

DAVID M. FRANKFORD

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CURRENT POSITIONS

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| 1990
to
present | PROFESSOR, RUTGERS LAW SCHOOL. Research concerns the regulation, finance, social structure, and philosophy of health care. Teaching includes antitrust, bioethics, health care law, health care fraud; health care transactions, property, regulated industries, and seminars related to health care, the professions and philosophy. |
| 1997
to
present | PROFESSOR, INSTITUTE FOR HEALTH, HEALTH CARE POLICY, AND AGING RESEARCH, RUTGERS UNIVERSITY. |
| 1999
to
present | FACULTY DIRECTOR AT CAMDEN, CENTER FOR STATE HEALTH POLICY, RUTGERS UNIVERSITY. |

PUBLICATIONS:

BOOKS:

- ROSENBAUM S & FRANKFORD DM, ET AL. LAW AND THE AMERICAN HEALTH CARE SYSTEM. 2ND ED., Foundation Press, 2012.
- ROSENBAUM S & FRANKFORD DM, ET AL. TEACHER’S MANUAL TO LAW AND THE AMERICAN HEALTH CARE SYSTEM. 2ND ED. Foundation Press, 2013.
- ROSENBAUM S & FRANKFORD DM. 2012-15 SUPPLEMENT TO LAW AND THE AMERICAN HEALTH CARE SYSTEM. 2ND ED., Foundation Press, 2015.
- ROSENBLATT RE, ROSENBAUM S, FRANKFORD DM. LAW AND THE AMERICAN HEALTH CARE SYSTEM. 2001-2002 SUPPLEMENT. Foundation Press.

ARTICLES:

- Tanenbaum SJ, Frankford DM. *The Politics of Health Services Research: The Case of Pay-for-Performance.* In Preparation.
- Russell RL, Konrad TR, Frankford DM. *The Primacy of Humane Values in Curricular Reform.* In Preparation.
- Russell RL, Frankford DM, Konrad TR. *Learning the Practice of Ethics: Institutionalization of Lived Ethics in Medical Education.* In Preparation.
- Frankford DM, Patterson MA, Konrad TR. *The Use of Action Research in Community-Based Projects in Health Care.* In Preparation.

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- Frankford DM, Konrad TR. *An Institutional Framework for Responsive Medical Professionalism*. In Preparation.
- Frankford DM, Rosenbaum, S. *Taming Healthcare Spending: Could State Rate Setting Work?* Robert Wood Johnson Foundation 2017: <http://www.cshp.rutgers.edu/publications/taming-healthcare-spending-could-state-rate-setting-work>.
- Frankford DM, Rosenbaum, S. *Taming Healthcare Spending: Could State Rate Setting Work?* HEALTH AFFAIRS BLOG 2017: <http://healthaffairs.org/blog/2017/03/20/taming-health-care-spending-could-state-rate-setting-work/>.
- Frankford DM, Rosenbaum, S. *A Survivalist Guide to Teaching ERISA*. SAINT LOUIS U. L. J. 2016; 61(3): 495-510.
- Frankford DM. *It's the Prices, Advanced Capitalism, and the Need for State Rate Setting — Stupid*. J. LAW, MED. & ETHICS 2016; 44(4):569-75.
- Frankford DM, Bennington LK, Ryan, JG. *Womb Outsourcing: Commercial Surrogacy in India*. AMERICAN JOURNAL OF MATERNAL/CHILD NURSING 2015; 40(5):284-90.
- Frankford D, Rosenbaum S. *Go Slow on Reference Pricing: Not Ready for Prime Time*. HEALTH AFFAIRS BLOG 2015: <http://healthaffairs.org/blog/2015/03/09/go-slow-on-reference-pricing-not-ready-for-prime-time/#comment-1238118>.
- Frankford D, Rosenbaum S. *Go Slow on Reference Pricing: Why the Federal Agencies Have It Wrong on Regulations*. HEALTH AFFAIRS BLOG 2015: <http://healthaffairs.org/blog/2015/03/09/go-slow-on-reference-pricing-why-the-federal-agencies-have-it-wrong-on-regulations/>.
- Fox K, Trail T, Frankford D, Crystal S. *State Pharmacy Discount Programs: A Viable Mechanism for Addressing Prescription Drug Affordability?* NYU ANNUAL SURVEY OF AMERICAN LAW 2004; 60(2): 187-240.
- Frankford DM, Patterson MA, Konrad TR. *Transforming Practice Organizations to Foster Lifelong Learning and Commitment to Medical Professionalism*. ACADEMIC MEDICINE 2000; 75(7): 708-17.
- Rosenbaum SR, Frankford DM, Moore B, Borzi P. *Who Should Determine When Health Care Is Medically Necessary?* NEW ENGLAND JOURNAL OF MEDICINE 1999; 340(3): 229-32.
- Frankford DM, Konrad TR. *Responsive Medical Professionalism: Integrating Education, Practice, and Community in a Market-driven Era*. ACADEMIC MEDICINE 1998; 73(2): 138-45.
- Frankford DM. *The Normative Constitution of Professional Power*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 1997; 22(1): 185-221.
- Frankford DM. *Food Allergy and the Health Care Financing Administration: A Story of Rage*. WIDENER LAW SYMPOSIUM JOURNAL 1995; 1(1): 160-265.
- Frankford DM. *Managing Medical Clinician' Work Through the Use of Financial Incentives*. WAKE FOREST LAW REVIEW 1994; 29(1): 71-105.
- Frankford DM. *Scientism and Economism in the Regulation of Health Care*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 1994; 19(4): 773-99.

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Frankford DM. *The Complexity of Medicare's Hospital Reimbursement System: Paradoxes of Averaging*. IOWA LAW REVIEW 1993; 78(3): 517-668.

Frankford DM. *The Medicare DRGs: Efficiency and Organizational Rationality*. YALE JOURNAL ON REGULATION 1993; 10(2): 273-346.

Frankford DM. *Privatizing Health Care: Economic Magic To Cure Legal Medicine*. SOUTHERN CALIFORNIA LAW REVIEW 1992; 66(1): 1-98.

Frankford DM. *Creating and Dividing the Fruits of Collective Economic Activity: Referrals Among Health Care Providers*. COLUMBIA LAW REVIEW 1989; 89(8): 1861-1938.

BOOK CHAPTERS:

Frankford DM. *Paying for Healthcare*. In I GLENN COHEN ET. AL, EDS. THE OXFORD HANDBOOK OF U.S. HEALTH LAW 2017; 832-51, Oxford University Press.

Frankford DM. *The Treatment/Enhancement Distinction as an Armament in the Policy Wars*. In PARENS E (ED). ENHANCING HUMAN TRAITS: ETHICAL AND SOCIAL IMPLICATIONS 1998; 70-94, Georgetown University Press.

Frankford DM. *Professions and the Law*. In HAFFERTY FW, MCKINLAY JB (EDS). THE CHANGING MEDICAL PROFESSION: AN INTERNATIONAL PERSPECTIVE 1993; 43-53, Oxford University Press.

ESSAYS AND REVIEW ESSAYS:

Frankford DM. *The Remarkable Staying Power of "Death Panels."* JOURNAL OF HEALTH POLITICS, POLICY AND LAW 2015; 40(5): 1087-1101.

Frankford, DM. *At Least We're Still Free to Choose to Die at Home: A CLASS Act*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 2011; 36(3): 533-38.

Frankford DM. *Unchanging New Leadership*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 2003; 28(2-3): 509-15.

Frankford DM. *Social and Political Dis-ease*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 1999; 24(1): 181-96.

Frankford DM. *Regulating Managed Care: Pulling the Tails to Wag the Dog*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 1999; 24(5): 1191-1200.

Frankford DM. *Institutions of Reflective Practice*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 1997; 22(5): 1295-1308.

Frankford DM. *Donald Black's Social Structure of Right and Wrong: Normativity Without Agents*. LAW AND SOCIAL INQUIRY 1995; 20(3): 787-803.

Frankford DM. *The Critical Potential of the Common Law Tradition*. COLUMBIA LAW REVIEW 1994; 94(3): 1076-1123.

Frankford DM. *Measuring Health Care: Political Fate and Technocratic Reform*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 1994; 19(3): 647-62.

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Frankford DM. *Neoclassical Health Economics and the Debate over National Health Insurance: The Power of Abstraction*. LAW AND SOCIAL INQUIRY 1993; 18(2): 351-91.

COMMENTARIES AND INTRODUCTIONS:

Frankford, DM. *Dehumanizing a Most Human Practice*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 2011; 36(4): 763-70.

Frankford DM. *Book Review Editor's Introduction, to Review Symposium: Vulnerable Populations*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 2002; 27(1): 109-10.

Frankford DM. *Book Review Editor's Introduction, to Review Symposium: Remembering Present and Future Institutions of Health Care*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 2001; 26(3): 635-37.

Frankford DM. *Book Review Editor's Introduction, to The Politics of Medicare: A Thirty-Year Retrospective on Ted Marmor's Classic Work*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 2001; 26(1): 121-22.

Frankford DM. *Book Review Editor's Introduction, to Review Symposium on Women's Health*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 2000; 25(3): 565-66.

Frankford DM. *Book Review Editor's Introduction, to Review Symposium: The New Debate over Euthanasia and Physician-Assisted Suicide*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 2000; 25(2): 377-78.

Frankford DM. *Special Section Editor's Note, to Special Section: Community, Professions, and Participation*. JOURNAL OF HEALTH POLITICS, POLICY AND LAW 1997; 22(1): 101-04.

Frankford DM. *The Ethical Obligations of Compassionate Supply*. HEALTH CARE ANALYSIS 1996; 4(3): 222-24.

RESEARCH REPORTS

Tiedemann A, Cantor JC, Koller M, Frankford DM. *Sustaining the Charitable Mission of Horizon Blue Cross Blue Shield after Conversion to a For-Profit Corporation: Issues and Best Practices*. New Brunswick, NJ: Center for State Health Policy, Rutgers University, 2003.

EXTRAMURAL ACTIVITIES:

Board of Editors, JOURNAL OF HEALTH POLITICS, POLICY AND LAW. 2016 to present.

Editor, Special Section, Behind the Jargon, JOURNAL OF HEALTH POLITICS, POLICY AND LAW. 2011 to 2016.

Associate Editor, JOURNAL OF HEALTH POLITICS, POLICY AND LAW. 2002-10.

Book Review Editor, JOURNAL OF HEALTH POLITICS, POLICY AND LAW. 1998-2002.

Speaker, Virtual Mentor Project, Institute for Ethics and MEDICAL STUDENT JAMA, American Medical Association. 1999 to present.

Member, Rutgers Biomedical and Health Sciences Working Group on Medicaid High Utilizers, Analysis and Recommendations for Medicaid High Utilizers in New Jersey. 2014 to present..

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Investigator, Regulatory Reform and Angiography Disparities. Agency for Healthcare Research and Quality, U.S. Department of Health and Human Services. 2004-2005.

Consultant, Policy Analysis of State Pharmacy Assistance Programs: State of the Art and Implications for National Health Policy. Commonwealth Fund. 2001-2004.

Consultant, Analysis of Hospital Responses to Mandatory Medical Error Reporting. National Patient Safety Foundation. 2002-2003.

Collaborating Faculty, Horizon Blue Cross Blue Shield's For-profit Conversion: Issue Brief and White Paper. Council of New Jersey Grantmakers. 2002-2003.

Collaborating Faculty, Building Research Infrastructure and Capacity (BRIC). Agency for Healthcare Research and Quality, U.S. Department of Health and Human Services. 2001-2003.

Collaborating Faculty, Rutgers State Health Policy Center Planning Grant from Robert Wood Johnson Foundation. Institute for Health, Health Care Policy, and Aging Research, Rutgers University. 1997-1998.

Participant, Greenwall Foundation Bioethics and Social Science Seminar. Center for Bioethics, University of Pennsylvania. 1997 to 1999.

Participant, Project on Technologies Aimed at the Enhancement of Human Capacities. The Hastings Center. 1995 to 1997.

Reviewer, American Journal of Public Health; Clinical Anatomy; Duke University Press; Hastings Center Report; Health Affairs; Health Services Research; John Wiley and Sons; The Journal of Gerontology: Social Sciences; Journal of Health Politics, Policy and Law; Journal of Health and Social Behavior; Milbank Quarterly; National Science Foundation, Societal Dimensions of Engineering, Science, and Technology; Oxford University Press; Professional Ethics; Public Administration Review; Rutgers University Press; Sociological Forum; Social Science & Medicine; Sociological Theory; and Teaching and Learning in Medicine.

INTRAMURAL SUPPORT

Principal Investigator, Rutgers University Research Council Grant. "Responsive Medical Professionalism: Integrating Education, Practice, and Communities." July 1, 1998 to May 1, 1999.

PAPERS AND PANELS:

Chair and Discussant, Session entitled "The Politics of Health Care Reform." American Political Science Association. 111th Annual Meeting. San Francisco, CA. September 4, 2015.

"The Politics of Health Services Research: The Case of Pay-for-Performance." American Political Science Association. 102nd Annual Meeting. Philadelphia, PA. September 1, 2006.

"Learning the Practice of Ethics: Institutionalization of Lived Ethics in Medical Education." Conference on Values, Ethics and Medical Science: The New Medical School Curriculum Sponsored by the AAMC Institute for Improving Medical Education. Boston, MA. September 22-23, 2005.

Participant, "Embedding Professionalism in Medical Education: Assessment as a Tool for Implementation. An Invitational Conference Sponsored by the AAMC and NBME." Baltimore, MD. May 15-17, 2002.

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- “Unchanging New Leadership.” Journal of Health Politics, Policy and Law Conference, “Who Shall Lead? Continuity and Change in the Future of Health Care.” Los Angeles, April 20, 2002.
- “Transforming Practice Organizations into Institutions of Reflective Practice: A Vision of the Health Care Delivery Unit in the 21st Century.” Keynote Address, Germany-Canada-EU Workplace Learning Conference, “The Role of Telehealth and Information Technologies to Support Learning in the Health Care Delivery Units of the Future.” Toronto: October 20, 2001.
- Chair, Session entitled “Symposium on the ‘Politics of Medicare’: A Thirty Year Retrospective on Ted Marmor’s Classic Work. American Political Science Association. 97th Annual Meeting. Washington, D.C. September 2, 2000.
- “Three Policy Frameworks for Analyzing Physician Collective Bargaining.” Office of Legislative Services, New Jersey State Legislature. April 25, 2000.
- Chair, Session entitled “Moral Dilemmas and the States.” American Public Health Association. 127th Annual Meeting. Chicago, IL. November 9, 1999.
- “Three Topics Regarding the Future of Insurance.” Policy Development Committee, New Jersey Hospital Association. Princeton, NJ. April 14, 1999.
- Chair, Session entitled “The Future of Medical Professionalism.” American Public Health Association. 126th Annual Meeting. Washington, D.C. November 18, 1998.
- “The Institutional Framework Necessary to Sustain a Responsive Medical Professionalism in a Market-driven Environment.” Professionalism in Contemporary Medical Education: An Invitational Colloquium. Association of American Medical Colleges. Washington, D.C. July 30, 1998; American Public Health Association. 126th Annual Meeting. Washington, D.C. November 18, 1998; David Rogers Health Policy Colloquium. Cornell University Medical College. New York, NY. January 6, 1999; Greenwall Foundation Bioethics and Social Science Seminar. Center for Bioethics, University of Pennsylvania. February 18, 1999; Brown Bag Seminars. Institute for Health, Health Care Policy, and Aging Research, Rutgers University. April 22, 1999.
- “Responsive Medical Professionalism: Integrating Education, Practice and Community in a Market-driven Era.” The 8th Annual Ottawa Conference on Medical Education and Assessment. Philadelphia, PA. July 14, 1998.
- “The Treatment/Enhancement Distinction as an Armament in the Policy Wars.” The Hastings Center. December 2, 1996.
- Chair, Session entitled “Law, Liberty, and Participation.” 1996 Joint Meetings of the Law and Society Association and the Research Committee on the Sociology of Law of the International Sociological Association. Glasgow, Scotland. July 11, 1996.
- “‘Objectivity’ in Coverage Decisions and Technology Assessment, and the Location of Agency.” The 17th Annual Health Law Teachers Conference of the American Society of Law, Medicine & Ethics. Wilmington, Delaware. June 7, 1996.
- Co-Chair, Session entitled “Experimental Drugs and Procedures: Issues of Coverage and Risk.” The 17th Annual Health Law Teachers Conference of the American Society of Law, Medicine & Ethics. Wilmington, Delaware. June 7, 1996.

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- “A Case Study in the Ethics of Compassion.” American Public Health Association. 123rd Annual Meeting. San Diego, California. November 1, 1995.
- Co-Chair, Roundtable Session entitled “The Education of Health Professionals: New Paradigms.” American Public Health Association. 123rd Annual Meeting. San Diego, California. November 1, 1995.
- “Medical Education and the Norms of Technical Efficiency.” American Public Health Association. 123rd Annual Meeting. San Diego, California. November 1, 1995.
- “Food Allergy and the Health Care Financing Administration: A Story of Rage.” The Doctor and the Patient in the New Health Care Economy: Critical Legal Issues. Widener University. Wilmington, Delaware. March 3, 1995.
- Chair, Session entitled “Professions and Community: Normative Visions.” American Public Health Association. 122nd Annual Meeting. Washington, D.C. November 1, 1994.
- “The Normative Constitution of Professional Power.” American Public Health Association. 122nd Annual Meeting. Washington, D.C. November 1, 1994.
- “Donald Black=s Social Structure of Right and Wrong: Normativity Without Agents.” Law and Society Association. Annual Meeting. Phoenix, Arizona. June 17, 1994.
- “The Misuse of Countervailing Power in the Regulation and Finance of Health Care.” Yale Health Care Workshop. New Haven, Connecticut. January 17, 1994. Comparative and Historical Studies in the Health Professions at the Cecil G. Sheps Center for Health Services Research. Chapel Hill, North Carolina. May 13, 1994.
- “Why Managed Competition Is Unmanaged.” Health Care Law: Managed Competition Within the Existing Legal Framework. Wake Forest University. Winston-Salem, North Carolina. March 18, 1994.
- Discussant, Session entitled “Issues in Health Care Financing.” American Public Health Association. 121st Annual Meeting. San Francisco. October 25, 1993.
- “Misconceptions About the Role of Financial Incentives in Health Care Reform.” American Public Health Association. 121st Annual Meeting. San Francisco. October 25, 1993.
- Chair, Sessions entitled “Regulation of Health Care: Scientism and Economism.” International Institute of Sociology. 31st Congress. Paris. June 22, 1993.
- “Scientism and Economism in the Regulation and Finance of Health Care.” International Institute of Sociology. 31st Congress. Paris. June 22, 1993.
- Discussant, Paper and Session entitled “Incentives and Values in Health Care Reform.” Society for the Advancement of Socio-Economics. Fifth Annual International Conference. New York City. March 26, 1993.
- Participant, “Roundtable on Public Policy Initiatives.” Society for the Advancement of Socio-Economics. Fifth Annual International Conference. New York City. March 26, 1993.

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EDUCATION:

1976
to
1979
UNIVERSITY OF CHICAGO LAW SCHOOL. J.D. 1979.
*Top three percent of class;
Law Review;
Order of the Coif;
Cum Laude.*

1972
to
1975
TUFTS UNIVERSITY. B.A. in political science. 1976.
*Summa cum laude;
Phi Beta Kappa;
Dean's List all semesters.*

CLERKSHIP:

1979
to
1980
**LAW CLERK TO THE HONORABLE IRVING L. GOLDBERG,
UNITED STATES FIFTH CIRCUIT COURT OF APPEALS.** Dallas,
Texas.

WORK EXPERIENCE:

1989
to
1990
**VISITING ASSOCIATE PROFESSOR, TEMPLE UNIVERSITY
SCHOOL OF LAW.**

1989
**VISITING ASSOCIATE PROFESSOR, BENJAMIN N. CARDOZO
SCHOOL OF LAW, YESHIVA UNIVERSITY.**

1988
to
1989
PRIVATE PRACTICE. Philadelphia, Pennsylvania. Member Pennsylvania
Bar.

1984
to
1988
**ASSOCIATE PROFESSOR, UNIVERSITY OF MIAMI SCHOOL OF
LAW.**

1980
to
1984
ASSOCIATE, WILMER, CUTLER & PICKERING. Washington, D.C.
Practice areas included antitrust, civil litigation, complex tort litigation, and
regulation of communications. Member D.C. Bar.