



JOURNAL OF HEALTH & LIFE SCIENCES LAW

VOLUME 1, NUMBER 4

JULY 2008

TABLE OF CONTENTS

Today's Conflict of Interest Compliance Challenge:
How Do We Balance the Commitment to Integrity
with the Demand for Innovation?

Bernadette M. Broccolo and Jennifer S. Geetter

Limited Provider Panels: Their Promise and Problems
in an Individual Health Insurance Market

William H. Pitsenberger

FTC v. Evanston: Antitrust Enforcement of Hospital
Mergers Receives a Shot in the Arm

Chul Pak and Kashana Cauley

Medical Devices: The Obvious, the Readily-Accepted,
and the Surprising

Deborah E. Tolomeo and Laurie A. Clarke

Having Your Cake and Eating It Too—The (Un)Enforceability
of Releases on Future Qui Tam Claims

Todd P. Photopulos and Graham W. Askew

PRACTICE RESOURCE

Union Organizing in Assisted Living

Allison M. Woodall



AMERICAN
HEALTH LAWYERS
ASSOCIATION



Today's Conflict of Interest Compliance Challenge: How Do We Balance the Commitment to Integrity with the Demand for Innovation?

Bernadette M. Broccolo and Jennifer S. Geetter

ABSTRACT: Beginning in the 1980s, the federal government encouraged institutional providers to collaborate with pharmaceutical companies, medical device manufacturers, and biotechnology ventures. The rationale underlying this public policy was that collaboration would accelerate the pace of innovation. More recently, the focus is on whether these collaborations create conflicts of interest that jeopardize the safety of subjects and the integrity of data. Various constituencies are calling for conflict of interest reform, while the demand for new diagnostic and therapeutic tools has never been greater. These competing messages have stakeholders questioning what to do. This article reviews recent developments in conflicts of interest reform and provides recommendations that institutions and industry can consider as they undertake to develop a scalable and flexible approach to enhancing their conflicts of interest infrastructure.

BERNADETTE M. BROCCOLO, Esquire, is a partner and a member of the Health Law Department in McDermott Will & Emery LLP. She has been counseling health industry organizations for 28 years on health industry relationship formation and realignments; conflicts of interest compliance; formation and implementation of electronic health information systems and data warehouses; secondary research; and comprehensive programs for human subject research. Broccolo currently serves as chair of the Life Sciences Steering Committee of her firm's Health Law Department. She is a frequent speaker and author and serves in leadership positions for organizations serving the health industry and the legal profession. Contact her via email at bbroccolo@mwe.com.

JENNIFER S. GEETTER, Esquire, is a partner and a member of the Health Law Department in McDermott Will & Emery LLP. She is the co-chair of the Department's Health Life Sciences Affinity Group and a member of the firm's Life Sciences Steering Committee. Geetter's practice focuses on emerging biotechnology compliance and strategic issues, advising clients on research compliance; privacy and data strategy initiatives; conflicts of interest; and emerging issues in secondary research concerning biological samples and data warehousing. She is a frequent speaker and author, and a member of the AHLA Life Sciences Section Steering Committee. Contact her via email at jgeetter@mwe.com.

CITATION: Bernadette M. Broccolo and Jennifer S. Geetter, *Today's Conflict of Interest Compliance Challenge: How Do We Balance the Commitment to Integrity with the Demand for Innovation?*, J. HEALTH & LIFE SCI. L., JULY 2008, AT 1. © 2008 American Health Lawyers Association. All rights reserved.

© 2008 American Health Lawyers Association
Washington D.C.

Reprint permission granted.

Further reprint requests should be directed to
American Health Lawyers Association
1025 Connecticut Avenue, NW, Suite 600
Washington, DC 20036
(202) 833-1100

For more information on Health Lawyers content,
visit us at
www.healthlawyers.org