JOAN H. KRAUSE

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EXPERIENCE

Associate Dean for Faculty Development, University of North Carolina School of Law, Chapel Hill, NC. February 2012 – present. **Dan K. Moore Distinguished Professor of Law.** July 2011 – present. **Professor of Law.** July 2009 – present. **Visiting Professor of Law,** January – May 2009.

Adjunct Professor, Department of Health Policy and Management, Gillings School of Global Public Health; Professor (Secondary Appointment), Department of Social Medicine, University of North Carolina School of Medicine, Chapel Hill, NC. July 2009 – present.

Courses: Health Law Bioethics and Quality of Care; Health Law Organization, Regulation and Finance; Current Issues in Law and Medicine; Health Care Fraud and Abuse; Criminal Law; Women and Health Law seminar; Health Law and Policy seminar.

Other activities: Appointments Committee (2011-2012); University Review Committee for Dean Jack Boger (2010-2011); Admissions Committee (2010-2011); Curricular Reform Committee (2009-2010); Advisor, Carolina Health Law Organization (2009-present); Faculty Facilitator, Witt Professionalism Roundtable (2010-present); M.P.H. Thesis Committees.

George Butler Research Professor of Law, University of Houston Law Center, Houston, TX. June 2005 – August 2009. **Professor of Law**, September 2006 – August 2009. **Associate Professor,** July 2001 – September 2006.

Co-Director, University of Houston Health Law & Policy Institute, Houston, TX. January 2004 – August 2009. **Associate Director for Academic Programs,** May 2003 – January 2004.

Courses: Health Law Survey: Bioethics and Quality of Care; Health Law Survey: Access, Regulation and Enterprise; Fraud and Abuse; Criminal Law; Medicare; Seminar on Women and Health Law.

Other responsibilities: Faculty Editor, HOUSTON JOURNAL OF HEALTH LAW & POLICY; Program Chair, 2005 American Society of Law, Medicine & Ethics Health Law Teachers Conference (hosted by University of Houston Law Center and Baylor College of Medicine); University of Houston Medicine & Society Steering Committee; Faculty, University of Houston Law Center Criminal Justice Institute; Thesis advisor for LL.M. and M.P.H. candidates; Ambassador Committee, Curriculum Committee, Executive Committee, Faculty Appointments Committee, Frankel Lecture Committee, Library Committee, LRW Structure Committee, Self-Study Committee.

Assistant Professor, Institute for Health Law, Loyola University Chicago School of Law, Chicago, IL. July 1997 – June 2001.

Courses: Introduction to Health Law; Criminal Law; Medicare Law; White Collar Crime in Health

Care (Seminar).

Awards: Loyola University Chicago Internal Research Awards Program (1998, 1999, 2001); Fitzgerald Summer Research Fellowship (2000).

Other responsibilities: Thesis advisor for LL.M. candidates; Advisor, Health Law Society and Women's Law Society; Editorial Board, ANNALS OF HEALTH LAW; *Ad hoc* committee on Constitutional Law curriculum, Committee on Computers in Legal Education, Computer Users Advisory Committee, Curriculum Committee, Faculty Advancement Committee, Judicial Clerkship Committee, Search Committee for Associate Director of Law Library, Teaching Committee, University Classroom Committee.

Associate, Health Practice Group, Hogan & Hartson, L.L.P., Washington, DC. October 1993 – May 1997. **Summer Associate,** June – July 1992.

Represented manufacturers, health care providers, and other entities regarding regulation of health care items and services. Major projects included: research regarding Medicare, Medicaid, ERISA, quality of care, health care fraud and abuse, and regulation of assisted living facilities; advising psychologists on legal issues; monitoring federal and state health care reform efforts; research regarding regulation of medical devices and biotechnology products; drafting and reviewing proposed health care legislation and contractual agreements; regulatory due diligence review; representing clients in Civil False Claims Act negotiations and litigation; preparing submissions to state and federal administrative agencies; research regarding legal actions against Christian Scientists whose children died while being treated by spiritual healing methods. Practice areas also included Food, Drug, Agriculture, and Medical Devices.

***Pro bono* work:** Instructor, Legal Reasoning Program (for minority and disadvantaged students accepted to law school); adoption and guardianship issues; case analysis for the Women's Legal Defense Fund and the National Women's Law Center.

Judicial Clerk, Honorable Dorothy W. Nelson, United States Court of Appeals for the Ninth Circuit, Pasadena, CA. August 1992 – August 1993.

Research Assistant, Professor Deborah L. Rhode, Stanford Law School. September 1990 – May 1992.

Summer Associate, Arnold & Porter, Washington, DC. June – August 1991.

Summer Law Clerk, Office of the United States Attorney, Organized Crime and Racketeering Strike Force, Boston, MA. June – August 1990. Funded by Montgomery Public Service Grant, Stanford Law School.

Medical Writer/Editor, Competence Assurance Systems, Cambridge, MA. February 1988 – August 1989.

Designed, researched, drafted, and edited pharmaceutical sales training programs and texts. Assisted in development of interactive video and computer-based instructional systems. Promoted from Editorial Assistant.

EDUCATION

J.D. *with Distinction*, Stanford Law School, 1992.

Honors: Order of the Coif; Hilmer Oehlmann, Jr. Award for Legal Research and Writing.

Major activities: Senior Articles Editor, STANFORD LAW & POLICY REVIEW; Chairperson, Women of Stanford Law; Writer and Copy Editor, STANFORD LAW JOURNAL; Teaching Prospects Committee; East Palo Alto Community Law Project; Orientation Committee; writer and musician, Law School musicals.

Major areas of study: Health Law, Criminal Law, Women and the Law. Additional course work in Medical Ethics at Stanford Medical School.

B.A. *with Honors* in Political Science, Yale University, 1987.

Honors: *Summa cum laude*; Phi Beta Kappa.

Major activities: Counselor and Publicity Coordinator, Walden Student-to-Student Counseling Program; Editorial contributor, YALE DAILY NEWS; Trombonist, Yale Concert Band, Jazz Band, and Marching Band.

Major areas of study: American Political History, Psychology, English. Independent research project on Women and the Law.

PUBLICATIONS AND OTHER WRITTEN WORK

Books

HEALTH LAW AND BIOETHICS: CASES IN CONTEXT (2009) (editor, with Sandra Johnson, Richard Saver & Robin Wilson).

Book Contributions

Introduction: Putting Health Law Cases in Context (with Sandra Johnson, Richard Saver & Robin Wilson), in HEALTH LAW AND BIOETHICS: CASES IN CONTEXT (2009).

United States v. Krizek: Rough Justice Under the Civil False Claims Act (with Thomas L. Greaney), in HEALTH LAW AND BIOETHICS: CASES IN CONTEXT (2009).

Health Care Fraud, in ENCYCLOPEDIA OF VICTIMOLOGY AND CRIME PREVENTION (2009).
Comment, Imminence Reconsidered: Are Battered Women Different? in CRIMINAL LAW CONVERSATIONS (Paul H. Robinson et al. eds., 2009).

Comment, Tolerating the Loss of Self-Control, in CRIMINAL LAW CONVERSATIONS (Paul H. Robinson et al. eds., 2009).

Legal and Medical Journals

Medical Ethics: Kickbacks, Self-Referrals, and False Claims: The Hazy Boundaries of Health Care Fraud, CHEST (forthcoming 2013).

Kickbacks, Honest Services, and Health Care Fraud After Skilling, 21 ANN. HEALTH L. 137 (2012) (by invitation).

Skilling and the Pursuit of Health Care Fraud, 66 U. MIAMI L. REV. 363 (2012) (by invitation).

Can Health Law Truly Become Patient Centered? 45 WAKE FOREST L. REV. 1489 (2010) (by invitation).

Following the Money in Health Care Fraud: Reflections on a Modern-Day Yellow Brick Road, 36 AM. J. L. & MED. 343 (2010) (by invitation).

Twenty-Five Years of Health Law Through the Lens of the Civil False Claims Act, 19 ANN. HEALTH L. 13 (2010) (by invitation).

Fraud in Universal Coverage: The Usual Suspects (and Then Some), 55 U. KAN. L. REV. 1151 (2007) (by invitation).

Distorted "Reflections" of Battered Women Who Kill: A Response to Professor Dressler, 4 OHIO ST. J. CRIM. L. 555 (2007).

Ethical Lawyering in the Gray Areas: Health Care Fraud and Abuse, 34 J. L. MED. & ETHICS 121 (2006), reprinted as *Legal Perspective: The Ethical Health Lawyer: Healthcare Fraud and Abuse*, ICFAI J. HEALTHCARE L., vol. 5, no. 3, at 71 (2007).

A Patient-Centered Approach to Health Care Fraud Recovery, 96 J. CRIM. L. & CRIMINOLOGY 579 (2006) (by invitation).

Health Care Fraud and Quality of Care: A Patient-Centered Approach, 37 J. HEALTH L. 161 (2004) (by invitation).

Regulating, Guiding, and Enforcing Health Care Fraud, 60 N.Y.U. ANN. SURV. AM. L. 241 (2004) (by invitation).

The Ethical Health Lawyer: Ethics in the Practice of Health Law, 32 J. L. MED. & ETHICS 766 (2004) (with Richard Saver).

A Conceptual Model of Health Care Fraud Enforcement, 12 J.L. & POL'Y 55 (2003).

Foreword: Federal-State Conflicts in Health Care, 3 HOUS. J. HEALTH L. & POL'Y 151 (2003) (by invitation).

"Promises to Keep": Health Care Providers and the Civil False Claims Act, 23 CARDOZO L. REV. 1363 (2002).

Foreword: The Promise and Peril of Biotechnology, 2 HOUS. J. HEALTH L. & POL'Y 1 (2002) (by invitation).

Health Care Providers and the Public Fisc: Paradigms of Government Harm Under the Civil False Claims Act, 36 GA. L. REV. 121 (2001).

Medical Error as False Claim, 27 AM. J. L. & MED. 181 (2001) (by invitation).

The Brief Life of the Gag Clause: Why Anti-Gag Clause Legislation Isn't Enough, 67 TENN. L. REV. 1 (1999).

Reconceptualizing Informed Consent in an Era of Health Care Cost Containment, 85 IOWA L. REV. 261 (1999).

The Role of the States in Combating Managed Care Fraud and Abuse, 8 ANNALS HEALTH L. 179 (1999) (by invitation).

Kickbacks, Courtesies, or Cost-Effectiveness?: Application of the Medicare Antikickback Law to the Marketing and Promotional Practices of Drug and Medical Device Manufacturers, 54 FOOD & DRUG L.J. 279 (1999) (with Thomas N. Bulleit, Jr.).

Of Merciful Justice and Justified Mercy: Commuting the Sentences of Battered Women Who Kill, 46 FLA. L. REV. 699 (1994).

Accutane: Has Drug Regulation in the United States Reached Its Limits? 6 J. L. & HEALTH 1 (1991-92).

Other Writings

The MMA and the Demise of the Average Wholesale Price, HEALTH L. NEWS, May 2005, at 5.

Molloy v. Meier – The Supreme Court of Minnesota Finds a Duty to Warn Parents Regarding a Child's Genetic Testing and Diagnosis, HEALTH L. PERSPECTIVES (2004).

Materiality, Causation, and the Quest for Fraud That "Counts," in AMERICAN BAR ASSOCIATION CENTER FOR CONTINUING LEGAL EDUCATION, THE CIVIL FALSE CLAIMS ACT AND *QUI TAM* ENFORCEMENT, at C-1 (2001).

The Fraud and Abuse Conundrum (web essay), Saint Louis University School of Law, Center for Health Law Studies (2000).

Supreme Court Review: Roberts v. Galen of Virginia, Inc., HEALTH L. NEWS, Sept. 1999, at 4.

Corporate Integrity Agreements: An Ongoing Relationship With OIG (CLE Program, Oct. 1996) (with Helen R. Trilling).

Legal Clinic: The Corporate Practice of Medicine Doctrine, MANAGED HEALTHCARE NEWS, Mar. 1996, at 19.

Legal Clinic: Expansion of Medicare SELECT Program Creates Opportunities for Managed Care, MANAGED HEALTHCARE NEWS, Oct. 1995, at 13.

Freedom or Responsibility: When Spiritual Healing Fails, directed research project for Professor Robert Weisberg, Stanford Law School (Summer 1991).

PROFESSIONAL ORGANIZATIONS

Association of American Law Schools:

Section on Law, Medicine and Health Care: Executive Committee (2012-2015); Chair (2011-2012); Chair-Elect and Program Chair (2010-2011); Secretary (2009-2010).

Section on Aging and the Law: Executive Committee and Program Chair, 2006 Annual Meeting (2005-2006); Chair (2004-2005); Secretary (2003-2004).

American Society of Law, Medicine & Ethics:

Program Chair, 2005 Health Law Teachers Conference (Houston, TX).

Nominating Committee, Health Law Scholars Workshop (2002-present); Reader (2004).

Inaugural Editor, *The Ethical Health Lawyer*, J. L. MED. & ETHICS (with Richard Saver) (2004-2007).

American Health Lawyers Association: Academic Work Group (2012-present); Links with Academia Task Force (2004-2008).

Houston Bar Association Health Law Council (2003-2009).

Ethics Committee (alternate), Houston Hospice and Palliative Care System (2003-2009).

State Bar of California (inactive); District of Columbia Bar.

PRESENTATIONS

A Parallel Universe: Off-Label Drug Settlements and the FCA, American Society of Law, Medicine & Ethics, Health Law Professors Conference (June 2013).

Medical Treatment and Billing Practices: Lessons for Clinicians under the False Claims Act, Clinical Ethics Grand Rounds, UNC Center for Bioethics and UNC Hospital Ethics Committee (May 2013).

Body as Battleground: The Role of Health Care, Conference on Race, Class, Gender, and Ethnicity, UNC School of Law (Feb. 2013).

Health Care Fraud and the Practice of Medicine, Research Seminar in Health Policy and Management, UNC Gillings School of Global Public Health (Feb. 2013).

Hot Topics in Health Law and Policy: Health Care Fraud and Abuse, UNC School of Law, Festival of Legal Learning (Feb. 2013).

Trust and the Female Patient, Blue Ridge Health Law Professors Meeting (Dec. 2012).

Discussion Leader, *The Immortal Life of Henrietta Lacks*, Yale Book Club (Nov. 2012).

Distorted Reflections of Battered Women Who Kill in the U.S., Feminist Perspectives on Women's Global Health and Human Rights Conference (Mar. 2012).

The Misapplication of Informed Consent to the Abortion Decision, Law Students for Reproductive Justice South Regional Conference 2012 (Feb. 2012).

Hot Topics in Health Law and Policy: Health Care Fraud and Abuse: Come the Revolution? UNC School of Law, 2012 Festival of Legal Learning (Feb. 2012).

Skilling v. United States and the Pursuit of Health Care Fraud, Saint Louis University School of Law Center for Health Law Studies, Distinguished Speaker Series (Oct. 2011).

What Every Health Law Student Needs to Know About Fraud and Abuse (in 50 Minutes or Less), Saint Louis University School of Law Center for Health Law Studies, Distinguished Speaker Series (Oct. 2011).

Kickbacks, Honest Services, and Health Care Fraud after Skilling, American Society of Law, Medicine & Ethics, Health Law Professors Conference (June 2011).

Small Group Facilitator, ASTAR Boot Camp and National Judges' Science School, *Developmental Forensics of Children Adjudicated by Courts* (March 2011).

Skilling v. United States and the Pursuit of Health Care Fraud, Faculty Workshop Series, Washington & Lee School of Law (March 2011).

Hot Topics in Health Law and Policy: Health Care Fraud and Abuse, 2011 Festival of Legal Learning, UNC School of Law (February 2011).

Skilling v. United States and the Pursuit of Health Care Fraud, 2011 Miami Law Review Symposium: Corporate Crime and Compliance (February 2011).

Women's Choices, Women's Voices: Legal Regimes and Women's Health, Moderator and Program Chair, Association of American Law Schools, Annual Meeting (January 2011).

Update on Recent (Anti)Fraud Laws: Come the Revolution? American Society of Law, Medicine & Ethics, Health Law Professors Conference (June 2010).

Can Health Law Truly Become Patient-Centered? Wake Forest University Center for Bioethics, Health & Society, Conference and Invitation-Only Workshop on Patient-Centered Health Law and Bioethics (April 2010).

Following the Money in Health Care Fraud: Reflections on a Modern-Day Yellow Brick Road, American Journal of Law & Medicine 2010 Symposium: Follow the Money: The Impact of Economics on the Delivery of Healthcare, Boston University (February 2010).

Off-Label Drug Promotion, UNC-Duke Bioethics Group (December 2009).

Current Issues in Medicare Fraud and Abuse, Grand Rounds, University of Texas-Houston Medical School, Department of Orthopaedic Surgery (June 2008).

United States v. Krizek: Rough Justice Under the Civil False Claims Act, American Society of Law, Medicine & Ethics, Health Law Professors Conference (June 2008).

Panelist, *The Gonzales v. Carhart Partial-Birth Abortion Case* (April 2008).

Safe, Effective, and Out of Reach: Patients, Drug Companies, and the FDA, University of Houston Honors College Great Conversation (April 2008).

An Overview of Medicare and Health Care Fraud, Pharmacy Law & Ethics, University of Houston College of Pharmacy (February 2008).

Regulation, Information, and Litigation Revisited: The Case of Off-Label Drug Promotion, American Society of Law, Medicine & Ethics, Health Law Professors Conference (June 2007).

The Ethics of Influence: Pharmaceutical Companies and Medical Practice, University of Toronto Faculty of Law, Health Law & Policy Workshop (March 2007).

Fraud in Universal Coverage: The Usual Suspects (and Then Some), University of Kansas Law Review, Symposium: The Massachusetts Plan and the Future of Universal Coverage (November 2006).

The Ethics of Influence: Pharmaceutical Companies and Medical Practice, American Society of Law, Medicine & Ethics, Health Law Teachers Conference (June 2006).

Medicare Fraud, Grand Rounds, University of Texas-Houston Medical School, Department of Orthopaedic Surgery (July 2005).

Medicare Fraud, Grand Rounds, University of Texas-Houston Medical School, Department of Otolaryngology (March 2005).

The Schiavo Predicament: Ethics, Politics, and the Constitution, University of Houston Law Center Roundtable (March 2005).

Law Review Publishing, Southeastern Association of Law Schools Annual Meeting (July 2004).

Moderator, *Developments in Drug, Device and Supplement Law*, American Society of Law, Medicine & Ethics, Health Law Teachers Conference (June 2004).

Current Developments in Health Law: Patients & Health Care Fraud, Southeastern Association of Law Schools Annual Meeting (July 2003).

Plenary Session, *Government Regulation of Health Care: Regulation, Enforcement, and the Future of Health Care Fraud*, American Society of Law, Medicine & Ethics, Health Law Teachers Conference (June 2003).

Moderator, Legal Roundtable, *Integrating Gender into the Curriculum: The Law School Example*, University of Houston Women's Studies Program (April 2003).

Fraud and Abuse Issues for Pharmaceutical Manufacturers: An Overview, Indiana University School of Law-Indianapolis, Legal and Ethical Challenges for a Changing Health Care Industry (October 2002).

Relationships with Pharmaceutical Companies: The TAP Pharmaceutical Products Case, Cumberland School of Law, Conference on Development and Trends in Health Care Law 2002 (September 2002).

Health Care Fraud and the Rhetoric of Patient Protection, American Society of Law, Medicine & Ethics, Health Law Teachers Conference (June 2002).
Current Trends in Health Care Fraud & Abuse, Houston Bar Association Health Law Section (May 2002).

Materiality, Causation, and the Quest for Fraud That "Counts," American Bar Association *et al.*, Third Annual National Institute on The Civil False Claims Act and *Qui Tam* Enforcement (November 2001).

Update on Fraud and Abuse Issues, American Society of Law, Medicine & Ethics, Health Law Teachers Conference (June 2001).

How to Achieve an Efficient, High-Quality EP Practice in 2001: Legal Issues for Practice of the EP, North American Society of Pacing and Electrophysiology, Annual Meeting (May 2001).

Medical Error as False Claim, Saint Louis University Center for Health Law Studies Distinguished Speaker Series (November 2000) (inaugural year of series).

Building an Effective Health Care Compliance Plan, Chicago Bar Association Young Lawyers Section (October 2000).

Damages and Recovery Under the Civil False Claims Act, American Society of Law, Medicine & Ethics, Health Law Teachers Conference (June 2000).

Special Legal Issues Faced by the Electrophysiology and Pacing Practice: Billing, Return to Driving, Conflict of Interest, North American Society of Pacing and Electrophysiology, Annual Meeting (May 2000).

State Regulation in the Era of Managed Care: The Role of the States in Combating Managed Care Fraud and Abuse, Association of American Law Schools, Annual Meeting (January 1999).

OTHER ACTIVITIES

Director, Hyde Park Community Association.
Deed Restrictions Committee, Hyde Park Civic Association.
Stanford Alumni Career Contact Network volunteer.
Yale Alumni Schools Committee (Houston and Triangle areas).

6/17/2013