

**EMILY WHELAN PARENTO**

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**ACADEMIC APPOINTMENTS, FELLOWSHIPS, & GOVERNMENT EXPERIENCE**

**O'NEILL INSTITUTE FOR NATIONAL AND GLOBAL HEALTH LAW**

**GEORGETOWN UNIVERSITY LAW CENTER, Washington, DC**

*O'Neill Scholar*, July 2018-present

*Georgetown Law Scholar*, 2013-2015

*Law Fellow*, 2012-2013

*Research Assistant & Research Affiliate*, 2011-2012

**UNIVERSITY OF LOUISVILLE LOUIS D. BRANDEIS SCHOOL OF LAW, Louisville, KY**

*Assistant Professor of Law*

August 2019-July 2020

*Visiting Assistant Professor of Law*

July 2009 – June 2010

- Courses taught: Torts I, Administrative Law, Intro to Health Law, Issues in Food & Drug Law, Additional Health Law Courses
- Committees (2019-2020): Advising, Reinstatement & Probation; Strategic Planning; Law Library Personnel

**MCGEORGE SCHOOL OF LAW**

**UNIVERSITY OF THE PACIFIC, SACRAMENTO, CA**

*Associate Professor of Law, Gordon D. Schaber Health Law Scholar*

July 2015-July 2018

- Courses: Health Care Reform, Administrative Law, Public Health Law, Global Health Law
- Co-Director, Health Concentration
- Service: Faculty Appointments Committee, Teaching Methods Committee

**OFFICE OF HEALTH POLICY**

**CABINET FOR HEALTH & FAMILY SERVICES, Frankfort, KY**

*Executive Director*

May 2013-July 2015

Lead the Office of Health Policy (OHP), comprised of a staff of 10 individuals, which serves as the primary state government health policymaking hub for issues relating to health care and public health policy within the Commonwealth of Kentucky. Representative job functions included:

- Served as chief health policy advisor to the administration of Governor Steven L. Beshear.
- Oversaw the statewide Certificate of Need program, including development of the State Health Plan and Certificate of Need Modernization initiative.
- Managed health quality metric reporting based on state-mandated reporting to the Kentucky administrative claims database, housed in OHP; served as part of the Cabinet leadership team in development of an all-payer claims database.

- Lead the development of Kentucky’s State Innovation Model Design Award, a \$2 million “one per state” grant awarded by the Centers for Medicare & Medicaid Services.
- Oversaw development of the Medicaid Health Homes plan pursuant to Section 2703 of the Patient Protection & Affordable Care Act.
- Lead policy implementation and data analysis for Governor Beshear’s kyhealthnow initiative.
- Lead development of a state health workforce plan pursuant to the National Governors Association Policy Academy, *Building a Transformed Health Workforce*.
- Provided policy analysis to support Governor Beshear’s chairmanship of the National Governors Association HHS Committee.

## **EDUCATION**

### **GEORGETOWN UNIVERSITY LAW CENTER, Washington, DC**

LLM, *Global Health Law, with distinction* 2012  
 Dean’s List  
 CALI Award Recipient, Law and Healthy Lifestyles  
 Research Assistant to Professor Allyn L. Taylor

Juris Doctor, *magna cum laude* 2003  
 Executive Editor, *The Tax Lawyer*  
 Order of the Coif  
 Dean’s List 2000-2003  
 CALI Award Recipient, Tax Treatment of Charities

### **UNIVERSITY OF NOTRE DAME, Notre Dame, IN**

Bachelor of Business Administration, *magna cum laude, Finance, Art History* 2000  
 Dean’s List 1996-2000  
 Notre Dame Scholar  
 Notre Dame Chorale, Soloist, “Messiah” and “Creation” performances  
 London Program (Fall 1998)  
 Intramural tennis, campus champion (mixed doubles)

### **UNIVERSITY OF LOUISVILLE SCHOOL OF PUBLIC HEALTH, Louisville, KY**

Selected doctoral coursework, Public Health – Health Promotion 2008-2009  
*Selected coursework:* Biostatistics, Epidemiological Methods,  
 Theoretical Basis for Health Promotion, Community-Based Participatory  
 Research, Health Communications Campaigns

## **PROFESSIONAL EXPERIENCE**

### **DAVIS POLK & WARDWELL, New York, NY and Menlo Park, CA**

*Litigation Associate* 2003-2005

#### Representative Matters

- *Securities Litigation:* Member of team representing Oracle Corporation in litigation in Delaware Chancery Court arising from Oracle's unsolicited tender offer for PeopleSoft; work included preparation for and second chair at numerous depositions, second chair at trial for a witness, comprehensive trial preparation, and writing portions of multiple

briefs. Oracle acquired PeopleSoft in January 2005 in a deal valued at approximately \$10 billion.

- *Shareholder Litigation:* Member of team representing The Robert Mondavi Corporation and its directors in Napa Superior Court in shareholder litigation arising from the company's merger with Constellation Brands, Inc., including a hearing in which Mondavi and its directors prevailed against plaintiffs' motion for a preliminary injunction to halt a merger valued at approximately \$1 billion.
- *Antitrust:* Managed response to subpoena from the Federal Trade Commission regarding an antitrust investigation of client's use of level playing field provisions in franchise agreements. Work included preparation for and attendance at meeting with the Commission, drafting a letter brief in opposition to subpoena, and managing document production in response to subpoena.

**THE HON. JOHN G. HEYBURN II, UNITED STATES DISTRICT COURT**

Western District of Kentucky, Louisville, KY

Former Chair, Judicial Panel on Multidistrict Litigation

*Law Clerk*

2005-2006

**STITES & HARBISON PLLC, Louisville, KY**

*Litigation Associate*

2006-2008

Representative Matters

- *Commercial Arbitration:* Represented industrial manufacturer in arbitration in which client sought damages as result of defendant's breach of exclusive marketing agreement and fraud; week-long arbitration resulted in judgment for client on the majority of claims.
- *Partnership Litigation:* Represented managing partner of limited partnership in litigation arising from a control dispute between general partners; drafted multiple motions and briefs, including appellate brief, and successfully argued motion for judgment on the pleadings.

**COLON CANCER PREVENTION PROJECT, Louisville, KY**

*Executive Director*

2008-2009

- Concurrently with doctoral coursework at University of Louisville School of Public Health, managed nonprofit organization dedicated to eliminating preventable colon cancer through increasing screening rates in Kentucky.
- Activities included review of relevant research and policy papers, membership on multiple statewide committees dedicated to creating a business plan and securing funding for the Kentucky Colon Cancer Screening Program, coordination of fundraising activities, website management, budget preparation, and volunteer efforts.

**PARENTO GROUP**

*Owner*

2020-present

- Provide health policy consulting to independent clients.

## **BAR ADMISSIONS**

New York (2004); California (2006) (inactive); Kentucky (2007)

## **PUBLICATIONS**

### LAW REVIEWS

*Certificate of Need in the Post-Affordable Care Act Era*, 105 KY. L. J. 201 (2017) (lead article)

Allyn L. Taylor, Emily Whelan Parento, and Laura Schmidt, *The Increasing Weight of Regulation: Countries Combat the Global Obesity Epidemic*, 90 INDIANA L. J. 257 (2015)

Emily Whelan Parento and Lawrence O. Gostin, *Better Health, But Less Justice: Widening Health Disparities After National Federation of Independent Business v. Sebelius*, 27 NOTRE DAME J.L. ETHICS & PUB. POL'Y 481 (2013)

*Health Equity, Healthy People 2020, and Coercive Legal Mechanisms as Necessary for the Achievement of Both*, 58 LOY. L. REV. 655 (2012)

*Allowing Sales Between Related Parties In Closely Held Corporations To Evidence Fair Market Value: A Departure From The Norm In Morrissey v. Commissioner*, 56 TAX LAW. 347 (2002)

### ADDITIONAL PUBLICATIONS

Hahn, E. J., Ickes, M. J., Wiggins, A., Kay Rayens, M., Polivka, B. J., & Whelan Parento, E. (2019). *Short- and Long-Term Effects of a Tobacco-Free Executive Order on Employee Tobacco Use*. POLICY, POLITICS, & NURSING PRACTICE, 20(2), 74–81. <https://doi.org/10.1177/1527154419833174>

*Supporting Rural Health: Practical Solutions for State Policymakers*, Milbank Memorial Fund Issue Brief (2019)

Opinion, “Kentucky must provide stability in our Medicaid program,” Courier-Journal (July 5, 2018) (with Nicole Huberfeld, Boston University)

Opinion, “Kentucky’s Medicaid work waiver bad for people and goes beyond law’s intent,” Courier-Journal (January 25, 2018) (with Nicole Huberfeld, Boston University)

Opinion, “Health Care Rhetoric vs. Reality,” Courier-Journal (March 20, 2017) (with Nicole Huberfeld, University of Kentucky)

Nirav B. Patel, MD, MS, JD; Mena Arsalai, JD; Thomas R. Stevenson, MD; Emily W. Parento, JD, LL.M.; Lee L.Q. Pu, MD, PhD, *The Plastic Surgeon as Employee*, *Plast Reconstr Surg Glob Open*. 4(9 Suppl): 36-37 (Sept 2016)

Opinion, “Kentucky’s Health Gains are Real, and Worth Defending,” Courier-Journal (Feb. 5, 2016); Lexington Herald-Leader (February 8, 2016)

Opinion, “Results don’t lie, Medicaid expansion benefits Kentucky,” Lexington Herald-Leader (Jan. 7, 2016)

Opinion, “Medicaid Expansion Benefits are Clear; Former Director Says” Courier-Journal (Jan. 6, 2016)

*The Affordable Care Act and the Need for Public Health Leadership*, 44 HASTINGS CTR. REP. 7 (2013).

Emily Whelan Parento & Lawrence O. Gostin, O’Neill Institute for National and Global Health Law, Briefing No. 7, *The Supreme Court’s Landmark Decision on the Affordable Care Act; Healthcare Reform’s Fate Remains Uncertain* (July 9, 2012), Georgetown Public Law Research Paper No. 12-092, available at [ssrn.com/author=1769077](http://ssrn.com/author=1769077).

Emily Whelan Parento & Lawrence O. Gostin, O’Neill Institute for National and Global Health Law, Blog, *The Supreme Court Upholds the Affordable Care Act: The Individual Mandate is a Tax. States Have a Choice Whether to Expand Medicaid* (June 30, 2012), available at [www.oneillinstituteblog.org](http://www.oneillinstituteblog.org).

Draft Chapter Author, “Overview of Federal Transfer Taxes,” FLORIDA ESTATES AND PROBATE PRACTICE GUIDE (Matthew Bender 2006)

*Menu Labeling Laws – Sweeping The Nation?*, First Movers (February 12, 2009), available at <http://firstmovers.blogspot.com/>

#### WORKS-IN-PROGRESS

*Relitigating the Right to Health* (with Lawrence O. Gostin)

*Section 1115 Demonstration Waivers and Medicaid Expansion: A Second Bite at the Apple?*

*Impact of Kentucky Governor Beshear’s Tobacco-Free Executive Order* (co-authored with Ellen J. Hahn, et al, University of Kentucky)

*Recognition of the Right to Education and the Right to Health(care): Compulsory Participation as a Common Element* (working title)

#### **SELECTED PRESENTATIONS, LECTURES, AND LEGISLATIVE TESTIMONY**

##### **GEORGETOWN UNIVERSITY LAW CENTER**

WASHINGTON, D.C.

OCTOBER 2019

*Moderator: The Affordable Care Act 10 Years On* (with Abbe Gluck, M. Gregg Bloche, David Hyman, Dayna Bowen Matthew)

Law Journal Symposium: Law and the Nation’s Health

##### **UNIVERSITY OF ILLINOIS COLLEGE OF LAW**

CHAMPAIGN, IL

OCTOBER 2019

*Universal Healthcare in the U.S.*

Federalist Society Debate with Michael Cannon (Cato Institute)

##### **UNIVERSITY OF THE PACIFIC MCGEORGE SCHOOL OF LAW**

SACRAMENTO, CA

APRIL 2019

*Emerging Consensus for Legal Action on Pharmaceutical Pricing?*

McGeorge School of Law Global Center Conference: *Changing Regulation of Pharmaceuticals: Issues in Pricing, Intellectual Property, Trade and Ethics*

**O'NEILL INSTITUTE FOR NATIONAL AND GLOBAL HEALTH LAW**

GEORGETOWN UNIVERSITY LAW CENTER

WASHINGTON, DC

June 2018

Panelist, *State and Local Health Care and Public Health Reforms in Response to Shifting Federal Policies: Health Justice Perspectives*

**AM. SOC. OF LAW, MEDICINE & ETHICS: HEALTH LAW PROFESSORS CONFERENCE**

ATLANTA, GA

June 2017

Plenary Panelist, *The Future of Medicaid, Part 1: Struggling for the Soul of Medicaid*

**AMERICAN CONSTITUTION SOCIETY, LOUISVILLE, KY CHAPTER**

April 2017

*The Future of Health Care Reform*

**MCGEORGE SCHOOL OF LAW CAPITAL CENTER: EXECUTIVE TRAINING**

March 2017

*The Future of Health Care Reform*

**PACIFIC LAW REVIEW SYMPOSIUM: REGULATING MARIJUANA AT HOME AND ABROAD**

March 2017

*Marijuana and Health Policy*

**SACRAMENTO COUNTY BAR ASSOCIATION, HEALTH LAW SECTION**

November 2016

*The Future of Health Care Reform*

**FOUNDATION FOR A HEALTHY KENTUCKY HOWARD L. BOST FORUM**

September 2016

Featured Speaker

*Health as an Economic Driver: Medicaid Expansion in Kentucky*

**KENTUCKY GENERAL ASSEMBLY INTERIM JOINT COMMITTEE ON HEALTH AND WELFARE**

July 2016

*Section 1115 Demonstration Waivers and Medicaid Expansion: Evaluation Considerations*

**KENTUCKY HOUSE TASK FORCE ON VULNERABLE KENTUCKIANS**

July 2016

*Section 1115 Demonstration Waivers and Medicaid Expansion: A Framework for Consideration*

**AM. SOC. OF LAW, MEDICINE & ETHICS: HEALTH LAW PROFESSORS CONFERENCE**

BOSTON, MA

June 2016

*Section 1115 Demonstration Waivers and Medicaid Expansion: A Framework for Consideration*

**BELOTE LECTURE SERIES**

MCGEORGE SCHOOL OF LAW

SACRAMENTO, CA

December 2015

Moderator, *Mobilizing Markets and Social Innovation for Health: The Clinton Foundation Experience*

**ETHICAL PRICING DECISIONS IN HEALTHCARE SYMPOSIUM**

MCGEORGE SCHOOL OF LAW

SACRAMENTO, CA

September 2015

Program Moderator

Panel Moderator, *Legal Restrictions on Pricing Decisions*

**GEORGIANS FOR A HEALTHY FUTURE, HEALTHCARE UNSCRAMBLED LEGISLATIVE BREAKFAST**

ATLANTA, GA

January 2015

Featured Speaker and Panelist

*Medicaid Expansion and its Impact on the Commonwealth of Kentucky*

**NATIONAL ACADEMY FOR STATE HEALTH POLICY**

CHICAGO, IL

August 2014

Invited Participant (Full Scholarship Recipient)

*Using Research to Inform Policy Decision-Making: A Roadmap for State Policymakers*

**O'NEILL INSTITUTE FOR NATIONAL AND GLOBAL HEALTH LAW**

GEORGETOWN UNIVERSITY LAW CENTER

WASHINGTON, DC

July 2014

Featured Speaker

*Summer Program: U.S. Health Reform – the Affordable Care Act*

**NCSL/ASTHO STATE TEAM MEETING**

ATLANTA, GA

March 2014

Member, Kentucky State Team (6-person team, incl. 4 legislators & Public Health Commissioner)

*Cost-Effective Strategies in Public Health: The 'Winnable Battles' Initiative*

**NORTON HEALTH EQUITY SUMMIT**

LOUISVILLE, KY

April 2014

Featured Speaker & Panelist

*Health Policy and Health Equity in the Affordable Care Act Era*

**AMERICA'S HEALTH INSURANCE PLANS, NATIONAL HEALTH POLICY CONFERENCE**

WASHINGTON, DC

March 2014

Featured Speaker & Panelist

*Health Policy in the Affordable Care Act Era*

**KAISER FAMILY FOUNDATION & SATCHER HEALTH LEADERSHIP INSTITUTE**

ATLANTA, GA

March 2014

Invited Participant

*Roundtable Discussion: Health Disparities in the South*

**KENTUCKY CANCER CONSORTIUM, FRANKFORT, KY**

October 2013

Panelist

*The Affordable Care Act and its Implications for Cancer Control in Kentucky*

**SUMMER FOOD LAW WORKSHOP**

UNIVERSITY OF COLORADO LAW SCHOOL, BOULDER, CO

June 2012

Invited Participant

*The Local Food Movement and International Trade Law: Can the Two be Reconciled?*

**O'NEILL INSTITUTE FOR NATIONAL AND GLOBAL HEALTH LAW**

GEORGETOWN UNIVERSITY LAW CENTER, WASHINGTON, DC

*Fellows Workshop*

January 2012

Presentation to Fellows and Selected Faculty

*Health Equity, Healthy People 2020, and Coercive Legal Mechanisms as Necessary for the Achievement of Both*

**GLOBAL HEALTH LAW LECTURES**

GEORGETOWN UNIVERSITY LAW CENTER, WASHINGTON, DC

October 2012

Invited Lecturer to JD/LLM Global Health Law Course

*Health and Human Rights*

GEORGETOWN UNIVERSITY LAW CENTER, WASHINGTON, DC

January 2013

Invited Lecturer to University-Wide Global Health Law Course

*Health Equity, Social Determinants of Health, and Global Health Justice*

UNIVERSITY OF KENTUCKY SCHOOL OF PUBLIC HEALTH, LEXINGTON, KY

April 2015

Invited Lecturer to Public Health Law course

*The Increasing Weight of Regulation: Countries Combat the Global Obesity Epidemic*

**CIVIC INVOLVEMENT**

**GOVERNOR ANDY BESHEAR TRANSITION TEAM**

*Co-Chair, Cabinet for Health and Family Services*

November-December 2019

**HILLARY FOR AMERICA**

Health Care Policy Working Group

*Invited Participant*

December 2015-November 2016



**ALCOHOL JUSTICE (FORMERLY THE MARIN INSTITUTE)**

San Rafael, CA

January 2014-October 2015

*Board Member*

**MILBANK MEMORIAL FUND, REFORMING STATES GROUP**

September 2013-July 2015

*Member*

Represent Kentucky in the Reforming States Group, which is a nonpartisan organization formed in 1992 of senior executive and legislative leaders from more than forty states and provinces.

**LOUISVILLE METRO BOARD OF HEALTH**

October 2013-July 2015

*Steering Committee Member, Affordable Care Act Implementation in Louisville, KY*

*Evaluation and Outcomes Subcommittee; Workforce Subcommittee*

Represent the Cabinet for Health & Family Services as a member of the Board's Steering Committee, which guides its initiative surrounding implementation of the Affordable Care Act in Louisville, KY.

February 2008 – September 2010

*Volunteer*

Served as chief of staff to Board Chairman William Altman. Activities included participating in Board's strategic planning process, assisting in development of letters and editorials addressing current public health concerns in Metro Louisville, and working with Chairman Altman to develop the Board's initiatives regarding obesity, including work on a citywide initiative in support of a ban on artificial trans fat.

**LOUISVILLE METRO DEPARTMENT OF HEALTH**

October 2008 – September 2010

*Member, Trans Fat Planning Committee; Founder, Trans Fat Free Louisville*

As the only committee member who was a non-employee of Louisville Metro Government, worked with the Department to develop an initiative addressing artificial trans fat consumption in Metro Louisville. In connection with the initiative, created the website [transfatfreelouisville.com](http://transfatfreelouisville.com), which is intended to be a resource for both consumers and businesses.

**LOUIS D. BRANDEIS INNS OF COURT**

2008-2010

*Associate Member*