Contents

List of Figures  xi
List of Tables  xiii
List of Contributors  xv
Acknowledgments  xix

Introduction  1
Katherine L. Kraschel, I. Glenn Cohen, Abbe R. Gluck, and Carmel Shachar

PART I THE HEALTH CARE SYSTEM THAT COVID-19 ENCOUNTERED  11

Introduction  13
Carmel Shachar

1 COVID-19 and Clinical Ethics: Reflections on New York’s 2020 Spring Surge  17
Joseph J. Fins

2 Patients First, Public Health Last  28
Richard S. Saver

3 Risk, Responsibility, Resilience, Respect: COVID-19 and the Protection of Health Care Workers  42
William M. Sage and Victoria L. Tiase

Wendy E. Parmet and Jeremy Paul

5 Structural Factors Related to COVID-19 Disparities  73
Saida I. Coreas, Erik J. Rodriguez, and Eliseo J. Pérez-Stable
## PART II COVID-19, DISPARITIES, AND VULNERABLE POPULATIONS

### Introduction
Asees Bhasin

#### 6 Tolerating the Harms of Detention, With and Without COVID-19
Jaimie Meyer, Marisol Orihuela, and Judith Resnik

#### 7 COVID-19 and Racial Justice in America
Scott J. Schweikart, Fernando De Maio, Mia Keeys, Joaquin Baca, Brian Vandenberg, and Aletha Maybank

#### 8 Access to Scarce Interventions: Age and Disability
Govind Persad and Jessica L. Roberts

#### 9 Humane and Resilient Long-Term Care: A Post-COVID-19 Vision
Nina A. Kohn

## PART III GOVERNMENT RESPONSE AND REACTION TO COVID-19

### Prologue
Marcella Nunez-Smith

#### Introduction
Abbe R. Gluck

#### 10 Federalism, Leadership, and COVID-19: Evolving Lessons for the Public’s Health
Nicole Huberfeld

#### 11 COVID-19 Reveals the Fiscal Determinants of Health
Matthew B. Lawrence

#### 12 Legislating a More Responsive Safety Net
Andrew Hammond, Ariel Jurow Kleiman, and Gabriel Scheffler

#### 13 Eradicating Pandemic Health Inequities: Health Justice in Emergency Preparedness
Ruqaiijah Yearby

#### 14 The Jacobson Question: Individual Rights, Expertise, and Public Health Necessity
Lindsay F. Wiley
PART IV INNOVATION DURING COVID-19

Introduction
I. Glenn Cohen

15 Innovation Law and COVID-19: Promoting Incentives and Access for New Health Care Technologies
Rachel E. Sachs, Lisa Larrimore Ouellette, W. Nicholson Price II, and Jacob S. Sherkow

16 Addressing Exclusivity Issues: COVID-19 and Beyond
Michael S. Sinha, Sven J.R. Bostyn, and Timo Minssen

17 At-Risk Populations & Vaccine Injury Compensation
Katharine Van Tassel and Sharona Hoffman

PART V OPENING NEW PATHWAYS FOR HEALTH CARE DELIVERY AND ACCESS

Introduction
Katherine L. Kraschel

18 Telehealth Transformation in COVID-19
Ryan P. Knox, Laura C. Hoffman, Asees Bhasin, and Abbe R. Gluck

19 Changes in Methadone Regulation During COVID-19

20 Reproductive Justice after the Pandemic: How “Personal Responsibility” Entrenches Disparities and Limits Autonomy
Rachel L. Zacharias, Elizabeth A. Dietz, Kimberly Mutcherson, and Josephine Johnston

21 Abortion At-Home and At-Law During a Pandemic
Joanna N. Erdman

PART VI GLOBAL RESPONSES TO COVID-19

Introduction
Michelle M. Mello
<table>
<thead>
<tr>
<th>Page</th>
<th>Title</th>
<th>Authors</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Mapping COVID-19 Legal Responses: A Functionalist Analysis</td>
<td>Joelle Grogan and Alicia Ely Yamin</td>
<td>354</td>
</tr>
<tr>
<td>24</td>
<td>A Tale of Two Crises: COVID-19, Climate Change, and Crisis Response</td>
<td>Daniel Farber</td>
<td>367</td>
</tr>
<tr>
<td>25</td>
<td>Vaccine Tourism, Federalism, Nationalism</td>
<td>I. Glenn Cohen</td>
<td>379</td>
</tr>
<tr>
<td></td>
<td>Epilogue: COVID-19 in the Courts</td>
<td>Abbe R. Gluck and Jacob Hutt</td>
<td>391</td>
</tr>
</tbody>
</table>