THE JOURNAL OF
LAW, MEDICINE & ETHICS

Volume 54:3 • Fall 2026

A Journal of the American Society of Law, Medicine & Ethics • www.aslme.org



316 **Regulatory Guidance for the Return of Raw Genomic Data to Research Participants: A Qualitative Interview Study**
Jane Louise Nielsen, Claire E. Wakefield, Rebekah McWhirter, Carolyn Johnston, Margaret Otlowski, Vanessa Tyrrell, Mark J. Cowley, Katherine M. Tucker, Ruth Lyons, and Anthony J. Gill

Independent Articles

263 **Body *and* Soul: How Neuroimaging Should Revise Tort Perspectives on PTSD**
Alexandra Midler

275 ***Commentary***
Commentary on "Body and Soul: How Neuroimaging Should Revise Tort Perspectives on PTSD"
Christopher Ogolla

278 **Beyond the Benefit of Doubt: Biases and Credibility in the Adjudication of Chronic Pain**
Rodrigo Deamo Assis, Steven P. Cohen, Hance Clarke, Nimish Mittal, and Mary-Ann Fitzcharles

290 **Ethical and Legal Dilemmas in Prolonged Physiologic Support after Brain Death in Previable Pregnancy**
April R. Dworetz, Allison M. Whelan, Ashley Waddell Tingstad, Kara B. Markham, and DonnaMaria E. Cortezzo

301 ***Commentary***
Commentary on "Ethical and Legal Dilemmas in Prolonged Physiologic Support After Brain Death in Previable Pregnancy"
Linda C. Fentiman

305 **Redefining Pain and Addiction: How Opioid Manufacturers Changed Medical Language to Foster Opioid Use**
Aidan Kaspari, Judy Butler, and Adriane Fugh-Berman

312 ***Commentary***
Should Medicine and Public Health Abandon the Opioid Industry's Terminology Surrounding Pain? An Argument for Conceptual Reclamation and Against Guilt-By-Provenance
Daniel Eisenkraft Klein

Plus more inside...

ISSN: 1073-1105

CAMBRIDGE UNIVERSITY PRESS

The Journal of Law, Medicine & Ethics (JLME): Material published in *The Journal of Law, Medicine & Ethics* (JLME) contributes to the educational mission of the American Society of Law, Medicine & Ethics (ASLME), covering public health, health disparities, patient safety and quality of care, and biomedical science and research, and more.

The Journal of Law, Medicine & Ethics is published by Cambridge University Press on behalf of the American Society of Law, Medicine & Ethics.

ISSN: 1073-1105

E-ISSN: 1748-720X

Copyright © 2026, the American Society of Law, Medicine & Ethics. All rights reserved. No portion of the contents may be reproduced in any form without written permission from the publisher.

Printed in the USA by The Sheridan Group

Editorial Office
Journal of Law, Medicine & Ethics, 765 Commonwealth Avenue, Suite 905, Boston, MA 02215 USA
Phone: 617-262-4990; Fax: 617-437-7596
E-mail: publications@aslme.org

Letters to the Editors: Comments on articles in the Journal should be addressed to the Editor at the editorial office or emailed to publications@aslme.org.

Submission Guidelines: For submission guidelines, please contact the editorial office at publications@aslme.org or go to cambridge.org/jlme/submit.

Supplements: Initial inquiries should be directed to the Editor at the editorial office or emailed to publications@aslme.org.

Subscribe or Recommend a Subscription to your Librarian: Go to cambridge.org/jlme/subscribe or email subscriptions_newyork@cambridge.org (in the USA, Canada or Mexico) or journals@cambridge.org (elsewhere).

Copyright and Permissions: To request permission for republishing, reproducing, or distributing material from this journal, please visit the desired article at cambridge.org/jlme and click "Rights & Permissions." For additional information, please see cambridge.org/about-us/rights-permissions.

Advertising and Reprints: Contact ad_sales@cambridge.org. Acceptance of advertising in this journal in no way implies endorsement of the advertised product or service by Cambridge University Press, the American Society of Law, Medicine & Ethics or the journal editor(s). We reserve the right to reject any advertising it deems as inappropriate for this journal.

Member Subscription Information: American Society of Law, Medicine & Ethics member inquiries, change of address, back issues, claims, and membership renewal requests should be addressed to Membership Director, American Society of Law, Medicine & Ethics, 765 Commonwealth Avenue, Suite 905, Boston, MA 02215; telephone: (617) 262-4990. Requests for replacement issues should be made within six months of the missing or damaged issue. Beyond six months and at the request of the American Society of Law, Medicine & Ethics, the publisher will supply replacement issues when losses have been sustained in transit and when the reserve stock permits.

Claims or Change of Address for Non-Members: Should be directed to subscriptions_newyork@cambridge.org (in the USA, Canada or Mexico) or journals@cambridge.org (elsewhere).

Discover the Entire JLME Back Archive: cambridge.org/jlme/read

THE JOURNAL OF

LAW, MEDICINE & ETHICS

VOLUME 54:3 • FALL 2026

EDITOR-IN-CHIEF
Aaron S. Kesselheim, M.D., J.D., M.P.H.

EXECUTIVE DIRECTOR
Katie Kenney Johnson, American Society of Law, Medicine & Ethics, USA

MANAGING EDITOR
Nicole Gustas

STUDENT EDITOR
Nathaneal Harvey-Friedmann

BOARD OF EDITORS

Jacob M. Appel, MD, MFA, MPH, MPhil
Icahn School of Medicine at Mount Sinai

Kiarash Aramesh, MD, PhD
The James F. Drane Bioethics Institute, PennWest University

Sydney A. Axson, PhD, MPH, MHS, RN
Pennsylvania State University

Leila Barraza, JD, MPH
University of Arizona, Mel and Enid Zuckerman College of Public Health

Benjamin A. Barsky, JD, PhD
UC Law San Francisco

Nir Ben-Moshe, PhD
University of Illinois Urbana-Champaign

Barbara Pfeffer Billauer, BS, JD
The Institute of World Politics

Lori Bruce, DPhil, HEC-C
Yale University

Daniel Buchman, MSW, PhD
Centre for Addiction and Mental Health

Anthony Ciolli, LLM, JD, MBE
Supreme Court of the Virgin Islands

Brietta Clark, JD
LMU Loyola Law School

Ellen Wright Clayton, MD, JD
Vanderbilt University School of Medicine

Carl H. Coleman, JD
Seton Hall University School of Law

Jonathan Crane, MPhil, PhD
Emory University

Parker Crutchfiled, PhD
Western Michigan University Homer Stryker M.D. School of Medicine

Peter DePergola, PhD, ThDc, MTS, HEC-C, CT
University of Massachusetts Chan Medical School — Baystate

Doron Dorfman, LLB, LLM, JSM, JSD
Seton Hall Law School

Jennifer Dvorak, PhD
Canterbury Christ Church University

Rachel Fabi, PhD
SUNY Upstate Medical University

William Feldman, MD, DPhil, MPH
David Geffen School of Medicine, University of California, Los Angeles

Linda C. Fentiman, JD, LLM
Elisabeth Haub School of Law, Pace University

Jill A. Fisher, PhD
University of North Carolina at Chapel Hill

Jacqueline Fox, JD, LLM
University of South Carolina

Ezra Gabbay, MD, MS, FACP
Weill Cornell Medicine

Lance Gable, JD, MPH
Wayne State University Law School

Rupali Gandhi, MD, JD
Advocate Children's Hospital

Jeremy Garrett, PhD
Children's Mercy Bioethics Center

Roy Gilbar, LLB, LLM, PhD
School of Law, Netanya Academic College, Israel

Al O. Giwa, LLB, MD, MBA, MBE
Cincinnati VAMC/University of Cincinnati College of Medicine

Melissa Goldstein, JD
George Washington University Milken Institute School of Public Health

Lawrence O. Gostin, JD, LLD (Hon.)
Georgetown University Law Center, Johns Hopkins University

Jed Adam Gross, JD, MPhil
University Health Network

Meghan Halley, PhD, MPH
Stanford University Center for Biomedical Ethics

Ann M. Heesters, PhD
University Health Network

Blake Hereth, PhD
Western Michigan University Homer Stryker, MD, School of Medicine

Laura Hermer, JD, LLM
Mitchell Hamline School of Law

James G. Hodge, Jr., JD, LLM
Sandra Day O'Connor College of Law, Arizona State University

Sharona Hoffman, JD, LLM, SJD
Case Western Reserve University School of Law

Dana Howard, PhD
The Ohio State University

Ana Smith Iltis, PhD
Wake Forest University

Louise King, MD, JD
Brigham and Women's Hospital

Peter Koch, PhD
Villanova University

Aaron Levine, MPhil, PhD
School of Public Policy, Georgia Tech

Abigail E. Lowe, PhD
College of Public Health, University of Nebraska Medical Center

Susanna Marinelli, JD, PhD
School of Law, Polytechnic University of Marche, Italy

Wendy K. Mariner, JD, LLM, MPH
Boston University School of Public Health

Matthew McCoy, PhD
University of Pennsylvania

Maxwell J. Mehlman, JD
Case Western Reserve University

Benjamin Mason Meier, JD, LLM, PhD
University of North Carolina — Chapel Hill

Eric M. Meslin, PhD
University of Toronto Dalla Lana School of Public Health

Somayeh Momenyan, PhD
University of British Columbia

E. Haavi Morreim, JD, PhD
University of Tennessee College of Medicine

Jean O'Connor, JD, MPH, DrPH
Econometrica, Inc.

Christopher Ogolla, MPH, JD, LLM
Barry University Dwayne O. Andreas School of Law

Anthony W. Orlando, PhD
California State University, Pomona

Efthimos Parasidis, JD, MBE, BA
Ohio State University

Wendy E. Parmet, JD
Northeastern University School of Law

Govind Persad, PhD, JD
Colorado Law, University of Colorado Boulder

Jordan Potter, PhD
Community Health Network

Marc A Rodwin, JD, PhD
Suffolk University Law School

Jason L. Schwartz, PhD, MBE
Yale School of Public Health

Scott Schweikart, JD, MBE
American Medical Association

Michael Sinha, JD, MPH
Saint Louis University School of Law

Hunter Jackson Smith, MPH, MBE
DoD Global Emerging Infections Surveillance Branch

Stephen W. Smith, JD, PhD
Univesity of Texas Rio Grande Valley

Daniel P. Sulmasy, OFM, MD, PhD
Georgetown University

Michael R Ulrich, JD, MPH
Boston University School of Public Health

Gvidas Urbonas, PhD
Lithuanian University of Health Sciences

Liza Vertinsky, PhD, JD
University of Maryland Francis King Carey School of Law

Steven D. Waldman, JD, MBA
Society for Pain Practice Management

Lindsay F. Wiley, JD, MPH
University of California — Los Angeles

Susan M. Wolf, JD
University of Minnesota Law School

Y. Tony Yang, ScD, LLM, MPH
The George Washington University

Ruqaiijah Yearby, MPH, JD
Moritz College of Law, The Ohio State University

Rocksheng Zhong, MD, MHS
University of Texas Medical Branch

THE JOURNAL OF

LAW, MEDICINE & ETHICS

Volume 54:3 • Fall 2026

Independent Articles

263 **Body *and* Soul: How Neuroimaging Should Revise Tort Perspectives on PTSD**
Alexandra Midler

275 ***Commentary***
Commentary on "Body and Soul: How Neuroimaging Should Revise Tort Perspectives on PTSD"
Christopher Ogolla

278 **Beyond the Benefit of Doubt: Biases and Credibility in the Adjudication of Chronic Pain**
Rodrigo Deamo Assis, Steven P. Cohen, Hance Clarke, Nimish Mittal, and Mary-Ann Fitzcharles

290 **Ethical and Legal Dilemmas in Prolonged Physiologic Support after Brain Death in Previable Pregnancy**
April R. Dworetz, Allison M. Whelan, Ashley Waddell Tingstad, Kara B. Markham, and DonnaMaria E. Cortezzo

301 ***Commentary***
Commentary on "Ethical and Legal Dilemmas in Prolonged Physiologic Support After Brain Death in Previable Pregnancy"
Linda C. Fentiman

305 **Redefining Pain and Addiction: How Opioid Manufacturers Changed Medical Language to Foster Opioid Use**
Aidan Kaspari, Judy Butler, and Adriane Fugh-Berman

312 ***Commentary***
Should Medicine and Public Health Abandon the Opioid Industry's Terminology Surrounding Pain? An Argument for Conceptual Reclamation and Against Guilt-By-Provenance
Daniel Eisenkraft Klein

316 **Regulatory Guidance for the Return of Raw Genomic Data to Research Participants: A Qualitative Interview Study**
Jane Louise Nielsen, Claire E. Wakefield, Rebekah McWhirter, Carolyn Johnston, Margaret Otlowski, Vanessa Tyrrell, Mark J. Cowley, Katherine M. Tucker, Ruth Lyons, and Anthony J. Gill

328 **Minding the Gap: The Absence of Pennsylvania's Involuntary Commitment Data**
Ari Gluckman, Michele Mekel, and Laura Cabrera

339 ***Commentary***
What We Don't Know Can Hurt: Ignorance Creation and Involuntary Commitment Data Initiatives
M. L. N. Kirby and Rocksheng Zhong

344 **Difficulties in Honoring Patient Requests for Hospice when Relying on Surrogate Decision-Makers: A Case Study**
Leigh Meyer, Lexi C. White, Mateo Moss, Mark N. Villanueva, Timothy J. Ingall, Richard V. Guthrie, Tyler Murphy, Lisa Trost, Beverly Frase, Christopher A. Collura, and Ellen C. Meltzer

348 ***Commentary***

Additional Ethical, Legal, and Social Considerations for Clinicians Navigating a Difficult Relationship with a Patient's Surrogate Decision-Maker
Megan S. Wright

352 **The Ethical Justifiability of Patient Restraint in Hospitals: Moving to a Public Health Ethics Approach**
Courtney Coyne and Rosalind McDougall

366 ***Commentary***

All Restrained Patients Are Not the Same
Jacob M. Appel

368 **Leveraging Artificial Intelligence and Natural Language Processing in Legal Epidemiology Studies: Opportunities and Challenges**
Regen Weber-Fares, Fallon Julia Cochlin, Snigdha Peddireddy, Mara Howard-Williams, Gregory Sunshine, Emily Ho, and Cason Daniel Schmit

377 **AI's Promise of Healthy Longevity: Exploring the Implications of Extended Lifespans Under International Law**
Jon Truby and Indira Dewi Kantiana

384 ***Commentary***

AI Longevity and the Law of Time Justice: A Commentary on Truby and Kantiana, "AI's Promise of Healthy Longevity: Exploring the Implications of Extended Lifespans Under International Law"
Y. Tony Yang

387 **Artificial Intelligence in Health Insurance: An Interagency Framework for Federal and State Oversight**
Renee Sirbu

397 **Prohibited AI Practices in Healthcare under the European Artificial Intelligence Act**
Hannah van Kolfschooten

407 ***Commentary***

New Ethical Frameworks for Health Care Are Needed to Reckon with the Expansion of AI
Lara Cartwright-Smith

Columns: Public Health and the Law

409 **Public Health Limits of Medical Freedom**
James Hodge Jr., Summer Ghaith, and Amirala S. Pasha

Columns: Global Health Law

414 **America First Bilateral Health Agreements Threaten to Undermine the Multilateral Global Health Order**
Sharifah Sekalala, Shajoe J. Lake, Allan Maleche, Maria Birungi, and Frank Ssekamwa

Columns: Health Policy Portal

417 **Industry Exposure in Medical Training: The Case for a Conflict-Free Learning Environment**
Joshua D. Hauser, Aaron Seth Kesselheim, and Rita Redberg

Columns: Currents in Contemporary Bioethics

420 **Assuring Data Authenticity in the Age of Generative AI**
Jeff J. H. Kim, Mohammad Hosseini, Haavi Morreim, C. K. Gunsalus, and David B. Resnik