

AMERICAN JOURNAL OF LAW & MEDICINE

Volume 49, Number 2–3 • 2023

ARTICLES

- 135 ALGORITHMS, ADDICTION, AND ADOLESCENT MENTAL HEALTH: An Interdisciplinary Study to Inform State-level Policy Action to Protect Youth from the Dangers of Social Media**
Nancy Costello, Rebecca Sutton, Madeline Jones, Mackenzie Almassian, Amanda Raffoul, Oluwadunni Ojumu, Meg Salvia, Monique Santoso, Jill R. Kavanaugh, and S. Bryn Austin
- 173 Juvenile Competency Complications: Protocol, Unmet Needs, Developmental Immaturity, FASD, and Comorbidity**
David R. Katner
- 193 Crime, Incarceration, and Dementia: An Aging Criminal System**
Jalayne J. Arias JD, MA, Lillian Morgado, and Ana Tyler
- 205 “The Timeless Explosion of Fantasy’s Dream”: How State Courts Have Ignored the Supreme Court’s Decision in *Panetti v. Quarterman***
Michael L. Perlin, Talia Roitberg Harmon, and Maren Geiger
- 234 “Forwards, Not Backwards”: How the U.S. Supreme Court May Save the Plight of Individuals with Mental Disabilities**
Angela Dixon
- 250 Monitoring Mental Health: Legal and Ethical Considerations of Using Artificial Intelligence in Psychiatric Wards**
Barry Solaiman, Abeer Malik, and Suhaila Ghuloum
- 267 The Right to Construct Yourself and Your Identity: The Current Human Rights Law Framework Falls Short in Practice in the Face of Illegitimate Interference to the Mind**
Emine Ozge Yildirim-Vranckaert
- 286 What Does “Least Restrictive” or “Less Restrictive” Mean in Mental Health Law? Contradictions and Confusion in the Case of Queensland, Australia**
Julia Duffy, Sam Boyle, and Katrine Del Villar

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



Published by the American Society
of Law, Medicine & Ethics and
Boston University School of Law.
Copyright held by the Trustees of
Boston University.



ISSN: 0098-8588

<https://doi.org/10.1017/amj.2023.41> Published online by Cambridge University Press



CAMBRIDGE
UNIVERSITY PRESS

The American Journal of Law & Medicine (AJLM) is North America's leading health law journal devoted exclusively to the analysis of issues at the nexus of law and medicine. Its broad editorial scope includes health law and policy; updates on significant legal decisions and developments affecting health care; legal, ethical and economic aspects of medical practice, research and education; book reviews; and much more. The editors invite the submission of original manuscripts on medicolegal topics. For details, see the inside back cover.

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

ISSN: 0098-8588

E-ISSN: 2375-835X

Copyright © 2024 by Trustees of Boston University. 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

American Journal of Law & Medicine, 765 Commonwealth Avenue, Suite 1702, Boston, MA 02215 USA

E-mail: ajlm@bu.edu

Submission Guidelines: For submission guidelines, please contact the editorial office at ajlm@bu.edu or go to cambridge.org/ajlm/submit

Subscribe or Recommend a Subscription to your Librarian: Go to cambridge.org/ajlm/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/ajlm 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 Trustees of Boston University, 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 1704, Boston, MA 02215; telephone: (617) 262-4990 ext. 15. 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 AJLM Back Archive: cambridge.org/ajlm/read

ADMINISTRATIVE OFFICERS OF BOSTON UNIVERSITY SCHOOL OF LAW

ROBERT A. BROWN, Ph.D., PRESIDENT

ANGELA ONWUACHI-WILLIG, J.D., M.Phil., Ph.D., DEAN; PROFESSOR OF LAW

FREDERICK TUNG, J.D., ASSOCIATE DEAN FOR ACADEMIC AFFAIRS; HOWARD ZHANG FACULTY RESEARCH

JAMES E. FLEMING, J.D., Ph.D., ASSOCIATE DEAN FOR RESEARCH AND INTELLECTUAL LIFE AND PROFESSOR OF LAW

KRISTIN COLLINS, J.D., ASSOCIATE DEAN FOR INTELLECTUAL LIFE; PETER PAUL CAREER DEVELOPMENT PROFESSOR; PROFESSOR OF LAW

MARGARET MAISEL, J.D., ASSOCIATE DEAN FOR EXPERIENTIAL EDUCATION, CLINICAL PROFESSOR OF LAW

OFFICERS OF THE AMERICAN SOCIETY OF LAW, MEDICINE & ETHICS

JAIME S. KING, J.D., Ph.D., PRESIDENT

LINDSAY F. WILEY, J.D., M.P.H., IMMEDIATE PAST PRESIDENT

ELLIOT L. SAGALL, M.D. (DEC.), FOUNDER AND FIRST PRESIDENT

AMERICAN JOURNAL OF
LAW & MEDICINE

Volume 49, Number 2–3 • 2023

BOARD OF EDITORS

Faculty Advisors

Kevin Outterson, J.D., LL.M.
Kathryn Zeiler, M.S., J.D., Ph.D.
Christopher Robertson, M.A., J.D., Ph.D.
Boston University School of Law

**Faculty Editor-in-Chief
Emeritus**

Frances H. Miller, J.D.
Boston University School of Law

Editor

Edward J. Hutchinson
*American Society of Law,
Medicine & Ethics*

Founding Editor

John A. Norris, J.D., M.B.A.
Health Discovery Corp.

EDITORS

Gail B. Agrawal, J.D., M.P.H.
University of Iowa College of Law

Michael Baram, J.D.
Boston University School of Law

Charles H. Baron, LL.B., Ph.D.
Boston College Law School

Jay A. Gold, M.D., J.D., M.P.H.
MetaStar Inc., Madison

Ernest M. Haddad, J.D.
Boston University School of Law

Clark C. Havighurst, J.D.
Duke University School of Law

Nathan Hershey, LL.B.
*University of Pittsburgh
Graduate School of Public Health (Retired)*

David A. Hyman, M.D., J.D.
University of Illinois College of Law

Sheila Jasanoff, J.D., Ph.D.
Harvard University Kennedy School of Government

Timothy S. Jost, J.D.
Washington and Lee University School of Law

Stephen Latham, J.D., Ph.D.
*Yale University
Interdisciplinary Center for Bioethics*

Silvia A. Law, J.D.
New York University School of Law

David T. Morris, J.D., M.B.A.
AbbVie, Chicago

Joseph P. Newhouse, Ph.D.
Harvard University

Irwin N. Perr, M.D., J.D.
University of Washington School of Medicine

Harvey E. Pies, J.D., M.P.H.
Blue Cross and Blue Shield of Florida

Arti K. Rai, J.D.
Duke University Law School

Philip R. Reilly, M.D., J.D.
Third Rock Ventures, LLC

Marc A. Rodwin, J.D., Ph.D.
Suffolk University Law School

Mark A. Rothstein, J.D.
*University of Louisville School of Medicine
Institute for Bioethics, Health Policy and Law*

David S. Szabo, J.D.
Locke Lord

Linda V. Tiano, J.D.
Healthfirst, Inc.

Sidney D. Watson, J.D.
Saint Louis University School of Law

AMERICAN JOURNAL OF
LAW & MEDICINE

INTERNATIONAL BOARD OF EDITORS

Koichi Bai

*Director, Institute of Medical Humanities
Kitasato University School of Medicine*

JAPAN

M.A.M. de Wachter

Director, Institute of Bioethics

THE NETHERLANDS

Erwin Deutsch

*Faulty of Law
University of Göttingen*

GERMANY

Christopher Newdick

*Reader in Health Law
University of Reading*

UNITED KINGDOM

Bernard M. Dickens, Ph.D., LL.D.

*Faculties of Law and Medicine
University of Toronto*

CANADA

Amos Shapira

*Faculty of Law
Tel Aviv University*

ISRAEL

Honorable Justice Michael D. Kirby

*President, Court of Appeal
Supreme Court of New South Wales*

AUSTRALIA

Peter D.G. Skegg

*Faculty of Law
University of Otago*

NEW ZEALAND

AMERICAN JOURNAL OF
LAW & MEDICINE

STUDENT BOARD OF EDITORS
2022-2023

Editor-in-Chief
Katrina Morris

Senior Articles Editor
Leah Gervin

Executive Editor
Rory Hanrahan

Managing Editors
Sabrina Geisler
Savannah Luschei
Sheridan Organ
Alex Utz

Articles Editors
John Busse
Anna Gunning
Julia Novick
John Toomey

Notes Editors
Phil Dutko
Annabel Kupke
David Quattrochio
Madeline Reyes
Alexandra Wainwright

Special Projects Editor
Minji Kim

Administrative Editor
Jessica Gedallovich

Symposium Editors
Ryan Platt
Gwendolyn Walker

Communications Editor
Morgan Hill

Staff Members

Angelo Atangan
Anna Braman
Tess Cushing
Daniela del Campo
Lis Delvalle Mendoza
Nicole Doherty
Sean Dooling
Devan Eaton
Shannon Gonick
Andrew Grant
Kaye-Alese Green
Isabella Grillo
Allison Herr

Dillon Kim
Akindele Kitwana
Rachele Lajoie
Anna Lowney
Isaac Margolis
Domenique Masi
Lawrence McCarthy
Madison McMahan
Hannah Merry
Tess Oatley
Jason J. Perez Benavides
David Peterson
Steven Russell

Ethan Savitch
Sarah Shahabi
Kimberly Shatford
Etty Singer
Ani Soultanian
Danielle Stewart
Dia Su
Tyler Thomas
Erin Wolter
Chanho Yoo

AMERICAN JOURNAL OF
LAW & MEDICINE

Volume 49, Number 2–3 • 2023

ARTICLES

- 135 ALGORITHMS, ADDICTION, AND ADOLESCENT MENTAL HEALTH: An Interdisciplinary Study to Inform State-level Policy Action to Protect Youth from the Dangers of Social Media**
Nancy Costello, Rebecca Sutton, Madeline Jones, Mackenzie Almassian, Amanda Raffoul, Ohwudunni Ojumu, Meg Salvia, Monique Santoso, Jill R. Kavanaugh, and S. Bryn Austin
- 173 Juvenile Competency Complications: Protocol, Unmet Needs, Developmental Immaturity, FASD, and Comorbidity** *David R. Katner*
- 193 Crime, Incarceration, and Dementia: An Aging Criminal System**
Jalayne J. Arias JD, MA, Lillian Morgado, and Ana Tyler
- 205 “The Timeless Explosion of Fantasy’s Dream”: How State Courts Have Ignored the Supreme Court’s Decision in *Panetti v. Quarterman***
Michael L. Perlin, Talia Roitberg Harmon, and Maren Geiger
- 234 “Forwards, Not Backwards”: How the U.S. Supreme Court May Save the Plight of Individuals with Mental Disabilities** *Angela Dixon*
- 250 Monitoring Mental Health: Legal and Ethical Considerations of Using Artificial Intelligence in Psychiatric Wards** *Barry Solaiman, Abeer Malik, and Suhaila Ghuloum*
- 267 The Right to Construct Yourself and Your Identity: The Current Human Rights Law Framework Falls Short in Practice in the Face of Illegitimate Interference to the Mind** *Emine Ozge Yildirim-Vranckaert*
- 286 What Does “Least Restrictive” or “Less Restrictive” Mean in Mental Health Law? Contradictions and Confusion in the Case of Queensland, Australia** *Julia Duffy, Sam Boyle, and Katrine Del Villar*
- 301 Reshaping Insanity in Pakistani Law: The Case of Safia Bano**
Muhammad Ahmad Munir and Brian Wright

- 314 The Future of Behavioral Health: Can Private Equity and Telehealth Improve Access?** *Barry Furrow*
- 339 How Does Medicaid Managed Care Address the Needs of Beneficiaries with Opioid Use Disorders? A Deep Dive into Contract Design**
Rebecca Morris, Sara Rosenbaum, Colleen Grogan, Meredith Rhodes, and Christina Andrews
- 349 Supporting an Invisible Workforce: The Case for the Creation of the Home Healthcare Workers Support Act** *Sabrina Singh*
- 359 Potential Effects of *Dobbs v. Jackson Women's Health* on Civil Commitment Law** *Timothy S. Hall*
- 374 Mental Health Matters: A Look At Abortion Law Post-*Dobbs***
Kristin Telford and Lauren B. Solberg
- 386 Mental Health Parity Arguments for Accessing Gender Affirmation Surgery** *Craig Konnoth*

NOTES

- 396 The Causes of Minor Suicide: How the Restatement Approach to Foreseeability & Scope of Liability Fails to Act as a Deterrent**
John W. Toomey