

MANAGING SOCIAL MEDIA RISK IN HEALTHCARE

Social media and healthcare are a powerful combination. Nearly 90 percent of adults in the United States use social media to seek and share health information, according to a study by JMIR Publications. Social media allows healthcare professionals to communicate general healthcare information to the public, position themselves as an expert in their area, collect feedback, and attract new patients. They can also share health tips, marketing messages, new medical research, and details of events. However, a patient or employee sharing too much information can have devastating effects on both healthcare organizations and employees if patient-specific information is shared.

Disclosing or sharing PHI on social media is prohibited under the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, including any texts, images, or videos where the patient could be identified. Sharing PHI on social media is only permissible if a patient gives their consent, in writing, to allow their PHI to be used and specifically for the purpose mentioned in the consent form.

As social media usage continues to accelerate, it's no surprise that HIPAA violations are on the rise and raising major concerns among medical practices. Therefore it has become crucial for healthcare organizations to remain up to date on patient privacy laws and policies, to remain compliant with parameters that are meant to keep both the patient and organization out of trouble. One way to ensure compliance is to include guidelines for the appropriate use of social media in your policies and procedures.



CHECKLIST

Whether your organization is already using social media or planning to implement a social media strategy, this checklist can help you focus on important risk management considerations.

Maintain HIPAA Compliance

- ☐ Develop and implement policies covering appropriate use of social media and how HIPAA is related
- ☐ Provide training to all staff members on the appropriate use of social media and conduct annual refresher training
- ☐ Communicate the possible penalties for social media HIPAA violations – termination, loss of license, and criminal penalties
- ☐ Encourage staff to report any potential HIPAA violations
- ☐ Do not engage in discussion with patients on social media where PHI has been disclosed
- ☐ Monitor the social media account’s activities and communications and implement appropriate control measures that can flag potential HIPAA violations
- ☐ Maintain a record of social media posts using your organization’s official accounts that preserves posts, edits, and the format of social media messages

Define Clear Policies



- ☐ Maintain a waiver form that will allow patients to consent to use of PHI on social media networks when necessary
- ☐ Communicate regularly with your compliance officers and legal counsel so as to remain up to date with privacy policies as they pertain to social media in order to regularly review and update such policies
- ☐ Develop policies and procedures on use of social media for marketing, including standardizing how marketing takes place on social media accounts
- ☐ Review and update policies on social media at least annually
- ☐ Create a policy to ensure personal and corporate accounts are separated

Keep it Professional



- ☐ Ensure all new uses of social media sites are approved by your compliance department
- ☐ Moderate all comments on social media platforms
- ☐ Do not give medical advice or recommendations on social media
- ☐ Be vigilant and scrutinize each post prior to its release to ensure privacy will not be breached
- ☐ Be respectful when engaging in discussions on social media, especially when topics, medical or otherwise, are particularly contentious or controversial

Common Violations

- ☒ Sharing of photographs or images taken inside a healthcare facility in which patients or PHI are visible
- ☒ Sharing of photos, videos, or text on social media platforms within a private group
- ☒ Posting of images and videos of patients without written consent
- ☒ Posting of any information that could allow an individual to be identified
- ☒ Posting of gossip about patients



This document should not be construed as medical or legal advice. Because the facts applicable to your situation may vary, or the laws applicable in your jurisdiction may differ, please contact your attorney or other professional advisors if you have any questions related to your legal or medical obligations or rights, state or federal laws, contract interpretation, or other legal questions.

About ArchiveSocial

ArchiveSocial helps healthcare organizations reduce risk from HIPAA concerns, litigation threats, and brand reputation concerns by maintaining historically accurate social media records and keeping them informed of any risks or policy violations with automated alerts. Organizations can now gain centralized insight and searchability into their online presence, in-context, and in near-real-time.

While social networks offer tremendous benefits for healthcare organizations, they aren't required to retain data and are not set up to ensure healthcare organizations remain compliant with HIPAA and other regulatory responsibilities. And properly managing all of your organization's different accounts across these 24/7 networks can cost thousands a year (or thousands per HIPAA violation), and endless hours of time.

ArchiveSocial helps both public and private health organizations minimize litigation and brand reputation risk and ensure compliance with social media retention requirements by preserving all content the organization posts and engages with, in its original context (even if it's been deleted, edited, or hidden), so they can easily respond to FOIA, eDiscovery, and litigation requests. And with intuitive search, you can quickly find and export your data in the exact formats you need, whenever you need it.

And to avoid unintentionally or intentionally violating patient security, ArchiveSocial constantly scans for and automatically alerts you of any potential violations (whether it be personally identifiable information (PII), profanity, questions, or keywords and phrases you define) while maintaining an accurate record of what happened, so you can address and remove risks as they occur while retaining the records in fulfillment of legal preservation requirements.



Control your brand image online & discover how a secure archive tailored to your organization can help you reduce risk with HIPAA compliance & litigation threats.

LET'S TALK!





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