

**Sandra Hanneken Johnson**  
Saint Louis University School of Law  
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St. Louis, Missouri 63108  
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## **EDUCATION**

Yale Law School, LL.M. 1977  
Yale Law Fellow

New York University School of Law, J.D. 1976  
Root-Tilden Scholar; Junior Fellow, Center for International Studies

Saint Louis University, Honors A.B. 1973  
Summa cum Laude; Phi Beta Kappa

## **FACULTY APPOINTMENTS**

### Saint Louis University

Professor Emerita of Law and Health Care Ethics, 2008-present.

Tenet Chair in Health Care Law & Ethics, 2000-2008.

Professor of Law, 1984 to 2008.

Associate Professor (1981-1984); Assistant Professor (1978-1981).

Teaching Areas: Health Law, Bioethics, Law and Aging, Property.

Professor of Health Care Ethics, Saint Louis University Graduate School,  
Department of Health Care Ethics, 2001-2008.

Professor of Law in Internal Medicine, Saint Louis University School of Medicine.

Professor of Law in Health Care Administration, Saint Louis University School of Public Health.

### New York Law School

Assistant Professor of Law, 1977-1978

### Washington University School of Law

Visiting Professor of Law, 2006  
Bioethics

Visiting Professor of Law, 1995

Health Law Seminar

University of Houston Law Center

Visiting Professor of Law, 1991

Intersession Course: Health Care Law and Aging

## **ACADEMIC ADMINISTRATIVE APPOINTMENTS**

Saint Louis University

Provost, October 1999 - June 2002.

Interim Provost, May 1998 - October 1999.

School of Law

Interim Dean, 1991-92, 2010-2011.

Associate Dean for Academic Affairs, 1979-1981, 1985-1988.

Director, Center for Health Law Studies, 1982-1985; 1988-1991.

## **PROFESSIONAL HONORS AND AWARDS**

Fleur de Lis Award, Saint Louis University School of Law Hall of Fame, 2015.

President's Award, Missouri Bar Association, 2012.

Fellow, The Hastings Center (1995 to present).

Thompson Coburn Faculty Scholarship Award, 2004.

Pellegrino Medal, HEAL Institute, Samford University, 2003.

Woman of the Year Award, Women's Justice Awards, St. Louis Daily Record, 2002.

William J. Curran Distinguished Public Health Service Award, 2001.

Woman of the Year, Saint Louis University, 1997.

Outstanding Achievement Award, American Society of Law, Medicine & Ethics, 1997.

Distinguished Health Law Teacher Award, American Society of Law & Medicine 1991.

## **PUBLICATIONS**

## **BOOKS**

Health Law -- Cases, Materials and Problems (7<sup>th</sup> ed. and Teachers' Manual, 2013; 1<sup>st</sup> ed. and Teachers' Manual 1987; 2d ed. and Teachers' Manual 1991; 3d ed. and Teachers' Manual 1997; 4<sup>th</sup> ed. and Teachers' Manual 2001; 5<sup>th</sup> ed. and Teachers' Manual, 2004; 6<sup>th</sup> ed. and Teachers' Manual, 2008; Supplements 1989, 1994, 1995, 1996, 1999, 2003, 2010, 2011, 2012) West Publishing Co. (Also published as 3-volume paperback series: Liability and Quality Issues in Health Care; Bioethics: Health Care Law and Ethics; The Law of Health Care Organization and Finance.) (with B.R. Furrow, T.L. Greaney, T.S. Jost, R.L. Schwartz).

Health Law, West Publishing Co. Treatise Series 2 vols (1<sup>st</sup> ed., 1995; 2<sup>nd</sup> ed., 2000; 3<sup>rd</sup> ed., 2014) (with B.R. Furrow, T.L. Greaney, T.S. Jost, R.L. Schwartz).

Health Law – Cases, Materials and Problems (Abridged), West Publishing Co., 2008, 2013 (with B.R. Furrow, T.L. Greaney, T.S. Jost, R.L. Schwartz)

Health Reform Supplementary Materials, Thomson West, 2010 (revised editions in 2011 and 2012) (B.R. Furrow, T.L. Greaney, T.S. Jost, R.L. Schwartz ).

Cases in Context: Health Law & Bioethics, Aspen Publishers, 2009 (Co-editor with Joan Krause, Richard Saver and Robin Wilson).

Bioethics and Law in a Nutshell, Thomson West, 2009 (with R.L. Schwartz).

Legal Perspectives in Bioethics, Annals of Bioethics Series, Routledge, 2007. (Co-editor with Ana Smith Iltis and Barbara Hinze).

Health Law - Student Hornbook Series, West Publishing Co. (1<sup>st</sup> ed., 1995; 2<sup>nd</sup> ed., 2000) (with B.R. Furrow, T.L. Greaney, T.S. Jost, R.L. Schwartz)

United States, Kluwer International Encyclopedia of Laws: Medical Law (Kluwer, 3d ed. 2005; 2d ed. 1998; 1st ed. 1995) with B.R. Furrow, T.L. Greaney, T.S. Jost, R.L. Schwartz.

Property Law -- Cases, Materials and Problems (3d ed., 2006 and Teachers' Manual; 2<sup>nd</sup> ed., 1998 and Teachers' Manual; 1<sup>st</sup> ed., 1992 and Teachers' Manual) West Publishing Co. (with P.W. Salsich, M. Braunstein, T.L. Shaffer, A. Weinberger).

Nursing Homes and the Law: State Regulation and Private Litigation (1985) The Harrison Company, Publishers. (Law and Medicine Series). (with N.P. Terry and M.A. Wolff)

Long-Term Care and the Law (1983) (Editor) Nat'l Health Law Pub. Co.

## **SYMPOSIA EDITORSHIPS**

Pain Management in the Emergency Department: Current Landscape and Agenda for Research, 33 *Journal of Law, Medicine & Ethics* 739-790 (2005).

Improving Treatment for Pain: Legal, Regulatory, and Research Perspectives, 31 Journal of Law, Medicine & Ethics 15-143 (2003).

The Undertreatment of Pain: Legal, Regulatory, and Research Perspectives and Solutions, 29 Journal of Law, Medicine & Ethics 11-93 (2001).

Legal and Regulatory Issues in Pain Management, 26 Journal of Law, Medicine & Ethics 265-352 (1998).

Appropriate Management of Pain: Addressing the Clinical, Legal, and Regulatory Barriers, 24 Journal of Law, Medicine & Ethics 285-364 (1996).

## **ARTICLES**

Regulating Physician Behavior: Taking Doctors' "Bad Law" Claims Seriously, 53 Saint Louis University Law Journal 973 (2009).

Polluting Medical Judgment? False Assumptions in the Pursuit of False Claims Regarding Off-Label Prescribing, 9 Minnesota Journal of Law, Science and Technology 61 (2008).

Make Room for Dying: End of Life Care in Nursing Homes, Hastings Center Report S37 (November-December, 2005).

The Social, Professional, and Legal Framework for the Problem of Pain Management in Emergency Medicine, 33 Journal of Law, Medicine & Ethics 741 (2005).

Five Easy Pieces: Motifs of Health Law, 14 Health Matrix 131 (2004).

End-of-Life Decision Making: What We Don't Know, We Make Up; What We Do Know We Ignore, 31 Indiana L. Rev. 12 (1998).

An Analysis of Medical Futility Decisionmaking: Law and Professional Attitudes, 16 Behavioral Sciences and the Law 497, (1998) with R.L. Wiener, D. Eaton, V.P. Gibbons, and J. A. Goldner.

Legal and Institutional Policy Responses to Medical Futility. 30 Journal of Health and Hospital Law 1 (1997) with Vincent P. Gibbons, Jesse A. Goldner, Richard L. Wiener, David Eaton.

Disciplinary Actions and Pain Relief: Analysis of the Pain Relief Act, 24 Journal of Law, Medicine, and Ethics 319 (1997).

Setting Limits on Death: A View from the United States, 5 Cambridge Quarterly of Healthcare Ethics 24 (1996) reprinted in revised version in BioLaw, Special Section on Assisted Suicide, S:149-153 (July-August 1996).

Managed Care as Regulation: Functional Ethics for a Regulated Environment, 23 *Journal of Law, Medicine & Ethics* 266 (1995).

The Changing Nature of Bioethics, 53 *University of Maryland Law Review* 1051 (1994).

Judicial Review of Disciplinary Action for Sexual Misconduct in the Practice of Medicine, 270 *Journal of the American Medical Association* 1596 (October 6, 1993).

Fear of Liability and the Use of Restraints in Nursing Homes, 18 *Law, Medicine & Health Care* 263 (1990) reprinted in *Responsible Caring: Ethics Resources for Nursing Homes* (Hastings Center, 1991).

Sources of Concern about the Patient Self-Determination Act, *New England Journal of Medicine*, Dec. 5, 1991: 325: 1666-71. (Wolf . . . Johnson, et al.)

Quality-Control Regulation of Home Health Care, 26 *Houston Law Review* 893 (1989).

From Medicalization to Legalization to Politicization: Cruzan, O'Connor and Refusal of Treatment in the 1990s, 21 *Conn. Law Review* 685 (1989).

Sequential Domination, Autonomy, and the Living Will, 9 *Western New England Law Review* 113 (1987).

The Death-Prolonging Procedures Act and Refusal of Treatment in Missouri, 30 *St. Louis University Law Journal* 805 (1986).

State Regulation of Long-Term Care: A Decade of Experience with Intermediate Sanctions, 13 *Law, Medicine & Health Care* 173 (1985) reprinted in *National Senior Citizens Law Center, State Intermediate Sanctions for Nursing Homes* (1988).

Regulatory Theory and Prospective Risk Assessment in Limitations on Scope of Practice, 4 *Journal of Legal Medicine* 441 (1983).

Nursing Home Receiverships: Design and Implementation, 24 *St. Louis University Law Journal* 681 (1981), condensed in Brewer and DeLeon, *Foundations of Policy Analysis*, Dorsey Press (1982).

## **CHAPTERS**

Structure of Governmental Oversight of Quality in Healthcare, in Cohen, Hoffman, & Sage (eds.) *Oxford Handbook of U.S. Healthcare Law* (2015).

Legal Regulation of Health Care Professionals, in *Encyclopedia of Bioethics* (2013).

“Quinlan and Cruzan: Beyond the Symbols,” in Johnson, S., et al. (eds), *Cases in Context: Health Law* (Aspen, 2009).

- "Risk, Responsibility, and Litigation," (with Iltis, A.S.) in Engelhardt, T. & Garrett J. (eds.) *Innovation and the Pharmaceutical Industry* (M&M Scrivener, 2008).
- "Living and Dying in Nursing Homes," in Doka, Jennings, and Corr (eds.) *Living with Grief: Ethical Dilemmas at the End of Life* (Hospice Foundation of America, 2005).
- "Legal and Ethical Aspects" in Mace, DuCharme, and Murphy (eds.) *Pain Management and Procedural Sedation in the Emergency Department* (McGraw Hill, 2005).
- "Responses to Medical Futility Claims" (with Goldner, J.S. and Wiener, R.L.) in Gosfield, A.G. (ed.) *Health Law Handbook* (Clark Boardman Callaghan, 1997).
- "Regulatory Responses to Professional Misconduct" in *Regulation of the Healthcare Professions* (Jost, ed.) Health Administration Press (1997).
- "The Ethics of Managed Care for Long-Term Care" in *Discovering Managed Care* (AAHSA, 1994).
- "Liability Issues" in *Delivering High Technology Home Care* (Mehlman & Youngner, eds.), (Springer Publishing 1991).
- "Residents' Rights Under OBRA of 1987," in *Long Term Care and the Law* (NHLA, 1991).
- The Case for Intermediate Sanctions for Enforcement of Nursing Home Standards, in *Nursing Home Care: The Unfinished Agenda, Vol. I, Senate Committee on Aging, May 21, 1986, pp. 293-305* [Invited testimony] reprinted in Hynes, *The Problems of Aging Americans* (1988).

## **ESSAYS, SHORT ARTICLES, COMMENTARIES**

- Death, State by State, 43 *Hastings Center Report* 9 (2014)
- Foreword: Hope and Challenges in Long-Term Services and Supports, 8 *St. Louis U. J. Health L. & Pol'y* 1 (2014).
- Customary Standard of Care: A Challenge for Regulation and Practice, 43 *Hastings Center Report* 9 (2013).
- Looking Back and Looking Forward: Celebrating Anniversaries by Anticipating the Implementation of the Affordable Care Act (Introduction to Symposium Issue), 6 *St. Louis U. J. Health L. & Pol'y* 201 (2013).
- Discrimination in the Religious Workplace, 42 *Hastings Center Report* 10 (2012).
- Commentary: Assessing Legal Risk, 9 *Pain Medicine* 748 (2008).

Chronic Pain and Healthy Communities: Legal, Ethical and Policy Issues in Improving the Public's Health, (with K. Todd and B. Moulton), Proceedings of the Public's Health And the Law in the 21<sup>st</sup> Century, 35 Journal of Law, Medicine & Ethics 69 (2007).

Editorial, Legal and Ethical Perspectives on Pain Management, 105 Anesthesia and Analgesia 5 (July 2007).

New CDC Guidelines for HIV Screening: Ethical Implications for Health Care Providers, Health Care Ethics USA (Winter 2007).

Introduction: Pain Management in the Emergency Department: Current Landscape and Agenda for Research, 33 Journal of Law, Medicine & Ethics 739 (2005).

Legal Issues in the Use of Controlled Substances in Pain Management, Lahey Clinic MedicalEthics Journal (Winter 2005).

Commentary, Medico-legal Case Report: Inadequate Pain Management in the Context of Cancer Pain, 5 Pain Medicine 219-221 (2004).

Providing Relief to Those in Pain: A Retrospective on the Scholarship and Impact of the Mayday Project, 31 Journal of Law, Medicine & Ethics 7 (2003).

Introduction to Symposium on Teaching Property, 46 St. Louis U. L. Journal 561 (2002).

The Interface of Law, Medicine & Ethics, in What's Ethics Got To Do With It? (J. Kavanaugh and D. Werner, eds.) Saint Louis University Press, 2000.

Physician-Hospital Integration: Legal Issues Affecting the Development of Management Services Organizations (with P. Rothermich) 93 Missouri Medicine 343-345 (1996).

Case Commentaries, Handbook for Nursing Home Ethics Committees, (Hoffmann, Boyle and Levenson, eds.) American Association of Homes and Services for the Aging, D.C. (1995) .

Law and Quality in Long-Term Care, 21 Journal of Long-Term Care Administration 75-77 (1993).

Review, Strangers at the Bedside, 33 Jurimetrics Journal of Law, Science and Technology 341 (1993).

"PSDA in the Nursing Home," in Practicing the PSDA, Special Supplement, 21 Hastings Center Report S3 (1991).

When Should the State Step Aside?: The State as Parent, Commonweal 292 (May 4, 1990).

Assuring Quality of Home Health Care for the Elderly: Identifying and Developing Tools for Enforcement, AARP Andrus Foundation (1988).

Specific Performance for Specially Manufactured Goods: The Baby M Decision, 11 Southern Ill. Univ. Law Journal 1339 (1987).

Teaching Legal Medicine in Law Schools, 8 Journal of Legal Medicine 104-114 (1987).

The Living Will: Keeping Control When Control Is Gone, New Catholic World, January 1987.

Rapidly Developing Medicolegal Issues: Health Law Teachers Conference, 37 International Digest of Health Legislation (WHO) 161-164 (1986). (With Wendy Mariner.)

Published in Health Progress, Journal of the Catholic Health Association:  
Nursing Home Restraints: The Legal Issues (Sept. 1991); After Cruzan (Oct. 1990); Court Erodes Constitutional Supports for Tax Exemptions (April 1990); The Case of the Frozen Embryos (January-February 1990); The Cruzan Case: Who Has the Right to Decide? (November 1989); Two State Courts Say No to Refusal of Treatment (April 1989); Liability in Home Health Care (December 1988); Courts Limit Application of Employment-at-Will (December 1987); Hospitals Broaden Role of In-House Counsel (May, 1987, with Goldner); Living Wills and Refusal of Treatment (January, 1987); Decreasing Exposure to Liability in Long-Term Care (October, 1986, with Dodson).

Evaluation of the Use of Intermediate Sanctions by the States and Recommendations for State and Federal Enforcement Policies, Institute of Medicine, Committee on Nursing Home Regulation, National Academy of Sciences (1985).

Computer-Assisted Research into Cross-Disciplinary Subjects, 13 Law, Medicine & Health Care 122-123 (June, 1985).

Published in Long Term Care Management (McGraw-Hill):  
Medicaid Reimbursement for IMDs (June 20, 1985); Providers Have Due Process Rights (March 7, 1985); Private Right of Action Goes Public (March 1, 1984); Patient Privacy - Access to Medical Records (March 29, 1984); Who Decides for the Incompetent? (May 17, 1984); Legal Aspects of the Scope and Practice of Nursing, (July 12, 1984).

Matters of Life and Death: The Determination of Death and Termination of Treatment, 28 St. Louis Bar Journal 6-15 (Winter 1982) (With Dr. Karen B. Webb).

Missouri's Omnibus Nursing Home Act, 26 St. Louis Bar Journal 4-7 (Winter, 1980).

Review Essay, Social Security Hearings and Appeals, 23 St. Louis University Law Journal 636 (Summer, 1979).

## **SELECTED ENDOWED LECTURES AND KEYNOTE ADDRESSES**

Richard J. Childress Lecture, Saint Louis University School of Law, 2008.

Curtis R. Holzgang Visiting Scholar, Providence Center for Health Care Ethics, 2007.

Fallon-Friedlander Inaugural Endowed Lecture in Health and Law, University of Chicago School of Law, 2006.

Keynote Address, "Emerging Issues in Pain Management," Emerging Legal and Ethical Issues in Pain Management Symposium, Washington, D.C., April 30, 2001.

Keynote Address, "Pain and Chemical Dependency: Ethical Perspectives," The Fourth Conference on Pain Management and Chemical Dependency, Washington, D.C., December 7-9, 2000.

Grayson Distinguished Visitor, Southern Illinois University College of Law, 1998.

Keynote Address, American Pain Society Twentieth Anniversary Annual Meeting, "Law, Medicine & Ethics: The Status of Opioid Use in America," San Diego, CA. November 6, 1998.

Lane Lecture, Creighton University School of Law, 1997.

Hiram Lesar Lecture, Southern Illinois University College of Law, 1997.

Merck Scholar, Seton Hall University School of Law, 1997.

Willis B. Cunningham Lecture, Queen's University, Kingston Ontario, 1994.

## **SELECTED PROFESSIONAL SERVICE ACTIVITIES**

Chair and Member, Board of Directors, Ascension Health Senior Care, 2014-present.

Member, Board of Directors, Alexian Brothers Health Care System Senior Ministries, 2010-2014; Chair, 2012-2014.

Member, Board of Directors, PACE Programs, Alexian Brothers, 2010-2014; Chair, 2012-2014.

Advisory Board, Mayday Fund Fellows Program, 2011-2014.

Member, Board of Trustees, Aquinas Institute, 2011-2014.

Founding Chair, Board of Directors, Missouri Health Connection, 2010-2012.

Advisory Board and Chair of Legal and Policy Workgroup, MO-HITECH, State of Missouri, 2010-2011.

Member, Task Force on Guidelines on Care of the Dying, Hastings Center, 2009-2011, published as *The Hastings Center Guidelines for Decisions on Life-Sustaining Treatment and Care Near the End of Life* (Oxford University Press, 2013).

Co-Editor-in-Chief, *Journal of Law, Medicine & Ethics*, 2006-2009.

Member, National Advisory Commission on the Diversion and Abuse of Prescription Drugs, Center for Addiction and Substance Abuse, Columbia University, 2004-2005.

Federation of State Medical Boards, Task Force on Medical Board Guidelines on the Use of Controlled Substances in Pain Management, 1997-98; Task Force to Revise the Guidelines, 2004.

President, American Society of Law, Medicine & Ethics, 1995-1996 (Member of the Board, 1991-1997).

Member, Coordinating Group on Bioethics and Law, American Bar Association.

Member, Hastings Center Study Projects on Hospice Access and Values, 2001; Legal Task Force of the Projects on Managed Care, 1996; the Patient Self-Determination Act, 1991, and Ethics and Nursing Homes, 1989-91.

American Academy of Pain Medicine, Drafting Committee, AAPM Policy Statement on Quality of Care at the End of Life, 1998.

Co-Circuit Secretary (Eighth Circuit), Root-Tilden Program, New York University School of Law, 1995-1999.

Co-Chair, Elder Law Task Force, Bar Association of Metropolitan St. Louis, 1997-1998.

Executive Committee, Section on Law, Medicine and Health Care, Association of American Law Schools, 1992-1995. (Section Chair, 1994).

Member of the Strategic Planning Committee of the Board of the SSM Health Care System, 1993-1995.

Vice President for Operations and Member of Executive Committee and Board, The Combined Health Appeal of St. Louis, 1992-1994.

Member, N.I.H. Genome Study Section, November 17-19, 1992.

Member, Foresight (Long-Range Planning) Committee of the Missouri Bar Association, 1989-1991.

Chair, St. Louis Health Lawyers Association, 1988-91.

Research grants from the AARP Andrus Foundation, the Beaumont Fund, The Mayday

Fund, Kornfeld Foundation, and the National Institute of Dispute Resolution.

## **SELECTED PAST UNIVERSITY ACTIVITIES**

Chair, Search Committee for the Vice President of University Advancement, 2005.

Member, SLUCare Ethics Committee, 1997-1998.

Member, Executive Committee for Ph.D. in Health Care Ethics, 1996-1998.

Chair, University Committee on Academic Rank and Tenure, 1990-1991, 1993-1996.

Member, Provost's Strategic Initiative Fund Review Committee, 1997.

Member, Provost's Committee on the Faculty Manual, 1993-1994.

Member, University Strategic Plan Subcommittee 1996.

Strategic Plan Implementation Committee Chair, Academic Goals Task Force, 1989.

Member, Institutional Review Board, 1989-90.

Member, Search Committee for Academic Vice President 1988-89.

Faculty Senator, 1981-1987.

Member, Executive Committee of the Faculty Senate 1982-1987.

President, Phi Beta Kappa, SLU Chapter 1981-82.

Chair, Dean Search Committee, School of Business and Administration, 1980-81.

*Admitted, Bar of the State of New York, 1978.*