

JACQUELINE FOX
Professor of Law
University of South Carolina School of Law
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she/her

EDUCATION

Georgetown University Law Center, Washington, DC

J.D., cum laude, 1991

Activities: Member, The Tax Lawyer, 1989-1991
Research Assistant, Professor Roy Schotland, 1989

LL.M., Legal History and Philosophy, 1995

Sarah Lawrence College, Bronxville, NY

B.A., Liberal Arts, 1988

POST-GRADUATE FELLOWSHIPS. GRANTS

Visiting Fellow, Pembroke College, Oxford, United Kingdom, January-March, 2024

The Oxford Uehiro Centre for Practical Ethics, Oxford, United Kingdom, and Melbourne Law School, Melbourne, Australia,

Fulbright Global Scholar, January 2024-June 2024

National Institute on Minority Health & Health Disparities, National Institutes of Health Grant, 2011-2013

Co-Principal Investigator. Grant funding provided seed money for researching the feasibility of creating a South Carolina Center for Bioethics Research, Training, and Translation, and funding for the development of an initial course curriculum to be taught in a School of Public Health for stakeholder training in utilizing bioethical social justice theory when seeking community resources and funding.

Yale University, New Haven, CT

Donaghue Visiting Scholar in Research Ethics, Yale University's Interdisciplinary Bioethics Center, July 2004-June 2005

Center for Medicare and Medicaid Services Grant, 2003

Recipient of a grant for the purposes of continuing research related to the legality of Medicare criteria for national coverage determinations, specifically the use of cost considerations when reviewing coverage of new medical technology.

Johns Hopkins University, Baltimore, MD and Georgetown University, Washington, DC

Greenwall Postdoctoral Fellowship in Bioethics and Health Policy, Sep. 2001-Aug. 2003

EXPERIENCE

University of South Carolina Law School, Columbia, South Carolina

Professor, 2017-present

Associate Professor, 2011-2017

Assistant Professor, 2005-2011

Current Courses: Health Law and Policy, Bioethics, Public Health Law, Health Law Finance and Organization, and Torts. Currently creating and teaching Masters for Non Lawyers Health Law Systems course

Other Courses Taught: Torts I and Torts II, Administrative Law

Santa Anna University, Pisa, Italy

Visiting Professor, December 2008-July 2009

Johns Hopkins School of Public Health, Baltimore, Maryland

Faculty Associate, September 2003–June 2004

Course: Current Ethical Issues in Public Health

Sole Practitioner, Health Law

1994 to 2002

Health insurance coverage and health access issues: national practice representing clients who needed access to complex or expensive medical procedures. Arranged for coverage of procedures by third party payers including ERISA plans, Medicaid, and private plans, negotiated placement on transplant lists and handled related issues.

Hogan & Hartson, Washington, DC

Associate, Corporate Securities section, 1991 to 1993

RESEARCH INTERESTS

Health care systems and cost, specifically related to the relationships among markets, regulatory structures, social justice, and medical ethics, and analysis of discrete public health legal problems.

PUBLICATIONS

Law Review Articles and Book Reviews

The Dental Health of Rural Elderly People and Its Social Justice Implications, 124 W. Va. L. Rev. 853 (2022).

The Lived Experience of Health Insurance: An Analysis and Proposal for Reform, 14 NE. U. L. REV. 429 (2022).

The Private Insurance Market: Not Very Big and Not Insuring Much, Either, 46 J. L. MED. & ETHICS 877 (2019).

Zika and the Failure to Act Under the Police Power, 49 CONN. L. REV. (2017).

Healthism, Intersectionality, and Health Insurance: The Compound Problems of Healthist Discrimination, 18 MARQ. BENEFITS & SOC. WELFARE L. REV. 279 (2017).

Reforming Healthcare Reform, 50 U. RICHMOND L. REV. 557 (2016).

Review of Jonathan Herring, Caring and the Law, 35 J. LEGAL MED. 337 (2014).

Death Panels: A Defense of the Independent Payment Advisory Board, 66 ADMIN. L. REV. 131 (2014) (chosen as annual symposium presentation).

The Epidemic of Children's Dental Diseases: Putting Teeth into the Law, 11 YALE J. HEALTH POL'Y L. & ETHICS 223 (2011) (peer reviewed journal).

The Hidden Role of Trust: Medicare Decisions, Transparency, and Public Trust, 79 U. CIN. L. REV. 1 (2010) (lead article).

Reinvigorating the Concept of Benefit: The Failure of Drug Company–Sponsored Research on Human Subjects, 38 SETON HALL L. REV. 605 (2008).

Medicare Should, but Cannot, Consider Cost: Legal Impediments to Sound Policy, 53 BUFF. L. REV. 577-633 (2005).

Selected Other Publications

The Current COVID-19 Surge, Eugenics, and Health-Based Discrimination, Bill of Health Blog, Petrie-Flom, Harvard University, July 23, 2021.

Commentary: Reopening Your Business or Church Too Soon Could Get You Sued, POST & COURIER (Apr. 23, 2020) (with Marie Boyd & Bryant Walker Smith).

What We Can Do to Protect South Carolina from Zika, THE STATE (Columbia, S.C.) (May 15, 2016) (Op.-Ed.).

The Public Health Lens and Health Care Reform, O'NEILL INST. BLOG (Nov. 20, 2013).

A Sub Rosa World: Medicare and the Cost of New Technology, 12 INT'L J. HEALTHCARE TECH. & MGMT. 321 (2011) (peer reviewed journal).

Will Health Care Reform Increase Litigation over Denied Claims, HEALTH CARE COST MONITOR (Oct. 29, 2009).

Comparative Effectiveness Research and Medicare, HEALTH CARE COST MONITOR (June 30, 2009).

Tough Questions Loom on HIV/AIDS, THE STATE (Columbia, S.C.) (Mar. 19, 2008) (Op-Ed.).

Fixing the Cost Problem, THE STATE (Columbia, S.C.) (Jan. 24, 2008) (Op-Ed.).

SELECTED PRESENTATIONS

Healthcare Accounting and Bioethics, Pembroke College, Law and Philosophy (March 1, 2024)

Healthcare Accounting And Bioethics, Uehiro Centre Works in Progress presentation, Oxford University, UK (Feb. 14, 2024)

Drug Prices, Power and Ethics in the US Healthcare System, Translational Health Program, Ethox Centre, Oxford University, UK (February 7, 2024)

Medicare: Finally Able to Think About Cost, Value, and Waste, Panel presentation, ASLME Health Law Professor Annual Meeting (2023).

Examining Health Insurance from the Patient Perspective, Panel presentation, Insuring America's Health: Essential Challenges, ASLME Health Law Professors Annual Meeting (2022).

Moderator, break out groups, Jay Healey Teaching Session, ASLME Health Law Professors Annual Meeting (2022).

Dental Care in Rural Populations and Medicare Coverage, West Virginia University College of Law Symposium 2022: Health in the Hills (Feb. 25, 2022).

Second Look, Methods to Reduce Bias When White Doctors Treat Black Patients (with Laura Fox, M.D.) ASLME Annual Conference, Panel Presentation, Disparities in Health Care, ASLME Health Law Professors Annual Meeting (2021).

Moderator, break out groups, Jay Healey Teaching Session, ASLME Health Law Professors Annual Meeting (2021).

Current Issues in Bioethics, S.C. Bar 2020 Ethics CLE Session (Nov. 20, 2020).

Beyond the Campaign Slogans: Exploring the Legal and Policy Implications of Healthcare Reform, The 2019 Allen L. Poucher Lecture, Florida Law Review, Levin College of Law, University of Florida (Nov. 14, 2019).

Participating Author, HJHLP 2019 Symposium Workshop, “*Health Care Reform Part 2: Is ‘Medicare-for-All’ the Answer?*” University of Houston Law Center (Oct. 25, 2019).

Zika and Public Health, The Ethox Centre, Nuffield Department of Population Health, University of Oxford (Sept. 21, 2017).

Zika and Public Health, Wellcome Trust, London, England (Sept. 19, 2017).

Current Issues in Health Law, SCPA Annual Meeting Lecture, 2015 South Carolina Psychiatric Association Annual Meeting, Greenville, South Carolina (Feb. 1, 2015).

Current Issues in Health Law and the Supreme Court, ABA Health Law Summit Panel Participant, Twelfth Annual Washington Health Law Summit, American Bar Association Health Law Section, Washington, D.C. (Dec. 9, 2014).

The Unintended Consequences of CMS Efforts to Reduce Unnecessary Hospital Admissions, ASLME Annual Conference Panel presentation and panel organizer (Current Issues in Government Financed Healthcare), ASLME Health Law Professors Annual Meeting, San Francisco, California (June 6, 2014).

Independent Payment Advisory Board and Medicare, Marquette University Law School Panel presentation, Third Annual ERISA, Employee Benefits, and Social Insurance National Conference, Marquette University Law School, Milwaukee, Wisconsin (Mar. 28, 2014).

Death Panels and IPAB, Washington College of Law ALR Symposium, “In the Process of Fixing” Health Care: Implementation of the Affordable Care Act, Washington College of Law, American University, Washington, D.C. (Mar. 25, 2014).

Employee Benefits and Disability Rights in a Post-Affordable Care Act (ACA) World, SEALS Discussion Group Participant, Southeastern Association of Law Schools 2013 Annual Conference, Palm Beach, Florida (Aug. 7, 2013).

Entitlement Reform and Its Impact on the Elderly, SEALS Discussion Group Participant, Southeastern Association of Law Schools 2012 Annual Conference, Amelia Island, Florida (Aug. 3, 2012).

The Independent Payment Advisory Board, ASLME Annual Conference Panel Presentation, ASLME Health Law Professors Annual Meeting, Phoenix, Arizona (June 2012).

The Independent Payment Advisory Board, Loyola University Chicago School of Law Symposium 2010 Annals of Health Law, Access to Healthcare Symposium, Loyola University Chicago School of Law (Nov. 12, 2010).

What to Expect in United States Health Care Reform, St. Cross College, Oxford University, St. Cross Special Ethics Seminar, St. Cross College, Oxford (June 10, 2010).

Hidden Rationing of Healthcare: An Ethical Dilemma, Oxford University Seminar Oxford University Faculty of Philosophy, James Martin Advanced Research Seminar Series (Oct. 21, 2009).

The Moral and Political Cost of Hidden Rationing of Health Care, Johns Hopkins Greenwall Seminar, Johns Hopkins University School of Public Health (Sept. 14, 2009).

Hidden Rationing of Healthcare, ASLME Annual Conference Panel presentation, ASLME Health Law Professors Annual Meeting (June 2009).

Lecture Series on Comparative Health Law, Santa Anna University, Pisa, Italy (Jan.-Apr. 2009).

Medical Malpractice Reform, SEALS Moderator, Torts Panel, SEALS Conference, (Aug. 2008).

The Role of Benefit in Research Regulations, ASLME Annual Conference Panel Presentation, ASLME Health Law Professors Annual Meeting, Philadelphia, Pennsylvania (June 2008).

The Sub Rosa World of Medical Technology Rationing, Pisa, Italy Competitive Submission, Sixth International Conference on the Management of Healthcare & Medical Technology, HCTM, Pisa, Italy (Oct. 3–5, 2007) (subsequent article to be published in the *International Journal of Healthcare Technology and Management*, 2011).

History of Medicare's Treatment Coverage Policy, Yale University Yale University Center for Bioethics Conference: Should Cost Considerations Be Allowed in Medicare Coverage Decisions (conference organized by Daniel Callahan to discuss my article, *Medicare Should, but Cannot, Consider Cost: Legal Impediments to Sound Policy*) (Dec. 8, 2006).

Reinvigorating the Concept of Benefit: The Failure of Drug Company-Sponsored Research on Human Subjects, University of Toronto Faculty of Law, Health Law and Policy Seminar Series at the Faculty of Law, University of Toronto (Oct. 26, 2006).

Health Information, ASLME Annual Meeting, Panel Moderator, ASLME Annual Health Law Teachers Meeting, Baltimore, Maryland (June 3, 2006).

Nanotechnology Regulatory Working Group, University of Maryland Participant, University of Maryland School of Law (Apr. 28, 2006).

The Great Debate: Confidentiality in the Field of Pharmaceutical Development: Is it Justified Ethically?, PRIM&R (Public Responsibility in Medicine & Research) Conference, Annual Human Research Protection Programs Conference, Boston, Massachusetts (Dec. 5, 2005).

Hiding the Truth: What Is Wrong with Suppressing Data and What to Do About It, Greenwall Annual Meeting of Scholars, Fellows and Board, Baltimore, Maryland (Nov. 1, 2005).

Third Party Payers and the American Health Care System, Yale Divinity School (Apr. 14, 2005).

Children's Antidepressants: A Discussion about the Suppression of Negative Data, Children Under Stress Working Group, Yale University (Nov. 18, 2004).

Confidentiality Agreements: Are Study Sponsors Controlling What IRBs See? Connecticut Institutional Review Board (IRB) Educational and Networking Symposium (Dec. 2004).

Bioethical Issues to Consider Regarding AIDS Vaccine Testing on Terminal Patients, Clinical Research Ethics Working Group, Yale University (Oct. 2004).

LAW SCHOOL AND UNIVERSITY COMMITTEES, AWARDS, AND SERVICE

Two Thumbs Up Award, University Student Disability Resource Center, 2020

Outstanding Faculty Member Award, April 2013

Committee on Diversity, Equity and Inclusion, 2023-present

Committee on Academic Responsibility, 2022-2023

University Tenure and Promotion Committee, 2019-2022

Curriculum Committee, 2017-2022

Faculty Selection Committee, 2015-2017

Ad Hoc Building Committee, 2012-2017

Student Health Law Association, Faculty Advisor, 2006-present

Annual Lecturer on Law for Medical Students, USC School of Medicine, 2011-2018

Faculty Advisory Committee, 2012-2015

Member, Dean Wilcox Review Committee, Office of the Provost, 2014-2015

Admissions Committee, 2012-2013

Curriculum Committee, 2010-2012

Symposium organizer and presenter, *Health Care Rationing and Public Debate: Are American Citizens Capable of Making Hard Healthcare Resource Decisions and Should They Be Entrusted with This Weighty Task?*, USC School of Law, March 18, 2011

Core Faculty Member, University of South Carolina Center for Bioethics, 2007-present

University Faculty Senate, 2006-2008

Provost's Task Force on Ethics in the Professions and Public Life, Member, 2006

Library Committee, 2006-2009

Programs Committee, 2005-2008 (organized annual Johnson & Johnson lectures)