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Dean's Column: Health Law at UNLV

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“At UNLV, we’ve learned that collaborating across disciplines and professions is essential to understanding the scientific, medical, ethical, legal and economic aspects of health law.”

Dean’s Column

BY DEAN DANIEL W. HAMILTON AND PROF. ANNE R. TRAUM

HEALTH LAW AT UNLV

Like the body itself, health law is fascinating, complex and dynamic. It represents a growing sector of our economy, involves a web of participants, touches on different facets of the law and is constantly adjusting to emerging science and technology. Staying on the vanguard of such a complex area of law isn’t easy. At UNLV, we are fortunate to have leading health law scholars on our faculty; their research, teaching and leadership – coupled with ongoing collaborations with scholars in other disciplines – impacts local and national communities and expands the reach of the law school.

Faculty Health Law Scholarship Translates Into Opportunities for Students

Is there a doctor in the house? This may not be the first question law students ask when they attend their first torts class, but for students of Professor Stacey Tovino, Lincy Professor of Law, the answer is “yes.” Professor Tovino, who holds a Ph.D. in medical humanities, as well as a J.D., is a former health law practitioner and a leading scholar in health law, bioethics and the medical humanities. Professor Tovino wins fans in her tort law class and then keeps them coming back for more in her elective health law courses, including Health Care Quality and Liability, Health Care Organization and Finance, and HIPAA Privacy. Professor Tovino is an active, prolific and frequently-cited author of books and articles, but it may be the fact that Boyd students have named her Professor of the Year for three consecutive years that brings the greatest reward.

Beyond health law itself, students have opportunities to explore disability and bioethics law. Professor Ann McGinley, a nationally and internationally recognized expert on disability law, is a co-author of the nation’s leading disability law casebook, *Disability Law: Cases, Materials, Problems*. Professor McGinley’s students gain an in-depth view of the civil rights of individuals with physical and mental disabilities in health care, employment, education and housing contexts.

Students also have the choice of examining controversial constitutional health law issues in Bioethics and the Law, taught by Professor Leslie Griffin, one of the nation’s preeminent law and

religion scholars. This course examines the ethical and constitutional issues arising in clinical and research settings, such as physician-assisted suicide, assisted reproductive technologies and stem cell research.

Students also have opportunities to obtain hands-on experience in mental health issues at the law school’s Immigration Clinic. Professor Fatma Marouf, co-director of the clinic, has supervised student attorneys in a case challenging the deportability of a mentally incompetent non-citizen. That case spurred Professor Marouf’s forthcoming article “Incompetent but Deportable: The Case for a Right to Mental Competence in Removal Proceedings,” in the *Hastings Law Journal*. This summer Professor Marouf was invited by federal officials to train attorneys appointed to represent mentally incompetent immigration detainees in deportation proceedings.

And this fall, Max Gakh, an attorney and public health expert in UNLV’s School of Community Health Sciences, will teach a Public Health Law class focusing on government attempts to address community health needs through law-based public health interventions, including water fluoridation, vaccination mandates and interventions targeted at the obesity epidemic.

Inspired Students Continue to Explore the Field

With this foundation, our students are inspired to pursue their interests in health law in both practice and scholarship:

- Katie Goldberg (Boyd ’14) authored a directed research paper examining quality of care issues in nursing homes, and hopes to incorporate nursing home litigation into her caseload as an associate at Langford McLetchie.
- Bryn Esplin (Boyd ’14), who published numerous academic papers during law school, recently accepted a competitive, two-year Fellowship in Advanced Bioethics at the world-renowned Cleveland Clinic.
- John Niman (Boyd ’13) presented his research on the history of prosthetic technology at a national conference, while he was still a student. Now a practicing lawyer in California, Niman recently spoke on transhumanism at the Health Law Professors Conference at the University of California, Hastings College of the Law.
- Dawn Nielsen (Boyd ’16) and Gil Kahn (Boyd ’16) are assisting

Professor Sara Gordon and Dr. Melissa Piasecki, Senior Associate Dean for Academic Affairs, University of Nevada School of Medicine, with a health-related statutory reform proposal in Alaska. If their proposal, which focuses on the treatment of individuals with mental health conditions, is accepted, the team will travel to Anchorage, Alaska, for related fieldwork.

Research and Teaching Leads to Collaborations Across the State

Our work at UNLV is collaborative and interdisciplinary; it impacts the communities we serve. This spring UNLV hosted a first-of-its-kind Interprofessional Health Disparities Symposium at Boyd, organized by Professor Tovino and Christine Smith, Associate Dean for Administration and External Relations, with the University of Nevada School of Medicine (UNSOM) and other health-related UNLV schools and departments. The symposium showcased faculty expertise at UNLV and UNSOM and provided an opportunity for increased collaboration among the many academic centers in Nevada whose work focuses on health issues. A second symposium to be held at the UNLV School of Dental Medicine is already in the works for this coming fall. The symposium builds on earlier collaborations among Professor Tovino, Associate Dean Smith and health care professionals across the state, including a program titled “Health Care Reform: Next Steps for Nevada” held in 2012, and, this past year, a cutting-edge (and required) continuing legal education program on psychiatry, mental health law and addiction, offered in both northern and southern Nevada.

The complexity and constantly changing nature of health law make it a rich and rewarding area for research and teaching. At UNLV, we’ve learned that collaborating across disciplines and professions is essential to understanding the scientific, medical, ethical, legal and economic aspects of health law. And we’re fostering the know-how and impetus to navigate the many challenges of health law that we face in the law and in our communities. ■



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