CLARITY

Social Media & Risk Management: *What You Need to Know*

Social media is everywhere and it is constantly evolving! 10-year-olds are posting photos of their pets on Instagram while grandparents try to navigate Facebook so they can stay in touch with their out-of-town relatives. So how does healthcare fit into all of this? Social media has found its place in healthcare thanks to the important role it plays in patient engagement. Through the use of social media, healthcare providers have an easier and more immediate way to connect with their patients and the public. They can offer valuable insight to patients who are awaiting surgery by live tweeting during a similar procedure, or simply remind the public to stop in for their flu shots. The connections made on social media are doing everything from increasing awareness of health issues and treatments, to empowering patients through online support groups.

While there are many positive sides to social media, we must also be aware of its risks. For example, social media can blur the lines between professional and personal relationships. A doctor, healthcare practice or even hospital using social media is not the same as a traditional user. There are several risk and compliance issues that healthcare professionals must address and understand before posting information online. A lack of awareness, guidelines and training will leave healthcare organizations exposed to significant risk for their patients and their reputation.

AWARENESS THROUGH EDUCATION

Education is vital when it comes to making certain your staff understand the privacy and security issues that could occur when posting information on social media. Training programs should consider including the following elements:

- Educate staff on appropriate use of social media using real life examples
- Regularly test staff on social media policy comprehension
- Consider a certification type program for those authorized to use social media on behalf of the organization
- Define authorized users through a social media plan
- Clearly address whether and how photos of patients can be taken and used
- Address consequences of violating patient privacy
- Document HIPAA privacy training
- Train employees annually on recording/social media policies and on HIPAA compliance

SOCIAL MEDIA POLICY

A healthcare organization needs to provide a strong and direct message on what is an appropriate use of social media. Guidelines need to be clear, easy to follow, and dispel the myths of disclosure. Some of the most common myths[1] include:

- Mistaken belief that communication is private
- Mistaken belief that content has been deleted or no longer accessible
- Mistaken belief that the site is private
- Mistaken belief that there is no breach if no patient name is disclosed
- Mistaken belief by employees that disclosure on their own social media networks is not actionable

In addition, a social media policy needs to be narrowly defined in order to not violate employees' rights while still safeguarding patients' information from wrongful disclosure.

- Review and revise no-recording and social media policies to ensure that they are narrowly tailored to protect patient privacy and the disclosure of PHI
- Be sure that the policies clearly explain that any restrictions on workplace recordings are due to patient privacy and HIPAA obligations and are not intended to infringe upon employees' Section 7 rights of the National Labor Relations Act
- Consult with counsel before disciplining an employee for making a workplace recording or posting patient information

RISK STRATEGIES

New channels of communication do not come without new risks. In addition to increasing awareness, education, and implementing a strong social media policy, some other recommendations to consider include:

- Establish policies to address who can access social media
- Develop workflows to approve content before it is posted
- Develop and regularly test a crisis management plan to properly prepare staff should an incident occur
- Develop a process for responding immediately to complaints related to social media
- Actively monitor the social media sites that your organization uses
- Create a cross-functional committee to develop your social media policy

1. "A Nurse's Guide to the Use of Social Media" NCSBN. The National Council of State Boards of Nursing, 17 Aug, 2011. Web 01 June, 2017. https://www.ncsbn.org/11_NCSBN_Nurses_Guide_Social_Media.pdf

The following are additional things to consider when developing your social media policy and training program.

Self-assessment Questions	Yes/No/NA	Comments
1. Do you have a written social media policy in place which clearly outlines any restrictions to what can be shared on social media?		
2. Do you conduct annual risk assessments and develop action plans to safeguard patient information from wrongful disclosure?		
3. Does your training program address potential privacy and HIPAA issues, employee privacy issues and physician licensing issues with the use of social media?		
4. Are there established formal social media training competencies to evaluate employees' understanding of inappropriate use of social media?		
5. Is there a designated person or team to monitor social media sites that the organization uses for patient engagement, education and support?		
6. Have you developed a protocol to address crisis/reputation management should an incident occur involving inappropriate information on social media?		
7. Do you have an effective process for responding immediately to complaints that are posted on social media sites?		
8. Do you regularly conduct drills simulating how you will address wrongful disclosure, complaints, leaking of competitive knowledge and inappropriate endorsement on social media?		
9. Is there an event reporting system in place for tracking and reporting social media incidents?		
10. Does the organization have a process for preserving information used on social media in the event of a lawsuit?		