

Benjamin J. McMichael

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PRIMARY ACADEMIC APPOINTMENT

The University of Alabama School of Law	
Jere L. Beasley Professor of Law	2025 – Present
Director of Interdisciplinary Legal Studies	2023 – Present
Associate Professor of Law	2021 – 2025
Assistant Professor of Law	2018 – 2021

EDUCATION

Ph.D. , Law & Economics, Vanderbilt University	2015
University Graduate Fellow	
J.D. , Vanderbilt University Law School	2015
Order of the Coif	
Articles Editor, VANDERBILT LAW REVIEW	
B.S. , <i>summa cum laude</i> , Mathematical Economics, Wake Forest University	2009
Phi Beta Kappa (junior election)	
Departmental Honors	

CLERKSHIP

Hon. Carolyn D. King, United States Court of Appeals for the Fifth Circuit	2015 – 2016
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SELECTED PUBLICATIONS

Law Reviews

A Constitutional Accounting of the False Claims Act, 79 VANDERBILT LAW REVIEW (forthcoming 2026) (with Mackenzi N. Barrett & W. Kip Viscusi).

The Future of Frozen Embryos, 78 SMU LAW REVIEW 789–826 (2025) (with Clare Ryan).

A Constitutional False Claims Act, 102 WASHINGTON UNIVERSITY LAW REVIEW 677–750 (2025) (with Mackenzi N. Barrett & W. Kip Viscusi).

Inequitable Organ Allocation, 58 UC DAVIS LAW REVIEW 1–110 (2024).

Reproductive Objectification, 108 MINNESOTA LAW REVIEW (2024) 2493–2560 (with Meghan Boone).

Bringing Predictability to the Chaos of Punitive Damages, 54 ARIZONA STATE LAW JOURNAL 471–525 (2022) (with W. Kip Viscusi).

Stealing Organs?, 97 INDIANA LAW JOURNAL 135–201 (2022).

Socially Distant Healthcare, 96 TULANE LAW REVIEW 423–468 (2022) (with Allyson Gold and Alicia Gilbert).

The Access-to-Care Epidemic, 56 WAKE FOREST LAW REVIEW 547–607 (2021).

State-Created Fetal Harm, 109 GEORGETOWN LAW JOURNAL 475–522 (2021) (with Meghan Boone).

Insuring Apologies, 48 FLORIDA STATE UNIVERSITY LAW REVIEW 651–718 (2021).

Contaminated Relationships in the Opioid Crisis, 72 HASTINGS LAW JOURNAL 827–870 (2021) (with Elissa Philip Gentry).

Occupational Licensing and the Opioid Crisis, 54 UC DAVIS LAW REVIEW 887–966 (2020).

Healthcare Licensing and Liability, 95 INDIANA LAW JOURNAL 821–881 (2020).

Sorry is Never Enough: How State Apology Laws Fail to Reduce Medical Malpractice Liability Risk, 71 STANFORD LAW REVIEW 341–409 (2019) (with R. Lawrence Van Horn and W. Kip Viscusi).

Taming Blockbuster Punitive Damages Awards, 2019 UNIVERSITY OF ILLINOIS LAW REVIEW 171–221 (with W. Kip Viscusi).

The Failure of “Sorry”: An Empirical Evaluation of Apology Laws, Health Care, and Medical Malpractice, 22 LEWIS & CLARK LAW REVIEW 1199–1281 (2019).

Peer-Reviewed Economic and Law Journals

Sharing is Caring: Eliminating Geographic Boundaries in Organ Allocation, 13 AMERICAN JOURNAL OF HEALTH ECONOMICS (forthcoming 2026).

The Impact of Nurse Practitioner Scope-of-Practice Laws on Preventable Hospitalizations, 103 JOURNAL OF HEALTH ECONOMICS 1–21 (2025).

Scope-of-Practice Laws and the Practice Patterns of Nurse Practitioners and Physician Assistants, 43 CONTEMPORARY ECONOMIC POLICY 9–30 (2025).

Supply-Side Health Policy: The Impact of Scope-of-Practice Laws on Mortality, 222 JOURNAL OF PUBLIC ECONOMICS 1–20 (2023).

Responses to Liability Immunization: Evidence from Medical Devices, 17 JOURNAL OF EMPIRICAL LEGAL STUDIES 789–819 (2020) (with Elissa Philip Gentry).

The Impact of Cannabis Access Laws on Opioid Prescribing, 69 JOURNAL OF HEALTH ECONOMICS 1–18 (2020) (with R. Lawrence Van Horn and W. Kip Viscusi).

Shifting Liability with Licensing: An Empirical Analysis of Medical Malpractice and Scope-of-Practice Laws, 12 JOURNAL OF TORT LAW 213–253 (2019).

Beyond Physicians: The Effect of Licensing and Liability Laws on Nurse Practitioners and Physician Assistants, 15 JOURNAL OF EMPIRICAL LEGAL STUDIES 732–771 (2018).

The Demand for Healthcare Regulation: The Effect of Political Spending on Occupational Licensing Laws, 84 SOUTHERN ECONOMIC JOURNAL 297–316 (2017).

The Punitive Damages Calculus: The Differential Incidence of State Punitive Damages Reforms, 84 SOUTHERN ECONOMIC JOURNAL 82–97 (2017) (with W. Kip Viscusi).

Shifting the Fat-Tailed Distribution of Blockbuster Punitive Damages Awards, 11 JOURNAL OF EMPIRICAL LEGAL STUDIES 350–377 (2014) (with W. Kip Viscusi).

Peer-Reviewed Medical and Health Policy Journals

The relationship between ambulatory sensitive conditions and nurse practitioner scope-of-practice laws, 17 JOURNAL OF NURSING REGULATION (forthcoming 2026).

Nurse Practitioner Scope-of-Practice Laws and Preventable Pediatric Hospitalizations, 83 MEDICAL CARE RESEARCH AND REVIEW (forthcoming 2026).

Impact of Fentanyl Test Strips as Harm Reduction for Drug-Related Mortality, 82 MEDICAL CARE RESEARCH AND REVIEW 240–251 (2025) (with David Mitchell and Moiz Bhai).

Maximizing the Potential Value of the Nursing Workforce, 71 NURSING OUTLOOK 1–6 (2024) (with Sharon Pappas et al.).

Toward a Uniform Classification of Nurse Practitioner Scope of Practice Laws, 80 MEDICAL CARE RESEARCH AND REVIEW 444–454 (2023) (with Sara Markowitz) [Chosen by editorial board as 2023 Article of the Year].

Antidepressants Are the Most Commonly Discontinued Psychotherapeutic Medications in Pregnancy, 32 WOMEN'S HEALTH ISSUES 241–250 (2022) (with Hayley D. Germack et al.).

Nurse Practitioner Scope-of-Practice Laws and Opioid Prescribing, 99 MILBANK QUARTERLY 721–745 (2021).

Association of State Legislation and Industry Compensation to Orthopaedic Residents: A Three-Year Review of the CMS Open Payments Database, 28 JOURNAL OF THE AMERICAN ACADEMY OF ORTHOPAEDIC SURGEONS 1020–1028 (2020) (with Bradley W. Wills et al.).

Open Payments Reporting of Industry Compensation for Orthopedic Residents, 77 JOURNAL OF SURGICAL EDUCATION 1632–1637 (2020) (with Adam M. Almaguer et al.).

The Association of Nurse Practitioner Scope-of-Practice Laws with Emergency Department Use: Evidence from Medicaid Expansion, 57 MEDICAL CARE 362–368 (2019) (with Joanne Spetz and Peter I. Buerhaus).

Public Attitudes toward Contemporary Issues in Liver Allocation, 19 AMERICAN JOURNAL OF TRANSPLANTATION 1212–1217 (2019) (with Heather O'Dell et al.).

The Extra-Regulatory Effect of Nurse Practitioner Scope-of-Practice Laws on Physician Malpractice Rates, 75 MEDICAL CARE RESEARCH AND REVIEW 312–326 (2018) (with Barbara J. Safriet and Peter I. Buerhaus).

Book Chapters

Negligence, Intentional Torts, Professional Liability, and Medical Malpractice, in LAWS OF MEDICINE (Amirala Pasha ed., 2022).

The Economic Context of Nursing Practice in the United States, in FINANCIAL AND BUSINESS MANAGEMENT FOR THE DOCTOR OF NURSING PRACTICE (KT Waxman ed., 2022) (with Joanne Spetz).

Short Academic Works

Nurse Practitioner Entrepreneurs—An Untapped Primary Care Lifeline, 7 JAMA HEALTH FORUM (Jan. 16, 2026) (with Monica O'Reilly-Jacob, Betty Rambur, and Jennifer Perloff).

Developing Safe Harbors to Address Malpractice Liability and Wasteful Health Care Spending, 4 JAMA HEALTH FORUM (Nov. 22, 2023) (with James F. Blumstein and Alan B. Storrow).

Constraints on Medical Liability Through Malpractice Safe Harbors, 1 JAMA HEALTH FORUM (Aug. 14, 2020) (with James F. Blumstein and Alan B. Storrow).

COVID-19 and State Medical Liability Immunity, HEALTH AFFAIRS FOREFRONT (May 14, 2020) (with John R. Lowry et al.).

Are PAs and NPs Interchangeable, 32 JOURNAL OF THE AMERICAN ACADEMY OF PHYSICIAN ASSISTANTS 16–17 (2019) (with Roderick S. Hooker).

The Integrity of MACRA May Be Undermined By “Incident To Billing” Coding, HEALTH AFFAIRS FOREFRONT (January 8, 2018) (with Peter Buerhaus et al.).

Worried About Malpractice?, 29 JOURNAL OF THE AMERICAN SOCIETY OF ECHOCARDIOGRAPHY 1161–1162 (2016) (with Ben Byrd and Jim Cooper).

OTHER ACADEMIC APPOINTMENTS

New York University School of Law Visiting Professor of Law (mini-visit)	2025 – 2026
University of Alabama at Birmingham School of Nursing Associate Professor of Nursing (voluntary appointment)	2022 – Present
Vanderbilt University Law School Research Assistant Professor Law (summers only)	2018 – 2025
Owen Graduate School of Management, Vanderbilt University Postdoctoral Scholar (Healthcare Area)	2016 – 2018

TEACHING

The University of Alabama

Courses

Health Care Law: Spring 2022, Spring 2023, Spring 2024, Spring 2025, Spring 2026
Insurance Law: Spring 2019, Spring 2020, Spring 2021, Fall 2022, Spring 2025
Introduction to the Study of Law: Fall 2020, Fall 2021
Products Liability: Spring 2021, Spring 2024, Spring 2026
Torts: Fall 2018, Fall 2019, Fall 2020, Fall 2021, Fall 2022, Fall 2023, Fall 2024, Fall 2025

Awards

Outstanding Faculty Member Award: 2021, 2025
Member of faculty hooding team: 2021, 2022, 2023, 2024, 2025 (chosen by graduating class)

Vanderbilt University

Courses

Health Care Law and Regulation: Spring 2017
Managerial Economics: Fall 2017

REVIEWER SERVICE

AMERICAN JOURNAL OF HEALTH ECONOMICS; AMERICAN JOURNAL OF MANAGED CARE; AMERICAN JOURNAL OF PREVENTATIVE MEDICINE; AMERICAN JOURNAL ON ADDICTIONS; AUSTRALIAN JOURNAL OF ADVANCED NURSING; BMJ OPEN; CONTEMPORARY ECONOMIC POLICY; HEALTH AFFAIRS; HEALTH ECONOMICS; HEALTH MANAGEMENT, POLICY AND INNOVATION; HEALTH POLICY OPEN; IZA JOURNAL OF LABOR ECONOMICS; JOURNAL OF ADVANCED NURSING; JOURNAL OF EMPIRICAL LEGAL STUDIES; JOURNAL OF HEALTH ECONOMICS; JOURNAL OF LAW, ECONOMICS AND ORGANIZATION; JOURNAL OF LAW AND ECONOMICS; JOURNAL OF POLICY ANALYSIS AND MANAGEMENT; JOURNAL OF PUBLIC ECONOMICS; JOURNAL OF RISK AND UNCERTAINTY; JOURNAL

OF REGULATORY ECONOMICS; MEDICAL CARE RESEARCH AND REVIEW; MILBANK QUARTERLY;
NURSING OUTLOOK; OPHTHALMOLOGY; SOUTHERN ECONOMIC JOURNAL; YALE LAW JOURNAL.