Session W14
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Andrea McElroy, Aurora Health Care
Miriam Murray, SavaSeniorCare Administrative Services, LLC

Texting, Social Media and Technology
Friend and Foe!

Course Objectives

• Explore current uses of technological communication in health care and associated risks
• Discuss appropriate uses of technology to benefit providers and patients
• Demonstrate actual examples of proper and improper use

NOTE: Content and sample language does not constitute legal advice.
Perspective...with humor

As a news radio comedian once accurately quipped:

“Dude, you can’t take something off the internet...it’s like trying to take pee out of a swimming pool.”

*Once information, such as pictures, proprietary or confidential information, patient information, etc. is out there, - it is out there.*
How prevalent is the use of “virtual communication”?

- Nielsen Company estimated that social media use may account for a quarter of Internet time used
- Facebook boasts of having over 800 million users
- Twitter has over 200 million users
- YouTube claims 2 billion views per week
- BlogPulse estimates there were 154 million blogs and counting
- Approximately 2.2 trillion text messages sent in 2010

That’s all socializing... Or is it???

National Research Corporation reviewed feedback from 23,000 respondents:
- 41% use social media to research healthcare decisions
- 94% state Facebook is their primary source
- 32% rate YouTube as second
But is the information worth using?

8000 Health and Medical Apps are available
17% of adults report accessing health information using a mobile phone

Trustworthiness rating...
– Nearly 1/3 rate trust as “high” or “very high”

**RESULT:** Approximately ¼ indicate information found using social media is “very likely” or “likely” to influence their decisions

What’s the prevalence of use by hospitals?

October, 2011
Hospital Social Media Accounts
1,229 Hospitals:
575 YouTube
1,068 Facebook
814 Twitter
566 LinkedIn
946 Foursquare
149 Blogs

*4,188 Social Media Sites*

*Source: ebennett.org/hsn/*
Today’s world –
Health Care Providers are plugged in!

Podcast

Friend???

Endorsement ?!

EHR

Texting

WebMD

E-prescribe

Social Media...
The Friend

- Provide news and information regarding services, accepting new patients, new staff, etc
- Share general educational information
- Publicize community events, lectures, etc
- Success stories
- Outreach and engagement
Positive Implications

• Advertising
• Recruiting
• Networking
• Enhanced Communications

Favorable Examples

• Wellness for Women Forum
• Virtual CPAP support group for users and families
• Support for kids being bullied
• Support for families with loved ones with terminal diagnosis
• Specific disease support group
Favorable Scenarios

Social Media...The Foe

• Blur of personal and professional lines
• Breach of caregiver-patient boundary
• Privacy concerns
• Unintended perception of a formal caregiver-patient relationship
• Medical information accepted as medical advice
• Liability ramifications
• Unintentional endorsement
Unfavorable Examples

• User become engaged as an “advertiser”
• Create conflict of interest with employer
• Information seems de-identified ends up identifiable
• Information is used out of context
• Differing medical opinions confuse the patient

Real Life Examples
Texting

What are the risks?
- Secure?
- Who has possession of the device?
- Did the text include protected health information (PHI)?
- Is the device password or otherwise secure?
- Is the sender assured the text will be received by the intended recipient?

What does the American Medical Association say?

- Recognizes the benefits
- Advocates a cautious approach
- AMA created a policy in 2010 which extends to hospitals, and other organizations regardless of care setting
AMA’s six key points:

– Refrain from posting identifiable patient information
– Safeguard personal information remembering privacy settings are not foolproof – monitor “internet presence” for accurate information
– Maintain appropriate professional boundaries
– Separate personal from professional accounts
– Bring unprofessional conduct by colleagues to their attention
– Consider the content and recognize the impact to reputation, medical career, and trust in the medical profession

Has the Government “weighed in”?

• FTC – related to endorsements and testimonials
• HHS – Text4Health Task Force
• OCR – Privacy and Security safeguards
• State level authority – WI Department of Health & Safety
Text4Health Task Force

Purpose: Identify ongoing initiatives and proposals for feasible new projects which would deliver health information and resources to users' fingertips via their mobile phones.

- Facilitate health text messaging development
- Research effectiveness of health text messaging
- Delineate privacy/security issues
- Coordinate with HHS
- Integrate with other health information technology initiatives (EHR, Cloud computing, etc.)

2011 HCCA Social Media Survey

- Business is growing more active in its efforts to manage social media usage of its employees.
- 31% of respondents did have a Social Media policy
- Non-profit companies were more likely to have a Social Media policy
- 35% of respondents’ companies are not allowing social media access from the workplace
- Disciplinary action has increased from previous years for social media violations
Right and Wrong Takes A Whole New Meaning

Health Entity Risks
- What are the risks today?
- Are we embracing Social Media?
  - Social Media is here to stay, the platforms are here to stay
  - Data and Privacy protection
  - data leaks, data breaches or reputational damage

Risk Categories

Privacy
- Staff
- Organization
- Patients
Medical Liability
Reputation
- Information posted accurately reflect organizations position
- Mechanism to be aware of and respond to criticism
Employment issues
- Recruitment
- Right to post
- Former employees
Risk Control

Establish a Social Media Plan:
- Define the level of engagement – passive vs. active
- Define the audience – internal vs. external
- Identify resources
- Choose the right medium for the objective
- Define authorized users
- Establish “Terms of Use”

What can the policy say?

For Personal use:
- Ensure that your comments are disassociated from your connection with entity
- Use a personal, not a company email address
- Do not post confidential or proprietary information or materials or use company logo
- Individuals are legally responsible for posted information so therefore may be personally liable for actions arising from posts or commentary
- Companies can, will, and do have an influence over what is made public about their business, patients and employees regardless of whether the post was on or off work time.
Additional safeguards to consider

• Do not “friend” patients – for sake of their privacy, and yours
• Think carefully about your identifying name
• Limit how much information in your profile or pictures can be viewed publicly
• Do not mix professional activity with personal activity
• Ensure information is clear to reduce risk of misinterpretation
• If staff implicitly or explicitly note their employer, they should provide a disclaimer that the statements are theirs and they are not acting on behalf of the entity
• Remember if conduct or comments wouldn’t be appropriate for a supervisor to see, they shouldn’t be on the internet

Social Media For Professional Use...

• Require approval of a manager
• Involve the Social Media or Communications department
• Maintain a distinction between providing information and providing advice
• Clarify staff are legally responsible for postings
• Indicate your Name and Role at the entity
• Limit discussion to area of expertise
• Adhere to copyright laws
• Disclose any conflict of interest
Example language to use with patients

• Adding patients as friends can compromise your confidentiality, may blur boundaries, and affect our respective privacy
• Do not use text or social media sites to send messages. These sites are not secure and messages may not be read in a timely fashion

More Examples...

• Upon establishment of a treatment relationship, do not use wall postings to engage publically online. Exchanges may be required to be added to your legal health record
• Should you elect to post on a “provider review site” you are responsible for any disclosure or interpretation of care you may have received by others. As your provider I may never see your posting, concerns must be communicated directly verbally in writing left at the office.
Enforcement of Organization Policy Outside of the Office

What safeguards exist for an entity?

Google alerts
  – Monitor anything in the public domain
Social networking acceptable use policy
Enforcement of privacy and security policies
Disciplinary action for policy violations
What to Monitor

• Discovery of inappropriate behavior or posts
• Make sure employees are following company policies
• Determine if social media use is interfering with work or productivity of employees
• Monitor use and dissemination of company information
• Protect the company image

Social Media – Friend or Foe?

It can be both!
– Know your employees
– Know your business
– Be consistent in education and enforcing
– Have a social media policy
– Link to appropriate confidentiality and other policies to enforce compliance
– Enhance company communication
Questions and Discussion

Thank You!

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