

Timothy M. Westmoreland

EDUCATION

Yale Law School
Duke University

J.D.
B.A. (summa cum laude)

PROFESSIONAL EXPERIENCE

Georgetown University
Washington, DC

**Visiting Professor of Law and
Research Professor of Public Policy**
January 2002 to present
Senior Scholar
O'Neill Institute on Health Law
January 2007 to present

Teach about legislation and statutory interpretation, health law, and Federal budget process. Research and write on budget process and health policy (with support from the Robert Wood Johnson Foundation's "Investigator Award in Health Policy Research").

Office of Congressman Henry A. Waxman
U.S. House of Representatives
Washington, DC

Counsel, 2001

Served as professional staff to the Congressman on public health, regulatory, and health financing issues before the Energy and Commerce Committee and the Government Reform Committee. Worked on pharmaceutical patent and exclusivity issues, responses to bioterrorism, vaccine safety and injury compensation, and primary care for the uninsured.

Center for Medicaid and State Operations
Health Care Financing Administration
U.S. Department of Health and Human Services
Washington, DC, and Baltimore, MD

Director
October 1999-January 2001

Served as chief Federal official for the Medicaid Program, the Child Health Insurance Program (CHIP), and other Federal-State insurance and quality assurance activities. Directed activities providing health coverage to 35 million people, with annual program spending of over \$120 billion in Federal funds and staffing of 1,100 Federal employees. Responsible for operations and policy on all issues, including eligibility, services, quality, and financing. Developed regulations and administrative guidance on issues ranging from de-linking Medicaid from cash-assistance programs, simplification and expansion

of enrollment, services to people with disabilities and chronic illnesses, managed care and patient protections, and multi-billion-dollar financial abuses of the program.

Georgetown University Law Center
Federal Legislation Clinic
Washington, DC

Senior Policy Fellow
January 1995-October 1999

Taught and supervised students in clinical program to provide skills in legislative advocacy through work with public interest groups dealing with the Congress. Helped develop of a program of academic and applied study of legislative process and drafting. Director of the HIV Law and Policy Project, a seminar series on litigation and legislation regarding HIV/AIDS.

**Advisory Committee on Tobacco Policy and
Public Health**
David A. Kessler and C. Everett Koop, Co-
chairs
Washington, DC

Counsel
June 1997-October 1999

Conducted legal and policy analyses and drafted both interim and final reports for the committee, which was formed to develop a comprehensive public health policy toward tobacco. Presented analyses to committee, press, and public of proposed tobacco liability settlements and legislation.

Henry J. Kaiser Family Foundation
Menlo Park, CA

Senior Advisor
July 1997-October 1999

Advised the foundation on HIV/AIDS research and demonstration projects, including prevention and education, treatment, and financing studies. Prepared in-depth analyses of Federal spending on HIV/AIDS and convened meetings on emerging issues.

**Elizabeth Glaser Pediatric AIDS
Foundation**
Santa Monica, CA

Federal Affairs Representative
January 1995-October 1999

Advised the foundation on Congressional and legislative activities regarding pediatric and perinatal HIV/AIDS and served as a registered lobbyist on the foundation's behalf. Drafted legislation, regulations, testimony, and administrative comments on issues ranging from intellectual property and pharmaceuticals, health care finance for people with chronic illnesses and disabilities, and HIV prevention and treatment.

Subcommittee on Health and the Environment
(Congressman Henry A. Waxman, Chairman)
U.S. House of Representatives
Washington, DC

Counsel, 1987-1995
Assistant Counsel, 1980-1987
Special Assistant, 1979-1980

Conducted policy analysis, arranged oversight and legislative hearings, developed and drafted legislation, prepared committee reports on legislation, and was responsible for the general management of Subcommittee consideration of issues involving public health, reproductive health, biomedical research, biomedical ethics, and health regulation. Was principal staff on HIV/AIDS issues, disability, disease control (including vaccines and immunizations), poverty clinics, privacy, and health information systems. Wrote and edited materials on these topics, including articles for lay and professional press, legislative materials, and speeches for the Chairman.

Clinton-Gore Transition Team
Washington, DC

Public Health Policy Advisor
November 1992-January 1993

Reviewed Federal public health agencies and policies, wrote briefing memos and working papers, and proposed public health initiatives for the incoming administration.

School of Hygiene and Public Health
Johns Hopkins University
Baltimore, MD and Washington, DC

Associate
1994-1995

Taught graduate course on public health policy and health care finance, including issues in integration of public health goals into comprehensive health finance reform.

Guest lecturer

1984-present

Served as guest speaker for graduate programs in public health, medicine, law, political science, and journalism at such schools as the Columbia School of Journalism; the Georgetown Law Center, Public Policy Institute, and School of Nursing; the Harvard Kennedy School of Government; the Johns Hopkins School of Hygiene and Public Health; and the Yale School of Medicine, School of Public Health, School of Nursing, and Graduate School.

REPRESENTATIVE ADMINISTRATIVE WORK

Medicaid Managed Care: Final Rule (42 CFR Part 400, et seq.): Regulations to provide for patient protections, quality assurance, and due process for Medicaid beneficiaries enrolled in managed care organizations.

State Child Health Insurance Program: Final Rule (42 CFR Part 431, et seq.): Regulations implementing the first formal administrative framework for the State Child Health Insurance Program., including quality assurance and appeals.

Federal Financial Participation Limits for Payments to States under the Medicaid Program: Final Rule (42 CFR Part 435, et seq.): Regulations allowing for more expansive resources tests for eligibility in the Medicaid program (the so-called “1902(r)(2)” flexibility) for people with disabilities and senior citizens, estimated to provide additional eligibility equivalent to \$1 billion over the succeeding five years.

Revision to the Medicaid Upper Payment Limit Requirements: Final Rule (42 CFR 447): Regulations to close loophole allowing States to claim additional Federal matching payments funding without making additional State payments and without improvements in eligibility, benefits, or quality.

Administrative Guidance on Olmstead (a series of five letters to all State Medicaid Directors): Guidelines on Federal and State activities to improve the provision of health care services to people with disabilities in the most integrated setting possible (as per the Supreme Court ruling on the Americans with Disabilities Act in *Olmstead v. L.C.* (119 S. Ct. 2176 (1999))). (Letters found at <http://www.hcfa.gov/medicaid/olmstead/smdltrs.htm>.)

Administrative Guidance on Improving Enrollment of People Eligible for Medicaid (a series of letters to State Medicaid Directors): Guidance on de-linking the Medicaid program from cash assistance programs, on assuring ongoing eligibility of beneficiaries and reinstatement of those people inappropriately terminated, and on using simplified enrollment and quality control measures. (Letters found at <http://www.hcfa.gov/medicaid/smdhmpg.htm>.)

REPRESENTATIVE LEGISLATIVE WORK

Omnibus Budget Reconciliation Act of 1993, including provisions relating to the federal purchase of vaccines for poor and uninsured children (1993) and provisions relating to providing Medicaid eligibility to individuals who are infected with tuberculosis.

National Institutes of Health Revitalization Act, including provisions relating to biomedical research on transplantation of fetal tissue, the inclusion of women in clinical trials, and women's health research (1993).

Breast and Cervical Cancer Morbidity and Mortality Prevention Act, creating a program of grants for state mammography and cervical cancer screening programs for women with no source of payment (1991).

Ryan White CARE Act, creating a program of grants for cities and States to provide HIV counseling, testing, early intervention services and AIDS health care programs (1990).

National Vaccine Injury Compensation Act, creating a federal no-fault compensation system to compensate children with injuries relating to the administration of routine pediatric vaccines and to assure the continued manufacture and availability of domestic vaccines (1987).

Federal Family Planning Programs, reauthorizing and revising the “Title Ten,” federal family planning programs (1980-1995).

Food and Drug Administration Programs, reauthorizing and revising programs relating to regulation of prescription drugs and to the provision market incentives for the development of orphan drugs (1988-1995).

Centers for Disease Control and Prevention Programs, reauthorizing and revising programs relating to childhood immunization, infectious disease control, lead poisoning screening, and injury prevention (1980-1995).

PUBLICATIONS

Westmoreland, T., “Can We Get There from Here? Universal Health Insurance and the Congressional Budget Process” 96 **Georgetown L.J.** (2008) 523-538.

Westmoreland, T., “Standard Errors: How Budget Rules Distort Lawmaking” 95 **Georgetown L. J.** (2007) 1555-1610.

Westmoreland, T. and K. Watson, “Redeeming Hollow Promises: The Case for Mandatory Spending on Health Care for American Indians and Alaska Natives” **Am. J. of Public Health** (April 2006).

Westmoreland, T., “Health Policy and the Federal Budget” Kaiser Family Foundation: KaiserEDU Tutorials, February 2006 (available at <http://www.kaiseredu.org/tutorials/federalbudget/HPandFederalBudget.html>).

Folz, C. et al., “Health Policy Roundtable—Policy by Numbers: The Role of Budget Estimates and Scoring in Health Care Reform,” 40 **Health Services Research**, (2005) 347-360.

Westmoreland, T., “Inequities and Disparities: Federal Problems and Federal Solutions,” in **Sante, Minorites, Precarite: Approche Comparative France-U.S.A** (Douchez, M.-H. and J.P. Theron, eds.)(Universite Toulouse (2005)).

Mann, C., and T. Westmoreland, “Attending to Medicaid,” **J. Law, Medicine & Ethics** (2004) 32:3: 416-425.

Westmoreland, T., **Medicaid and HIV/AIDS Policy: A Basic Primer** (Kaiser Family Foundation, Menlo Park (1999) 174pp.)

Foster, S., A. Gregory, P. Niederhausen, D. Rapallo, and T. Westmoreland, **Federal HIV/AIDS Spending: A Budget Chartbook** (Kaiser Family Foundation, Menlo Park (1st Ed 1998, 2nd Ed. 1999, 4th Ed. 2002) 59 pp.)

Katz, R. and Westmoreland, T. eds, **Final Report of the Advisory Committee on Tobacco Policy and Public Health** (C. E. Koop and D.A. Kessler, co-chairs) (July 1997) 60 pp.

Westmoreland, T., "AIDS and Politics: Death and Taxes," **Bulletin of the N.Y. Acad. Med.** (Summer 1995) 72 (1 Suppl.): 273-82.

Westmoreland, T., "Managed Care, AIDS, and the Politics of Risk," **J. Acquir. Immune Def. Syndr. Hum. Retrovir.** (1995) 8 Suppl. 1: S7-10.

Westmoreland, T. "The Politics and Economics of AIDS," **J. Am. Acad. Dermatol.** (1990) 6 pt 2: 1303-5.

Westmoreland, T. "Political Reflections on AIDS and Developmental Disabilities," **Ment. Retard.** 1989 Aug; 27 (4): 203-6.

Westmoreland, T. "Health Policy in the Age of AIDS," in **AIDS: Public Policy Dimensions** (United Hospital Fund, New York (1986) 308 pp.) pp. x-x.

REPRESENTATIVE PRESENTATIONS

All Kids Count, a conference on immunization registries sponsored by the Carter Center and the Robert Wood Johnson Foundation, April 2000.

Alliance for Health Reform, "The *Olmstead* Decision Five Years Later: How Has It Affected Health Services and the Civil Rights of Individuals with Disabilities?" U.S. Congressional staff briefing, June 21, 2004.

Alliance for Health Reform, "Medicaid Flexibility: Quick Fix for the Uninsured?" a briefing at the National Press Club, August 28, 2001.

Alliance for Health Reform, U.S. Congressional staff briefing on health privacy, December 8, 1998.

American Enterprise Institute, International Pharmaceutical Markets: Value, Pricing, and Access, November 18, 2002.

American Public Health Association, Tobacco litigation and national legislation, November 17, 1998.

Association of Health Care Journalists, The impact of patient activism on health research and care, April 9, 2002.

Committee on Finance, U.S. Senate, "Medicaid Waste, Fraud and Abuse: Threatening the Health Care Safety Net," June 28, 2005.

Committee on the Elimination of Tuberculosis in the U.S., Institute of Medicine, National Academy of Sciences, June 8, 1999.

Committee on Immunization Finance Policies and Practices, Institute of Medicine, National Academy of Sciences, September 1999.

Committee on Perinatal Transmission of HIV, Institute of Medicine, National Academy of Sciences, February 11, 1998.

Committee on Public Financing of HIV Care, Institute of Medicine, National Academy of Sciences, February 21, 2002.

Commonwealth Fund, Task Force on the Future of Health Insurance, October 27, 2000.

Democratic Policy Committee, U.S. Senate, "An Oversight Hearing on Implementation of the Medicare Prescription Drug Benefit" (February 27, 2006).

Families USA and the Children's Defense Fund, Medicaid and SCHIP Waivers, September 21, 2001.

Forum for Collaborative HIV Research, Symposium on dissemination and evaluation of clinical practice guidelines for HIV, May 12, 1998.

HIV Law & Policy Study (Project Director), A colloquium series on HIV and the Americans with Disabilities Act and Medicaid litigation and legislation, April 1998, June 1998, October 1998.

Institute for International Research, Barriers to Generic Drug Approval, November 13, 2002.

Kaiser Family Foundation, U.S. Congressional staff briefing on financing HIV/AIDS care, October 27, 2000

Kaiser Family Foundation, National Press Club briefing on public opinion and the HIV/AIDS epidemic, October 13, 1999.

Kaiser Family Foundation, Music Television (MTV) briefing on HIV testing and young people, June 24, 1999.

Kaiser Family Foundation, Forum (Chair) on understanding the impact of new treatment on HIV testing, January 28-30, 1999.

National Association of Protection and Advocacy Systems, "Advocacy at the State Level: The Art of Legislative Drafting" (with Deven McGraw), May 29, 2003.

National Health Law Program, October 22, 1999, "The Future of Medicaid."

National Health Policy Forum, Forum on the Federal-State Medicaid match and aggregated upper payment limits, Friday, December 15, 2000.

National Institute on Mental Health, Conference on early detection of HIV, July 29, 1999.

National Public Radio, All Things Considered, "Medicaid Explained," April 10, 2002.

Robert Wood Johnson Policy Fellows Program, Institute of Medicine, Briefing on Federal Budget Process, annually 2002-2007.

Section on Intellectual Property, American Bar Association, "Using Intellectual Property to Combat Bioterrorism," April 15, 2005

Shanghai Academy of Social Sciences, HIV/AIDS Treatment Policy: Seven (plus One) Lessons From US Experience, December 15, 2004.

Numerous presentations in official capacity as director of the Medicaid and SCHIP program and as Congressional subcommittee counsel.

MEMBERSHIPS

National Academy of Social Insurance (August 2003 to present)

Summit Health Institute for Research and Education, Advisory Work Group on Racial and Ethnic Health Data and Disparities (a project of the Commonwealth Fund) (2001-2002).

Aaron Diamond AIDS Research Center, Board of Directors (1995-1999).

Centers for Disease Control and Georgetown University Law Center, Advisory Panel on a Model State Public Health Privacy Project (1997-1999).

Robert Wood Johnson Foundation, Advisory Panel on AIDS Health Services (1986-1988).

Duke University, Board of Trustees (1976-1979).

Phi Beta Kappa (1975-present).

FELLOWSHIPS AND SCHOLARSHIPS

Investigator Award in Health Policy Research

Robert Wood Johnson Foundation
Princeton, NJ

Georgetown University

2002-2005

“Rules over Policy: The Impact of the
Federal Budget Process on the
Modernization of American Public
Health”

Atlantic Fellowship in Public Policy

Commonwealth Fund
New York and
British Council
London

St. Mary’s Hospital Medical School

Imperial College
November 1996-January 1997
Comparative Pharmaceutical
Regulation: US, UK, EU

A.B. Duke Research Fellowship

Oxford Institute of Experimental Psychology

Oxford University
June-August 1975

A.B. Duke Scholarship

Duke University
1972-1976

National Merit Scholarship

Duke University
1972-1976

AWARDS

Award of Courage

American Foundation for AIDS Research

2002

Budget Battle

National Journal Online (Stan Collender)

2001

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| Secretary’s Award for Distinguished Service Department of Health and Human Service | 2001 |
| Administrator’s Award for Achievement Health Care Financing Administration | 2001 |
| Ryan White “Vision” Award Health Resources and Services Administration | 2000 |
| Special Award American Academy of Pediatrics | 1996 |
| Special Recognition Award National Association of Community Health Centers | 1995 |
| Congressional Staff Award National Family Planning and Reproductive Health Association | 1993 |

CONTACT INFORMATION

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