

**Colleen M. Flood**  
**2015 Curriculum Vitae**

Professeure/Professor & University of Ottawa Research Chair in Health Law and Policy  
Past Scientific Director, CIHR – Institute of Health Services and Policy Research, 2006-2010  
Faculté de droit / Faculty of Law, Université d'Ottawa / University of Ottawa  
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**PART I: ACADEMIC HISTORY**

**A. Degrees and Qualifications**

- S.J.D. University of Toronto – 1998  
Thesis: “Comparing Models of Health Care Reform: Internal Markets and Managed Competition” – Michael J. Trebilcock, Supervisor.
- LL.M. University of Toronto – 1994  
Thesis: “An Economic and Legal Analysis of Reforms to New Zealand’s Health Care System” – Michael J. Trebilcock, Supervisor.
- B.A.-LL.B (Honours) – University of Auckland, New Zealand - 1991

Barrister & Solicitor (Auckland, New Zealand)

**B. Academic Appointments**

- 2014- University of Ottawa Research Chair in Health Law and Policy
- 2014- Professor, Faculty of Law, University of Ottawa
- 2012-2014 Professor, Faculty of Law, University of Toronto and cross-appointed into the School of Public Policy and the Institute of Health Policy, Management and Evaluation
- 2006-2011 Scientific Director of the Canadian Institutes of Health Research – Institute of Health Services and Policy Research
- 2003-2015 Canada Research Chair in Health Law and Policy
- 2003- Associate Professor, Faculty of Law, University of Toronto and cross-appointed into the Department of Health Policy, Management and Evaluation
- 1999-2003 Assistant Professor, Faculty of Law, University of Toronto
- 1997-1999 Associate Director, Health Law Institute, Dalhousie University;  
Assistant Professor in the Faculty of Law and cross-appointed to the School of Health Services Administration

**C. Professional Experience**

- 1990-1993 Solicitor at the firm of Chapman Tripp Sheffield and Young in Auckland, New Zealand

#### **D. Select Honours and Scholarships**

- 2015- Marlee Kline Lecture in Social Justice, University of British Columbia
- 2013- Honorary member of the College of Family Physician of Canada
- 2012- CIHR award named in my honor together with another former Scientific Director – the Barer-Flood Prize for Health Services and Policy Research carries with it a \$25,000 per annum award.
- 2012- Otago University Faculty of Law – The Colleen M. Flood Prize in Health Law & Policy.
- 2010- Invited to serve on the editorial board for Israel Journal of Health Policy Research
- 2009- Editorial board for Health Economics, Policy & Law - a journal based at the London School of Economics.
- 2007 Keynote address on “Getting Out of the Ivory Tower and Into Practice” for the Jerry Lee Lecture at the 7th Annual International Campbell Collaboration Colloquium on Quality, Credibility and Utility: The Relevance of Systematic Reviews, London, England,
- 2007 Picard Lecture at the Faculty of Law, University of Alberta. Presentation at “Picard Panel on Health Care Reform” at the National Health Law Conference Visions in Banff, Alberta.
- 2007 Awarded the Duncan G. Sinclair Lectureship in Health Services and Policy Research by Queen’s University. Presentation on “Courts vs. Medicare”.
- 2006 Appointed as the new Scientific Director of the Canadian Institutes of Health Research, Institute for Health Services and Policy Research.
- 2006 - Appointed to the Corporation of Massey College
- 2005 Appointed editor Healthcare Policy in Canada (resigned 2006)
- 1999 Labelle Lectureship in Health Services Research at McMaster University, Canada.

#### **E. Academic History – Research Grants & Research Endeavours**

##### *Current Grants*

- 2013-2016 Awarded a CIHR Operating Grant by the Canadian Institute of Health Research (\$325,000).
- 2009-2014 Awarded a CIHR Training Program in Health Law & Policy Grant by the Canadian Institute of Health Research (\$1.95 million).
- 2008-2014 Awarded the Canada Research Chair in Health Law & Policy by the Canadian Institute of

Health Services and Policy Research (\$550,000).

*Select Previous Grants*

- 2006-2011      Awarded the Scientific Director Research Program Supplement Grant by the Canadian Institutes of Health Research Operating Research Grant for Scientific Directors (\$800,000).
- 2006-2010      Awarded an Institute Support Grant by the Canadian Institute of Health Research – Institute of Health Services and Policy Research (\$4 million).
- 2002-2008      Awarded (jointly with Jocelyn Downie & Tim Caulfield) a CIHR Training Program in Health Law & Policy Grant by the Canadian Institute of Health Research (\$1.8 million).
- 2003-2007      Awarded the Canadian Health Services Research Foundation Program Research Grant by the Canadian Health Services Research Foundation (\$214,000).
- Addition funding was provided by the Ontario Ministry of Health, Health Canada, the Canadian Medical Association, the Ontario Medical Association, the Centre for Innovation, Law and Policy and Merck Frosst (total grant of \$516,000.00).
- 2001-2005      Social Sciences and Humanities Research Council Grant by the Social Sciences and Humanities Research Council (\$65,000).
- 2001             Awarded a Canadian Program on Genomics and Global Health Research Grant by Genome Canada (\$1 million).
- 2001             Awarded a Social Sciences and Humanities Research Council Grant by the Social Sciences and Humanities Research Council (\$3,737,523).
- 2001             Awarded a Canadian Institute of Health Research Grant by the Canadian Institute of Health Research (\$1,173,476).

**PART II: SCHOLARLY AND PROFESSIONAL WORK**

**Publications**

**PR = Peer Reviewed**

**A. Books**

*Published Books*

Colleen M. Flood & Aeyal Gross, *The Right to Health at the Public/Private Divide: A Global Comparative Study* (New York: Cambridge University Press, 2014).

Colleen M. Flood & Lorne Sossin, eds, *Administrative Law in Context*, 2nd ed (Toronto: Emond Montgomery Publications, 2013).

Colleen M. Flood, ed, *Data, Data, Everywhere: Access and Accountability?* (Montreal: McGill Queen's University Press, 2011).

Jocelyn Downie, Tim Caulfield & Colleen M. Flood, eds, *Canadian Health Law and Policy*, 4th ed (Toronto: LexisNexis, 2011).

Colleen M. Flood & Lorne Sossin, eds, *Administrative Law in Context* (Toronto: Emond Montgomery, 2008).

Colleen M. Flood, Mark Stabile & Carolyn Tuohy, eds, *Exploring Social Insurance: Can a Dose of Europe Cure Canadian Health Care Finance?* (Montreal: McGill-Queen's University Press, 2008).

Jocelyn Downie, Tim Caulfield & Colleen M. Flood, eds, *Canadian Health Law and Policy*, 3rd ed (Toronto: LexisNexis, 2007).

Colleen M. Flood, ed, *Just Medicare: What's In, What's Out, How We Decide* (Toronto: University of Toronto Press, 2006). PR.

Colleen M. Flood, Lorne Sossin & Kent Roach, eds, *Access to Justice, Access to Care: The Legal Debate over Private Health Insurance* (Toronto: University of Toronto Press, 2005). PR.

Jocelyn Downie, Tim Caulfield & Colleen M. Flood, eds, *Canadian Health Law and Policy*, 2nd ed (Markham, Ont.: Butterworths, 2002).

Colleen M. Flood, *International Health Care Reform: A Legal, Economic and Political Analysis* (London: Routledge, 2000). PR.

#### *Books Forthcoming*

Colleen M. Flood & Jennifer Chandler, eds., *Mental Health Law in Canada* (Lexis-Nexis, 2016).

Jocelyn Downie, Tim Caulfield & Colleen M. Flood, eds, *Canadian Health Law & Policy*, 5th ed.

## **B. Journals**

### *Published*

Colleen M. Flood & Trudo Lemmens, "Can Law Respond to Global Health Challenges?" (2013) 41:1 *Journal of Law, Medicine and Ethics*

Colleen M. Flood et al, eds, "Law, Economics and Public Policy: Essays in Honour of Michael Trebilcock" (2010) 60:2 *University of Toronto Law Journal*. PR.

Colleen M. Flood & Lawrence Gostin, "International and Comparative Health Law and Ethics: A 25-Year Retrospective as a Tribute to Professor Bernard Dickens" (2004) 32:4 *Journal of Law, Medicine and Ethics*. PR.

Colleen M. Flood, Lawrence Gostin & Lance Gable, eds, "Legislating and Litigating Health Care Rights Around the World" (2005) 33:4 *Journal of Law, Medicine and Ethics* PR.

## C. Chapters in Books

### *Forthcoming Chapters*

Colleen M. Flood, “One Big Idea: Accountability” in J. Frenk & S. Hoffman eds., *“To Save Humanity from Hell”: What Matters Most for a Healthy Future* (Oxford University Press, 2015).

Colleen M. Flood, Bryan Thomas and Ryan Tanner, “Moving Forward on Universal Pharmacare in Canada: A Managed Competition Model” in S. Carson and J. Dixon eds., *Toward a Canadian Healthcare Strategy* (McGill-Queens University Press: 2015) [forthcoming].

Colleen M. Flood & Bryan Thomas, “A View From a Friend and Neighbor of US Health Care & the Affordable Care Act” (2015) *Oxford Handbook of American Health Law*.

### *Select Published Chapters*

Colleen M. Flood & Aeyal Gross, “Introduction: Marrying Human Rights and Health Care Systems: Context for a Power to Improve Access and Equity” in Colleen M. Flood & Aeyal Gross, *The Right to Health at the Public/Private Divide: A Global Comparative Study* (New York: Cambridge University Press, 2014).

Colleen M. Flood & Aeyal Gross, “Litigating Health Rights in Canada: A White Knight for Equity?” in Colleen M. Flood & Aeyal Gross, *The Right to Health at the Public/Private Divide: A Global Comparative Study* (New York: Cambridge University Press, 2014).

Colleen M. Flood & Aeyal Gross, “Conclusion: Contexts for the Promise and Peril of the Right to Health” in Colleen M. Flood & Aeyal Gross, *The Right to Health at the Public/Private Divide: A Global Comparative Study* (New York: Cambridge University Press, 2014).

Colleen M. Flood & Ryann Atkins, “Regulatory Failure: The Case of the Private-For-Profit IVF Sector” in Trudo Lemmens, Cheryl Milne & Ian Lee, eds, *Legal, Ethical and Policy Challenges of Assisted Human Reproduction* (Toronto: University of Toronto Press, 2015)

Colleen M. Flood & Jennifer Dolling, “An Introduction to Administrative Law: Some History and a Few Signposts for a Twisted Path” in Colleen M. Flood & Lorne Sossin, eds, *Administrative Law in Context*, 2nd ed (Toronto: Emond Montgomery, 2012).

Colleen M. Flood & Bryan Thomas, “Missing the Mark on Patient Safety” in Ken Oliphant & Richard W. Wright, eds, *Medical Malpractice and Compensation in Global Perspective* (Berlin, Boston: De Gruyter, 2012).

Colleen M. Flood & Insiya Essajee, “Setting Limits on Health Care: Challenges In and Out of the Courtroom in Canada and Down-Under” in Andre den Exter & Martin Buijsen, eds, *Rationing Health Care: Hard Choices and Unavoidable Trade-offs* (Antwerpen/Oxford: Maklu Press, 2012).

Tim Caulfield, Colleen M. Flood & Jocelyn Downie, “Introduction: The Big Tent Theory of Health Law” in Jocelyn Downie, Tim Caulfield & Colleen M. Flood, eds, *Canadian Health Law and Policy*, 4th ed (Toronto: LexisNexis, 2011).

Colleen M. Flood & Bryan Thomas, “Searching for a Sweet Spot: How Do We Trade-Off Research Benefits with Health Information Privacy Concerns?” in Colleen M. Flood, ed, *Data, Data, Everywhere:*

*Access and Accountability?* (Montreal: McGill-Queen's University Press, 2011).

Colleen M. Flood & Y.Y. Brandon Chen, "Charter Rights & Health Care Funding: A Typology of Canadian Health Rights Litigation" in Catherine Regis & Robert Kouri, eds, *Grand Challenges in Health Law and Policy* (Montreal: Editions Yvon Blais/Thomson Reuters, 2010). PR.

Colleen M. Flood & Sujith Xavier, "Health Care Rights in Canada: The *Chaoulli* Legacy" in Andre den Exter (ed.), *International Health Law: Solidarity and Justice in Health Care* (Apeldoorn, the Netherlands: Maklu, 2008)

Colleen M. Flood, "An Introduction to (the Effervescence of) Administrative Law" in Colleen M. Flood & Lorne Sossin, eds, *Administrative Law in Context* (Toronto: Emond Montgomery, 2008).

Colleen M. Flood, "Introduction: Seeking the Holy Grail: Financing for Quality, Accessibility and Sustainability in Health Care Systems" in Colleen M. Flood, Mark Stabile and Carolyn Tuohy, eds, *Exploring Social Insurance: Can a Dose of Europe Cure Canadian Health Care Finance?* (Montreal: McGill-Queen's University Press, 2008).

Colleen M. Flood, "Conclusion" in Colleen M. Flood, Mark Stabile and Carolyn Tuohy, eds, *Exploring Social Insurance: Can a Dose of Europe Cure Canadian Health Care Finance?* (Montreal: McGill-Queen's University Press, 2008).

Colleen M. Flood, "Introduction" in Jocelyn Downie, Tim Caulfield & Colleen M. Flood, eds, *Canadian Health Law and Policy*, 3rd ed (Toronto: LexisNexis, 2007).

Colleen M. Flood & Michelle Zimmerman, "Judicious Choices: Health Care Resource Decisions and the Supreme Court" in Jocelyn Downie and Elaine Gibson, eds, *Health Law at the Supreme Court of Canada* (Toronto: Irwin Law, 2007). PR.

Colleen M. Flood, Mark Stabile & Carolyn Tuohy, "What is In and Out of Medicare? Who Decides?" in Timothy Jost, ed, *Readings in Comparative Health Law & Bioethics*, 2nd ed (Durham, NC: Carolina Academic Press, 2007).

Colleen M. Flood, "*Chaoulli's* Legacy for the Future of Canadian Health Care Policy" in Bruce Campbell and Greg Marchildon, eds, *Medicare: Facts, Myths, Problems, Promise* (Toronto: James Lorimer & Company Ltd., 2007).

Colleen M. Flood, Mark Stabile and Carolyn Tuohy, "What is In and Out of Medicare? Who Decides?" in Colleen M. Flood, ed, *Just Medicare: What's In, What's Out, How We Decide* (Toronto: University of Toronto Press, 2006). PR.

Colleen M. Flood, Mark Stabile & Sasha Kontic, "Finding Health Policy Arbitrary: The Evidence on Waiting, Dying, and Two-Tier Systems" in Colleen M. Flood, Lorne Sossin & Kent Roach, *Access to Justice, Access to Care: The Legal Debate over Private Health Insurance* (Toronto: University of Toronto Press, 2005). PR.

Colleen M. Flood & Caroline Pitfield, "Section 7 'Safety Valves': Appealing Wait Times Within A One-Tier System" in Colleen M. Flood, Lorne Sossin & Kent Roach, *Access to Justice, Access to Care: The Legal Debate over Private Health Insurance* (Toronto: University of Toronto Press, 2005). PR.

## D. Articles

### *Select Published Articles*

Colleen M. Flood et al, "Restricting Private-Sector Practice Using Contracts" (2015) 187 *CMAJ* [forthcoming].

Colleen M. Flood, "Scoping the Iceberg: The Future of Public Involvement in Health Policy" (2015) *Health Economics, Policy and Law* [forthcoming].

Colleen M. Flood & Aeyal Gross, "Litigating the Right to Health: What Can We Learn from a Comparative Law and Health Care Systems Approach?" (2014) 16 *Health and Human Rights Journal* 54.

Colleen M. Flood & Bryan Thomas, "Putting Health to Rights: A Canadian View on Global Trends in Litigation Health Care Rights" (2014) 1 *Canadian Journal of Comparative and Contemporary Law*.

Colleen M. Flood & Trudo Lemmens, "Global Health Challenges & the Role of Law" (2013) 41(1) *Journal of Law, Medicine and Ethics*.

Colleen M. Flood & Patrick Dyke, "The Data Divide: Managing the Misalignment in Canada's Evidentiary Requirements for Drug Regulation and Funding" (2012) 45:2 *UBC Law Review*.

Colleen M. Flood & Kathryn May, "A Patient Charter of Rights: How to Avoid a Toothless Tiger and Achieve System Improvement" (2012) 14 *Canadian Medical Association Journal*.

Colleen M. Flood, "Canada's Unique Approach to Public/Private Divide and the Perils of Reform via a Court Challenge" (2012) 8: 2 *Public Policy Review*.

Y.Y. Brandon Chen & Colleen M. Flood, "Medical Tourism's Impact on Health Care Equity and Access in Low- and Middle-Income Countries: Making the Case for Regulation" (2013) 41(1) *Journal of Law, Medicine and Ethics*.

Colleen M. Flood & Bryan Thomas, "Canadian Medical Malpractice Law in 2011: Missing the Mark on Patient Safety" (2011) 86:3 *Chicago-Kent Law Review*. PR. 40

Colleen M. Flood, Bryan Thomas & Leigh Harrison-Wilson, "Cosmetic Surgery Regulation and Regulation Enforcement in Ontario" (2010) 36 *Queen's Law Journal*. PR.

Colleen M. Flood & Y.Y. Brandon Chen, "Charter Rights & Health Care Funding: A Typology of Canadian Health Rights Litigation" (2010) 19 *Annals of Health Law*. PR.

Colleen M. Flood, "The evidentiary burden for overturning government's choice of regulatory instrument: The case of direct-to-consumer advertising of prescription drugs" (2010) 60:2 *University of Toronto Law Journal*. PR.

Colleen M. Flood & Bryan Thomas, "Blurring of the Public/Private Divide: The Canadian Chapter" (2010) 17 *European Journal of Health Law*. PR.

Colleen M. Flood & Amanda Haugan, "Is Canada Odd?: A Comparison of European and Canadian

Approaches to Choice and Regulation of the Public/Private Divide in Health Care” (2010) 5 Health Economics, Policy and Law. PR.

Colleen M. Flood, “Is the Canadian System Right for the United States?” (2009) 34:4 Journal of Health Politics, Policy and Law. PR.

Colleen M. Flood & Lorian Hardcastle, “Tough Choices: The Private Sale of Drugs in Public Hospitals” (2010) 182:4 Canadian Medical Association Journal. PR

Colleen M. Flood & Sujith Xavier, “Health Care Rights in Canada: The *Chaoulli* Legacy” (2008) 27 International Journal of Law and Medicine. PR.

Colleen M. Flood, “*Chaoulli*: Political Undertows and Judicial Riptides” (2008) Health Law Journal (Special Edition). PR.

Colleen M. Flood & Lorian Hardcastle, “The Private Sale of Cancer Drugs in Ontario’s Public Hospitals: Tough Issues at the Public/Private Interface in Health Care” (2007) 1:1 McGill Health Law Publication. PR.

Lorne Sossin & Colleen M. Flood, “The Contextual Turn: Iacobucci’s Legacy and the Standard of Review in Administrative Law” (2007) 57:2 University of Toronto Law Journal. PR.

Colleen M. Flood, “*Chaoulli*’s Legacy for the Future of Canadian Health Care Policy” (2006) 44:2 Osgoode Hall Law Journal. PR.

Colleen M. Flood, “Just Medicare: The Role of Canadian Courts in Determining Health Care Rights and Access” (2005) 33:4 Journal of Law, Medicine and Ethics. PR.

## **E. Select Major Reports**

Colleen M. Flood & Bryan Thomas, “Long Term Care Financing in the Netherlands and Japan” (2013) Health Canada, Strategic Policy Branch.

Colleen M. Flood, Mark Stabile & Carolyn Tuohy, “Defining the Medicare Basket” (2007) Canadian Health Services Research Foundation.

Colleen M. Flood, Stefan Greß & Sasha Kontic, “Is Canada Odd? An examination of the Public/Private Divide in Six Countries” (2007) Ontario Ministry of Health and Long Term Care.

Colleen M. Flood & Tracey Epps, “The Ramifications of the NAFTA and GATS for Canada’s Health Care System”; (2002) Health Canada.

Colleen M. Flood, Mark Stabile & Carolyn Tuohy, “Lessons From Away: What Canada Can Learn From Other Health Care Systems” (2001) Standing Senate Committee on Social Affairs, Science And Technology.

## **F. Select Presentations at Meetings and Symposia**

### *Invited Presentations*



“Putting Health to Rights: A Global Comparative Study” – invited as a speaker in the Michael M. Davis Lecture Series at the School of Social Service Administration at the University of Chicago, 15 April 2014

“Health Human Rights Around the World” – presentation at the Harvard Human Rights Journal Colloquium, 11 April 2013, Harvard Law School

“Courts (and Government?) vs. Medicare” – presentation at the Senior Fellow’s Luncheon, 20 November 2013, Massey College

“Courts vs. Medicare” - presentation at the 9<sup>th</sup> Annual Canadian Undergraduate Conference on Healthcare, 15-17 November 2013, Queen’s University

“Health Human Rights – A Comparison of the Public/Private Divide” – Harvard Human Rights Program, April 11 2013, Cambridge.

“Canada’s Unique Approach to PHI and the Perils of Reform via a Court Challenge”, presented on my behalf by Hiroyuki Kawaguchi at “The Role and Function of Private Health Insurances” Hitotsubashi University, Tokyo Japan. February 27, 2012.

Presented “Is Canada Odd? European and Canadian Approaches to Choice and Regulation of the Public/Private Divide” at Victoria University, Wellington NZ. September 1, 2011.

Speaker at the “Health Care Rationing Conference” at Erasmus Observatory on Health Law (Erasmus University, Rotterdam) an international conference discussing health care rationing from a wide range of perspectives. December 9-10, 2010, Rotterdam, the Netherlands.

Presented “Canadian Medical Malpractice Law in 2011: Missing the Mark on Patient Safety Medical Malpractice Law in Canada” in Vienna at a conference entitled “Medical Malpractice Liability and Compensation from a Global Perspective”. December 2, 2010, Vienna, Austria.

Invited to Washington and Lee University to present a paper entitled “Charter Rights & Health Care Funding: A Typology of Canadian Health Rights Litigation”. October 4, 2010, Lexington, Virginia.

Keynote speaker at Knowledge Utilization Colloquium on Public Policymaking Environments. June 10, 2010, Halifax, Nova Scotia.

Presentation on “Is Canada Odd?” for The Petrie-Flom Centre for Health Law Policy, Biotechnology & Bioethics Workshop at Harvard Law School, Boston, Massachusetts, USA, 1 February, 2010.

### **G. Recent Conference & Seminar Organization**

2013 Organized the 2013 Annual Colloquium for the CIHR Training Program in Health Law, Ethics and Policy, Faculty of Law, University of Toronto.

2013 Provided support and direction for the organization of the annual Skills Workshop for the CIHR Training Program in Health Law, Ethics and Policy.

2013 Coordinated (with Lorne Sossin) a workshop on administrative law in Canada, focusing on *Administrative Law in Context* (2<sup>nd</sup> edition).

- 2012 Organized “Global Health Challenges & the Roles of Law”, the 2012 National Health Law Conference, University of Toronto.
- 2010 Organized a workshop on Health Rights at the Public/Private Intersection, Toronto, Ontario.
- 1999 -2010 Coordinated the Health Law and Policy Seminar Series at the Faculty of Law, University of Toronto.
- 2009 Co-organizer and speaker for Symposium in honour of Prof. Michael Trebilcock, Toronto, Ontario.

### **PART III: TEACHING**

#### **A. Courses**

- 2008-2011, 2013-2014 Comparative Health Systems Law & Policy (Intensive Course)
- 2013-2014 Public Health Law and Policy
- 2013-2014 Contemporary Issues in Health Law, Ethics & Policy
- 1998-2008 Health Systems Law and Policy
- 2000-2006, 2011-2012 Administrative Law
- 1998-2001 Regulated Industries
- 2006 Legislating and Litigating Health Care Rights Bridge Week
- 2002-2004, 2005-2010 Health Law and Policy Workshop