

Volume XVI:1 Winter 2016

©2016 by the Yale Journal of Health Policy, Law, and Ethics.  
All rights reserved. ISSN 1535-3532.  
No Claim to Original U.S. Government Works.

**SUBMISSIONS:** We invite the submission of germane manuscripts to the *Yale Journal of Health Policy, Law, and Ethics*. Submissions are accepted on a rolling basis. Please include (1) an electronic copy of the manuscript (double-spaced); (2) your current address, telephone number, email address, and CV; and (3) a 100-word abstract. Submissions should be emailed to [yjhple.submissions@yale.edu](mailto:yjhple.submissions@yale.edu) or submitted via ExpressO or LexOpus. Details about our editorial style are available on our website.

**PEER REVIEW:** Articles submitted to the *Journal* are peer reviewed. For a detailed description of our peer review process, please visit our website: [www.yale.edu/yjhple](http://www.yale.edu/yjhple).

**SUBSCRIPTIONS:** The *Journal* is published biannually. Subscriptions are \$29 per year for individuals and \$39 for institutions. Institutional rates apply to libraries, law firms, institutions, and individuals whose employer pays for subscriptions. Please add \$10 for overseas mailing.

Claims for non-receipt of issues should be made within 90 days of the month of publication for domestic subscribers and within 180 days for overseas subscribers. Thereafter, the regular back issue rate will be charged for replacement. All subscriptions will be renewed automatically unless the subscriber provides cancellation notice prior to September 1 of each new publication year. Please allow three months for overseas deliveries.

**LEGAL NOTICES:** The *Journal* is published by the Yale Schools of Law, Medicine, Public Health, and Nursing. The Editorial Staff, with the assistance of the Advisory Board, makes all decisions regarding the content of the *Journal*. Statements of fact and opinion are the sole responsibility of the authors and are not necessarily endorsed by the editors, Yale University, or any of Yale's professional or graduate schools. For permission to photocopy articles or other materials appearing in the *Journal*, contact the Editorial Staff at the address below.

**MAILING ADDRESS**

*Yale Journal of Health Policy,  
Law, and Ethics*  
P.O. Box 208215  
New Haven, CT 06520-8215

**OVERNIGHT DELIVERY ADDRESS**

*Yale Journal of Health Policy,  
Law, and Ethics*  
127 Wall Street  
New Haven, CT 06511

[www.yale.edu/yjhple](http://www.yale.edu/yjhple), E-mail: [yjhple@yale.edu](mailto:yjhple@yale.edu)

**Founding Members**

Chetan Gulati, J.D.                      Leslie A. Meltzer, J.D., M.Sc., Ph.D(c)  
Chris Herndon, M.D.                      Jason Silvers, M.D., J.D.

YALE JOURNAL OF HEALTH POLICY, LAW, AND ETHICS

VOLUME XVI

Winter 2016

EXECUTIVE EDITORIAL BOARD

***Editors-in-Chief***

Nathan Nash  
Kimberly Wachtler

**Executive Editors**

Elizabeth Dervan  
Cynthia Tsay

**Managing Editors**

Maxwell Farina  
Divya Srinivasan  
Kara Stencel

**Research Editor**

Jeffrey Chen

SENIOR EDITORIAL BOARD

**Articles Editors**

Micha Sam Brickman Raredon  
Cory Gordon  
Nicholas Chedid

**Submissions Editors**

Julia Eichenfield  
Asu Erden  
Joya Sonnenfeldt, *Notes*

YALE CLASS LIBRARY

YALE JOURNAL OF HEALTH POLICY, LAW, AND ETHICS

VOLUME XVI

Winter 2016

STAFF EDITORS

Susan Choy  
Valerie Comenencia Ortiz  
Casey Covarrubias  
Eamon Duffy  
Kelly Flanagan  
Lyndsay Gavin  
Jurema Gobena  
Shoshanna Goldin  
Diana Gonzalez  
Nathan Guevremont  
Dumingu Aparna Gomes  
Yunsoo Kim  
Theodore Lee  
Scott Levy  
Esther Lim  
Claudia Lu

Maya Mahin  
Roxana Mir  
Lin Mu  
Sara Nelson  
Talya Presser  
Rachel Reeves  
Wenhao Sha  
Faren Tang  
Sophia Tonnu  
Reetika Tripathi  
Erin van Wesenbeeck  
Medha Vyavhare  
Michael Weaver  
Tian Zhou  
Constance Zou

ADVISORY BOARD

Henry J. Aaron, Ph.D., *Senior Fellow, Brookings Institution*  
Lori B. Andrews, J.D., *Distinguished Professor of Law and Director of the Institute for Science, Law and Technology, Chicago-Kent College of Law*  
George J. Annas, J.D., M.P.H., *Professor, Boston University Schools of Law, Medicine, and Public Health*  
M. Gregg Bloche, M.D., J.D., *Professor of Law, Georgetown University, and Co-Director, Georgetown-Johns Hopkins Joint Program in Law & Public Health*  
Troyen A. Brennan, M.A., M.D., J.D., M.P.H., *Executive Vice President and Chief Medical Officer, CVS Caremark*  
Scott Burris, J.D., *Professor, Temple University School of Law*  
James F. Childress, Ph.D., *Professor, University of Virginia*  
Paul D. Cleary, Ph.D., *Dean and C.E.A. Winslow Professor of Epidemiology and Public Health, Yale University School of Public Health*  
Ruth R. Faden, Ph.D., M.P.H., *Philip Franklin Wagley Professor of Biomedical Ethics and Director, The Phoebe R. Berman Bioethics Institute, Johns Hopkins University*  
Lawrence O. Gostin, J.D., L.L.D., *Professor and Director, Center for Law and the Public's Health, Georgetown and Johns Hopkins Universities*  
Christine Grady, R.N., Ph.D., *Head, Section of Human Subjects Research, Department of Clinical Bioethics, National Institutes of Health*  
Dean M. Hashimoto, M.D., J.D., M.P.H., *Associate Professor of Law, Boston College, and Chief of Occupational and Environmental Medicine, Massachusetts General Hospital and the Brigham and Women's Hospital*  
Timothy S. Jost, J.D., *Robert L. Willett Family Professor of Law, Washington and Lee University School of Law*  
Ruth Katz, J.D., M.P.H., *Director, Health, Medicine and Society, Aspen Institute*  
David Kessler, M.D., J.D., *Dean, University of California, San Francisco School of Medicine, and Former Commissioner of the U.S. Food and Drug Administration*  
Alvin K. Klevorick, Ph.D., *John Thomas Smith Professor of Law and Deputy Dean of Yale Law School, Professor, Yale University Department of Economics*  
Stephen R. Latham, J.D., Ph.D., *Deputy Director, Yale's Interdisciplinary Center on Bioethics*  
Jerold R. Mande, M.P.H., *Director of Policy Programs, Yale University School of Medicine*  
Theodore R. Marmor, Ph.D., *Professor, Yale University School of Management and Yale Law School*  
Leslie Meltzer, J.D., M.Sc., *Greenwall Fellow in Bioethics and Health Policy, Georgetown University Law Center and the Johns Hopkins Bloomberg School of Public Health*  
Theodore W. Ruger, J.D., *Bernard G. Segal Professor of Law and Dean, University of Pennsylvania Law School*  
Elyn R. Saks, M.Litt., J.D., *Orrin B. Evans Professor of Law, Psychology, and Psychiatry and the Behavioral Sciences, University of Southern California Gould School of Law*

YALE LAW LIBRARY