

Jerry Alan Menikoff
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CURRENT POSITION

Director

Office of Human Subjects Research
National Institutes of Health

Bioethicist

Department of Bioethics
National Institutes of Health

EDUCATION

M.D. – 1982-1986

Washington University (St. Louis)

M.P.P. – 1973-1977

Kennedy School of Government
Harvard University

J.D. – 1973-1977

Harvard Law School

A.B. – 1970-1973 (Mathematics)

Harvard College

POSTDOCTORAL TRAINING

Faculty Fellow, Program in Ethics and the Professions, 1995-1996

Harvard University
Cambridge, Massachusetts

Resident in Ophthalmology, 1992-1995

The New York Eye & Ear Infirmary
New York, New York

Roy and Sarita Warshawsky Fellow in Ethics, 1991-1992

MacLean Center for Clinical Ethics
University of Chicago
Chicago, Illinois

Research Fellow in Ophthalmology, 1990-1991

The New York Eye & Ear Infirmary
New York, New York

Transitional Internship, 1986-1987

Deaconess Hospital
St. Louis, Missouri

OTHER AND PREVIOUS ACADEMIC POSITIONS

Associate Professor of Law, Ethics & Medicine, 2002-present (on leave April 2007+)

University of Kansas School of Medicine
Kansas City, Kansas

Associate Professor of Law, 2005-present (on leave April 2007+)

University of Kansas School of Law
Lawrence, Kansas

Assistant Professor of Law, Ethics & Medicine, 1997-2002

University of Kansas School of Medicine
Kansas City, Kansas

Courtesy Assistant Professor of Law, 1997-2005

University of Kansas School of Law
Lawrence, Kansas

Associate Professor, 1996-1997

University of Akron, School of Law
Akron, Ohio

Lecturer in Law, 1991-1992

University of Chicago School of Law
Chicago, Illinois

VISITING PROFESSORSHIPS

Visiting Professor, 2002-present

Concord University School of Law
Los Angeles, California

Visiting Professor, Summers of 1998, 1999, 2000

Hofstra University School of Law
Hempstead, New York

CURRENT BOARDS AND OTHER POSITIONS

Executive Secretary, 2007-present
Human Subjects Research Advisory Committee
National Institutes of Health

Member, Genome-Wide Association Studies Ad Hoc Working Group, 2007-present
National Institutes of Health

Member, Trans NIH Bioethics Committee, 2007-present
National Institutes of Health

Member, GWAS Policy Implementation Committee, 2007-present
National Institutes of Health

Member, Scholarly Activities Core Curriculum Examination Committee, 2007-present
American Board of Pediatrics,

Fellow, 2007-present
American Board of Pediatrics

Member, Human Studies Review Board, 2006-present
Environmental Protection Agency

Member, 1997-present
The Hastings Center

Member, 1997-present
Kennedy Institute of Ethics

PROFESSIONAL LICENSURE

Medical licensure in New York and Kansas

Licensed as attorney in New York

PAST BOARDS AND OTHER POSITIONS

Chair, Human Subjects Committee, 1998-2007
University of Kansas Medical Center

Chair, Hospital Ethics Committee, 1998-2007
University of Kansas Hospital

Medical Director for Ethics, 2000-2006
University of Kansas Hospital

Member, Human Subjects Committee, 1997-1998
University of Kansas Medical Center

Director and Founder, Ethics Program, 1991-1992
Oak Forest Hospital
Oak Forest, Illinois

AWARDS AND HONORS

Law and Bioethics, now in second printing, selected in 2002 by Association of American University Presses as one of "The Best of the Best from the University Presses: Books You Should Know About"

"The Myth and Reality of Informed Consent to Research" chosen as finalist for the University of Southern California's 2002 Mark S. Ehrenreich Prize in Healthcare Ethics Research

Invited Presenter at final (July, 2002) meeting of the federal National Human Research Protections Advisory Committee (NHRPAC)

Special Expert (one of four participating ethics experts) for federal Office for Human Research Protections (OHRP), June 2003, as part of panel assembled for evaluation of dispute regarding NIH-funded ARDS Network studies (see Jeffrey M. Drazen, Controlling Research Trials, *N. Engl. J. Med.* 2003;348:1377-80; Robert Steinbrook, How Best to Ventilate? Trial Design and Patient Safety in Studies of the Acute Respiratory Distress Syndrome, *N. Engl. J. Med.* 2003;348:1393-1401)

Member of OHRP team during site visits to universities in February 2004, February 2005, and March 2007

Testified as expert witness on medical ethics issue in appeal of federal death penalty conviction for multiple homicide by member of U.S. military. March 2005

Invited Participant in Definition of Death Working Group for United Network for Organ Sharing (UNOS), A National Donation after Cardiac Death Consensus Conference, April 7-8, 2005, Philadelphia

Invited Expert, Expert Panel Workshop on State-of-the-Science Approaches for Observational Exposure Measurement Studies, Environmental Protections Agency, November 28-29, 2006, Durham, North Carolina

“Where’s the Law? Uncovering the Truth about IRBs and Censorship,” made Top Ten download lists on Social Science Research Network (SSRN) lists for Health Law Journals, Public Health Law & Policy, Telecommunications & Regulated Industries, and Labor: Human Capital, March 2007

PUBLICATIONS

BOOKS

Menikoff J. *Law and Bioethics: An Introduction* (Washington, D.C.: Georgetown University Press 2001, with Teacher’s Manual)

Coleman C, Menikoff J, Goldner J, Dubler N. *The Ethics and Regulation of Research with Human Subjects*. (LexisNexis 2005)

Coleman C, Menikoff J, Goldner J, Dubler N. *Teacher’s Manual for The Ethics and Regulation of Research with Human Subjects* (LexisNexis 2005)

Menikoff J, with Richards E. *What the Doctor Didn’t Say: The Hidden Truth about Medical Research* (New York: Oxford University Press 2006)

JOURNAL ARTICLES

Menikoff J. Toward a General Theory of Research Ethics. *Hastings Center Report* 2007;37(3):3

Menikoff J. Cutting into the Spongy Belly of Surgical Innovation. *IRB* 2007;29(1):19

Menikoff J. Where’s the Law? Uncovering the Truth about IRBs and Censorship. *Northwestern University Law Review* 2007;101:791

Menikoff J. How Being a Research Subject Differs from Being a Patient—And Why We Should Care. *American Bar Association Focus on Law Studies* 2006;XXII(1):2

Menikoff J. Obtaining Research Consent: What Tort Law Can Teach Us. *Research Practitioner* 2006;7:159

Menikoff J. Less Bull, Better Bioethics. *DePaul Journal of Health Care Law* 2005;9:1133

Menikoff J. Of Babies, Bugs and Bombast: A Look Behind the Crash-and-Burn of the CHEERS Pesticide Study. *Medical Research Law & Policy Review (BNA)* 2005;4:586

Menikoff J. Full Disclosure: Telling Patients When *Not* Being a Research Subject is a Good Choice. *Perspectives in Biology and Medicine* 2005;48:S139

Menikoff J. An Organ Sale by Any Other Name (Commentary). *American Journal of Bioethics* 2004;4:42

Menikoff J. The Involuntary Research Subject. *Cambridge Quarterly of Healthcare Ethics* 2004;13:338

Walling A, Montello M, Moser SE, Menikoff JA, Brink M. Which Patients Are Most Challenging for Second-year Medical Students? *Family Medicine* 2004;36:710

Menikoff J. Equipoise: Beyond Rehabilitation? *Kennedy Institute of Ethics Journal* 2003;13(4):347

Menikoff J. The Hidden Alternative: Getting Investigational Treatments Off-Study. *Lancet* 2003;361:63

Menikoff J. Why Being Alive Matters (Commentary). *American Journal of Bioethics* 2003;3:21

Marshall MF, Menikoff J. Emerging Data on IRB Members and Potential Financial Conflicts of Interest: More Questions Than Answers. *Medical Research Law & Policy Review (BNA)* 2003;2(17):646

Marshall MF, Menikoff J, Paltrow LM. Perinatal Substance Abuse and Human Subjects Research: Are Privacy Protections Adequate? *Mental Retardation and Developmental Disabilities Research Reviews* 2003;9:54

Menikoff J. The Importance of Being Dead: Non-Heart-Beating Organ Donation. *Issues in Law and Medicine* 2002;18:3

Menikoff J. Physicians Have Mandate to Follow Organ Donation Wishes. *Ethics Forum, American Medical News*, April 2, 2001.

Menikoff J. To Tell or Not to Tell: Mandating Disclosure of Genetic Testing Results (Commentary). *American Journal of Bioethics* 2001;1:19

Menikoff J. Just Compensation: Paying Research Subjects Relative to the Risk They Bear (Commentary). *American Journal of Bioethics* 2001;1:56

Dalglis et al., A Discussion of Ownership of Tissue Samples and Exculpatory Language in Informed Consent Documents. A lead discussant in publication of excerpts from discussion on internet IRB Discussion Forum. *Research Practitioner* 2000;1:119

Fost N, Menikoff J. Ethics Module for the *National Health Service Corps Educational Program for Clinical and Community Issues in Primary Care* (revision by Menikoff of work initially written by Norman Fost) (1999).

Menikoff J. Demanded Medical Care. *Arizona State Law Journal* 1998;30:1091

Menikoff J. Organ Swapping. *Hastings Center Report* 1999;29(6):28

Menikoff J. Doubts About Death: The Silence of the Institute of Medicine. *Journal of Law Medicine & Ethics* 1998;26:157 (with reply by Potts, Herdman, Beauchamp & Robertson).

Menikoff J. Ethics, Law and Managed Care: The Role of the Physician in Cost Control. *Ophth Clin of North America*. 1997;10(2):191-5

Menikoff J. Persistent Brain Death. (letter) *J. Law Medicine & Ethics* 1996;24:76

Speaker MG, Menikoff JA. Postoperative Endophthalmitis: Pathogenesis, Prophylaxis and Management. *Int Ophth Clin*. 1993;33:51-70

Menikoff J. Is Informed Consent Needed for Fluorescein Angiography? (letter) *Arch Ophthalmol*. 1993;111:1604

Raskin EM, Speaker MG, McCormick SA, Wong D, Menikoff JA, Pelton-Henrion K. Influence of Haptic Materials on the Adherence of Staphylococci to Intraocular Lenses. *Arch Ophthalmol*. 1993;111:250-253

Menikoff JA, Sachs GA, Siegler M. Beyond Advance Directives: Health Care Surrogate Laws. *N Engl J Med*. 1992;327:1165-1169

Speaker MG, Menikoff JA. Prophylaxis of Postoperative Endophthalmitis with Topical Povidone-iodine. *Ophthalmology*. 1991;98:1769-1775

Menikoff JA, Speaker MG, Marmor M, Raskin EM. A Case-Control Study of Risk Factors for Post-operative Endophthalmitis. *Ophthalmology*. 1991;98:1761-1768

Bittker, BI, Menikoff J. Restructuring Business Transactions for Federal Income Tax Purposes, in Bittker, BI, *Collected Legal Essays* (1990). Originally appeared in *Wis. L. Rev.* 1978;1978:715

Menikoff J. Initial Drafter of Par. 4.4 of Bittker BI, Lokken L, *1 Federal Taxation of Income, Estates & Gifts* (2d Ed. 1989); edited/reviewed various other sections of Volumes 1 and 2.

NAMED LECTURES

Seventeenth Annual Reverend Edward J. Drummond S.J. Lecture in Health Care Ethics at Saint Louis University, April 2002