

11-27-2013

In the News

Sathyan Mathai

American University Washington College of Law

Vashti Mercado

American University Washington College of Law

Eduardo Pezo

American University Washington College of Law

Dawn Sequiera

American University Washington College of Law

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Recommended Citation

Mathai, Sathyan, Vashti Mercado, Eduardo Pezo, and Dawn Sequiera. "In the News." *Health Law & Policy* 1, no. 2 (2007): 53.

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Oregon to Consider Smoking Tax Increase To Fund Healthcare for Children

Oregon Governor Ted Kulongoski (D) recently proposed a bill that would increase the state's cigarette tax and direct the funds towards the state's health plan, which provides health insurance to uninsured children. The bill, known as Measure 50, could create a tax revenue between \$150 million and \$170 million. If passed, the bill may have implications for a similar national initiative. As a result, all stakeholders are watching closely to see whether the bill passes, and if it does, whether it proves successful.

New French Law Allows DNA Testing for Visa Applicants

On October 23, 2007, the French Parliament passed a new immigration bill that may discourage foreigners who hope to join relatives in France from traveling there. The new bill offers DNA testing of foreign visa applicants and permits researchers to collect racial and ethnic statistics. The bill is controversial in France, where both genetics and ethnicity have long been considered taboo reminders of the anti-Semitic laws adopted during World War II under German occupation. Supporters of the bill claim that it will accelerate immigration applicants' ability to prove familial relationships with French citizens and cite equivalent laws in other European nations. At the same time, some civil rights activists congratulated the government for eliminating the long-standing national ban on all forms of ethnic counting, which could lead to a more accurate counting of minorities in France. The bill has been extremely controversial, however, prompting protests across the country and complaints of racism from leaders of other countries, particularly African nations. As a result, some of the bill's original proposals for DNA testing have already been diluted. Under the modified version passed by Parliament, DNA tests will only be used in cases where children are applying to join mothers in France to prove their biological connection to family in France.

Tamper-Resistant Prescription Pads under Medicaid

Prescriptions for Medicaid beneficiaries must now be written on tamper-resistant prescription forms. A new regulation issued by Congress in May 2007 intends to reduce prescription fraud. To comply with the law, paper prescription pads must contain industry-recognized features designed to prevent unauthorized copying of completed or blank forms, possible erasure or modification, and the use of counterfeit prescription forms. The law requires states to comply with at least one characteristic defined by the Centers for Medicare & Medicaid Services by April 2008, and to be compliant with all three characteristics by October 2008. The original implementation date for the first phase was extended after complaints were made that implementation within such a short time period was unrealistic.

Youth Drinking Addressed

There are nearly 11 million underage drinkers in the U.S. and the vast majority are considered binge drinkers. While many programs exist to stop teenage alcohol abuse, Stanton Peele, Ph. D., J.D., psychologist, parent, and author of "Addiction-Proof Your Child," presents an innovative approach to the problem, advocating to teach teenagers to "drink in a civilized fashion." Peele contends that in other countries, like Italy, Greece, and Israel, teenagers are less likely to binge drink because they are allowed to consume small quantities of alcohol early on at special occasions. According to Peele, allowing teenagers to drink legally, in turn, diminishes the "temptation" of alcohol. In contrast, the U.S. Surgeon General's Office states that alcohol consumption is harmful to children's brains, yet alcohol remains the "most heavily abused substance by America's youth." The Surgeon General's Call to Action to Prevent and Reduce Underage Drinking 2007 aims to stop current underage drinkers from using alcohol and keep other youths from starting.

Proposed Bill to Reform Medical Malpractice

On May 24, 2007 Senator Max Baucus (D-MT) and Senator Mike Enzi (R-WY) introduced the Fair and Reliable Medical Justice Act. The bill seeks to reform the various problems associated with medical malpractice litigation, including costly premiums, a lack of incentive to admit medical errors, and unresolved compensation claims. The bill proposed to fund state pilot programs to evaluate tort alternatives for medical malpractice. One of the models proposed by the bill describes a situation in which states could create an alternative "court" with the following key features: judges who are experts in health care, experts hired by a health court, a modified form of negligence defined as "avoidability" (i.e., the injury would not have happened had optimal care been given), a compensation schedule, no juries, and no access to civil court review. One of the main problems arising from the creation of specialized health courts is the absence of the trial by jury afforded by the U.S. Constitution. The Supreme Court assesses constitutionality of removing common law claims from civil courts by relying on a public right/private right distinction, stating that the Seventh Amendment does not allow Congress to assign adjudication of a private right that is legal in nature to an administrative agency or specialized court without a jury.

Sathyan Mathai, Vashti Mercado, Eduardo Pezo, and Dawn Sequiera contributed to this column.