

Contents

List of Contributors		þage xi
Ackı	Acknowledgments	
	Introduction Carmel Shachar, I. Glenn Cohen, Holly Fernandez Lynch, and Barbara J. Evans	1
	PART I: TRANSPARENCY IN HEALTH AND HEALTH CARE: THEMATIC ISSUES	13
	Introduction to Part I Abigail R. Moncrieff	15
1	Smashing into Windows: The Limits of Consumer Sovereignty in Health Care Barry R. Furrow	17
2	The Interplay of Privacy and Transparency in Health Care: The HIPAA Privacy Rule as a Case Study Barbara J. Evans	30
3	Transparency Trade-offs: Priority Setting, Scarcity, and Health Fairness Govind Persad	44
4	Slightly Hazy: Transparency and the Costs of Too Much Information Oliver J. Kim	58



viii Contents

	PART II: TRANSPARENCY AND INFORMED CONSENT	69
	Introduction to Part II Luke Gelinas	71
5	Transparency versus Informed Consent: The Patient/Consumer Paradigms Craig J. Konnoth	75
6	Transparency and Financial Conflicts: The Uncertain Case for Sunshine Richard S. Saver	88
7	Making Religion Transparent: The Substance, Process, and Efficacy of Disclosing Religious Restrictions on Care Elizabeth Sepper	103
	PART III: TRANSPARENCY AND ECONOMICS: HEALTH CARE COSTS AND BILLING	115
	Introduction to Part III Kristin M. Madison	117
8	Transparency on Prescription Drug Research Expenditures: A Lever for Restraining Pricing? Ameet Sarpatwari, Jerry Avorn, and Aaron S. Kesselheim	121
9	Is Pharmaceutical Price Transparency an Effective Means to Reduce High Prices and Wide Variations? Marc A. Rodwin	132
10	Price Transparency: A Contracts Solution Wendy Netter Epstein	153
11	Solving Surprise Medical Bills Mark A. Hall	165
	PART IV: TRANSPARENCY AND INNOVATION	179
	Introduction to Part IV Holly Fernandez Lynch	181
12	Increasing the Transparency of FDA Review to Enhance the Innovation Process Rachel E. Sachs and Thomas J. Hwang	185



Contents	ix
----------	----

13	Transparency and Clinical Trial Data Sharing: Legal and Policy Issues Barbara E. Bierer, Mark Barnes, and Rebecca Li	196
14	The European Medicines Agency's Approach to Transparency Stefano Marino and Spyridon Drosos	210
	PART V: TRANSPARENCY AND OUTCOMES: PROMOTING HEALTH AND SAFETY	227
	Introduction to Part V Gregory Curfman	229
15	The Role of Transparency in Promoting Healthy Behaviors: Pros, Cons, and Perils of Information Sharing to Foster Personal Responsibility in Health Care Anthony W. Orlando and Arnold J. Rosoff	233
16	The Role of Transparency in Patient Safety Improvement Michelle M. Mello, David M. Studdert, Brahmajee K. Nallamothu, and Allen Kachalia	² 44
17	Personal Health Records as a Tool for Transparency in Health Care Sharona Hoffman	260
18	Nontransparency in Electronic Health Record Systems Jim Hawkins, Barbara J. Evans, and Harlan M. Krumholz	273
19	Transparency Challenges in Reproductive Health Care Dov Fox	286
	PART VI: CHALLENGES IN PROMOTING AND MEASURING TRANSPARENCY IN HEALTH CARE	297
	Introduction to Part VI I. Glenn Cohen	299
2 0	ERISA as a Barrier for State Health Care Transparency Efforts Erin C. Fuse Brown and Jaime S. King	301
21	Transparency and Data Sharing in Clinical Research and Big Pharma Jennifer E. Miller	314



22	Promoting IRB Transparency: About What, To Whom,	
	Why, and How?	320
	Holly Fernandez Lynch	,
23	Using Disclosure to Regulate PBMs: The Dark Side	
	of Transparency	343
	David A. Hyman and William E. Kovacic	, , ,

Contents