

ARNOLD JAY ROSOFF

The Wharton School
University of Pennsylvania
673 Jon M. Huntsman Hall
Philadelphia, PA 19104-6340

Phone: (215) 898-7610
Fax: (215) 573-2006
Email: rosoffa@wharton.upenn.edu
Website: <http://www.wharton.upenn.edu/faculty/rosoffa.html>

EDUCATION Bachelor of Science in Economics - *The Wharton School, University of Pennsylvania*, 1965
Concentration in Insurance

Juris Doctor - *Columbia Law School*, 1968 (*Cum Laude Honors*)

Chartered Life Underwriter (C.L.U.) - *American College of Life Underwriters*, 1973

EMPLOYMENT/APPOINTMENTS (*partial list only*):

CURRENT

Professor of Legal Studies and Health Care Systems, The Wharton School 1991 - present
(Primary appointment in the Legal Studies and Business Ethics Dept.;
Secondary appointment in the Health Care Management Department)

Professor of Family Medicine and Community Health, Univ. of Penna. School
of Medicine, reflecting my teaching and service role in the Graduate Program
in Public Health (member of MPH faculty since 2004) 2010 - present

Senior Fellow, The Leonard Davis Institute of Health Economics 1973 - present
Executive Committee member (1984-1990, 1997-present)

Senior Fellow, U. of Penna. Center for Public Health Initiatives 2008 – present

FORMER

Faculty Master, Fisher-Hassenfeld College House, Univ. of Pennsylvania 2000-2006

Visiting Scholar, INSEAD (Fontainebleau, France) Mar.-Apr., 1999

Chairperson, Department of Legal Studies, University of Pennsylvania 1991 - 1995

Director, Wharton Executive MBA Program (WEMBA) 1991 - 1993

Guest Scholar, The Brookings Institution Jan.-July, 1991
Studied implications of the demise of the Medicare Catastrophic
Coverage Act for health care reform initiatives

Scholar-in-Residence, Institute of Medicine, Jan.-July, 1991
National Academy of Sciences, Washington, DC
Studied legal issues of cost containment measures in health care

Director, Wharton Government and Business Program 1988 - 1991

Associate, Wolf, Block, Schorr & Solis-Cohen, Attorneys, Philadelphia, PA 1968 - 1970
(rejoined firm as part-time associate in Health Law Dept. 1984 - 1988)

Consultant (part-time) & founding member), American Health
Management & Consulting Corp. (AHMAC), Wayne, PA 1973 - 1986

Visiting Associate Professor of Health Law, Harvard School of
Public Health (On leave from Wharton) Jan.-July, 1984

Senior Health Law Advisor, Health Care Financing Administration 1978 - 1979
DHEW, Washington, D.C. (On leave from Wharton)

Law Clerk to the Honorable Harry E. Kalodner, Circuit Judge 1969
U.S. Court of Appeals for the Third Circuit (on leave from Wolf, Block)

PROFESSIONAL ORGANIZATIONS

Member, Bar of the Commonwealth of Pennsylvania, Admitted 1968 (current status: inactive)
American College of Legal Medicine (*Fellow*)
Association of Legal Studies in Business
American Society of Law, Medicine and Ethics
American Public Health Association

EDITORSHIPS

Deputy Editor Emeritus, Journal of Legal Medicine 2008- present
Deputy Editor 1982 - 1990, 1994 – 2008; *Senior Consulting Editor* 1990 - 1994

Editorial Board, Journal of Law, Medicine and Ethics 1983 - present

Contributing Editor, the Hospital Law Manual, Aspen Publishers 1980 – present

PROFESSIONAL SERVICE

Member, Advisory Board, Drexel University Law School Health Law Institute 2007 - present

Member, Advisory Board, Widener Law School Health Law Institute 2002 - present

Member, Advisory Committee, Health Law & Policy Institute,
University of the Sciences in Philadelphia 2002 - 2009

SELECTED HONORS & PROF'AL ACTIVITIES

Member, Institute of Medicine's Committee on Standards for Developing Trustworthy Clinical Practice Guidelines (resulting in 2011 publication of a report to Congress, *Clinical Practice Guidelines We Can Trust*) 2009 - 2011

Recipient, the Gold Medal of the American College of Legal Medicine (for distinguished service as Deputy Editor of the Journal of Legal Medicine) 2004

Recipient, the Jay Healey Distinguished Teacher Award of the Health Law Teachers Section of the American Society of Law, Medicine and Ethics 1998

Chosen as a "top ten" teacher, Wharton Undergraduate Division 1997

Elected to Fellowship in the American College of Legal Medicine (F.C.L.M.) 1992
(status generally accorded only to holders of both the M.D. & J.D. degrees)

Recipient, The Wharton School's Anvil Award for excellence in graduate teaching 1982
also Wharton Graduate Student Association's "Outstanding Teacher" awards 1982, 1983 and 1984

Recipient, Administrator's Citation, Health Care Financing Administration, DHEW, 1979
for outstanding contributions on consumer protection issues affecting Medicare beneficiaries

Recipient, Lindback Award (Pennsylvania state-wide award program for excellence in college teaching) 1976

W.K. Kellogg Foundation Fellowship for research on "Informed Consent to Medical and Surgical Treatment" 1976

PUBLICATIONS

Article: "Of Stars and Proper Alignment: Scanning the Heavens for the Future of Healthcare Reform", 159 *U. Pennsylvania L. Rev.* 2085 (2011)

Commentary: "Afterword, in the Memory of Thomas W. Dunfee: Recollections of Colleagues", 88 *J. Bus. Ethics* 855 (Sept. 2009)

Book Review Essay: THE TRUTH ABOUT HEALTH CARE: WHY REFORM IS NOT WORKING IN AMERICA, by David Mechanic (2006) 29 *J. Legal Med.* 125 (2008)

Article: "Consumer-Driven Health Care: Questions, Cautions and an Inconvenient Truth," 28 *J. Legal Med.* 14 (March 2007)

Chapter: "Informed Consent to Medical and Surgical Treatment," LEGAL MEDICINE, (updated version) Vol. 7 (2006), with Theodore LeBlang & Christopher White

Article: Education for Healthcare Management in the United States, HOSPITALS, Vol. 64, No. 8 (August 2005), with June Kinney & Naoki Ikegami

Book Review Essay: POLICY CHALLENGES IN MODERN HEALTH CARE, by David Mechanic, Lynn B. Rogut, David C. Cohen, & James Knickman, Eds. (2005), 26 *J. Legal Med.* 523 (2005)

Book Review Essay: THE GOLD STANDARD: THE CHALLENGE OF EVIDENCE-BASED MEDICINE AND STANDARDIZATION IN HEALTH CARE, by Stefan Timmermans & Marc Berg (2003), 25 *J. Legal Med.* 249 (2004)

Essay: "Health Law at Fifty Years: A Look Back," in symposium issue of *Health Matrix: Journal of Law-Medicine* 14:197 (2004)

Chapter: "Informed Consent to Medical and Surgical Treatment," LEGAL MEDICINE, Vol. 6 (2004), with Theodore LeBlang & Christopher White

Article: "Clinical Practice Guidelines: Using Evidence-Based Medicine to Balance Healthcare Cost and Quality and Manage Medical Malpractice Risk," 12 *Japanese Journal of Nursing Administration* 786 (Oct. 2002)

Article: "On Being a Physician in the Electronic Age: Peering into the Mists at Point-and-Click Medicine," 46 *St. Louis U.L.J.* 111-148 (2002)

Article: "Breach of Fiduciary Duty Lawsuits against MCOs: What's Left after *Pegram v. Herdrich*?" 22 *J. Legal Med.* 55-75 (2001)

Article: "Evidence-Based Medicine and the Law: The Courts Confront Clinical Practice Guidelines" 26 *J. Health Politics, Policy & Law* 327-68 (2001)

Chapter: "Clinical Practice Guidelines: Boon or Bane for Physicians?" in MEDICINE AND BUSINESS: BRIDGING THE GAP, Sheldon Rovin, Ed. (Aspen Publishers, Inc., 2000)

Foreword: CONSENT TO TREATMENT: A PRACTICAL GUIDE, by Fay A. Rozovsky. (Aspen Publishers, Inc., 2000) pp. vii-xi

Article: "Informed Consent in the Electronic Age," 25 *Am. J. L. & Med.* 367 (1999)

Article: "Clinical Practice Guidelines: How the Law Will Affect Their Development and Use" 2 (12) *Healthcare Risk Control 1* (ECRI, Nov. 1999)

Book Review Essay: ACCESS TO THE GENOME: THE CHALLENGE TO EQUALITY, by M.J. Mehlman and J.R. Botkin (1998), 20 *J. Legal Med.* 167-173 (1999)

Article: "The Changing Face of Pharmacy Benefits Management: Information Technology Pursues a Grand Mission" 42 *St. Louis U.L.J.* 1-53 (1998)

Book Review Essay: "Teaching Health Law: Choosing the Right Tool" (reviewing three new teaching texts), 18 *J. Legal Med.* 539-546 (1997)

Chapter: "Social, Cultural, and Behavioral Factors" in *CONTAINING HEALTH CARE COSTS IN JAPAN*, Naoki Ikegami and John Campbell, eds. (U. Michigan Press, 1996) pp. 248-54

Article: "The Role of Clinical Practice Guidelines in Health Care Reform" 5:2 *Health Matrix: Journal of Law-Medicine* 369-396 (Summer, 1995) [reprinted in *Specialty Law Digest: Health Care Law* (August 1996)]

Book Review Essay: STANDARDS OF CARE IN EMERGENCY MEDICINE, by H. Wigder and J. Moffat (1994), 16 *J. Legal Med.* 167-173 (1995)

Commentary: "Truce on the Battlefield: A Proposal for a Different Approach to Medical Informed Consent" 22:4 *J. Law, Med. & Ethics* 314 (Winter 1994)

Article: "Ethical and Legal Considerations in the Care of Patients with Cancer: U.S. and Japanese Perspectives" *Supportive Care in Cancer* (Summer 1994)

Chapter updates: "Consents" in *TREATISE ON HEALTH CARE LAW*, M. MacDonald, R. Kaufman, A. Capron, and I. Birnbaum, eds. (Matthew Bender Co.) chapter published 1991, updates in 1993, 1994, 1995 and 1998 supplements)

Interview: "Informed Consent in America: What Does the Physician Tell the Patient?" report of a dialogue with Dr. Naoki Ikegami, in Japanese in *Shakai Hoken Junpo*, No. 1728 (June 1993)

Article: "Informed Consent in America: What Doctors Let Their Patients Know" A Ten-Day Report of Social Insurance, Tokyo, The Institute of Social Insurance, No. 1728, pp. 6-14, June 1, 1991

Article: "Treatment Undertaken without Express Consent" 3 *Medical Staff Counselor* 7 (Spring 1989)

Article: "Preserving Personal Autonomy for the Elderly: Competency, Guardianship, and Alzheimer's Disease" 8 *J. Legal Med.* 369 (March 1987), with co-author G. Gottlieb

Article: "The Business of Medicine: Problems with the 'Corporate Practice' Doctrine" 17 *Cumberland L. Rev.* 485 (1987)

Article: "Arbitration as a Malpractice Resolution Alternative" 3 *Business and Health* 37 (June 1986)

Article: "Referral Practices and Health Care Cost: the Dilemma of High-Risk Obstetrics" 6 *J. Legal Med.* 427 (1985), with co-authors D. Richardson and J. McMenamain

Article: "Is Health Care Still a Basic Right in the US?" 34 *Group Practice J.* 31 (May/June 1985)

Testimony: "Medical Malpractice Problems and Reform Proposals" in *DEFENSIVE MEDICINE AND MEDICAL MALPRACTICE*, Report of Hearings before the U.S. Senate Comm. on Labor & Human Resources, 98th Cong., 2d Sess., July 10, 1984, p. 98

Commentary: "Matters of Privacy: A Response to Kohn" (re conflicting rights of privacy and the duty of disclosure between sexual partners), 12 *L. Med. & Health Care* 37

(1984)

Book: *BUSINESS AND ITS LEGAL ENVIRONMENT* (Prentice-Hall, 1983), with co-authors T.W. Dunfee and J.R. Bellace (re-issued in two revised editions)

Book: *INFORMED CONSENT: A GUIDE FOR HEALTH CARE PROVIDERS* (Aspen Systems Corp., 1981)

Chapter: "Consents", in the *HOSPITAL LAW MANUAL*, loose-leaf service published by Aspen Systems Corp. (1980-present)

Article: "Antitrust Law and the Health Care Industry: New Warriors into an Old Battle" 23 *St. Louis U. L. J.* 446 (1979)

Chapter: "Informed Consent" in *THE CANCER PATIENT*, B. Cassileth, ed., (Lea & Febiger, 1979)

Article: "Physician Responsibility for the Cost of Unnecessary Medical Services" 299 *New Engl. J. Med.* 76 (7/13/78), with co-author J.M. Eisenberg

Article: "A 'Fix' for the Retail Pharmacy: Supreme Court Redefines Application of Robinson-Patman Act to Drug Sales by Nonprofit Hospitals", 13 *Cal. Western L. Rev.* 1995 (1977), with co-author T.W. Dunfee

Article: "Phase Two of the Federal HMO Program: New Directions after a Shaky Start" 1 *Amer. J. L. & Med.* 209 (Fall 1975)

COURSES TAUGHT

Public Health Ethics, Policy & Law (in Penn Medical School's Graduate Program in Public Health Studies)

The Law and Lawyers in American Society: Perspectives in Literature and Film (Freshman Seminar taught in residence)

The Constitution and Free Enterprise (Undergraduate)

Introduction to Law & the Legal Process (Undergraduate)

Law of Corporate Management and Finance (Graduate/Undergraduate)

Legal Aspects of Health Care (Graduate)

Health Care and Human Rights (Undergraduate)

Legal and Governmental Environment of Business (Graduate)

Business Ethics and Corporate Social Responsibility (Graduate)

Comparative Health Care Systems (Graduate)

Legal Aspects of the Management Process (Graduate/Undergraduate)

The Health Services System (Graduate)
Government Regulation of Business (Graduate)
Commercial Transactions (Graduate)
Commercial Law (Wharton Evening)

UNIVERSITY SERVICE

(recent appointments) Member, Fraternity and Sorority Advisory Board (2009 appointment)
Member, Curriculum Committee, MPH Program of the School of Medicine (member 2005-present, chair 2007-2009)
Member, MPH Program Advisory Committee (2007-present)
LGST 101 Course Coordinator (2006 – 2009)
Chair, Quality of Student Life Committee of University Council (2004-05; member since 2002)
Member, Wharton Undergraduate Curriculum Committee (2003-2005)
Internal member, Quinquennial Review Committee for Wharton's Business & Public Policy Department (2003-04)
Faculty Advisor, Wharton MBA Ethics Committee (2002-2003)
Affirmative Action Officer, The Wharton School (2002-03)
Wharton Committee on Academic Freedom & Responsibility (2002-03)
U. of Pa. Committee on Manufacturers' Responsibility (2001-2003)
U. of Pa. Committee on Admissions and Financial Aid (undergraduate division) (2000-02, subcomm. Chair, 2000-01)
Faculty Advisory Committee on Learning Disabilities (2000-2001)
Lindback Committee (1998-2001: selection of recipients of teaching awards)
Chair, Wharton School Technology Committee (1999-2000: liaison between faculty and administration on computing services, classroom technology and library issues)
Advisory Committee on Faculty Personnel, the Wharton School, (acad. years 1997-98, 1998-99: advisory to the Dean on all faculty appointment, promotion and tenure cases)
Chair, Faculty Senate Committee on Committees (1996-97)
Faculty Senate Executive Committee (SEC) (1996-98)
Faculty Senate Committee on Administration (1995-96)

* * * * *