SOCIAL MEDIA, SMART PHONES AND ELECTRONIC DEVICES IN PATIENT CARE AREAS

The use of social media and smart phones has increased dramatically over the past few years. With the use of these devices as avenues of communication, serious concerns for patient and organizational privacy have risen. The use of these items when dealing with patient's information can result in HIPAA violations or a violation of an employee's privacy.

HIPAA's privacy regulations apply to healthcare providers, defined as: "a provider of medical or health services... and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business.” This rule protects the patient's protected health information, which is "all individually identifiable health information held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper or oral.

- In Lake Geneva, WI, Nurses accused of photographing a patient and posting the picture from a cell phone on the internet were fired. This investigation started with an anonymous call from an employee at the hospital with the allegation that a nurse took pictures of a patient with her cell phone and posted them on her face book page. This was referred to the FBI for possible HIPAA violations.

- In Albuquerque, N.M. Two University of New Mexico Hospital employees have been fired for using their cell phone cameras to take photos of patient receiving treatment and posting to the social networking web site.

Guidelines to avoid HIPAA violations in social media (Facebook, Twitter)

1. Don’t talk about patients, even in general terms i.e. (We had a fifty-year-old male in the ER last night with alcohol-induced liver disease. Someone may know he was there or jump to conclusions)
2. Don’t talk about conditions, treatments, research, i.e. (I saw a patient last Tuesday with xyz condition....)
3. Don’t be anonymous (It encourages you to say things you shouldn’t).
4. If you wouldn’t say it in the elevator, don’t put it online.
5. Check the tone of you social media presence. (If you are using your posts/tweets to vent about work, you should pause and evaluate-too much complaining could be early warning sign of trouble),
6. Don’t mix your personal and professional lives. (Don’t friend patients on Facebook, check your privacy settings monthly and assume anything on line can become public.)

Patient privacy and the adherence to HIPAA are very important to SoutheastHEALTH. A number of policies are in place to protect our patients and employees. Individuals or organizations identified as having inappropriately disclosed or used PHI are subject to immediate sanctions. The Privacy Officer and the employee’s supervisor (if an employee is responsible for the violation) will coordinate regarding the appropriate sanction. In cases of intentional or grossly negligent inappropriate use or disclosure, the employee may be terminated. For lesser violations, a less stringent sanction may be applied, such as suspension, demotion, or verbal written reprimand. The following actions will not be tolerated:

1. Employees taking pictures or video of patients or employees without their permission.
2. Use of video or picture taking in sensitive areas, such as restrooms, dressing rooms, etc., or share or post unauthorized photographs or video.
3. Unauthorized divulgence of hospital business information, records, or patient information.
4. Sending or receiving unauthorized radio or cellular telephone transmissions while on duty.
5. Using personal cell phones to take pictures of patients for any reason.
6. Texting of PHI (Protected Health Information) on personal cell phones.

Violation of any of the above can result in suspension or immediate discharge of an employee. Employees that are discharged forfeit any accrued benefits.