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**LEARNING OBJECTIVES**

*By the end of today's program, you will be able to :*

- Identify the risks to patients' privacy which email, text messaging and social media pose
- Recognize the malpractice risk associated with using email, text messaging and social media
- Assess best practices to follow if using email, text messaging and/or social media

**DISCLOSURE**

- I work for ISMIE, a physician-owned medical professional liability insurer.
- I have no relevant financial relationships with any commercial entities that may have an impact on the activity.

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**A QUICK SHOW OF HANDS:**



Do you post patient test results to your practice's patient portal?

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**Patient Portals and Test Results:**

- **63%** of patients did not receive any explanation of their test results
- **46%** conducted online searches before hearing from their doctor
- Patients who received abnormal results were more than twice as likely (56% vs 21%;  $P = .003$ ) to have negative emotions when an explanation did not accompany their test results

Traber D Giardina, Jessica Baldwin, Daniel T Nystrom, Dean F Sittig, Hardeep Singh: Patient perceptions of receiving test results via online portals: a mixed methods study. *Journal of the American Medical Informatics Association*, Volume 25, Issue 4, 1 April 2018, Pages 440-446. <https://doi.org/10.1093/jamia/itx149>

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**A QUICK SHOW OF HANDS:**



Are you “friends”  
with your patients  
on social media?

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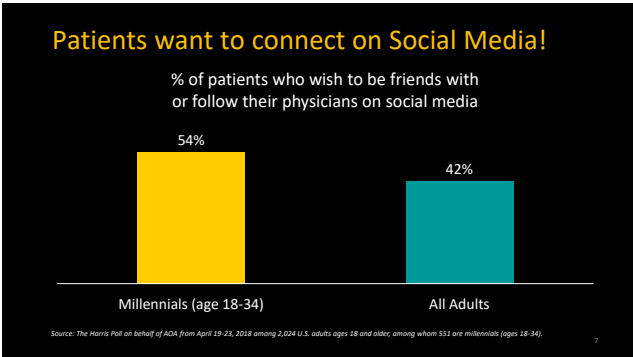
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**WHO AM I COMMUNICATING WITH?**

- Patients
- Consultants
- Internal
- Other facilities

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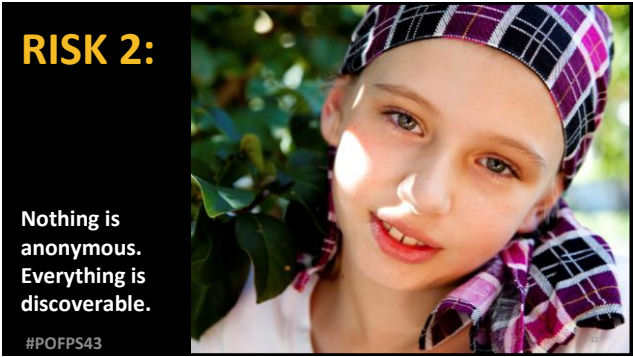
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**RISK 3:**

Accidentally establishing a physician-patient relationship.



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**RISK 4:**

HIPAA & Privacy Breaches



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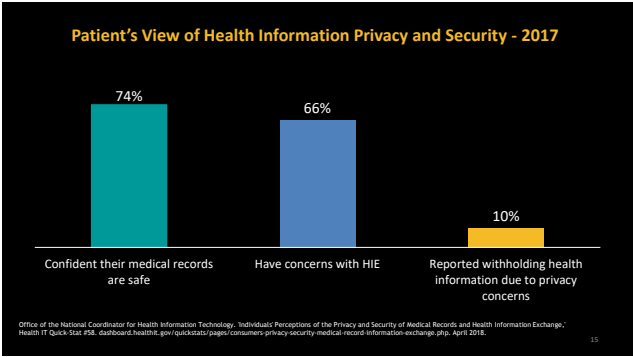
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RISK 5:

Angering your patient

#POFPS43



So this happened at work today. Best part: the 427 pound patient (literally) who broke it then complained about our 'dangerous' furniture.

So, apparently we're responsible for saving you from eating yourself to death AND providing super strength chairs. Awesome.

Like · Comment · Share

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So this happened at work today. Best part: the 427 pound patient (literally) who broke it then complained about our 'dangerous' furniture.

So, apparently we're responsible for saving you from eating yourself to death AND providing super strength chairs. Awesome.

Like · Comment · Share

21 people like this.

Eleanor Roosevelt: Hey Barbara -- was this your brother? Poor guy ...

Barbara Bush: Yes. What kind of medical professional posts something like this on Facebook? I thought you were supposed to care for people, not heckle them. My advice to people: avoid ABC Primary Care!

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RISK 6:

Damage to your professional reputation

#POFPS43

11/23/2008 · Previous review

One of the vastly more disturbing MD experiences I've had. I saw him last year for a workers comp injury that did not require surgery. He therefore refused to see me but instead would send his trainee in. During one of the fruitless visits with the trainee, I requested to see Doctor [REDACTED]. His fury upon entering the room was remarkable. He was obnoxious and hostile the few times he did see me, and he repeatedly had his staff give me bottles of anti-inflammatories that I was allergic to. When I informed the staff, I was told to "take it anyway". I flushed the tablets down the toilet.

Dr. [REDACTED] grinned as he told me that I may never do yoga again. (He was wrong.)

He gave me the stare of death whenever I had the misfortune of passing him in the hall on the way to physical therapy in his office. A bizarre and unsettling experience. Hardly appropriate behavior for a person in the business of healing. [Read less](#)

Was this review ...?

Useful 23 · Funny 4 · Cool 5

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“Emails, Text and Social Media: What Physicians Need to Know”  
Ingrid Hubbard Reidy



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**RISK 7:**

**Legal and ethical considerations**

#POFPS43




**BabyDoc67 - Our Town, IL**  
August 14, 2017

Clearly, this author has never practiced medicine.

Recently, I performed an emergency cesarean on a patient who had failed to follow any of my recommendations to manage her gestational diabetes, and as a result, the baby was born at 27 weeks and expired 3 days later in the NICU.

This patient has not only NOT accepted HER responsibility for this poor outcome, she's decided to junk up the legal system with her frivolous lawsuit alleging I failed to treat her to avoid this outcome, which is simply ridiculous!

Patient outcomes are not solely the fault of physicians, and it's about time patients took some responsibility too!

[Link](#) [Track Replies to this Comment](#) [Recommend](#) 

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**RISK 7:**

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Beware of red flags

**DO NOT:**

- Provide medical advice or comment on medical issues through social media websites or other websites such as healthtap
- Text orders
- Use abbreviations
- Use for emergencies

#POFPS43 23

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Avoid angering patients

**DO NOT:**

- Discuss sensitive subject matter
- Discuss patients “anonymously”

#POFPS43 24

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Protect Privacy

DO NOT:

- Email or text message a patient from a personal email address or phone number.
- Message or post any PHI anywhere unless it is:
  - Encrypted
  - Limited to those who should have this information
- Post in response to unfavorable comments online

#POFPS4325

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Avoid legal issues

DO NOT:

- Post any confidential or proprietary information
- Comment on legal issues
- Post content that is not your own without express written permission
- Refer to financial or other relationships you may have with professionals of products or services
- Refer to products or services of third parties that you discuss or review online.

#POFPS4326

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Protect your identity

DO NOT:

- Allow any other person or entity to use your identification for posting or viewing comments.
- Use personal computers or devices for work

#POFPS4327

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Act **ethically**

DO NOT:

- Engage in bullying or discrimination
- Post anything that is defamatory, libelous, threatening, harassing, abusive, obscene, knowingly false or otherwise inappropriate
- Post advertisements or solicitations of business
- Post chain letters, spam or pyramid schemes
- Impersonate another person

#POFPS4328

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Mitigating Electronic Communication Risk:  
**WHAT TO DO**

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Remember **it's discoverable**

DO:

- Recognize that anything said or otherwise posted on social media websites is in the public domain and potentially subject to discovery.

#POFPS4330

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Integrate **your systems**

DO:

- Ensure all communications get into the medical record in a timely manner
- Make it easy to do
- Establish safeguards

#POFPS4331

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Accept **limitations**

DO:

- Utilize in person or over the phone communications when the subject matter calls for it
- Ensure diagnosis and treatment takes place in person.
- Remember you are not in control of what happens after you hit send/submit
- Watch your tone and be on the lookout for miscommunications
- Be sure to read things before you hit send

#POFPS4332

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Protect **privacy**

DO:

- Encrypt it, and use patient portals when available.
- Just because the patient identifies themselves, doesn't mean you can.
- Use privacy settings on social media, email, etc.
- Remember, unencrypted emails, texts and social media present a higher risk for breaches, and are not HIPAA compliant unless additional steps are taken to protect PHI and you have the patients written permission.

#POFPS4333

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Keep it professional

DO:

- Recognize that behavior on social media websites reflects not only on the individual, but on your practice, colleagues, and the medical profession
- Use disclaimers. An example: “The views expressed here are solely the author’s and do not represent the opinions of [practice name].”
- Use common sense: If in doubt, do not post it.
- Inform the compliance officer if a colleague’s social media behavior is inappropriate.

#POFPS4334

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Set rules

DO:

- agree what is and isn’t acceptable
- formalize your rules
- ensure all staff understand and follow them

#POFPS4335

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Get permission

DO:

- Get signed permission from patients before using e-communications

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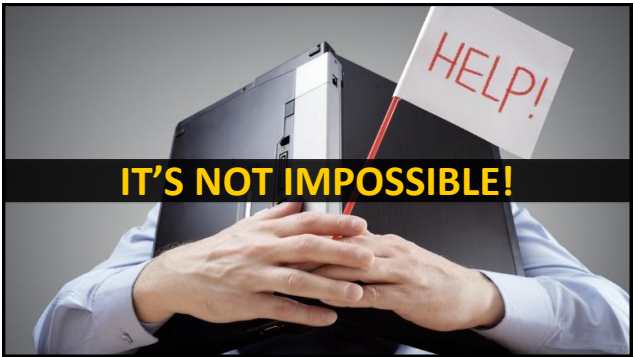
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**FOUR STEPS TO SOCIAL MEDIA SUCCESS**

- **ASSESS** what is really happening in your practice
- **EVALUATE** what you are comfortable with and set rules that work for you
- **MANAGE** your risks with formal training and policies
- **MEASURE**, monitor and revisit – technology changes rapidly!

#POFPS43 38

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**QUESTIONS?**

#POFPS43 39

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