Healthcare Professionals and Social Networking

Social media sites can be a great way for healthcare professionals to network with colleagues and share health information. However, they should be aware of the potential risks of using social media, and especially use caution when connecting with patients online.

Healthcare professionals, including physicians, nurses, pharmacists, and physical therapists, have plenty of options when it comes to establishing an online presence. Like all of us, they can start a blog or join networks like Facebook, Twitter, LinkedIn, and MySpace. There are also online communities exclusively for healthcare practitioners.

Although it has taken them time to catch up, healthcare professionals have entered Health 2.0 and are now turning to ways they can personalize health care, collaborate, and promote health education.

The Dangers of Social Media Networking

Before jumping on the bandwagon, healthcare professionals are advised to be mindful of the possible ramifications of posting health information on social media sites.

“Numerous legal issues can arise when healthcare providers use social media. These include issues related to patient privacy, fraud and abuse, tax-exempt status, and physician licensing,” says Ike Willett, an attorney who works as an associate in the health care and life sciences group of the law offices of Baker & Daniels LLP.

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According to Willett, friending patients on social media sites may pose risks under Health Insurance Portability and Accountability Act (HIPAA) and state privacy laws. The fact that an individual is a patient of a healthcare provider falls within the types of health information that these laws are designed to protect.

“The simple act of accepting a friend request likely would not constitute an adequate consent to the disclosure of patient information under HIPAA and other state privacy laws,” he adds. “HIPAA, for instance, specifies information that consent to disclosure of health information needs to contain.”

As a rule, healthcare providers should not use social media to share any health information that could be linked to an individual patient, such as names, pictures, and physical descriptions, without the patient’s consent.

Social Use by Healthcare Professionals

As social media grows, so does its use by healthcare professionals. In 2009, Medimix International surveyed 510 physicians in the United States, Europe, Brazil, and Mexico about their social media use. More than 66% of the interviewed physicians said they either don’t know about or don’t use the general social networking websites. For the 34% of those who do use them, Facebook leads the pack with 30% of physicians being members of the site. MySpace and Twitter came second and well behind Facebook, with only 4% of physicians reporting that they use them.

Meanwhile, a 2009 study by marketing communications firm Nicholson Kovac, Inc. examined media usage by nurses, and 77% of the 292 nurses surveyed have visited Facebook and a quarter have visited LinkedIn. Only 11% of the nurses report using Twitter.

Carmen Carpenter, chair of the Bachelor of Health Sciences program at South University, says blog and social media postings can pose many risks for healthcare providers.

“Even things that seem like common-sense practices can be potentially risky,” she says. “What if I say as a physician or nurse to 'take an aspirin' on a website and someone does and has a negative reaction to it? It could be a potential liability.”
Carpenter tells healthcare professionals to proceed with caution and include a disclaimer on blogs and web pages where they provide health information. “You should tell people to consult with their physician and that your recommendations are not substitutes for actual medical help,” she states.

Healthcare organizations entering the social network need to make sure they have social media policies that specify what uses by their employees are permitted and prohibited.

“Employees should be careful because their organization could be tied to what they say on social media,” Willett says.

Also, healthcare providers who want to establish a Facebook page, Twitter feed, YouTube channel, or other account need to think about whether they want to use social media exclusively to push content out to the public or to provide an interactive forum where patients can share comments and experiences, Willett says.

“Interactive social media sites are usually more compelling to users, but healthcare providers who choose this route need to have a plan for addressing negative comments,” he says.

In order to draw clear lines drawn between interactions as a healthcare provider and those as a friend, some advise keeping separate personal and professional social networking accounts. When carefully handled, social media can help strengthen the relationship between the patient and their healthcare provider.

“Using social media to share articles on healthcare topics, podcasts conducted by medical staff members, videos providing information on particular healthcare service lines, and patient success stories with the public can be an effective way to present a personally relatable view of a healthcare organization,” Willett says.

What Healthcare Professionals Should Know

Attorney Ike Willett offers details on the legal issues that can arise when healthcare providers use social media:

• **Patient Privacy** – HIPAA and state privacy laws limit healthcare providers’ ability to interact with patients through social media. HIPAA and state privacy laws prohibit healthcare providers from disclosing patient information without proper patient authorization. Information protected by HIPAA includes anything that can be used to identify a patient, including pictures. A healthcare provider discloses patient information through social media without patient authorization in violation of HIPAA and/or state privacy laws can be subject in fines and other penalties.

• **Fraud and Abuse** – Federal and state laws aimed at preventing fraud and abuse in health care prohibit healthcare providers from giving third parties anything of value as an inducement for the third party to generate referrals to the healthcare provider for services which may be reimbursable by Medicare or Medicaid. Paying third parties to use social media to talk up a healthcare provider’s services may present risks under laws aimed at preventing fraud and abuse, such as the federal Medicare and the Medicaid Patient Protection Act of 1987 (“Antikickback Statute”).

• **Tax-Exempt Status** – Healthcare providers that are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code are prohibited from intervening in political campaigns and from seeking to influence legislation as a substantial part of their activities. This restriction may extend to advertising on or sponsoring social media sites that support a political candidate or particular pieces of legislation.

• **Physician Licensing** – Healthcare professionals need to be careful about providing medical advice to patients using social media. If a patient receiving the medical advice from a doctor through social media is located in a state in which the doctor is not licensed, the doctor giving the advice risks liability under state licensing laws.