

RICHARD S. SAVER

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Professional Experience:

UNC SCHOOL OF LAW, Chapel Hill, NC. Arch. T. Allen Distinguished Professor: July 2013 -
Professor (with tenure): July 2011 –
Associate Professor (with tenure): July 2009 – July 2011

UNC School of Medicine Professor, Social Medicine (Secondary Appointment): July 2011 -

UNC Gillings School of Global Public Health Adjunct Professor, Health Policy & Management: July 2011 -

UNIV. OF HOUSTON LAW CENTER, Houston, TX.
Co-Director, Health Law and Policy Institute: Sept. 2007 – July 2009
Associate Professor (with tenure): Sept. 2006 – July 2009
Assistant Professor: Sept. 2001 – Aug. 2006

UNIV. OF CHICAGO MEDICAL CENTER, Chicago, IL.
Lecturer: July 1997 - June 2001

UNIV. OF CHICAGO MEDICAL CENTER, Chicago, IL.
Associate General Counsel: July 1997 - June 2001

MCDERMOTT WILL & EMERY, Washington, D.C.
Associate - Health Care Law Department: October 1993 – June 1997

JUDGE EUGENE WRIGHT, U.S. Crt. of Appeals - 9th Circuit, Seattle, WA.
Law Clerk: Sept. 1992 – Sept. 1993

Honors:

Awards: Extraordinarily Ambitious Scholarship Award (UNC School of Law: 2020)
Byrd Award for Excellence and Creativity in Teaching (UNC School of Law: 2015-2016)
Chadbourn Award for Excellence in Scholarship (UNC School of Law: 2012-2013)
Order of the Barons/Law Center Professor of the Year (Univ. of Houston: 2003- 2004)
University New Faculty Research Grant (Univ. of Houston: 2001-2002)

Center Affiliate: Wake Forest University Center for Bioethics, Health, and Society, Winston-Salem, NC.
(2010 -)

Publications:

Books:

HEALTH LAW AND BIOETHICS: CASES IN CONTEXT (Aspen Publishers, 2009) (co-editor with Sandra H. Johnson, Joan H. Krause, and Robin Fretwell-Wilson)

Book Chapters:

Patients First, Public Health Last, in **COVID-19 AND THE LAW: DISRUPTION, IMPACT, AND LEGACY** (Cambridge Univ. Press, 2023)

Regulation of Human Subjects Research, in **THE LAWS OF MEDICINE** (Springer Publishing, 2022)

Provider Conflicts of Interest in U.S. Health Care: The Intractable Regulatory Challenge, in **THE OXFORD HANDBOOK OF COMPARATIVE HEALTH LAW** (Oxford Univ. Press, 2021)

Transparency and Financial Conflicts: The Uncertain Case for Sunshine, in **TRANSPARENCY IN HEALTH AND HEALTH CARE: LEGAL AND ETHICAL RESPONSIBILITIES AND LIMITS** (Cambridge Univ. Press, 2019)

Health Law's Uneasy Relationship With Delivery System Innovation, in **THE OXFORD HANDBOOK OF U.S HEALTH LAW** (Oxford Univ. Press, 2017)

Introduction: Putting Health Law Cases in Context, in **HEALTH LAW AND BIOETHICS: CASES IN CONTEXT** (Aspen Publishers, 2009) (Sandra H. Johnson, Joan H. Krause, Richard S. Saver, and Robin Fretwell-Wilson, co-editors)

Darling v. Charleston Community Memorial Hospital: A Broken Leg and Institutional Liability Unbound, in **HEALTH LAW AND BIOETHICS: CASES IN CONTEXT** (Aspen Publishers, 2009) (Sandra H. Johnson, Joan H. Krause, Richard S. Saver, and Robin Fretwell-Wilson, co-editors)

The Costs of Avoiding Physician Conflicts of Interest: A Cautionary Tale of Gainsharing Regulation, in **JUST MEDICARE: WHAT'S IN, WHAT'S OUT, HOW WE DECIDE** (University of Toronto Press, 2006)

Medical Economics of Photorefractive Corneal Surgery, in **THE EXCIMER MANUAL: A CLINICIAN'S GUIDE TO EXCIMER LASER SURGERY** (Little Brown, 1997) (co-author with Robert Fenzl, Michael Romansky, Nils Bonde-Henriksen, and Stephen Blinn)

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Articles/Essays:

Guns, Hospitals, and “Sensitive Places,” **JAMA, June 26, 2024**

Physicians Spreading Medical Misinformation: The Uneasy Case for Regulation, **108 Minnesota Law Review 101 (2023)**

Physicians’ Elusive Public Health Duties, **99 North Carolina Law Review 923 (2021)**

Deciphering the Sunshine Act: Transparency Regulation and Financial Conflicts in Health Care, **43 American Journal Law & Medicine 303 (2018)**

Financial Conflicts Regulation in the New Era of Sunshine: What We Know and Still Need to Know, **15 Indiana Health Law Review 67 (2018)** (symposium)

Real World Evidence in the Real World: Beyond the FDA, **44 American Journal Law & Medicine 161 (2018)** (with Joan Krause) (symposium)

Envisioning the Future Health Care System, **15 Houston Journal Health Law & Policy 1 (2015)** (symposium)

J Shadows Amid Sunshine: Regulating Financial Conflicts in Medical Research, **145 Chest 379 (2014)** (part of peer reviewed medical journal’s “Intersection of Law and Medicine” series)

Health Care Decisions in the New Era of Health Care Reform: An Overview, **92 North Carolina Law Review 1445 (2014)** (co-author with Joan Krause) (symposium)

Is It Really All About the Money? Reconsidering Non-Financial Interests in Medical Research, **40 Journal of Law, Medicine, & Ethics 467 (2012)**

Health Care Reform’s Wild Card: The Uncertain Effectiveness of Comparative Effectiveness Research, **159 Univ. of Penn. Law Review 2147 (2011)** (symposium)

The New Era of Comparative Effectiveness: Will Public Health End Up Left Behind? **39 Journal of Law, Medicine, & Ethics 437 (2011)**

Medical Research Regulation After More Than Twenty-Five Years: Old Problems, New Challenges, and Regulatory Imbalance, **19 Annals Health Law 223 (2010)** (symposium essay)

At the End of the Clinical Trial: Does Access to Investigational Technology End as Well? **31 Western New England Law Review 411 (2009)** (symposium)

In Trepid Defense of Population Health: Physicians and Antibiotic Resistance, **34 American Journal Law & Medicine 431 (2008)**

Medical Research and Intangible Harm, **74 Univ. of Cincinnati Law Review 941 (2006)**

What Institutional Review Boards Could Learn From Corporate Boards, **27 IRB: Ethics and Human Research 1 (2005)**

Medical Research Oversight From the Corporate Governance Perspective: Comparing Institutional Review Boards and Corporate Boards, **46 William and Mary Law Review 619 (2004)**

Ethics in the Practice of Health Law, **32 Journal Law, Medicine, & Ethics 766 (2004)** (co-author with Joan H. Krause)

Squandering the Gain: Gainsharing and the Continuing Dilemma of Physician Financial Incentives, **98 Northwestern Univ. Law Review 145 (2003)**

Critical Care Research and Informed Consent, **75 North Carolina Law Review 205 (1996)**

The Impact Upon Clinical Stroke Trials of Restricting Informed Consent, **26 Stroke 157 (1995)** (abstract) (co-author with J. Saver, S. Starkman, and J. Biller)

Other Writings:

One More Setback For Gainsharing, **Health Law Perspectives (web article) (2004)**, [http://www.law.uh.edu/healthlaw/perspectives/\(RiSa\)GainsharingNJ.pdf](http://www.law.uh.edu/healthlaw/perspectives/(RiSa)GainsharingNJ.pdf)

Legal Issues Relevant to Excimer Laser Ventures, **Refractive Surgery Advisor (1995)** (co-author with Michael Romansky)

Safe Harbor Regulations Clarify Few Issues, **11 HealthSpan 20 (1994)**

Reimbursing New Technologies: Why Are the Courts Judging Experimental Medicine? **44 Stanford Law Review 1095 (1992)** (student note)

Teaching at UNC:

Health Law and Policy (Spring 2009)

Health Law: Bioethics and Quality of Care (Spring 2009, 2010, 2013)

Torts (Fall 2009, 2010, 2011, 2012, 2013, 2015, 2016, 2018, 2020, 2021, 2022, 2023; Spring 2015, 2018, 2020)

Health Law: Organization, Regulation, and Finance (Spring 2011, 2012, 2022, 2023, 2024; Fall 2016, 2017)

Public Health Law (Spring 2011, 2013, 2019, 2021; Fall 2015)

Current Issues in Law and Medicine (JD/MD seminar) (Spring 2012, 2014; Fall 2015, 2017, 2019, 2021, 2023)

Advanced Torts: Business Torts and Products Liability (Spring 2016, 2019, 2021, 2023)

Select Scholarly Presentations:

Medical Board Regulation of Physicians Spreading Misinformation, Invited Zaremski Lecture, Case Western University Law School, (tentatively scheduled October 2024).

Medical Board Regulation of the Misinformation "Infodemic," American Society of Law, Medicine, & Ethics Health Law Professors Conference, Philadelphia, PA, June 2024

Discipline of Physicians for Spreading Misinformation: Analysis of State Medical Board Actions, Stanford Law School Biolaw Conference, Palo Alto, CA., May 2024

Physicians and the Infodemic, Health Law & Policy Colloquium, Washington, D.C. , November 2022 (virtual)

Patients First, Public Health Last, Amer. Society of Law, Medicine, and Ethics Health Law Professors Conference, Boston, MA. June 2021 (virtual)

Patients First, Public Health Last, Harvard Univ. Petrie-Flom Center for Health Law, Policy, and Biotechnology, Cambridge, MA., March 2021 (virtual)

Health Law's Perspective on the Pandemic, Cardozo Society, Nov. 2020 (virtual)

Physicians' Elusive Public Health Duties, Johns Hopkins Univ. School of Medicine/Univ. of Maryland School of Law, Charm City Law & Bioethics Colloquium, Baltimore, MD., October 2019

Fallout From the Sunshine Act: Tracing Transparency, BioLaw Conference, Stanford Law School, Palo Alto, CA., March 2019

Real World Evidence in the Real World: Beyond the FDA, Boston Univ. Law School, 21st Century Cures Act Symposium., Feb. 2018

Fallout From the Sunshine Act: Tracing Transparency, Amer. Society of Law, Medicine, and Ethics Health Law Professors Conference, Atlanta, GA. June 2017

Deciphering the Sunshine Act: Transparency Regulation and Financial Conflicts in Health Care, Harvard Law School, Cambridge, MA., April 2017

The Physician Payments Sunshine Act: Lessons so Far and the Limits of Transparency, Amer. Society of Law, Medicine, and Ethics Health Law Professors Conference, Boston, MA., June 2016

Using Case Studies, Faculty Showcase on Teaching, UNC Center for Faculty Excellence, November 2015

North Carolina Law and Clinical Ethics Consultations at the Bedside, UNC Healthcare System Clinical Ethics Retreat, June 2015

Access to Experimental Drugs Within/Outside a Clinical Trial: An Exercise in Teaching Regulatory Law, Amer. Society of Law, Medicine, and Ethics Health Law Professors Conference, St. Louis, MO., June 2015

America's Future Health Care System: Implications for Law, Policy, and Ethics (symposium commentator), Houston Journal of Health Law and Policy, Houston, TX., Oct. 2014

Dignitary and Other Intangible Harms in Clinical Research, Regulatory and Ethical Challenges, UNC Research Ethics Grand Rounds, October 2014

Post-Trial Access to Medicine: Responsibilities and Implementation (panelist), Harvard University Multi-Regional Clinical Trials Center & Harvard Petrie-Flom Center for Health Law, Policy, and Ethics, Cambridge, MA., Sept. 2014

Shadows Amid Sunshine: Regulating Conflicts of Interest in Medical Research, Faculty Forum, UNC Department of Social Medicine, October 2013

Health Care Reform and Bundled Payments, SEALS Annual Meeting, Palm Beach, Florida, August 2013

The Uptake Problem For Evidence-Based Practice in Law & Medicine, American Society of Law, Medicine and Ethics Health Law Professors Conference, Seton Hall University Law School, Newark, N.J., June 2013

The Uptake Problem for Evidence-Based Practice, Harvard Law School, Workshop on Evidence-Based Practice in Law, Medicine, & Policymaking, Cambridge, MA., March 2013

Lessons From the Comparative Effectiveness Research Rollout and Health Care Reform, UNC Gillings School of Global Public Health, Graduate Program Workshop Series, March 2013

Is It Really All About the Money? Reconsidering Non-Financial Interests in Medical Research Regulation, American Society for Bioethics and Humanities, Washington, D.C., October 2012

Is It Really All About the Money? The Under-Prioritization of Financial Conflicts of Interest, National Summit on Conflicts of Interest in Medical Practice and Research, University of Pittsburgh Law and Medical Schools, sponsored by American Society of Law, Medicine, and Ethics, October 2011

The New Era of Comparative Effectiveness: Will Public Health End Up Left Behind, American Society of Law, Medicine and Ethics Health Law Professors Conference, Loyola University Chicago Law School, Chicago, IL., June 9, 2011

Scholarship and Teaching Strategies for New Health Law Professors, American Society of Law, Medicine and Ethics Health Law Professors Conference, Loyola University Chicago Law School, Chicago, IL., June 9, 2011

Comparative Effectiveness and Health Care Reform, University of Virginia School of Law, Charlottesville, VA., May 13, 2011

Health Care Reform's Wild Card: The Uncertain Effectiveness of Comparative Effectiveness Research, Univ. of Pennsylvania Law Review Symposium on Health Care Reform, Philadelphia, PA., October 30, 2010

Health Care Reform's Wild Card: The Uncertain Effectiveness of Comparative Effectiveness Research, Amer. Society of Law, Medicine, and Ethics Health Law Professors Conference, Univ. of Texas Law School, Austin, TX., June 4, 2010 (plenary presentation)

The Legacy of Darling v. Charleston Community Memorial Hospital: Institutional Liability Unbound, American Society of Law, Medicine, and Ethics Health Law Professors Conference, Philadelphia, PA., June 2008

Abandonment of Research Subjects: The Ethical and Legal Dilemmas, Speaker Series in Health Policy and Medical Ethics, John Peter Smith Hospital/JPS Health Network, Fort Worth, TX., December 2007

Limiting Physician Discretion to Promote Public Health: The Challenge of Antibiotic Resistance, American Society of Law, Medicine, and Ethics Health Law Professors Conference, Boston University Law School, Boston, MA., June 2007

Abandonment of Research Subjects: The Problem of Remediating Intangible Harm, American Society for Bioethics and Humanities, Annual Meeting, Denver, Colo., October 2006

Teaching Hard Health Law Concepts Through Transactional Exercises, American Society of Law, Medicine, and Ethics Health Law Professors Conference, University of Maryland Law School, Baltimore, MD., June 2006

A New Era in Research Regulation, Baylor College of Medicine, Grand Rounds Lecture, Houston, TX., April 2006

What Institutional Review Boards Could Learn From Corporate Boards, American Society of Law, Medicine, and Ethics Health Law Professors Conference, Seton Hall Law School, Newark, N.J., June 2004

Gainsharing and the Continuing Dilemma of Physician Financial Incentives, National Health Law Conference, University of Toronto, Toronto, ON., Canada, January 2004

Financial Conflicts of Interest in Clinical Research, Southeastern Association of Law Schools Annual Meeting, Amelia Island, Florida, July 2003

Gainsharing and Health Care Quality Improvement, American Society of Law, Medicine, and Ethics Health Law Professors Conference, Wilmington, Delaware, June 2003

Select Public Lectures and Remarks:

Managing Non-Financial Interests as Conflicts of Interest, UNC Festival of Legal Learning, Chapel Hill, NC., Feb. 2019

Real World Evidence in the Real World: Beyond the FDA, UNC Festival of Legal Learning, Chapel Hill, NC., Feb. 2018

Deciphering the Sunshine Act, UNC Festival of Legal Learning, Chapel Hill, NC., Feb. 2017

Medical Research 2.0: The New Proposed Regulations for Human Subjects Research, North Carolina Bar Health Law Section Annual Meeting, Cary, NC., April 2016

Supreme Court M.D.: King v. Burwell and What's Next for the Affordable Care Act, N.C. Society of Health Care Attorneys and Parker Poe law firm conference, Raleigh, NC., July 2015

What Could Law Learn From Evidence-Based Medicine? UNC Festival of Legal Learning, Chapel Hill, NC., Feb. 2013

Reconsidering Non-Financial Interests in Medical Research Regulation, UNC Festival of Legal Learning, Chapel Hill, NC., Feb., 2012

The Uncertain Effectiveness of Comparative Effectiveness Research, UNC Festival of Legal Learning, Chapel Hill, NC., Feb. 11, 2011

Debates Over Comparative Effectiveness Research Under Health Care Reform, UNC School of Law Alumni Gathering, Atlanta, GA., May 13, 2010

Health Care Reform, Moderator for Federalist Society Lecture/Discussion with Prof. David Hyman, Univ. of Illinois School of Law, at UNC School of Law, Fall 2009

ABCs of Health Care Reform, Moderator for Carolina Health Law Organization event featuring Dr. Stephen Gamboa from UNC School of Medicine, at UNC School of Law, Fall 2009

Clinical Practice Guidelines, Legislative Mandates, and Clinical Variation, Texas Medical Center, Houston, TX., March 2008

Understanding the Health Care Crisis: Benchmarks of Success and Failure, Community Forum, Houston, TX., October 2007 (presentation with former U.S. Surgeon General Joycelyn Elders)

Current Topics in Medical Research (panel moderator), American Society of Law, Medicine, and Ethics Health Law Professors Conference, Baylor College of Medicine, Houston, TX., June 2005

Advance Directives and the Cancer Patient, American Cancer Society, Houston, TX., June 2005

Terri Schiavo Case and the Law of Death and Dying: Law School Community Forum (panel discussion), University of Houston Law Center, Houston, TX., March 2005

Law and Films: The Use of Films in the Classroom (panel moderator), Southeastern Association of Law Schools Annual Meeting, Kiawah Island, South Carolina, August 2004

Gainsharing and Aligning Physician-Hospital Incentives, Health Law Section, Houston Bar Association, Houston, TX., March 2004

Legal Issues and the Geriatric Patient: Advance Directives, Texas Medical Center, Houston, TX., July 28, 2003

Genetics, Biotechnology, and Research Issues (panel moderator), American Society of Law, Medicine, and Ethics Health Law Professors Conference, Indiana University Law School, Indianapolis, Indiana, June 2002

Professional Service:

To Discipline and Community:

Peer Reviewer – Accountability in Research, Aspen Publishers, Science, Hastings Center, Health Affairs, Journal of Law, Medicine & Ethics

Governing Council Member, North Carolina Bar Association Health Law Section (2015-2018)

Ad Hoc Committee Member (Uniformity in State Health Care Law), Uniform Law Commission

Co-editor, *The Ethical Health Lawyer*, a regular feature column in Journal of Law, Medicine, & Ethics (2004 – 2007)

Faculty Planning Committee, American Society of Law, Medicine, and Ethics Health Law Professors Conference (2004-2005)

Advisor, Doctors For Change

Member, Ethics Committee, Hospice at the Texas Medical Center (2006-2009)

Member, Harris County Public Health Care System Council (appointed by the Commissioners Court) (2007-2009)

Teaching Hospital Section, American Health Lawyers Association

Within UNC-Chapel Hill:

Faculty Co-Advisor, Joint J.D./M.P.H. program

Faculty Co-Advisor, Carolina Health Law Organization

Faculty Co-Advisor, North Carolina Law Review 2013 Symposium (*Health Care Decision-Making in the New Era of Health Care Reform*)

UNC Global Health Challenge (Panel Judge - 2010), (Student Advisor – 2011)

UNC Business of Health Care Initiative (Steering Committee Member, 2017-)

Faculty Speakers Committee (Chair: 2018-2019, 2023-2024)

Post-Tenure Review Committee (2015-2018; 2022-2023): Chair (2015-2016, 2017-2018, 2022-2023)

Promotion and Tenure Committee (Chair: 2014-2015), (2013-2014)

Appointments Committee (Chair: 2012-2013)

Academic Affairs Committee (Chair : 2011 – 2012), (2010-2011), (2019-2022)

Readmissions Committee (2011, 2023)

Interdisciplinarity Committee (2009 - 2010)

Within University of Houston:

Faculty Planning Committee Member and Panel Judge - the Texas Medical Center Interdisciplinary Health Care Team Competition (2003-2004, 2004-2005, 2005-2006, 2006-2007)

Faculty Co-editor, Houston Journal of Health Law and Policy (2006-2009)

Faculty Advisor, Joint J.D./M.P.H. program (2005-2009)

Planning Committee – Joint J.D./M.D. program with Baylor College of Medicine (2006-2008)

Faculty Appointments Committee (2004-2005, 2006-2007)

Graduate Legal Studies Committee (2002-2003, 2003-2004, 2004-2005)

Student Affairs Committee (2002-2003, 2003-2004, 2005-2006)

University Research Council (2005-2006, 2006-2007, 2007-2008)

Additional Credentials:

Member - American Society of Law, Medicine, and Ethics
American Health Lawyers Association

Member of the Bar: California, D.C., Illinois

Education:

STANFORD LAW SCHOOL, Palo Alto, CA.

J.D. *with distinction*, June 1992

Activities: *Stanford Law Review*, Associate Editor
Law and Technology Association

HARVARD UNIVERSITY, Cambridge, MA.

A.B. History and Science (Biology), June 1987

Honors: *summa cum laude*, Shaw Fellowship,
House of Commons Fellowship, Hoopes Writing Prize, John Harvard Scholarship