

# Kate M. Nicholson

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## SKILLS & MOTIVATION

- Civil rights and disability rights attorney, who served in the Civil Rights Division US Department of Justice for 18 years, working in management, litigating seminal cases, and primarily drafting current Americans with Disabilities Act (ADA) regulations.
- Thought leader in disability justice, health and drug policy, writing for national publications and speaking at think tanks, universities, TED and to professional groups.
- Non-profit founder and executive.
- Coalition builder and collaborator with demonstrated skills at strategically pooling professionals and organizations to catalyze policy and social change.

## RECENT POLICY & ADVOCACY EXPERIENCE

### *FELLOWSHIPS & AFFILIATIONS*

*President and Founder, The National Pain Advocacy Center*, March 2020-present.

Received funding from Open Society Foundations to launch a non-profit dedicated to advancing the health and human rights of people in pain. This systems advocacy organization pools experts with legal, ethics, medical and scientific backgrounds alongside people with lived experience. We frame pain management through a social justice lens, and focus on disparities on the basis of race, gender, disability and age. NPAC envisions a world in which pain is treated equitably and effectively so that all people in pain can lead full and productive lives.

*Appointed Member, Centers for Disease Control and Prevention Opioid Workgroup*, July 2020-present.

Appointed to Workgroup to provide expert input and observations on the update/expansion of the [\*CDC Guideline for Prescribing Opioids for Chronic Pain - United States, 2016\*](#).

*Fellow, Mayday Pain & Society Fellowship*, 2019-2020.

Awarded fellowship that encourages pain experts to assume public leadership roles to help end human suffering by engaging in public discourse and political advocacy about science, research and best practices.

*Co-Chair, Chronic Pain/Opioids Task Force, National Centers on Independent Living, 2017-present.*

Spearhead policy and advocacy on pain and addiction for nation's largest disability rights organization representing Centers for Independent Living (CILS) and Independent Living Councils (ILCS) in every state and US territory.

*Member, Healthy Women's Task Force on Women's Health Disparities, September 2020-present.*

Work to eliminate race, sex and gender disparities in healthcare and research.

*Advisory Board Member, Alliance to Advance Comprehensive Integrative Pain Management, 2019-present.*

Bring together stakeholders, including insurers, providers, government agencies, researchers and other policy experts to transform healthcare delivery.

*Founding Member, Changing the Narrative, 2017-present.*

Work with journalists, health policy experts and advocates for people with addiction on more accurately and compassionately portraying addiction and the [opioid crisis](#).

*Principal, ADAadept, Boulder, Colorado, 2016-present.*

Consult on issues related to health policy, civil rights, pain and disability.

#### *SELECTED RECENT INFLUENCE ON POLICY*

**Centers for Disease Control and Prevention (CDC).** Met with the CDC and other federal agencies in March of 2019 to raise awareness of misapplication and devastating unintended effects on patients with cancer, sickle cell, MS and other chronic conditions of the 2016 Guideline for Prescribing Opioids for Chronic Pain. Encouraged federal agencies to issue correctives. In April 2019, the CDC and the Food and Drug Administration (FDA) issued clarifications.

**Oregon Medicaid Proposal.** Established a network of national experts in pain and addiction, disability groups and human rights advocates, to stop a proposal that risked the health of more than 100,000 Medicaid patients by summarily dropping coverage of their conditions. In May 2019, [Oregon announced](#) it would not move ahead with the policy.

**Advocacy Before Congress & Testimony in State Legislatures.** Advocated with policymakers on disability, pain and the overdose crisis. Secured hearings from key committees, provided solicited testimony and stopped bills that threatened the rights of individuals with disabilities.

**Democratic Platforms.** Helped develop disability and substance use platforms of Democratic Presidential candidates, including Joseph Biden, Bernie Sanders, Elizabeth Warren, and Julian Castro, among others.

**Other Federal Agencies.** Advised and provided training to federal agencies, including Centers for Medicare and Medicaid Services, the Department of Justice, and agency members of the disability policy group.

### *SELECTED WRITING*

Upcoming Book, *At Pain's Mercy*, a non-fiction narrative that springs from my story of intractable pain to discuss the opioid crisis and solutions to better treat pain and addiction.

[\*We must not leave the vulnerable out if we have healthcare rations\*](#), *The Hill*, December 2020.

[\*Opioid Prescribing and the Ethical Duty to Do No Harm\*](#), *American Journal of Law & Medicine*, July 2020.

[\*Rationing and Disability: The Civil Rights and Wrongs of Clinical Triage Protocols\*](#) (draft on SSRN, currently under revision for submission to publications on COVID-19 and rationing of healthcare), Virginia Public Law and Legal Theory Research Paper No. 2020-33, April 7, 2020. Named one of the best 2020 pieces of legal scholarship in health law by [JOTWELL, The Journal of Things We Like \(Lots\)](#).

[\*No More 'Shortcuts' in Prescribing for Chronic Pain. Millions of Americans Need Nuanced Care\*](#), *STAT*, April 2019.

[\*One of us was a pain patient saved by opioids, the other was addicted to them. We both deserve a solution \(with Ryan Hampton\)\*](#), *Los Angeles Times*, April 2019.

[\*The Problem with One-Size-Fits-All Limits on Opioid Prescriptions\*](#), *The Washington Post*, April 2019.

[\*The Clampdown on Opioid Prescriptions is Hurting Pain Patients\*](#), *Los Angeles Times*, January 2019.

[\*International Stakeholder Letter on Forced Tapering\*](#), *Pain Medicine*, November 2018.

[\*Overzealous Use of the CDC's Opioid Prescribing Guideline is Harming Pain Patients\*](#), *STAT*, December 2018.

[\*The Other Side of the Opioid Epidemic—We're People in Severe Pain\*](#), **The Hill**, February 2018, (reprinted in various other publications).

[\*At Pain's Weak Mercy\*](#), **Dartmouth Alumni Magazine**, March/April 2017. Personal essay.

Interviews in national publications and media outlets like **Newsweek**, **Fox News**, **BBC**, **Huffington Post**, **Vice**, and others as well as on public radio, **The Roy Green Show**, **Standup with Pete Dominick**, **Center for American Progress' Off/Kilter**, and many others.

#### SELECTED SPEAKING

Panelist, *Advocating for Policy Changes to Improve Treatment of Chronic Pain*, **US Association for the Study of Pain**, 2020 Virtual Meeting, December 11, 2020.

Guest, **Pain Politics Podcast**, Episode 17: [\*Pain, ethics, and the need for policymakers to do no harm\*](#), September 22, 2020.

Guest, **Raising Resilience Podcast**, Episode 9: [\*Reimagining Resilience\*](#), September 11, 2020.

Panelist, [\*Don't Forget People Living in Pain\*](#) (Pain treatment in light of COVID-19), **CATO Institute**, May 2020.

Panelist, *Caring for People in Pain During COVID-19*, **Innovation and Progress in Person-Centered Pain Management**, May 2020.

Panelist, *Pain Policy and Advocacy*, **6<sup>th</sup> Annual Conference on Balanced Pain Management**, December 2019.

Testimony provider, *Hearings on Opioid Bills and Disability*, **Colorado Legislature** (on behalf of Colorado Cross Disability Coalition), October 2019.

Panelist, [\*Patients, Privacy, and PDMPs: Exploring the Impact of Prescription Drug Monitoring Programs\*](#), **CATO Institute**, October 2019.

Guest, **Changing The Narrative** on [\*Opioids and Pain\*](#), August 2019.

Panelist, **National Academy of Medicine**, Action Collaborative on Countering the U.S. Opioid Epidemic, [\*Tapering Guidance for Opioids: Existing Best Practices and Evidence Standards\*](#), July 2019.

Keynote speaker, *Pain, Resilience, and How We Heal*, **Healthy Women**, Summit on Women and Chronic Pain, July 2019.

Keynote speaker, *Treatment Under Pressure*, **Southern Pain Society**, September 2018.

Keynote speaker, *The Other Side of the Story: Pain and the Opioid Crisis*, **Tulane University**, April 2018.

[\*What We Lose When We Undertreat Pain\*](#), **TEDxBoulder**, October 2017.

Keynote Speaker, *Colliding Epidemics of Pain and Addiction the US*, Conference on the Politics and Ethics of Healthcare, **Dartmouth College**, August 2016.

## **GOVERNMENT LEGAL EXPERIENCE**

*Attorney and Manger*, **U.S. Department of Justice, Civil Rights Division**, Washington, D.C., 1993-2013.

Appointed through Attorney General's Honors Program. Served as:

*Director*, **U.S Attorney's Program for ADA Enforcement**.

Oversaw thousands of cases from inception to conclusion in U.S. Attorney's Offices nationwide, training and supervising Assistant U.S. Attorneys with no background in civil rights enforcement. Expanded program to include more than 250 Assistant U.S. Attorneys in 80 Offices, representing a substantial quotient of Department's ADA work.

*Acting Deputy Chief*, **Disability Rights Section**.

Managed Division litigation attorneys in matters involving HIV/AIDS and other discrimination in healthcare, employment, transportation, and developing technologies.

*Reasonable Accommodation Coordinator*, **Civil Rights Division**.

Developed Civil Rights Division and Departmental internal reasonable accommodation policies and procedures and served as reasonable accommodation manager.

*Senior Attorney Advisor*, **Disability Rights Section**.

Primarily drafted the current ADA regulations, which became effective in 2011 and 2012, the first comprehensive update since the regulation was originally promulgated in 1991. Ushered 5 major rules through notice and comment rulemaking.

Coordinated federal government efforts to enforce US Supreme Court's opinion in *Olmstead v. LC*, and generally coordinated disability policy with White House and other federal agencies.

Spearheaded development of policies on web and digital accessibility.

*Litigation Attorney, Disability Rights Section.*

Successfully litigated cases of first impression; conducted complex, multi-party negotiations; and defended ADA against constitutional challenges. Highlights include successfully resolving the first case the Department brought under the ADA and litigating seminal HIV discrimination case, *Bragdon v. Abbott*.

## FINANCIAL EXPERIENCE

*Broker and Branch Manager, Burnett Commodities, Boulder, Colorado, 2014-present.*

*Broker and Branch Manager, McVean Trading and Investments, Boulder, Colorado, 2013-2014.*

## ARTS & CULTURE

**Tilt West**, *President*, Denver, Colorado, 2016-present. Co-founded cultural non-profit, [Tilt West](#), Colorado's hub for community exchange, critical dialogue and provocative conversations about art, ideas and culture. [Best of Denver](#) award in first year of operation. Editor, [Medium](#) channel; Managing Editor, [Tilt West Journal](#).

**University of Colorado Art Museum**, *Advisory Board Member and Collections Committee Member*, Boulder, Colorado, 2016-present. Serve on board and collections committee of university art museum.

**Creative Catalyzers**, *Board Member*, Boulder, Colorado, 2019-present. Work in non-profit cultural leadership organization that connects the tech industry, the arts, and sustainable businesses for projects that to serve marginalized populations.

**Ulrich Museum of Art**, *Advisory Board Member*, Wichita, Kansas, 2020. Serve on board of university art museum.

**Hirshhorn Museum and Sculpture Garden**, *Contemporary Acquisitions Council*. Previously served on collections committee for museum.

## **EDUCATION, CLERKSHIP & LICENSES**

**Harvard Law School**, Cambridge, Massachusetts, J.D., *with Honors*, 1992.

**Dartmouth College**, Hanover, New Hampshire. A.B., *with High Honors*, 1986. *Senior Fellow*. *Phi Beta Kappa*.

**U.S. Court of Appeals for the First Circuit**, Judicial Clerk to the Honorable Hugh H. Bownes, Boston, Massachusetts, 1992-3.

**Massachusetts Bar**, 1993-present.

**Series 3 Financial License**, 2013-present.