



## The Legal Issue

# Ten Ways Physicians Can Avoid the Pitfalls of Social Media

by Karin M. Zaner, JD

Practicing physicians must optimize their use of social media in today's healthcare environment. From building referral networks and staying abreast of medical developments to educating your patients and connecting with colleagues, the Internet provides unlimited resources and possibilities. But physicians must remember that the standards of medical care do not change by virtue of the tools used to interact.

In addition, social media tools may have unforeseen consequences. Physicians must use discretion and good judgment in what can be a very public forum. The AMA has provided guidance in its Code of Medical Ethics Opinions on Confidentiality of Patient Information: Professionalism in the Use of Social Media<sup>1</sup>.

Practicing physicians should be aware of the AMA policy and think through these issues. Definite pitfalls include:

**1. Public and permanent record is made.** Think before you press "send" or "post" because the electronic trail that may be left likely will be very public (i.e., could be disseminated to numerous third parties in an instant) and permanent.

**2. Do not post identifiable patient information online.** Do not disclose names, DOBs, contact information, photographs, X-rays, and details of patient care that you obtain from a patient. Even if redacted for patient's name, revealing the details of medical care could violate HIPAA and other federal and state confidentiality laws.

**3. Do not assume privacy. Privacy settings are not absolute.** Although you may use them to safeguard your personal information and content, never use them in an attempt to protect patient information.

**4. Maintain proper boundaries.** When interacting with patients, even via social media, a physician should maintain appropriate boundaries for the physician/

patient relationship according to normal professional ethical guidelines.

**5. Keep business separate from personal.** For clarity, it is best practice for business and personal social media to be separate. Make sure that interactions with patients remain consistent with business purposes. If a patient seeks specific clinical advice on your personal site or email, direct the patient to your professional page where you can be accessed through normal professional channels.

**6. Avoid questionable content.** Unprofessional content (whether business or personal) may be viewed by state medical boards, professional societies and healthcare entities. Before posting, consider how the Texas Medical Board would view the content. If in doubt, don't send.

**7. Delete unprofessional content of colleagues.** Unprofessional content posted by colleagues, if not removed, may require reporting. The TMB website ([www.tmb.state.tx.us](http://www.tmb.state.tx.us)) provides guidance if you have concerns with a colleague's postings or content.

**8. Keep online responses general.** Physicians should keep postings and online responses general and nonspecific to a patient. Instead of responding specifically online, request that patients come in for a clinical appointment or inquire to your office by telephone. If you are sending specific medical advice to a patient online, make sure that your email or patient communication portal is compliant with HIPAA and other federal and state confidentiality laws. And remember that "free" email accounts (such as through gmail, yahoo and aol) generally are not secure, so any sensitive information should be separately password protected before sending.

**9. Employed physicians should be mindful of policies.** If you are an employed physician, follow any social media policies and get approval from your employer for specific posts. Don't disclose proprietary information or trade secrets.

**10. Monitor your online presence.** Put time and effort toward your online presence and keep resources current and accurate. Be vigilant regarding the information you share, and continually ensure that you are not disclosing any patient-specific information unless done in a way that complies with HIPAA and other federal and state confidentiality laws.

Making the time to review how you use social media and the information that exists online regarding your practice is crucial to your professional image. Such ongoing attention will help ensure your compliance with the AMA social media policy as well as general best practices for physicians. If you question whether to "send" or "post," give it some time or get the opinion of a trusted colleague. Erring on the side of caution usually is better than being an online (i.e., visible and permanent) example of bad physician judgment. DMJ

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\*[www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics/opinion9124.page](http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics/opinion9124.page)