AMERICAN JOURNAL OF LAW & MEDICINE

Volume 41, Number 4 • 2015

BOARD OF EDITORS

Faculty Advisors

Kevin Outterson, J.D., LL.M. Abigail Moncrieff, J.D. Kathryn Zeiler, M.S., J.D., Ph.D. Boston University School of Law

Faculty Editor-in-Chief Emeritus Frances H. Miller, J.D. Boston University School of Law Editor Edward J. Hutchinson American Society of Law, Medicine & Ethics

Founding Editor

John A. Norris, J.D., M.B.A. Health Discovery Corp.

EDITORS

Gail B. Agrawal, J.D., M.P.H. University of Iowa College of Law

Michael Baram, J.D. Boston University School of Law

Charles H. Baron, LL.B., Ph.D. Boston College Law School

Jay A. Gold, M.D., J.D., M.P.H. MetaStar Inc., Madison

Ernest M. Haddad, J.D. Boston University School of Law

Clark C. Havighurst, J.D. Duke University School of Law

Nathan Hershey, LL.B. University of Pittsburgh Graduate School of Public Health (Retired)

David A. Hyman, M.D., J.D. University of Illinois College of Law

Sheila Jasanoff, J.D., Ph.D. Harvard University Kennedy School of Government

Timothy S. Jost, J.D. Washington and Lee University School of Law

Stephen Latham, J.D., Ph.D. Yale University Interdisciplinary Center for Bioethics

Silvia A. Law, J.D. New York University School of Law David T. Morris, J.D., M.B.A. AbbVie, Chicago

Joseph P. Newhouse, Ph.D. Harvard University

Irwin N. Perr, M.D., J.D. University of Washington School of Medicine

Harvey E. Pies, J.D., M.P.H. Blue Cross and Blue Shield of Florida

> Arti K. Rai, J.D. Duke University Law School

Philip R. Reilly, M.D., J.D. Third Rock Ventures, LLC

Marc A. Rodwin, J.D., Ph.D. Suffolk University Law School

Mark A. Rothstein, J.D. University of Louisville School of Medicine Institute for Bioethics, Health Policy and Law

> David S. Szabo, J.D. Edwards Wildman Palmer LLP

> > Linda V. Tiano, J.D. Epstein Becker ジ Green

Sidney D. Watson, J.D. Saint Louis University School of Law

AMERICAN JOURNAL OF LAW & MEDICINE

INTERNATIONAL BOARD OF EDITORS

Koichi Bai Director, Institute of Medical Humanities Kitasato University School of Medicine JAPAN

> Erwin Deutsch Faulty of Law University of Göttingen GERMANY

Bernard M. Dickens, Ph.D., LL.D. Faculties of Law and Medicine University of Toronto CANADA

Honorable Justice Michael D. Kirby President, Court of Appeal Supreme Court of New South Wales AUSTRALIA M.A.M. de Wachter Director, Institute of Bioethics THE NETHERLANDS

Christopher Newdick Reader in Health Law University of Reading UNITED KINGDOM

> Amos Shapira Faculty of Law Tel Aviv University ISRAEL

Peter D.G. Skegg Faculty of Law University of Otago NEW ZEALAND

AMERICAN JOURNAL OF

LAW & MEDICINE

STUDENT BOARD OF EDITORS 2015-2016

Editor-in-Chief

Melissa Rybacki

Executive Editor

Hannah Perlman

Managing Editors

Christin Blonde-Trenholm

Victoria Reines

Administrative Editor

Omar Aniff

Ting Chiu

Symposium Editors

Amanda Hesse

Timothy Murphy

Projects Editors

Portia Keady Sudeshna Trivedi

Articles Editors

Lauren Bentlage Daryl Berke

Hannah Levin Dina Nathanson Cristina Cahn-Speyer Talene Ghazarian Christina Lau

Sara Maldonado Tyler Patterson Daniel Risica

Third-Year Editors Hannah Chapel

Colin Creager

Caitlyn Bingaman

Jack Brodsky

Staff Members

Gabriella Andriulli **Casev Baines** Adria Bonillas Justin Cacciatore Stephanie Calnan Yelena Greenberg Malavika Lobo Oliver Mavor-Parker

Beatriz C. Menéndez Shea Miller Lewis Osterman Julie Pearlman Pradyuman Ramlochan-Tewarie Kristen Rogerson Natalie Rowles

Christopher York

Jaime Margolis

Lauren Rubin Megan Saumier-Smith Katie Smith Marvanne Tomazic Chelsie Vokes Caitlin Zeytoonian

Note Editors

AMERICAN JOURNAL OF

LAW & MEDICINE

Volume 41, Number 4 • 2015

ARTICLES

- **523** Limiting Occupational Medical Evaluations under the Americans with Disabilities Act and the Genetic Information Nondiscrimination Act Mark A. Rothstein, Jessica Roberts, and Tee L. Guidotti
- 568 Reconceptualizing Consent for Direct-to-Consumer Health Services Kayte Spector-Bagdady
- 617 "Since I Must Please Those Below": Human Skeletal Remains Research and the Law *Thomas D. Holland*

NOTES AND COMMENTS

- **656** The Health of eBay: The Impact of eBay on the Future of TRIPS-Like Pharmaceutical Compulsory Licenses in the United States *Jack Brodsky*
- 680 Recent Case Developments