

HEALTH LAW SURVEY

Fall 2024

Law 6930/22968

Professor: Barbara J. Evans (FACULTY)

Credits: 3 Course Area: Health Law

Time: TTh 1:45-3:10, Room: Hol360

SYLLABUS **Version 1 of 8-3-2024** and COURSE POLICIES (see p. 7)

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Please make sure to identify your name in texts

This Syllabus and Reading List (pages 1 – 6 of this document) focuses on substantive course content and readings. The **Resources and Course Policies** document, starting on page 7, offers additional information about the conduct of the class, testing, resources for students, and the rules and norms of civility expected in class.

Note: Topics to be covered are as shown in this syllabus and will be covered in the order shown. The pace at which we move through topics may be adjusted as the course progresses, because I sometimes adjust the pace to ensure your mastery of the material. Any adjustments or revisions will be announced in class or electronically on Canvas.

Brief course description. This course provides a practice-oriented introductory tour of key state/federal laws governing health-sector businesses, which together account for 18% of U.S. Gross Domestic Product. The course covers traditional 20th-century healthcare institutions such as hospitals, but also introduces the expanding array of new players that supply innovative products and services (clinical laboratories; medical software vendors, biobanks; and academic medical centers which conduct research as well as providing patient care) These latter entities are a vibrant and growing part of the health industry and students entering the health law workforce of today need to know the laws that affect them.

The broader goals of this course are to acquaint students with the core corporate client base for large-firm and in-house health lawyers; to introduce major regulatory frameworks that struggle to safeguard consumers' rights vis-à-vis commercial health-sector enterprises; and to identify big, unsettled questions likely to generate opportunities for practical, solution-oriented lawyers as this staid and troubled industry gropes for new business models in the age of AI-enabled health care.

Specific learning objectives are noted in each section of the syllabus.

Prerequisites. No prerequisites are required other than completion of 1L courses. This course is suitable as an overview for students aiming to specialize in health law. It also is suitable as an elective for anybody who may – whether as an employer or as a patient – have future dealings with health insurers and healthcare providers, or who may wish to be a more informed participant in the ongoing policy debates about the structure and cost of U.S. health care.

Evaluation/Grading. There will be one open book/open notes 75-minute-long Midterm, which will be taken remotely (online) at a time of your choosing during a several-day window between October 2 and October 7. The midterm counts for 40% of your grade. Then, there is a 1 hour, 45-minute-long Final Exam that counts for the other 60%. The final will be offered remotely during the final exam period. There will be some amount of flexibility in timing, so that you have several days to choose when to take the final, but you will not have the entire exam period available to take the final. We will pick a several-day-long window through consultation in class to try to arrive at a window that minimizes conflicts with your other exams. The Final Exam will focus exclusively on the materials covered in the second half of the course. Material covered on the Midterm will not be covered again on the Final Exam. The law school policy on exam delays and accommodations can be found [here](#).

Required Materials. Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

There is no assigned book. All reading materials (including cases, key statutes and regulations, policy documents) will be posted on Canvas, along with problem sets and copies of any powerpoint slides presented in class. All posted materials used in this course are non-copyrighted (e.g., government documents or open-access articles and reports) or will be copies of materials to which you have access rights under your Westlaw subscription (However, I will post them in sequence to Canvas for your convenience). In particular, this course relies on:

THE AMERICAN HEALTH LAWYERS ASSOCIATION HEALTH LAW PRACTICE GUIDE (Thomson-West) Syllabus abbreviation: **HLPG** (*available free via your student Westlaw account*). This excellent treatise, written by leading practitioners, provides a clear, straightforward, practice-oriented, and surprisingly interesting introduction to the complex tangle of laws and regulations that makes our healthcare system work the way it does (or does not) work today.

Institute of Medicine and governmental reports: These provide excellent sources of information about specific topics in the healthcare industry

READING LIST

I. Introductory Matters

Objectives: After this unit, you will be able to describe

1. Who are the main players that provide healthcare and how is healthcare financed?
2. What are the tensions between cost containment and quality of care?

Class 1. First Day (Aug. 20)

Before class read R1 and R2

R1. Atul Gawande, *The Cost Conundrum*, NEW YORKER, June 1, 2009, www.newyorker.com/reporting/2009/06/01/090601fa_fact_gawande

R2. Wickline v. State (California)

Also: read course policies for this course at end of this Syllabus

Class 2. Intro to Health Policy Challenges (Aug. 22)

Before Class 2, read R3

R3. IOM Best Care at Lower Cost Summary (Read pages 5 – 32 only)

R4. Powerpoints will be posted on Canvas, but you need not look at them before class

Class 3. Intro to Players in the Health Care Industry (Aug. 27)

Before Class 3, read R5, R6

R5. AHLA HLPG Sec. 1 Healthcare Providers

R6. AHLA HLPG Sec. 18 – 20 Payers and Medicare

II. Evolution of relationships between Physicians and Hospitals and Liability of Hospitals for a Physician's Tort

Objectives. After this unit, you will be able to:

1. Explain the traditional relationship between healthcare professionals and healthcare institutions (hospitals) and how it has evolved.
2. Describe the Corporate Practice of Medicine doctrine that is still followed in a minority of states, but they are big states that have a large impact on the healthcare industry (e.g., California, Texas).
3. Sidestep the deal-destroying impact the Corporate Practice of Medicine doctrine can have on modern healthcare transactions, even when your own state does not follow it.
4. Understand why doctors usually are not employees of the hospitals where they work
5. Apply modern concepts for holding hospitals and managed care organizations accountable for deficiencies in care caused by non-employee physicians.
6. Describe the governance and oversight arrangements that are in place for managing the safety and quality of non-employee physicians in healthcare organizations.

Classes 4, 5. Corporate Practice of Medicine (CPM) Doctrine (Aug. 29-Sep. 3)

R7. Chase Lubitz 40 Vanderbilt Law Review 445 (1987) (excerpts)

R8. Modern Trend: Berlin v. Sarah Bush Lincoln Health Center

R9. Traditional CPM: Flynn Bros. v. First Medical Associates

R10. CPM In-class practice problem for Class 5.

Class 6. Medical Staff and Bylaws; Hospital Liability for Physicians' Torts (Sep. 5)

R11. AHLA HLPG Sec. 2 Medical Staff and Bylaws

R12. Supplement on Institutional Liability

R13. Adamski v Tacoma General Hospital (1978)

R14. Roessler v. Novak (2003)

Class 7. Hospital Liability for Physicians' Torts, cont'd (Sep. 10)

R15. Baptist Memorial Hospital v. Sampson (1998) (example of state rejecting apparent agency theory)

R16. St. Joseph's Hospital v. Wolf (example of complex multi-hospital suits) This is a hard case, but it provides a laundry list of the various doctrines state courts apply in complex cases involving claims and counterclaims among multiple healthcare organizations over the alleged malpractice of a physician associated with more than

one of the healthcare institutions involved.

Class 8. Credentialing of Staff, Peer Review, and Liabilities Related to Credentialing (Sep. 12)

- R17 AHLA HLPG Sec. 2 Medical Staff, Bylaws, Hospital Accreditation & Licensure, Health Care Quality Improvement Act (HCQIA)
- R18 SUPPLEMENT: Basic Defamation Law
- R19 Johnson v. Misericordia excerpts (classic example of negligent credentialing)

Class 9. Suits for negligent credentialing, cont'd. Immunities under HCQIA (Sep. 17)

- R20 Poliner case – 5th circuit appeal
- R21 SUPPLEMENT – HCQIA 42 USC Sec. 11101-11152
- R22 In-class problems for analysis

Class 10. Reporting Bad Physicians: The National Practitioner Data Bank (NPDB) (Sep. 19)

- R23 NPDB Guidebook – 2018 ed. (Look through Ch. A – E before class)
- R24 In class NPDB problem-solving

Class 11. Standardizing Clinical Practice Through Guidelines (Sep. 24)

- R25 Clinical Practice Guidelines-Mello-van Tassel-IOM excerpts
Readings from: Michelle Mello on customary vs. reasonable standard of care; Katharine Van Tassel, *Harmonizing the Affordable Care Act with the Three Main National Systems for Healthcare Quality Improvement: The Tort, Licensure, and Hospital Peer Review Hearing Systems*, 78 Brook. L. Rev. 883 (2013) *excerpt*; and Institute of Medicine Report on conflicts of interest in the development of Clinical Practice Guidelines
- R26 IOM Conflict of Interest standards and quality measures
- R27 In class problem on COI standards for Practice Guideline Development

Class 12. Review/catch-up day and time for problem-solving (Sep. 26)

- R28 does not currently exist. I reserve a slot for supplemental/midterm review materials I sometimes like to post as the semester wears on. If I add an R28, I'll announce the addition via Canvas.
- R29 Work through the sample Midterm problems posted on Canvas

This concludes the materials to be covered on the midterm examination

The midterm is a short, open-book/open-note online exam designed to last 75 minutes (1.25 hours). It will be available online to take at a flexible time of your choosing between Wednesday, Oct. 2 at 8:00 am and Monday, Oct. 7 at 5:00 pm. Absent a bona fide, unforeseeable circumstance such as an illness lasting several days, all students should strive to complete their Midterm Exams during the planned time window.

R30-33: do not currently exist. These slots are reserved to allow materials to be added without disrupting subsequent numbering in Part II of the course.

Topic: Fraud and Abuse

Class 13. Intro to Waste, Corruption, and Fraud in Health Care (Oct. 1)

You don't need to look at these slides ahead of class. Just bring them if you want a copy to refer to, and we will discuss them in class.

R34: Slides on problematic interactions between pharmaceutical companies and health care providers

Readings on the “soft-law” approach to managing fraud and corruption

R36: New York Times, “Gimme an Rx! Cheerleaders Pep Up Drug Sales”

R37: PhRMA Code on Interactions with Health Care Providers

R38: Questions on the PhRMA Code – We'll work these in class, no need to look at them ahead of class.

Question to discuss in class: How much faith do you have in the “soft law” approach?

Intro to the “hard-law” approach to corruption that we'll be studying in detail

R39: Fraud and Abuse Overview – just bring this with you. We will mention it to orient you to the “hard law” approach to corruption and fraud in health care. This will be a useful thing to bring to class for the next couple of weeks as we drill down into the topics on this outline/overview.

Class 14. Intro to False Claims Act (Oct. 3)

See assignment list in R40 (It lists your assigned readings)

Readings and things to bring to class are at R39, R41, R42, R43 on Canvas

Class 15. False Claims Act, cont'd + Intro to Antikickback Statute (Oct. 8)

See assignment list in R44

Readings and things to bring to class are at R39, R45, R46, R 47 on Canvas

Class 16. Anti-kickback Statute, cont'd (Oct. 10)

See assignment list in R48

Readings and things to bring to class are at R39, R49, R50 on Canvas

Class 17. Stark Law (which is different from the Starks case!) (Oct. 15)

See assignments in R51

Readings and things to bring to class are at R39, R52

Class 18. Consolidation/catch-up/review of Fraud and Abuse (Oct. 17)

Topic: Privacy and Human Subject Protections

Class 19. Overview of Data Privacy Generally (in Health Care and in Society) (Oct. 22)

See assignments in R53

Reading: Skim R54 and bring the homework “thought piece” described in R53.

Class 20. How Medical Data Privacy Differs from Data Privacy Generally (Oct. 24)

See assignments in R55

Readings and things to bring to class: Read R56, R57, bring R58

Class 21. Activities that Use Data; Intro to Human Subject Protections/Common Rule (Oct. 29)

See assignments in R59

Readings and things to bring to class: Read R60, Scan R61, Bring 62, 63, 64

Class 22. Getting Deeper into the HIPAA Privacy Rule (Oct. 31)

See assignments in R65

Readings and things to bring to class: Read highlighted passages in R66, R66a.

Bring R67, R68. We will start discussing these problems, so look at them ahead of class to see which ones you might like to work on.

Class 23. Simulated real-world problem solving, cont'd (Nov. 5)

R67, R68: practical problem-solving exercises. Look at these problems before class and choose at least a couple to try to work before class.

Class 24. Simulated real-world problem solving, cont'd (Nov. 7)

Classes 25, 26 Review of Part II of the course/preparation for final (Nov. 12 – 14)

Note: Our class does not meet on Nov. 19. That day is set aside for make-ups of classes meeting on Fridays.

Continue to resources and course policies, next page

Resources and Course Policies

Health and wellness: Law school can be a little daunting at times, and I am always happy to act as a sounding board on strategies to make it feel less stressful. If you or a friend is in distress, there are also other resources available on our campus:

- *U Matter, We Care:* If you or someone you know is in distress, please contact 352-392-1575 or visit the website at <https://umatter.ufl.edu/> for more information.
- *Counseling and Wellness Center:* Visit the Counseling and Wellness Center website at <https://counseling.ufl.edu/> or call 352-392-1575 for information on crisis services as well as noncrisis services.
- *Student Health Care Center:* Call 352-392-1161 for 24/7 information to help you find the care you need, or visit the website at <https://shcc.ufl.edu/>.
- *University Police Department:* visit the website at <https://police.ufl.edu/> or call 352-392-1111 (or 9-1-1 for emergencies).
- *UF Health Shands Emergency Room / Trauma Center:* For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; website at <https://ufhealth.org/locations/uf-health-shands-emergency-room-trauma-center>.
- Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs. If you are comfortable doing so, you may also notify me so that I assist you in locating further resources on campus.

Other helpful resources: E-learning center technical support, 352-392-4357 (select option 2).

Conduct of classes

Naming and pronominal preferences: I go by “Professor Evans” or “Barbara” and I use she/her/hers as my pronouns, although it won’t upset me if you use something else. I care about making sure I use your preferred name and pronouns, too. Please feel free to reach out to me in person, by phone, via text message, or by e-mail to make sure I know your preferences. Thereafter, if I ever fail to get it right, please kindly attribute it to defects of memory, and never feel awkward about correcting me gently in front of other people if I make a mistake.

You may also change your “Display Name” in Canvas. Canvas uses the "Display Name" as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison." To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to

be displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records.

Recommendations for supplemental reading. Students often ask me to recommend supplemental readings. Whether to use supplemental books is largely a matter of individual preference and study habits. Everything you need to know to do well in this class is in the Syllabus, Canvas materials, and class discussions. I don't really have any recommendations, but if there is a particular topic you would like to delve into further, ask me and I'll try to help you identify some useful resources.

Contacting me with questions. Never feel hesitant about e-mailing me, phoning me, texting me, or visiting office hours with a question if you have made a good-faith effort to understand something and it still is not clear. Please make sure to identify yourself if you text. It's good to struggle a bit with new ideas and try to master them oneself, because the ability to read carefully and reason things out is a key skill one needs as a lawyer. However, if something just is not clear after a reasonable effort, you need to get it cleared up as soon as possible. Your knowledge of health law builds cumulatively. Things that are not clear early on can make the later phases of the course harder. It's better to get things cleared up promptly if something just isn't making sense. Don't wait till the end of the semester to seek help.

Course Requirements

ABA out-of-class hours requirements. ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. Each day's class is 1 hour, 25 minutes long, requiring an estimated 2 hours, 50 minutes out-of-class preparation. It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in-class assignments for every 1 hour in class.

Academic honesty. Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located [here](#). The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments unless expressly authorized by the professor to do so. Note that you are not required to cite your sources on exams – i.e., the literature citation rules in the Honor Code don't apply and you don't have to cite which reading inspired your responses to exam questions.

Observance of religious holidays. UF Law respects students' [observance of religious holidays](#).

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

Exam delays and accommodations. The law school policy on exam delays and accommodations can be found [here](#).

Statement related to accommodations for students with disabilities. Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. Students may access information about various resources on the UF Law Student Resources Canvas page, available at <https://ufl.instructure.com/courses/427635>.

Class participation and attendance. Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed two absences during the course of the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#).

If you miss more than four classes, your grade for the semester may be adversely affected. If you have a legitimate reason for missing class, you should contact me before or soon after class ends for your absence to be excused, and I am always available to help you catch up if you have questions about the missed materials.

It is your responsibility to locate and initial the sign-in sheet for each class session. I will "call the roll" for the first couple of classes, while I learn your name. Thereafter, you are responsible for signing in. It will be considered a violation of the course rules and the Honor Code to falsely indicate that you were present in class, or to assist a classmate in such misrepresentation.

Punctuality shows respect for your colleagues and professors and is part of the professionalism expected of you as future lawyers. Please arrive at school early enough to allow yourself enough time to be in your seat ready to begin.

The best thing to do, if you know you are going to miss a class, is to ask a fellow student for notes. Student notes often are the best record of the give and take of questions and answers that actually took place during class. However, I also will be glad to discuss questions with you if you have been ill and need to go over any concepts that are still not clear.

Lateness. Notwithstanding the prior rules, I understand that lateness sometimes happens despite students' best efforts. Parking can be a nightmare. Never feel embarrassed to join my class because you are slightly late. You've paid for the class, and I want you to get the benefit of any portion of it you are able to attend. However, you must be considerate of your fellow students if you are arriving late. When arriving late, sit in a free seat closest to the door to avoid disturbing other students, but maintain social distancing if required. Also, please don't slam the door when you come in and make sure the door is closed behind you.

What to do if circumstances require you to exit a class while it is in session. From time to time in life, we all have a sudden illness or other emergency that requires us to enter or leave a class while it is in session. If this should happen to you, simply enter or leave as quietly and unobtrusively as you can, observing social distancing requirements if relevant. Obviously, it is understood that you will do this only when there is a pressing need to do so. There is no need to contact me later to apologize. I understand and won't have paranoid feelings that people are walking out on me!

What good class participation means. One of the goals of this class is to teach you lawyerly communication skills. It is surprising but true that the most important communication skill for lawyers is not talking and saying clever things, but listening and getting a sense of what other people think.

If you have previously asked to be recognized twice in a single class, I am unlikely to call on you again until all other persons in the class have had the opportunity to share their views. In that situation, do not continue to hold your hand up for a long time; it will just get tired. This is mainly done for your own learning. Whenever one is waiting to speak, one becomes completely absorbed with planning one's own remarks and loses the opportunity to hear what other people have to say. Beware of being absorbed in your own thoughts, when you could be listening to what other people have to say. Listening to other people is how you find the fatal flaw in their reasoning and win your case.

Also, it is not true that talking a lot leads to a higher class participation credit or makes you look wiser. Sometimes, a few well-chosen, well-prepared words are the most impressive. I particularly like it when students listen to one another's remarks and respond to them, either to amplify or debate them in a tactful, well-reasoned manner.

Be aware of any implicit biases or positions of privilege that you may enjoy and regulate your participation in a way that ensures everybody has an opportunity to express their views and have them heard with respect.

I do some cold-calling but my aim is just to make sure everybody is drawn into the conversation. Just do your best to respond and that'll keep the conversation rolling.

Practice examinations. I do not give out old exams as practice exams. But we will work many class exercises and practice essay problems in class, so you will be well-prepared for the exams in this course.

Final examination. Other than any adjustments for class preparation and participation (see above), the course grade will be based 40% on the Midterm and 60% on the Final Exam, as described in the Syllabus. The exam will be based on the assigned (required) readings and materials and topics discussed in class. More on the examination format will be discussed in class, or in general policies announced to the law school community, as the semester progresses. The law school policy on exam delays and accommodations can be found [here](#).

Information on UF Law grading policies. The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent	Letter Grade	Point Equivalent
A (Excellent)	4.0	C (Satisfactory)	2.0
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B	3.0	D (Poor)	1.0
B-	2.67	D-	0.67
C+	2.33	E (Failure)	0.0

The law school grading policy is available [here](#).

Reading assignments/ Supplements. The Syllabus lists the assigned readings and other materials we will be covering. We will be proceeding straight through the Syllabus in the exact order it shows the readings. The pace at which we move through the materials may vary if I detect a need to slow down or speed up to ensure student mastery of the materials. Therefore, the dates shown on the Syllabus are indicative. I will announce specific assignments for the coming class periods at the start or end of each class or electronically via Canvas announcements. If you are unable to attend class for any reason, you are responsible for finding out what your assignments are.

Problem sets. Throughout the course we will be working problem sets. These are strictly learning exercises; they are not graded. The purpose of the problem sets is to help develop your analytical skills and learn how to apply the sometimes-theoretical course principles to specific fact situations. Also, the problem sets are intended to give you a taste of the types of questions you might see on the exams and in real health law practice.

Cell phones, pagers, computers. Please make every effort to remember to disable the ringer on your cell phone and to silence any other device you have that makes noise. I understand why carrying these devices in class is necessary. Computers in class are to be used exclusively for taking notes or viewing documents directly relevant to what is then going on in the classroom, and not for otherwise distracting you or your classmates. Sanctions for violating these rules are at my complete discretion.

Informal feedback for me. My goal is to help you learn health law as thoroughly and enjoyably as possible. I welcome any comment or suggestion you may have regarding teaching style, topic coverage, class presentation, ways to make the class sessions more useful for you, or any other issue. I may not always implement every suggestion that is offered, but I will certainly give it careful consideration, and I would never be offended by any good-faith suggestion on how to make this class more engaging and productive for you. If something isn't working for you, then

let me know. Please feel free to provide me with any comments during the semester that you think will improve the overall learning experience.

Student course evaluations. Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluer.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

Recordings of class. I plan to request that our classes be recorded, and I will make the link to the recordings available to all enrolled students for their own personal use. Students indicate to me that they like the option of having recordings available in case they have to miss a class or for purposes of hearing difficult concepts explained a second time. Please be aware that our classes are being recorded. Your choice to take this course indicates your consent to being recorded. Be aware, however, that the quality/audibility of the recordings is variable, so watching the recordings is no substitute for being present in class, so you are still expected to attend even though recordings are available.

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor. A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or guest lecturer during a class session. Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor and Student Conduct Code.