



JOURNAL OF HEALTH & LIFE SCIENCES LAW

VOLUME 4, NUMBER 3

JUNE 2011

TABLE OF CONTENTS

- Another Man's Treasure: The Promise and Pitfalls of Leveraging Existing Biomedical Assets for Future Use 1
Jennifer S. Geetter
- Patent Protection in Medicine and Biotechnology: An Overview 106
Stephen W. Chen, Marina Len, and Seth D. Levy

NOTES AND COMMENTS

- The Impact of Healthcare Reform on Revenue-Cycle Management and Claim Coding 159
Timothy D. Martin
- An Argument Against Embedding Conflicts of Interest Disclosures in Informed Consent..... 230
Kathleen M. Boozang, Carl H. Coleman, and Kate Greenwood

Another Man's Treasure: The Promise and Pitfalls of Leveraging Existing Biomedical Assets for Future Use

Jennifer S. Geetter

ABSTRACT: Future use is the leveraging of previously existing biological and data resources to answer information-intensive questions relevant to human science. This article explores why future use is critically intertwined with the changing priorities of and approaches to biomedical innovation. With the ascendancy of electronic health records, the explosion of sequenced genetic information, and the increase in the number of tests and medical encounters many Americans routinely undergo as part of primary and acute care, sizeable stores of diverse, rich, and longitudinal information are increasingly available. With the acceleration of personalized medicine and other future use activities, myriad stakeholders have acknowledged the intrinsic economic value of primary source data and biological materials. This article suggests models that might guide better banking choices because to realize the full promise of future use, repositories and databanks require the dedicated stewardship that is commonplace when managing and growing more traditional assets. This article also explores legal and philosophical approaches to the contested and unsettled question of downstream rights to direct and control biomedical assets. Finally, this article examines the regulatory environment in which future use occurs, identifying the frequently inconsistent and ambiguous regulatory frameworks with which researchers must contend.

KEYWORDS: Secondary Use, Secondary Research, Future Use, Personalized Medicine, Biomedical Assets, Biological Materials, Tissue, Data, Databanking, Repositories, Common Rule, EMRs, EHRs, HIPAA, PHI, FDA, Informed Consent, Authorization

CITATION: Jennifer S. Geetter, *Another Man's Treasure: The Promise and Pitfalls of Leveraging Existing Biomedical Assets for Future Use*, J. HEALTH & LIFE SCI. L., June 2011, at 1. © 2011 American Health Lawyers Association, www.healthlawyers.org/JHLSL. All rights reserved.

The author's biographical statement appears on the following page.