



# Physician's Guide to Social Media

## UNDERSTANDING SOCIAL MEDIA: TOP 10 TIPS

- 1 BE AWARE OF THE EFFECT OF SOCIAL MEDIA** – Standards of medical care do not change by virtue of the tools used to interact. But these powerful tools may have unforeseen consequences, depending on the type of social media and the goals for use.
- 2 KEEP CURRENT WITH MEDICAL NEWS AND DEVELOPMENTS** – Resources abound, but make sure they are reliable authority for your subspecialty.
- 3 MAINTAIN PROFESSIONAL PRESENCE AND ENRICH PROFESSIONAL NETWORK** – Use Facebook, LinkedIn, Twitter, and other social media sites to maintain your professional presence and connect with colleagues, referral sources, and patients. A patient can "like" your Facebook page and be routed through regular patient intake and practice communications channels. Make sure that all credentials, representations, and claims are accurate, current, and do not constitute false advertising.
- 4 EDUCATE AND INFORM YOUR PATIENTS** – General advice specific to your subspecialty can be posted on professional pages as well as on blogs. Always keep the information current and meaningful to your audience. Avoid disclosing Protected Health Information (PHI) that you obtain on a patient as a treating physician. Never use specific patient details as revealing details of medical care may violate HIPAA and patient privacy laws. Focus instead on general conditions and treatment options at a community level.
- 5 BE A COMMUNITY RESOURCE** – Always keep in mind your professional image to the public. If you link to other websites, verify them as reliable authority and always give credit when due.
- 6 ASSIST COLLEAGUES OR OBTAIN ASSISTANCE** – Closed physician networks (such as Sermo, Medscape, Quantia MD) allow physicians to disclose general patient conditions and solicit input from colleagues. Participants should avoid specific details and photographs (especially of facial areas) that may violate HIPAA and patient privacy laws. And keep in mind that even if other physicians participate in such closed networks, it does not mean that disclosure of PHI is legal or allowed.
- 7 AVOID GIVING MEDICAL ADVICE OR TREATMENT** – In using social media, a provider must absolutely guard the PHI obtained as a covered entity under HIPAA and avoid accessing PHI of non-patients. A provider should not disclose any PHI to any third party via social media, even with privacy settings.
- 8 CONSIDER RECORDINGS "OFF LIMITS"** – While it may not be illegal in your state to record a conversation or interaction over the phone or in person if you are a party to it (check state law), never surreptitiously record any patient interaction. Think twice before doing so even when a patient consents. And even with consent, never post such recordings on YouTube or any other such site, even with privacy settings.
- 9 OKAY TO MAINTAIN PERSONAL SOCIAL MEDIA** – Just as physicians can have friends and a personal life, having a Facebook page or a personal blog is acceptable as long as the content does not undermine the public trust in the medical profession. Also, a physician must be vigilant in keeping personal social media sites personal and directing patients asking for clinical advice through regular patient intake and communications channels.
- 10 USE YOUR GOOD JUDGMENT** – If any certain social media interaction does not sit well with you, just say no. Don't become an online example of bad judgment.

# AVOID SOCIAL MEDIA PITFALLS: TOP 10 TIPS

- 1 SOCIAL MEDIA CREATES A PUBLIC AND PERMANENT RECORD** – An electronic trail is left that can be disseminated to third parties in an instant. Think ahead before you press "send" or "post."
- 2 REFRAIN FROM POSTING IDENTIFIABLE PATIENT INFORMATION ONLINE** – Names, DOBs, contact information, photographs, x-rays, and details of patient care that a health care provider obtains from a patient should not be disclosed in social media channels. *See AMA Opinion 9.124 (a).\**
- 3 NO ASSUMPTIONS OF PRIVACY** – Providers should use privacy settings so as to safeguard their own personal information and content. But privacy settings are not absolute. Providers should monitor content posted about them by others to ensure propriety and accuracy. *See AMA Opinion 9.124 (b).\**
- 4 MAINTAIN PROPER BOUNDARIES** – Just as in any other context (personal, telephonic, etc.), when interacting with patients via social media, a provider must maintain appropriate boundaries for the relationship in accordance with professional ethical guidelines. *See AMA Opinion 9.124 (c).\**
- 5 KEEP BUSINESS SEPARATE FROM PERSONAL** – *See AMA Opinion 9.124 (d).\** Monitor to make sure that interactions with patients remain consistent with business purposes. If specific clinical advice is sought through a personal Facebook inquiry, do not communicate specific advice back to the patient. Instead, direct them to your professional page.
- 6 AVOID QUESTIONABLE CONTENT** – Unprofessional content (whether business or personal) can be viewed by state medical boards, professional societies, and health care entities as undermining public trust in the medical profession, which may create a basis for adverse action. *See AMA Opinion 9.124 (f).\**
- 7 UNPROFESSIONAL CONTENT OF COLLEAGUES** – Unprofessional content posted by colleagues, if not removed, may possibly require reporting to these same authorities. *See AMA Opinion 9.124 (e).\**
- 8 KEEP ONLINE RESPONSES GENERAL** – A provider may not reveal a patient's PHI acquired in a clinical setting. Keep postings and online responses general and non-specific to patient. Instead of responding specifically, request that the patient come in for a clinical appointment or inquire to your office by telephone.
- 9 EMPLOYED PHYSICIANS SHOULD ASK** – If you are an employed physician, follow any social policies and get approval from employer for specific posts. Avoid disclosing proprietary and trade secret information. For personal accounts of physician, consider using a disclaimer stating that posts are personal views and not those of the employer.
- 10 PAY ATTENTION TO YOUR ONLINE PRESENCE** – Put time and effort towards your online presence. Keep resources current and accurate. Blogs require attention monthly, if not weekly. Determine what Yelp, Angie's List, Rate MDs.com, and HealthGrades are saying about your practice, make it easy for your satisfied patients to write reviews, and don't overreact to a few isolated negative reviews.

\*American Medical Association Code of Medical Ethics Opinions on Confidentiality of Patient Information: Professionalism in the Use of Social Media (June 2011).



**KARIN ZANER, ATTORNEY AT LAW**  
**ZANER LAW PC**  
8117 PRESTON RD., SUITE 300 • DALLAS, TX 75225  
1800 LAVACA ST., SUITE 502 • AUSTIN, TX 78701  
214-363-5036 O • 214-363-5046 F • 214-236-9956 C  
[KARIN@ZANER.LAW](mailto:KARIN@ZANER.LAW)