

NATHAN CORTEZ



**Callejo Endowed Professor of Law
in Leadership & Latino Studies**

**Co-Director, Tsai Center for Law,
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SMU Dedman School of Law
3315 Daniel Avenue
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EXPERIENCE

Southern Methodist University, Dedman School of Law

- Co-Director, Tsai Center, 2022-present
- Associate Dean for Research, 2013-19
- Callejo Endowed Professor, 2015-present
- Gerald J. Ford Research Fellow, 2015-present
- Professor, 2015-present
- Associate Professor, 2012-15
- Assistant Professor, 2007-12

Courses:

- Administrative Law
- Food & Drug Law
- Health Law
- Legislation (upper-level)
- Legislation & Regulation (first-year)
- Comparative Health Law & Bioethics (Oxford)
- International and Comparative Health Law

Rutgers University School of Law

Visiting Assistant Professor, Camden, Fall 2006

Arnold & Porter

Associate, Washington D.C., 2002-07

AFFILIATIONS

- Big Data Advisory Board, SMU (2021-present)
- Co-Applicant, Canadian Institute of Health Research (CIHR) grant, "Just Coverage Decisions" (2019-23)
- Advisory Board, DIME (Disruptive Innovation in Medical Ethics), European Research Council grantee
- Conflict of Interest Committee, UT Southwestern Medical Center (2016-18)
- Consultant, Administrative Conference of the United States (ACUS) (2014-16)
- Center for Global Health Impact, SMU

- Advisory Board, Latino Public Policy Research Institute, Latino Center for Leadership Development
- Executive Board, Tsai Center for Law, Science, and Innovation, SMU
- Executive Board, Rowling Center for Business Law and Leadership, SMU
- Mentor, Health Wildcatters
- Editorial Advisory Board, Food and Drug Law Journal (2014-17)

EDUCATION

Stanford Law School

J.D. 2002

University of Pennsylvania

B.A. 1999

Major: Philosophy, Politics, & Economics

Minor: American Public Policy

AWARDS + RECOGNITIONS

- Co-Applicant, Canadian Institute of Health Research (CIHR) grant-funded project: “Machine M.D.: How Should We Regulate A.I. in Health Care?” (2021-25)
- Co-Applicant, Canadian Institute of Health Research (CIHR) grant-funded project: “Just Coverage Decisions: Including Legal Analysis into the Assessment of Health Technologies” (2019-23)
- Keynote Lecture, Machine M.D. Conference, University of Ottawa (2019)
- Keynote Lecture, WATCH Society, Stanford Medical School (2016)
- Gerald J. Ford Research Fellowship, SMU (2015)
- Endowed Lecture, Southern Illinois University, Health Policy Institute (2015)
- Elected Member, Barristers, SMU Law School (2014)
- Grant Recipient, Radcliffe Institute for Advanced Study, Harvard (2013)
- Endowed Lecture, Texas A&M College of Medicine (2010)

BOOKS

Food and Drug Law: Cases and Materials (5th edition, Foundation Press, 2022), (with Peter Barton Hutt, Richard A. Merrill, Lewis A. Grossman, Erika Fisher Lietzan, & Patricia J. Zettler)

Readings in Comparative Health Law and Bioethics (with I. Glenn Cohen & Timothy S. Jost) (Carolina Academic Press, 2020)

ARTICLES

Large Language Medicine (work-in-progress)

Who Regulates Abortion Now?, __ Iowa Law Review __ (forthcoming) (with Joanna L. Grossman)

Navigating a Path Towards Routine Recording in the Operating Room, 278 (3) *Annals of Surgery* e474-75 (May 22, 2023) (with Alexander Langerman, Catherine Hammack-Aviran, I. Glenn Cohen, Aalok V. Agarwala, Neal R. Feigenson, Gerald Fried, Teodor Grantcharov, Caprice C. Greenberg, Michelle M. Mello, Andrew G. Shuman)

Machine MD: The Law and Ethics of Health-Related AI Case Study 1: The OR Black Box, CIFAR (Canadian Institute for Advanced Research) (with Nicole Davidson, Sophie Nunnally, Anna Goldenberg, Catherine Régis, Colleen M. Flood, Teresa Scassa, Frank Rudzicz, Ian Stedman, Florian Martin-Bariteau) (2023)

In Silico Trials: The Law and Ethics of Using Virtual Twins and Chimeras, (work-in-progress) (with Alejandro F. Frangi and I. Glenn Cohen)

Returning Individual Research Results from Digital Phenotyping in Psychiatry, 24 (2) *American Journal of Bioethics* 69-90 (May 8, 2023) (with Francis X. Shen, Matthew L. Baum, Nicole Martinez-Martin, Adam S. Miner, Melissa Abraham, Catherine A. Brownstein, Barbara J. Evans, Laura T. Germiné, David C. Glahn, Christine Grady, Ingrid A. Holm, Elisa A. Hurley, Sara Kimble, Gabriel Lázaro-Muñoz, Kimberly Leary, Mason Marks, Patrick J. Monette, Jukka-Pekka Onnela, P. Pearl O'Rourke, Scott L.

Rauch, Carmel Shachar, Srijan Sen, Ipsit Vahia, Jason L. Vassy, Justin T. Baker, Barbara E. Bierer & Benjamin C. Silverman)

Hortatory Mandates, 91 *George Wash. L. Rev.* 617 (2023) (with Lindsay F. Wiley)

The Disembodied First Amendment?, 100 *Wash. U. L. Rev.* 707-64 (with William Sage) (2023)

The Law of Licensure and Quality Regulation, 387 *New Eng. J. Med.* 1053-1056 (Sep. 22, 2022)

Presidential Administration and FDA Guidance: A New Hope, 2021 *U. Ill. L. Rev. Online* 179 (with Jacob S. Sherkow)

Information Mischief under the Trump Administration, 94 *Chicago-Kent Law Review* 315-48 (2019) (symposium: *The Trump Administration and Administrative Law*) (discussed in Helen Norton, *The Uses and Abuses of the Government's Tools of Information Control*, *JOTWELL*, *Constitutional Law* (Oct. 7, 2019))

Digital Health and Regulatory Experimentation at the FDA, 21 *Yale Journal of Law and Technology* 4 (special issue) (2019) (symposium: *Artificial Intelligence and Robotics in Medicine*)

A Black Box for Patient Safety?, 68 *DePaul Law Review* 239-62 (2019) (Clifford Symposium on Tort Law & Social Policy: *Patient Safety: How Might the Law Help?*)

FDA and the Marketplace of Ideas for Medical Products, 45 *Journal of Law, Medicine, & Ethics* 39-42 (2017)

Substantiating Big Data Health Claims?, 14 *I/S: A Journal of Law and Policy for the Information Society* 61-86 (2017) (symposium) (cited by Securities and Exchange Commission, Proposed Rule, 88 *Fed. Reg.* 53960, 53962 (Aug. 9, 2023))

Regulation by Database, 89 *University of Colorado Law Review* 1-92 (2018)

Foreward: The Food Law Era, 19 *SMU Science & Technology Law Review* 377-80 (2016)

The Statutory Case Against Off-Label Promotion, 83 *University of Chicago Law Review Online* 124-42 (2016)

FDA Regulation of Mobile Health Technologies, 371 *New England Journal of Medicine* 372-79 (2014) (with I. Glenn Cohen and Aaron S. Kesselheim) (peer-reviewed)

The Mobile Health Revolution?, 47 *U.C. Davis Law Review* 1173-1230 (2014)

Regulating Disruptive Innovation, 29 *Berkeley Technology Law Journal* 173-226 (2014)

Do Graphic Tobacco Warnings Violate the First Amendment?, 64 *Hastings Law Journal* 1467-1500 (2013)

Adverse Publicity by Administrative Agencies in the Internet Era, 2011 *BYU Law Review* 1371-1454 (2011)

A Medical Malpractice Model for Developing Countries?, 4 *Drexel Law Review* 217-41 (2011) (symposium)

Can Speech by FDA-Regulated Firms Ever Be Noncommercial?, 37 *American Journal of Law & Medicine* 388-421 (2011) (peer-reviewed) (symposium)

Embracing the New Geography of Health Care: A Novel Way to Cover Those Left Out of Health Reform, 84 *Southern California Law Review* 859-932 (2011)

Recalibrating the Legal Risks of Cross-Border Health Care, 10 *Yale Journal of Health Policy, Law, & Ethics* 1-89 (2010) (peer-reviewed)

International Health Care Convergence: The Benefits and Burdens of Market-Driven Standardization, 26 *Wisconsin International Law Journal* 646-704 (2009) (symposium)

The Local Dilemma: Preemption and the Role of Federal Standards in State and Local Immigration Laws, 60 *SMU Law Review* 47-66 (2008) (symposium)

Patients Without Borders: The Emerging Global Market for Patients and the Evolution of Modern Health Care, 83 *Indiana Law Journal* 71-132 (2008)

The Food and Drug Administration's Evolving Regulation of Press Releases: Limits and Challenges, 61 *Food & Drug Law*

BOOK CHAPTERS

A “DESI” for Devices? Can an Experiment in Pharmaceutical Regulation from the 1960s Improve FDA Oversight of Medical Devices?, (with Matthew Herder) in *THE FUTURE OF MEDICAL DEVICE REGULATION: INNOVATION AND PROTECTION*, Cambridge University Press, 2021

Introduction: The Internet of Things (IoT) and Health Big Data, in *BIG DATA, HEALTH LAW, & BIOETHICS* (Cambridge University Press, 2018)

The Evolving Law and Ethics of Digital Health, in *DIGITAL HEALTH: SCALING HEALTHCARE TO THE WORLD* 249-69 (Springer, 2018)

Globalization, in *OXFORD HANDBOOK OF U.S. HEALTHCARE LAW* 1075-96 (Oxford University Press, 2015)

Analog Agency in a Digital World, in *FDA IN THE 21ST CENTURY: THE CHALLENGES OF REGULATING DRUGS AND NEW TECHNOLOGIES* 438-54 (Columbia University Press, 2015)

Cross-Border Health Care and the Hydraulics of Health Reform, in *THE GLOBALIZATION OF HEALTH CARE: LEGAL AND ETHICAL ISSUES* 65-82 (Oxford University Press, 2013)

Into the Void: The Legal Ambiguities of an Unregulated Medical Tourism Market, in *RISKS AND CHALLENGES IN MEDICAL TOURISM: UNDERSTANDING THE GLOBAL MARKET FOR HEALTH SERVICES* 187-206 (Praeger Publishing, 2012)

The Elusive Ideal of Market Competition in U.S. Health Care, in *HEALTH CARE AND EU LAW* 359-86 (TMC Asser Press, 2011)

Biopharmaceuticals: Definition and Regulation, in *PRECLINICAL SAFETY EVALUATION OF BIOPHARMACEUTICALS: A SCIENCE-BASED APPROACH TO FACILITATING CLINICAL TRIALS* 3-18 (John Wiley & Sons, 2008) (with Lincoln Tsang)

GOVERNMENT REPORTS

Agency Publicity in the Internet Era, Administrative Conference of the United States 1-110 (Sep. 25, 2015), implemented at 81 Fed. Reg. 40,259 (Jun. 21, 2016)

ONLINE WRITING

Bad Friday: Federal Judge Rules that 23 Year-Old FDA Approval of Abortion Drug was Invalid, Verdict, Justia (Apr. 11, 2023) (with Joanna L. Grossman and Seema Mohapatra)

What To Do About Government Lies?, Balkanization, Symposium on Helen Norton, The Government’s Speech and the Constitution (Mar. 16, 2020)

Medicare for All: A Leap into the Known?, Law & Political Economy (Jul. 25, 2019)

Questions About the FDA’s New Framework for Digital Health, Health Affairs Blog (with Nicolas Terry & I. Glenn Cohen) (Aug. 16, 2017)

Government Information Policy in the Trump Administration?, Notice & Comment, Blog of the Yale Journal of Regulation and the ABA Section of Administrative Law & Regulatory Practice (Jan. 26, 2017)

Big Data Meets Big Medicine: Machine Learning, Black Box Algorithms, and the Future of Health Care Analytics, New England Journal of Medicine Group, Open Forum (Nov. 9-19, 2016)

Can Information Technology Save Health Care?, (reviewing Nicolas P. Terry, “Information Technology’s Failure to Disrupt Health Care,” 13 Nevada Law Journal 722 (2013)) Jotwell.com (Jun. 25, 2014)

Adverse Publicity by Administrative Agencies in the Internet Era, Administrative Fix Blog, Administrative Conference of the United States (ACUS) (Jan. 15, 2014)

The FDA Needs to Regulate Digital Snake Oil, Slate.com (Sep. 24, 2013)

Medicare’s Design Flaw (reviewing Nicholas Bagley, “Bedside Bureaucrats: Why Medicare Reform Hasn’t

Worked,” 101 Georgetown Law Journal 519 (2013))
Jotwell.com (Sep. 2013)

The Umpire Throws a Curveball, Health Reform Watch
(Jun. 2012)

**Which Theory of Global Justice Best Accommodates the
Uncertainties of Medical Tourism?**, *Opinio Juris* (Apr. 2012)

Why Can't We Analogize the Mandate?, Concurring
Opinions and Health Reform Watch (Mar. 2012)

Why Obamacare is Constitutional, *Austin-American
Statesman* (Sep. 2011)

**Market Competition in Health Care: The EU's Parallel
Struggle**, Health Reform Watch (Oct. 2009)

Immigrants, Health Reform, and “Lies,” Health Reform
Watch and The Health Care Blog (Sep. 2009)

Rationing or Cost-Effectiveness?, Health Reform Watch
(June 2009)

The Less You Change, The More It Costs, Health Reform
Watch (June 2009)

The Life Cycle of Objectionable Drug Marketing Practices,
Concurring Opinions and Health Reform Watch (Mar.
2009)

**What Does Medical Tourism Say About the U.S. Health Care
System?**, 39 *The Quad* 32-35 (SMU Law School, 2008)

**Trends in Criminal Enforcement Against Off-Label
Promotion**, ABA 21st Annual National Institute on White
Collar Crime, at L-23 to L-33 (2007) (with Robert Litt)

**HHS OIG Issues Criteria for Evaluating State False Claims
Acts**, 2 *Journal of Payment Systems Law* 593-598 (2006)
(with Dara Corrigan)

Global Privacy Law Update, 20 (6) *Computer & Internet
Lawyer* 1-6 (June 2003) (with John Bentivoglio & Sarah
Kirk)

Ethical Considerations in the Age of AI, The George R.
Hugman, III, MD Ethics Forum, TexMed 2024, Texas
Medical Association (May 2, 2024)

Large Language Medicine, Research in Biosciences
Workshop, Michigan Law School (Apr. 19, 2024)

**Lost in Translation: Risks of Automation Reliance with
Generative AI in Primary Care**, Machine MD: Primary Care
and Artificial Intelligence Workshop, Queen's University,
Faculty of Law (Feb. 26, 2024)

Artificial Intelligence in Health Care, Indiana Law Review
Virtual Symposium, Indiana University McKinney School of
Law (Feb. 9, 2024)

U.S. Approaches to Disruptive Innovations in Health Care,
Shifting Responsibilities in Health Care Due to Disruptive
Innovation: Ethical, Legal, and Social Implications, Brocher
Foundation (Geneva, Switzerland) (Jan. 11, 2024)

Views from the Bench, Industry, and Regulators, AI
Lawyering: Adapting to the Era of ChatGPT and Large
Language Models, Tsai Center for Law, Science, &
Innovation, SMU Law School (Oct. 13, 2023)

Commenter: “Influencer Speech Torts”, Wiet Life Science
Law Scholars Workshop, Beazley Institute for Health Law
and Policy, Loyola University Chicago School of Law (Sep.
8, 2023)

The Telehealth Gap after *Dobbs*, Food and Drug Scholars
Retreat, Tsai Center for Law, Science, & Innovation, SMU
Law School (Jun. 2, 2023)

Administrative Law New Scholarship Roundtable, University
of Texas (May 16-17, 2023)

Diagnosing in the Home Project Workshop, Petrie-Flom
Center for Health Law, Policy, Biotechnology, & Bioethics,
Harvard Law School (May 1, 2023)

Policies and Ethics of Medical Innovation, Plenary Panel,
AAP/ASCI/APSA Joint Meeting, Chicago, IL. (Apr. 22,
2023) (Association of American Physicians (AAP),
American Society for Clinical Investigation (ASCI), and
American Physician Scientists Association (APSA))

LECTURES & PRESENTATIONS

Remote Patient Monitoring Roundtable, Bipartisan Policy Center, Washington D.C. (Mar. 8, 2023)

Reproductive Health and Sexual Health Exceptionalism, Mainstreaming Reproductive Health, UCLA Law School (Feb. 10, 2023)

Legal Novelties in Deep Phenotyping for Psychiatric Disorders, International Association of Law and Mental Health, University of Lyon 3 (Jean Moulin University, Lyon France) (Jul. 5, 2022)

Opening Plenary: A.I. in Health Care: Implications for Research, Practice, and Policy, 11th Annual Conference of the American Society for Health Economists (ASHECON) (Jun. 26, 2022)

Administrative Law New Scholarship Roundtable, University of Minnesota Law School (Jun. 22-23, 2022)

FDA's Approach to A.I. and M.L., Machine M.D., University of Ottawa Summer Institute in Health Law & A.I. (May 26, 2022)

Legal Liability and the O.R. Black Box, Canadian Institute for Advanced Research (CIFAR Workshop) (Mar. 4, 2022)

Emerging Legal & Ethical Frameworks for A.I. in Medicine, SMU Law School, Tsai Center Symposium (Feb. 25, 2022)

Emerging Standards for Regulating A.I. and Machine Learning, Harvard Medical School, Bioethics and Artificial Intelligence Course (Feb. 17, 2022)

Administrative Law New Scholarship Roundtable, Yale Law School (senior commenter) (Sep. 17, 2021)

The Post-Covid FDA: Regulating in a New Era of Medicine, Drug Information Association (June 30, 2021)

Ethical, Legal, and Social Implications of Surgical Recording, Vanderbilt University Medical Center (May 14, 2021)

Hortatory Mandates, Mostly Non-Pandemic Health Law Workshop, Texas A&M Law School (Apr., 23, 2021)

How Does (and Should) the U.S. Regulate Medical Devices, Including A.I.?, Canadian Institute for Advanced Research

(CIFAR), A.I. and Health Care: Regulation of Medical Devices with A.I. (Feb. 26, 2021)

The Artifices of Corporate Speech, Harvard Law School, Petrie-Flom Center, Health Law Workshop (Oct. 26, 2020)

What Covid-19 Testing Can (and Can't) Tell Us, Gonzaga Law School, Health & Technology Policy, The Technological Response to Covid-19 (Oct. 9, 2020)

Administrative Law New Scholarship Roundtable, Yale Law School (senior commenter) (Aug. 31, 2020)

Law and the Search for a Covid-19 Vaccine, Tsai Center Lecture, SMU Dedman School of Law (Jul. 31, 2020)

May 2020 Update: Legal Considerations in Telehealth, Telehealth Foundations Course, MGH Institute of Health Professions, Massachusetts General Hospital (May 2020)

The Ethical, Legal, and Social Implications of Return of Results in Deep Phenotyping Research, McLean Institute for Technology in Psychiatry & NIH BRAIN Neuroethics Program, Harvard Medical School (May 8, 2020)

Legal Considerations in Telehealth, Telehealth Foundations Course, MGH Institute of Health Professions, Massachusetts General Hospital (Feb. 2020)

Digital Health and Regulatory Experimentation at the FDA, SMU Forum (Sep. 25, 2019)

A.I. and M.L. at the F.D.A., University of Ottawa, Machine M.D. Conference (June 1, 2019)

Keynote: Machine M.D. - Hope, Hype, Hurdles, University of Ottawa, Machine M.D. Conference (May 31, 2019)

A.I. and M.L. at the F.D.A., Northeastern University School of Law, Promise and Perils of Emerging Health Technologies (Apr. 12, 2019)

Digital Health and Regulatory Experimentation at the FDA, BioLawlapalooza (seriously), Stanford Law School (Mar. 30, 2019)

Law and the O.R. Black Box, Surgical Safety Network (Jan. 4, 2019)

Information Mischief under the Trump Administration, Chicago-Kent College of Law, Symposium: The Trump Administration and Administrative Law (Nov. 29, 2018)

The Need for New Regulation: Privacy Law, the FDA, and Beyond, Yale Law School, Solomon Center for Health Law & Policy, Symposium: The Law and Policy of AI, Robotics, and Telemedicine in Health Care (Nov. 2, 2018)

Digital Health and Regulatory Experimentation at the FDA, American University, Washington College of Law, and Food & Drug Law Institute (FDLI), FDA: Past, Present, & Future (Oct. 19, 2018)

A Black Box for Patient Safety?, DePaul College of Law, Clifford Symposium (Apr. 20, 2018)

Telemedicine Law and Ethics, Stanford University School of Medicine (Oct. 14, 2017)

Regulation by Database, Washington & Lee Law School, Reputation Roundtable (Sep. 22, 2017)

Regulation by Database, Gonzaga Law School (Sep. 18, 2017)

Regulating Big Data Health Claims?, BioLawlapalooza, Stanford Law School (Apr. 24, 2017)

Artificial Intelligence, Predictive Analytics, and Big Data in the Learning Health Care System, Medical Automation & Robotics Roundtable, University of Maryland Carey School of Law (Apr. 7, 2017)

Substantiating Big Data Health Claims?, Predictive Analytics, Law, and Policy: Mapping the Terrain, Ohio State University, Moritz College of Law (Mar. 24, 2017)

The Future of the Affordable Care Act, American Constitution Society, SMU Law School (Mar. 6, 2017)

Regulation by Database, SMU Law School Faculty Forum (Jan. 18, 2017)

Federal Preemption in GMO Labeling, Food Law Forum, SMU Law School (Sep. 9, 2016)

The Evolving Law & Ethics of Digital Health, Wearable Technology in Health Care (WATCH) Society, Stanford Medical School (Jun. 23, 2016)

Regulation by Database, Health Law Workshop, Harvard Law School (Apr. 11, 2016)

Expert Roundtable, Program on Regulation, Therapeutics, and Law (PORTAL), Harvard Medical School (Apr. 11, 2016)

Food Labeling and Compelled Speech, Food Law Forum, SMU Law School (Nov. 13, 2015)

Regulating Medical Algorithms, American Society for Law, Medicine, & Ethics (ASLME), St. Louis University School of Law (June 5, 2015)

Mobile Health: Solution or Solutionism?, Alternative Delivery Methods in Health Care: Search for Quality and Efficiency, Southern Illinois Healthcare/Southern Illinois Health Policy Institute (May 22, 2015)

Towards a Jurisprudence for Innovation, Digital Broadband Migration Conference: First Principles for a 21st Century Innovation Policy, Silicon Flatirons Center, University of Colorado School of Law (Feb. 9, 2015)

Gatekeeping for Mobile Health, Center for Law and the Biosciences Workshop, Stanford Law School (Jan. 27, 2015)

The Mobile Health Revolution?, Distinguished Speaker Lecture, St. Louis University Center for Health Law Studies (Nov. 10, 2014)

Gatekeeping Regulation for mHealth, Food and Drug Law Institute (FDLI) and Petrie-Flom Center for Health Law, Policy, Biotechnology, and Bioethics at Harvard Law School, Washington D.C. (Oct. 21, 2014)

Three-Plus Decades of FDA Software Regulation, Mobile Health Exploratory Seminar, Radcliffe Institute for Advanced Study, Harvard University (Sep. 20, 2013)

Innovations Without Clear Regulatory Precedents (with Aaron Kesselheim) Mobile Health Exploratory Seminar, Radcliffe Institute for Advanced Study, Harvard University (Sep. 20, 2013)

Is the FDA Equipped to Regulate Mobile Health?, FDA in the 21st Century, Harvard Law School (June 5, 2013)

The Legal Ambiguities of Medical Tourism, Medical Markets: Emerging Issues in Global Health & Commerce, University of North Carolina School of Law (Feb. 1, 2013)

Case of the Century: The Legal and Personal Controversies in the Health Reform Case, Southern Methodist University, Town & Gown (Oct. 8, 2012)

Mobile Health, Disruptive Innovation, and Regulatory Fortitude, SMU Law Faculty Forum (Sep. 19, 2012)

International Health Care Convergence, University of Paris, Hospital Saint-Louis (Aug. 22, 2012)

Medical Apps, Disruptive Innovation, and Regulatory Timing, American Society of Law, Medicine, & Ethics (ASLME), Arizona State University School of Law (June 9, 2012)

Geography Matters: Local Experiments with Immigrant Access to Care, American Society of Law, Medicine, & Ethics (ASLME), Arizona State University School of Law (June 8, 2012)

How Will Health Reform Affect the Cross-Border Market?, Medi-Tour Global Connected Care Conference (May 8, 2012)

The New Geography of Health Care, Georgia State University College of Law (Feb. 20, 2012)

International Medical Liability, University of the Incarnate Word (Feb. 15, 2012)

Cross-Border Health Care and the Hydraulics of Health Reform, Center for Medical Tourism Research (Feb. 15, 2012)

A Novel Way to Cover Uninsured Immigrants?, LatCrit XVI (Oct. 8, 2011)

Immigrants and Health Reform, Hispanic National Bar Association, Annual Meeting (Sep. 1, 2011)

Cross-Border Health Care and the Hydraulics of Health Reform, The Globalization of Health Care: Legal and

Ethical Challenges, Harvard Law School (May 20, 2011)

India's Consumer Dispute Forums: A Model for Developing Countries?, Reforming Medical Liability: Global Perspectives, Drexel Law School (Apr. 22, 2011)

Can Speech by FDA-Regulated Firms Ever Be Noncommercial?, Marketing Health: The Growing Role of Commercial Speech Doctrine in FDA Regulation, Boston University School of Law (Feb. 26, 2011)

Charting the Global Trend Towards Biosimilars, Follow-On Biologics: Implementation Challenges and Opportunities, Seton Hall Law School (Oct. 29, 2010)

Dissecting Health Reform, 18th Annual Corporate Counsel Symposium, SMU Law Review Association (Oct. 1, 2010)

Is Cross-Border Health Insurance The Answer?, American Society of Law, Medicine & Ethics (ASLME), University of Texas School of Law (June 4, 2010)

Our Crazy Health Care System, SMU Alumni Board (Apr. 9, 2010)

Emerging Legal Issues with Immigrant Access to Health Care, Fourth Annual William R. Courtney Lectureship in Law, Texas A&M Health Sciences Center, College of Medicine (Mar. 17, 2010)

Harnessing the New Geography of Health Care, Conference of Asian Pacific-American Law Faculty (CAPALF) and the Western Law Teachers of Color, University of Arizona Law School (Mar. 6, 2010)

Harnessing the New Geography of Health Care, 22nd Annual Institute of the State Bar of Texas, International Law Section, Houston, TX (Mar. 5, 2010)

Harnessing the New Geography of Health Care, St. Louis University School of Law (Feb. 3, 2010)

Recalibrating the Legal Risks of Cross-Border Health Care, Center for Medical Tourism Research, University of the Incarnate Word, San Antonio, TX (Jan. 28, 2010)

Ethics in Social Security Cases, U.S. Social Security Administration, Bench-Bar Conference, Dallas, TX (Jan.

19, 2010)

International Health and the Law, World Medical Tourism and Global Health Congress, Los Angeles, CA (Oct. 27, 2009) (with Steve Weiner)

Medical Repatriation: Can Hospitals Effectively Deport Patients?, Texas Health Law Conference, Austin, TX (Oct. 12, 2009)

The Expanding Geography of Our Health Care Safety Net, SMU Law School (Oct. 7, 2009)

The Changing Role of Markets and Competition in U.S. Health Care, Health Care and EU Law, Radboud University, Nijmegen, Netherlands (Oct. 2, 2009)

Recalibrating the Legal Risks of Cross-Border Health Care, Yale Journal of Health Policy, Law, & Ethics, Yale Law School (Sep. 22, 2009)

The Legal Impact of Voluntary Codes of Conduct in the Health Industry, Food and Drug Law Institute, Washington, D.C. (Sep. 21, 2009)

Recalibrating the Legal Risks of Cross-Border Health Care, American Society of Law, Medicine & Ethics (ASLME), Case Western Reserve University School of Law (June 6, 2009)

The Expanding Geography of Our Health Care Safety Net, Panel on Race and Ethnicity in Medicine, Law and Society 2009 Annual Meeting, Denver, CO (May 28, 2009)

Recalibrating the Legal Risks of Cross-Border Health Care, SMU Law School (Apr. 29, 2009)

A Class Apart: Hernandez v. Texas, American Constitution Society, SMU Law School (Apr. 29, 2009)

A Blueprint for U.S. Immigration Reform, DREAM Act Symposium, Southern Methodist University (Apr. 9, 2009)

Is Chevron Out of Gas?, Current Trends in Administrative Law, Appellate Judges Education Institute, Phoenix, AZ (Nov. 14, 2008)

The Local Dilemma: Preemption and the Role of Federal Standards in State and Local Immigration Laws, LatCrit XIII, Seattle University School of Law (Oct. 3, 2008)

International Health Care Convergence: The Benefits and Burdens of Market-Driven Standardization, American Society of Law, Medicine & Ethics (ASLME), Drexel University School of Law (June 6, 2008)

Keith Aoki's "Invisible Cities: Three Local Government Models and Immigration Regulation," Colloquium on Law and Citizenship, SMU Law School (Apr. 16, 2008)

International Health Care Convergence: The Benefits and Burdens of Market-Driven Standardization, Dialogue on Cross-Border Health Care, University of Wisconsin School of Law (Mar. 7, 2008)

When Does the FDA Regulate Press Releases by Drug and Device Companies? And What Rules Apply?, Center for Business Intelligence, Webinar (Nov. 15, 2007)

The Local Dilemma: Preemption and the Role of Federal Standards in State and Local Immigration Laws, Immigrants, Vigilantes, and Immigration Reform: Civil Rights in the 21st Century, SMU Law School (Oct. 19, 2007)

Biosimilars in the FDA Regulatory Context, Symposium: New Developments in Drug Approval Law, Seton Hall Law School (Apr. 20, 2007)

PROFILES

Spotlight: Nathan Cortez, 18 (3) Medical Travel Today (2009)

At the Forefront of Medical Tourism Law, Diverse Issues in Higher Education (June 25, 2009)

Medical Tourism: Searching for Cheaper Health Care, 15 SMU Research Magazine (2008)

PODCASTS

New England Journal of Medicine (Sep. 2022)

Nurses, Policy, and Politics Podcast (Nov. 2021)
The Week in Health Law (Episode 152, Nov. 2018)
The Week in Health Law (Episode 97, May 2017)
The Week in Health Law (Episode 10, Apr. 2015)
Stanford Center for Law and the Biosciences (Jan. 2015)
The Doctor Weighs In (Aug. 28, 2014)

MEDIA

How SCOTUS's Decision in Chevron Could Change the Way FDA Regulates Bio-Pharma, Endpoints News (Jul. 12, 2024)

Hims & Hers is Selling Copycat Weight-Loss Drugs. Here's How, Barron's (May 22, 2024)

Alliance for Hippocratic Medicine v. FDA, Spectrum News TV (Mar. 26, 2024)

Vital Insights that Law Firms and Partners Need to Know about Generative AI for Their Legal Practices, Forbes (Oct. 12, 2023)

A Weight-Loss Drug Marketing Bonanza is Upon Us, Bloomberg (Apr. 19, 2023)

FDA May Need to 'Get Creative' If Abortion Pill Approval Pulled This Week, Endpoints News (Apr. 12, 2023)

White House Won't Ignore the Abortion Pill Ruling – But It Will Fight It, Washington Post (Apr. 12, 2023)

White House Prepares for Legal and Political Battle on Abortion Pill, Washington Post (Apr. 12, 2023)

Abortion Case Could Spell Trouble for FDA, National Journal (Apr. 11, 2023)

Texas Abortion Pill Ruling, Canadian Broadcasting Company (CBC), "As It Happens" (Apr. 10, 2023)

Conflicting Rulings on Abortion Pills Create Confusion – What Happens Now?, NPR Los Angeles, AirTalk with Larry Mantle (Apr. 10, 2023)

Texas Abortion Pill Ruling Threatens FDA, Washington Post (Apr. 9, 2023)

Texas Judge Suspends FDA Approval of Abortion Pill; Second Judge Protects Access, Washington Post (Apr. 8, 2023)

Activists' Network in Mexico Helps U.S. Women Get Abortions, Associated Press (Apr. 3, 2023)

Medication Abortion Disputes Intensify in Post-Roe America as Legal Challenges Escalate, Dallas Morning News (Jan. 30, 2023)

The Coming Legal Showdown over Abortion Pills, VOX (Jan. 22, 2023)

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FDA Official Says Ongoing Blood Pressure Drug Investigation Will Probably Uncover More Tainted Pills, CNN.com (Feb. 22, 2019)

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FDA's Authority to Regulate Off-Label Promotion, The Regulatory Review (Penn Program on Regulation) (Oct. 18, 2017)

Law Professor Lays Out Possible Defense of FDA's Restrictive Off-Label Policies, 9 Inside Health Reform (Oct. 18, 2017)

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Critics Say FDA Needs to Enforce Its Rules on Medical Apps, Politico (Oct. 6, 2015)

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Can You Trust Your Healthcare App?, CIO (Sep. 8, 2015)

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Questioning the Value of Health Apps, N.Y. Times (Mar. 16, 2015)

When Medical Apps Do More Harm Than Good, Mother Jones (Jan. 5, 2015)

Blood Pressure Apps May Be Dangerously Wrong, Reuters (Dec. 23, 2014)

FDA Cracks Down on Fake Ebola Cures Sold Online, All Things Considered, National Public Radio (Oct. 23, 2014)

Watch Out: Fake Ebola Treatments Are Spreading, KERA News, National Public Radio (Oct. 21, 2014)

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Health Canada Concerned About Explosion of Untested Medical Apps, London Free Press (Sep. 11, 2014)

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Ten Health Apps That Might Make You Sick, InformationWeek (Jul. 31, 2014)

Should You Trust Health Apps on Your Phone?, CBS News (Jul. 30, 2014)

Is That App FDA Approved? Mobile Health Tech Falls Into Gray Area, Mashable (Jul. 30, 2014)

These Medical Apps Have Doctors and the FDA Worried, WIRED (Jul. 29, 2014)

Is a Medical Quack Living in Your Phone?, New York Magazine (Jul. 29, 2014)

Do Health Apps Need Government Oversight?, Motherboard (Jul. 29, 2014)

Why FDA's Role in mHealth Oversight Must Be "Robust," FierceMobile Healthcare (Jul. 27, 2014)

Health Law Experts Say "Hands Off" to Congress on FDA Mobile App Regulation, Politico.com (Jul. 24, 2014)

Some Insurance Companies Ask Their Customers to Cross the Border for Care: Is the Practice Going to Spread?, New Republic (Jul. 7, 2014)

Northwestern U. Gets Renewed Grilling Over Unauthorized Tests on Patients, Chronicle of Higher Education (Mar. 16, 2014)

Mobile Health Applications: Real Game-Changer or Latest Health Care Delivery Option?, Managed Care (Oct. 2013)

Open Enrollment for Health Exchange, ABC News affiliate WFAA (Dallas) (Oct. 3, 2013)

Open Health Exchange Enrollment Will Lead to Little Change for Illegal Immigrants, ABC News affiliates WFAA (Dallas), KENS (San Antonio), WCNC (Charlotte), KVUE (Austin), KHOU (Houston) (Sep. 29, 2013)

Suing an Indian Hospital for Medical Negligence Could Take 20 Years, International Medical Travel Journal (Apr. 26, 2013)

Medical Tourism: A Global Stampede for Affordable Care, CNN.com (Mar. 22, 2013)

Can Medical Tourism Save Us From Obamacare?, Reason (Jan. 29, 2013)

Oh! The Places You'll Go For Medical Care, Huffington Post Live (Jan. 14, 2013)

Gallup Poll: 72% of Americans Call Individual Mandate "Unconstitutional," The Daily Caller (Feb. 29, 2012)

Mexico City Hopes to Lure Chicagoans by Touting Cheaper Health Care, Chicago Tribune (Dec. 15, 2011)

Medical Tourism: A Faraway Health Fix, Chicago Tribune/Los Angeles Times (Aug. 3, 2011)

North Texans Could Lose Doctors over Dispute, CBS News 11 (Dec. 2, 2010)

Gute Reise in die Besserung, Der Standard (Austria) (Sep. 12, 2010)

I Can't Afford Surgery in the U.S., CNN.com (Apr. 26, 2010)

SMU Expert Believes Health Plan Will Survive Lawsuit, KERA News, National Public Radio (Mar. 23, 2010)

Examining Health Care and Illegal Immigrants Claim, All Things Considered, National Public Radio (Sep. 10, 2009)

Health Insurers Explore Savings in Overseas Care, Associated Press (Aug. 28, 2009)

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Athletes on Their Own with Nutritional Supplements, Orange County Register (May 29, 2009)

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Bill Would Help Educate Children of Illegal Immigrants, Dallas Morning News (Apr. 4, 2009)

Lower Costs Lure U.S. Patients Abroad for Treatment, CNN.com (Mar. 27, 2009)

AdvoCare's Suit Aims at Athletes Falsely Blaming Supplements for Failed Tests, F-D-C Reports, The Tan Sheet 6-7 (Feb. 23, 2009)

Swimmer's Fight with Carrollton Nutrition Firm AdvoCare Makes Waves, Dallas Morning News (Feb. 16, 2009)

It's a World of Risk for Medical Tourists, Los Angeles Daily Journal (Dec. 10, 2008)

Passport to Healthcare: The Emergence of High-Quality, Low-Cost Treatment Abroad, Atlanta Life Magazine 40-43 (Jan. 2008)

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- Association for Law and Politics
- American Constitution Society
- Federalist Society
- Hispanic Law Students Association
- International LL.M. Program
- Minority Pre-Law Symposium
- Minority Association of Pre-Health Students
- Richardson Independent School District
- SMU Alumni Board
- SMU Pre-Law Scholars Program
- Tanzania Day

FACULTY SERVICE

- Provost Tenure & Promotion Committee (2022-24)
- Provost Search Committee (2019-20)
- Associate Dean for Research (2013-19)
- Judicial Clerkship Committee (2022-present)
- Teaching Committee (2014-15, 2023-24, chair)
- Task Force on Scholarly Research Impact (2016-17)
- Diversity Committee (2015-present, chair 2019)
- Bromberg Inn of Court (2020-21)
- Callejo Inn of Court (2018-19)
- Jury Inn of Court (2015-16)
- Academic Technology Council (2015-18)
- Advisory Committee on Faculty Positions (2015-17)
- Library and Technology Committee (2013-14, chair)
- SMU Emerging Leaders Seminar (2014)
- Executive Committee (2012-14)
- Appointments Committee (2012-14, chair 2019-22)
- Faculty Forum Committee (2009-19, chair)
- Provost Committee on Health Reform (2008-09)
- Curriculum Committee (2007-12)
- Teaching with Technology Committee (2012-13)
- Honor Council (2009-12, chair)
- Facilities & Technology Committee (2013-18, chair)
- Endowed Lecturers Committee (2011-12, chair)
- Recruitment Committee (2011-12)
- Mentoring Committee (2011-present)
- Junior Faculty Workshop Organizer (2008-09)
- Faculty Secretary (2008-09)
- SMU Unbridled Campaign (2008-09)
- Jackson Walker Moot Court Competition (2009)
- American Constitutional Society (Faculty Advisor 2011-present)

Guest speaker for:

- Health Law Association

PROFESSIONAL ACTIVITIES

- Nominating Committee, Health Law Scholars
- Founder, Food & Drug Law Scholars Retreat
- Co-Founder, Texas Legal Scholars Workshop
- Co-Founder, Food Law Forum
- Student Outreach Committee, Hispanic Issues Section, State Bar of Texas
- Contributing Editor, Jotwell Health Law
- Contributor, Health Reform Watch Blog
- Reader, St. Louis University Health Law Scholars Program (2013, 2015, 2020)
- District of Columbia Bar (active)
- California Bar (inactive)
- Health Law Section, D.C. Bar
- Hispanic Bar Association of D.C.
- Board Member, HBA Foundation
- American Association for the Advancement of Science
- American Constitution Society
- American Society of Law, Medicine & Ethics
- American Health Lawyers Association
- American Society of International Law
- Food and Drug Law Institute
- Hispanic Leadership Forum of Dallas
- American Bar Association

Peer reviewer or referee (26):

1. American Journal of Law & Medicine
2. Annals of Internal Medicine
3. Aspen Press
4. Australian Journal of Asian Law
5. Cambridge University Press
6. Deutsche Forschungsgemeinschaft (DFG) (German Research Foundation)
7. Developing World Bioethics
8. Food and Drug Law Journal

9. Health Affairs
10. Health and Place
11. International Lawyer
12. Journal of Health and Life Sciences Law
13. Journal of Health Politics, Policy, and Law
14. Journal of Law, Medicine, and Ethics
15. Journal of Law and the Biosciences
16. Jurimetrics
17. The Lancet
18. National Science Foundation (NSF)
19. New England Journal of Medicine
20. NPJ Digital Medicine (Nature Partner Journals)
21. Oxford University Press
22. Pan American Journal of Public Health (WHO)
23. Science
24. Science Translational Medicine
25. Yale Journal of Health Policy, Law, & Ethics
26. Yale Law Journal