Life Insurance: Medical Underwriting and Social Policy (Mark A. Rothstein, ed.) (MIT Press 2004)
37. Mark A. Rothstein, Policy Recommendations, Genetics and Life Insurance: Medical Underwriting and Social Policy (Mark A. Rothstein, ed.) (MIT Press 2004)
38. Mark A. Rothstein & Carlton A. Hornung, Public Attitudes About Pharmacogenomics, Pharmacogenomics: Social, Ethical, and Clinical Dimensions (Mark A. Rothstein, ed.) (Wiley-Liss 2003)
39. Mark A. Rothstein, Epilogue: Policy Prescriptions, Pharmacogenomics: Social, Ethical, and Clinical Dimensions (Mark A. Rothstein, ed.) (Wiley-Liss 2003)
40. Laura Beskow, Marta Gwinn, & Mark A. Rothstein, Integrating Genomics Into Public Health Policy and Practice, Law in Public Health Practice (Richard Goodman et al., eds.) (Oxford University Press 2002)
41. Phyllis Griffin Epps & Mark A. Rothstein, Pharmacogenomics: Ensuring Equality in Drugs Based on Difference, Pharmacogenomics: The Search for Individualized Therapeutics (Julio Licinio & Ma-Li Wong, eds.) (Wiley-VCH 2002)
42. Mark A. Rothstein, OSHA Law and Practice, West's Federal Administrative Practice, 4th ed. (vol. 3, chs. 34-38) (West Group 2001), and 2010 Supp.
43. Mark A. Rothstein, Bias and Discrimination, Confidentiality, Genetics,

Public Health, and Health Care Policy, Medical Ethics: Analysis of The Issues Raised by the Codes, Opinions and Statements (Baruch A. Brody, Mark A. Rothstein, Laurence B. McCullough, and Mary Anne Bobinski, eds.) (BNA Books 2001)

44. Mark A. Rothstein, Genetic Determinism: Its Effects on Culture and Law, Behavioral Genetics: The Clash of Culture and Biology (Ronald A. Carson & Mark A. Rothstein, eds.) (Johns Hopkins University Press 1999)
45. Mark A. Rothstein, The Law of Medical and Genetic Privacy in the Workplace and Genetic Secrets: A Policy Framework, Genetic Secrets: Protecting Privacy and Confidentiality in the Genetic Era (Mark A. Rothstein, ed.) (Yale University Press 1997)
46. Mark A. Rothstein, The Genetic Factor in Health Care Reform: Framing the Policy Debate, The Human Genome Project and the Future of Health Care (Thomas H. Murray, Mark A. Rothstein, Robert F. Murray, Jr., eds.) (Indiana University Press 1996)
47. Mark A. Rothstein, Ethical Issues Surrounding the New Technology as Applied to Health Care, Biotechnology: Science, Engineering, and Ethical Challenges for the Twenty-first Century (Frederick B. Rudolph & Larry V. McIntire, eds.) (Joseph Henry Press 1996)
48. Mark A. Rothstein, The Challenge of New Genetic Information for the Law of Health and Life Insurance, The Human Genome Project: Legal Aspects, vol. 3 (Fundación BBV, Madrid 1996)
49. Mark A. Rothstein, Medical Record Confidentiality in the Workplace, Healthcare, Privacy @ CYBERSPACE (SUNY at Albany 1995)
50. Mark A. Rothstein, Genetic Discrimination in Employment: Ethics, Policy, and Comparative Law, Human Genetic Analysis and the Protection of Personality and Privacy (Schulthess Polygraphischer Verlag, Zurich 1995)
51. Mark A. Rothstein, The Americans with Disabilities Act, Workers' Compensation, and Related Issues of Occupational Medicine Practice, Textbook of Clinical Occupational and Environmental Medicine (Linda S. Rosenstock & Mark Cullen, eds.) (W.B. Saunders Co. 1994)
52. Mark A. Rothstein, Legal Concerns in Worker Notification and the Use of Biomarkers in Medical Surveillance, Biomarkers and Occupational Health: Progress and Perspectives (Mortimer L. Mendelsohn, John P. Peeters, & Mary Janet Normandy, eds.) (Joseph Henry Press 1994)
53. Mark A. Rothstein, Genetics, Insurance, and the Ethics of Genetic Counseling, Molecular Genetic Medicine, vol. 3 (Theodore Friedmann, ed.) (Academic Press 1993)

54. Mark A. Rothstein, Arbitration in the Employer Welfare State, *Arbitration 1991: The Changing Face of Arbitration in Theory and Practice*, Proceedings of the Forty-Fourth Annual Meeting of the National Academy of Arbitrators (BNA Books 1992)
55. Mark A. Rothstein, The Genome Project and Employment Law, *Legal and Ethical Issues Raised by the Human Genome Project* (Mark A. Rothstein, ed.) (Health Law and Policy Institute 1991)
56. Mark A. Rothstein, The Law/Medicine Interface in Assessing Vocational Capacity, *Vocational Assessment of Impaired Workers* (Steven Scheer, ed.) (Aspen Press 1990)
57. Mark A. Rothstein, Legal and Ethical Issues in the Laboratory Assessment of Genetic Susceptibility to Cancer, *Genetic Susceptibility to Cancer: Laboratory Approaches* (Lawrence Spatz, Arthur D. Bloom, & Natalie W. Paul, eds.) (Environmental Health Institute/March of Dimes 1990)
58. Mark A. Rothstein, Employee Testing: Drug and AIDS Testing, *Occupational Health Services* (William L. Newkirk & Lynn D. Jones, eds.) (American Hospital Publishing 1989)
59. Mark A. Rothstein, Screening Workers for AIDS, *AIDS and the Law* (Harlon L. Dalton & Scott Burris, eds.) (Yale University Press 1987)

Symposia

60. Melissa M. Goldstein & Mark A. Rothstein, eds., Symposium: The Effects of Health Information Technology on the Practice of Medicine, 38(1) *J. L. Med. & Ethics* 1-84 (2010)
61. Mark A. Rothstein & Bartha Maria Knoppers, eds., Symposium: Regulation of Biobanks, 33(1) *J.L. Med. & Ethics* 1-101 (2005)

Articles

[* indicates article may be viewed and downloaded from:
<http://ssrn.com/author=139038>]

62. Mark A. Rothstein, Ethical Considerations for Modern Quarantine: American Perspectives (under submission)
63. Ribhi Hazin, Kyle B. Brothers, . . . Mark A. Rothstein, et al., Ethical, Legal and Social Implications of Incorporating Genomic Information into Electronic Health Records, 15 *Genetics In Med.* ____ (2013)

64. Lainie Friedman Ross, Mark A. Rothstein, & Ellen Wright Clayton, Should Incidental Findings Discovered with Whole Genome Sequencing/Testing Be Sought and Reported to Ordering Clinicians and to Patients (or their Surrogates)?, ____ JAMA ____ (2013)
65. Lainie Friedman Ross, Mark A. Rothstein, & Ellen Wright Clayton, Premature Guidance About Whole Genome Sequencing, ____ Personalized Med. ____ (2013)
66. * Mark A. Rothstein, Epigenetic Exceptionalism, 41 J.L. Med. & Ethics ____ (2013)
67. * Mark A. Rothstein, HIPAA Privacy Rule 2.0, 41 J.L. Med. & Ethics ____ (2013)
68. * Mark A. Rothstein & Abigail B. Shoben, An Unbiased Response to the Open Peer Commentaries on Consent Bias, 13(4) Am. J. Bioethics W1-W4 (2013)
69. * Mark A. Rothstein & Abigail B. Shoben, Does Consent Bias Research?, 13(4) Am. J. Bioethics 27-37 (2013)
70. * Mark A. Rothstein & Gil Siegal, Health Information Technology and Physicians' Duty to Notify Patients of New Medical Developments, 12 Hous. J. Health L. & Pol'y 93-136 (2012)
71. * Mark A. Rothstein, The Case Against Precipitous, Population-Wide, Whole-Genome Sequencing, 40 J.L. Med. & Ethics 682-689 (2012)
72. * Mark A. Rothstein, Access to Sensitive Information in Segmented Electronic Health Records, 40 J.L. Med. & Ethics 394-400 (2012)
73. * Mark A. Rothstein, Physicians' Duty to Inform Patients of New Medical Discoveries: The Effect of Health Information Technology, 39 J.L. Med. & Ethics 690-693 (2011)
74. * Mark A. Rothstein, Constitutional Right to Informational Health Privacy in Critical Condition, 39 J.L. Med. & Ethics 280-284 (2011)
75. * Mark A. Rothstein, Who Will Treat Medicaid and Uninsured Patients? Retired Providers Can Help, 39 J.L. Med. & Ethics 91-95 (2011)
76. * Mark A. Rothstein, Health Care Reform and Medical Malpractice Claims, 38 J.L. Med. & Ethics 871-874 (2010)
77. * Mark A. Rothstein, Deidentification and Its Discontents: A Response to the Open Peer Commentaries, 10(9) Am. J. Bioethics W1-W2 (2010)

- 78.* Mark A. Rothstein, Is Deidentification Sufficient to Protect Health Privacy in Research?, 10(9) Am. J. Bioethics 3-11 (2010)
- 79.* Mark A. Rothstein, Should Health Care Providers Get Treatment Priority in an Influenza Pandemic?, 38 J. L. Med. & Ethics 412-419 (2010)
- 80.* Mark A. Rothstein, Malpractice Immunity for Volunteer Physicians in Public Health Emergencies – Adding Insult to Injury, 38 J.L. Med. & Ethics 149-153 (2010)
- 81.* Mark A. Rothstein, The Hippocratic Bargain and Health Information Technology, 38 J.L. Med. & Ethics 7-13 (2010)
- 82.* Mark A. Rothstein, The Role of Law in the Development of American Bioethics, 20 J. Int’l de Bioéthique 73-84 (2010)
- 83.* Mark A. Rothstein & Heather L. Harrell, Health Risk Reduction Programs in Employer-Sponsored Health Plans: Part II – Law and Ethics, 51 J. Occup. & Env’tl. Med. 951-957 (2009)
- 84.* Mark A. Rothstein & Heather L. Harrell, Health Risk Reduction Programs in Employer-Sponsored Health Plans: Part I - Efficacy, 51 J. Occup. & Env’tl. Med. 943-950 (2009)
- 85.* Mark A. Rothstein, Improve Privacy in Research by Eliminating Informed Consent? IOM Report Misses the Mark, 37 J. L. Med. & Ethics 507-512 (2009)
- 86.* Mark A. Rothstein, Yu Cai, & Gary E. Marchant, The Ghost in Our Genes: Legal and Ethical Implications of Epigenetics 19 Health Matrix 1-62 (2009)
- 87.* Mark A. Rothstein, The Limits of Public Health: A Response, 2 Pub. Health Ethics 84-88 (2009)
- 88.* Mark A. Rothstein, Genetic Stalking and Voyeurism: A New Challenge to Privacy, 57 U. Kansas L. Rev. 539-578 (2009)
- 89.* Mark A. Rothstein, GINA, the ADA, and Genetic Discrimination in Employment, 36 J.L. Med. & Ethics 837-840 (2008)
- 90.* Mark A. Rothstein, Putting the Genetic Information Nondiscrimination Act in Context, 10 Genetics in Med. 655-656 (2008)
- 91.* Mark A. Rothstein, Keeping Your Genes Private, Scientific American, Sept. 2008, 64-69
92. Amy L. McGuire, . . . Mark A. Rothstein et al., Confidentiality, Privacy, and Security Considerations for the Storage of Genetic and Genomic Test

- Information in Electronic Health Records: Consensus Statement, 10 Genetics in Med. 495-499 (2008)
- 93.* Mark A. Rothstein, Is GINA Worth the Wait?, 36 J.L. Med. & Ethics 174-178 (2008)
- 94.* Mark A. Rothstein, Health Privacy in the Electronic Age, 28 J. Legal Med. 487-501 (2007)
- 95.* Mark A. Rothstein & Meghan K. Talbott, Job Security and Income Replacement for Individuals in Quarantine: The Need for Legislation, 10 J. Health Care L. & Pol'y 239-257 (2007)
96. Herbert Hendin, . . . Mark A. Rothstein, et al., Licensing and Physician Mental Health: Problems and Possibilities, 93 J. Med. Licensure & Discipline No. 2, 6-11 (2007)
- 97.* Mark A. Rothstein, Legal Conceptions of Equality in the Genomic Age, 25 L. & Inequality 429-463 (2007)
- 98.* Mark A. Rothstein & Meghan K. Talbott, Encouraging Compliance with Quarantine: A Proposal to Provide Job Security and Income Replacement, 97 Am. J. Pub. Health S49-S56 (2007)
- 99.* Mark A. Rothstein & Meghan K. Talbott, Compelled Authorizations for Disclosure of Health Records: Magnitude and Implications, 7 Am. J. Bioethics No. 3, 38-45 (2007)
- 100.* Mark A. Rothstein & Meghan K. Talbott, Compelled Authorizations for Disclosure of Health Records: Response to the Open Peer Commentaries, 7 Am. J. Bioethics No. 3, W-1 to W-3 (2007)
101. Mark A. Rothstein, Tiered Disclosure Options Promote the Autonomy and Well-Being of Research Subjects, 6 Am. J. Bioethics No. 6, 20-22 (2006)
- 102.* Mark A. Rothstein & Meghan K. Talbott, Compelled Disclosure of Health Information: Protecting Against the Greatest Potential Threat to Privacy, 295 JAMA 2882-2885 (2006)
- 103.* Mark A. Rothstein & Meghan K. Talbott, The Expanding Use of DNA in Law Enforcement: What Role for Privacy?, 34 J.L. Med. & Ethics 153-164 (2006)
- 104.* Mark A. Rothstein, Liability Issues in Pharmacogenomics, 66 La. L. Rev. 117-124 (2005)
- 105.* Mark A. Rothstein, Applications of Behavioural Genetics: Outpacing the Science?, 6 Nature Reviews Genetics 793-798 (2005)

- 106.* Mark A. Rothstein, Genetic Exceptionalism and Legislative Pragmatism, 35 Hastings Center Rep. No. 4, 27-33 (July-Aug. 2005), reprinted at 35 J.L. Med. & Ethics Supp. No. 2, at 59-65 (2007)
- 107.* Mark A. Rothstein, Genetic Justice, 352 New Eng. J. Med. 2667-2668 (2005)
- 108.* Mark A. Rothstein, Expanding the Ethical Analysis of Biobanks, 33 J.L. Med. & Ethics 89-101 (2005)
- 109.* Mark A. Rothstein, Research Privacy Under HIPAA and the Common Rule, 33 J.L. Med. & Ethics 154-159 (2005)
- 110.* Mark A. Rothstein, Are Traditional Public Health Strategies Consistent with Contemporary American Values?, 77 Temple L. Rev. 175-192 (2004)
111. Mark A. Rothstein, The Growth of Health Law and Bioethics, 14 Health Matrix 213-218 (2004)
112. Mary R. Anderlik & Mark A. Rothstein, Canavan Decision Favors Researchers Over Families, 31 J.L. Med. & Ethics 450-454 (2003)
113. Lawrence H. Lash, Ronald N. Hines, Frank J. Gonzalez, Timothy R. Zacherewski & Mark A. Rothstein, Genetics and Susceptibility to Toxic Chemicals: Do You (or Should You) Know Your Genetic Profile?, 305 J. Pharmacology & Experimental Therapeutics 403-409 (2003)
114. M. Gabriela Alcalde & Mark A. Rothstein, Pharmacogenomics: Ethical Concerns and Pharmacy Practice, 59 Am. J. Health-Syst. Pharmacy No. 22, at 2239-2240 (2002)
115. Susan Gerard, Maxine Hayes, & Mark A. Rothstein, On the Edge of Tomorrow: Fitting Genomics into Public Health Policy, 30 J.L. Med. & Ethics 173-176 (2002)
116. Mark A. Rothstein, Discrimination in Employment on the Basis of Genetics, 2 Employee Rts. & Employment Pol'y J. 112-122 (2002)
- 117.* Mark A. Rothstein, Serge A. Martinez & W. Paul McKinney, Using Established Medical Criteria to Define Disability: A Proposal to Amend the Americans with Disabilities Act, 80 Wash. U.L.Q. 243-297 (2002)
- 118.* Mary R. Anderlik & Mark A. Rothstein, DNA-Based Identity Testing and the Future of the Family: A Research Agenda, 28 Am. J.L. & Med. 215-232 (2002)
119. Mark A. Rothstein & Mary R. Anderlik, The AbioCor Artificial Heart Replacement: Bioengineering Meets Bioethics, 16 J. Cardiothoracic &

- Vascular Anesthesia 234-239 (2002)
- 120.* Mark A. Rothstein, Rethinking the Meaning of Public Health, 30 J.L. Med. & Ethics 144-149 (2002)
121. Mary R. Anderlik & Mark A. Rothstein, Genetic Privacy: A War Fought on Many Fronts, Update - - N.Y. Academy of Sciences Mag. 198-204 June/July 2002
- 122.* Mark A. Rothstein, The Role of IRBs in Research Involving Commercial Biobanks, 30 J.L. Med. & Ethics 105-108 (2002)
- 123.* Mark A. Rothstein & Mary R. Anderlik, Commentary, What Is Genetic Discrimination and When and How Can It Be Prevented?, 3 Genetics in Med. 354-358 (2001)
- 124.* Mark A. Rothstein & Phyllis Griffin Epps, Pharmacogenomics and the (Ir)relevance of Race, 1 Pharmacogenomics J. 104-108 (2001)
- 125.* Mark A. Rothstein & Sandra Carnahan, Legal and Policy Issues in Expanding the Scope of Law Enforcement DNA Data Banks, 67 Brooklyn L. Rev. 127-177 (2001)
- 126.* Mary R. Anderlik & Mark A. Rothstein, Privacy and Confidentiality of Genetic Information: What Rules for the New Science?, 2 Ann. Rev. Genomics & Human Genetics 401-433 (2001)
- 127.* Mark A. Rothstein, Predictive Genetic Testing for Alzheimer's Disease in Long-Term Care Insurance, 35 Ga. L. Rev. 707-733 (2001)
- 128.* Mark A. Rothstein & Phyllis Griffin Epps, Ethical and Legal Implications of Pharmacogenomics, 2 Nature Revs. Genetics 228-231 (2001)
- 129.* Mark A. Rothstein, Ethical Guidelines for Medical Research on Workers, 42 J. Occup. & Env'tl Med. 1166-1171 (2000)
- 130.* Mark A. Rothstein, Genetics and the Work Force of the Next Hundred Years, 3 Colum. Bus. L. Rev. 371-402 (2000)
131. Mark A. Rothstein & Mary Kay Peliias, Genetic Testing in Adoption: Joint Statement of the American Society of Human Genetics and the American College of Medical Genetics, 56 Am. J. Human Genetics 761-767 (2000)
132. Mark A. Rothstein, Why Treating Genetic Information Separately Is a Bad Idea, 4 Tex. Rev. L. & Politics 33-37 (1999)
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