



NAVIGATING HIPAA COMPLIANCE IN THE ERA OF SOCIAL MEDIA:

Guidelines for Responsible Posting

DO

Train all staff and volunteers on acceptable social media use as part of HIPAA training. Conduct refresher training sessions periodically.

Develop clear policies covering social media use and ensure all staff and volunteers are aware of how HIPAA relates to social media platforms.

Obtain explicit, written consent from residents before sharing their stories, images or any identifiable information on social media.

Use de-identified or anonymized resident information when discussing cases or experiences on social media.

Use secure and private communication channels for discussing resident information, rather than public platforms.

Respond to resident inquiries or messages privately, rather than in public forums, to protect their privacy.

Regularly monitor organization's social media accounts and communications and implement controls that can flag potential HIPAA violations.

DON'T

Share any identifiable resident information, such as names, photos, or specific medical details, on social media platforms without explicit consent.

Share content without proper consent, especially if it involves testimonials, before-and-after images, or material that could be construed as promotional.

Use personal social media accounts for work-related discussions or share resident information on personal profiles.

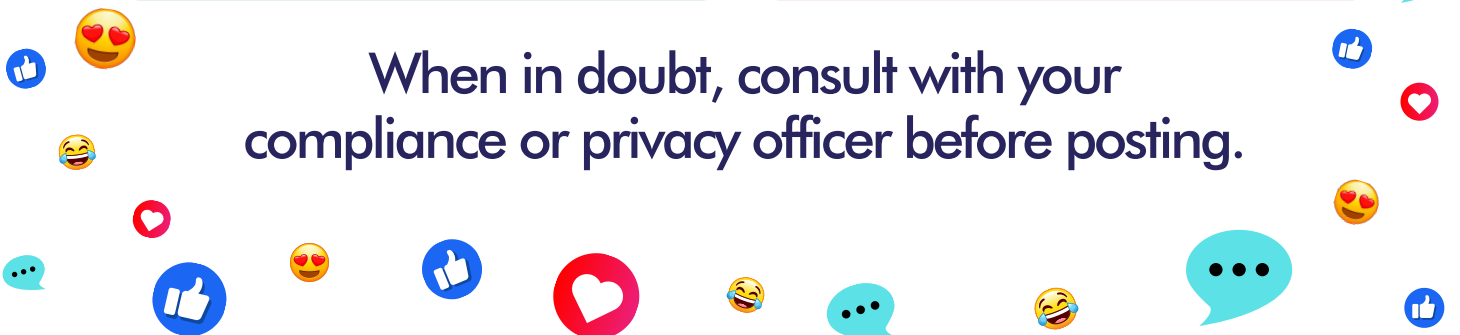
Enter into online discussions with residents or providers who have disclosed PHI on social media.

Engage in discussions or gossip about residents, colleagues, or the organization on social media platforms.

Assume that information shared on public platforms is private.

Delay reporting any potential breaches of resident information on social media; prompt reporting is essential for mitigating potential harm.

When in doubt, consult with your
compliance or privacy officer before posting.





FAQs about HIPAA and Social Media



Your organization has HIPAA privacy and security policies that address proper use and disclosure of protected health information. These policies help to define acceptable behavior regarding the interaction between healthcare professionals and residents on social media. For more information, ask your compliance or privacy officer.

WHAT SHOULD I DO IF I RECEIVE A RESIDENT INQUIRY ON SOCIAL MEDIA?

Avoid discussing specific resident information on social media. Instead, encourage residents to contact the healthcare organization directly through appropriate secure channels instead of social networking sites.

DO HIPAA REGULATIONS APPLY TO ALL SOCIAL MEDIA PLATFORMS?

Yes, HIPAA regulations apply to all personal and corporate social media accounts and platforms, including but not limited to Facebook, Tik Tok, Snapchat, Twitter, Instagram and professional networking sites. All staff should exercise caution and adhere to privacy guidelines on any platform.

IS IT A HIPAA VIOLATION IF I POST A VIDEO OF MY AUNT IN PHYSICAL THERAPY WHERE I WORK?

Yes, posting a video of your aunt in PT where you work could potentially be a HIPAA violation. If she is a resident receiving PT, her health information, including photographs/videos related to her treatment, is considered protected health information. Always obtain written consent from the individuals, including family members involved.

IS IT A HIPAA VIOLATION TO FOLLOW A RESIDENT ON SOCIAL MEDIA?

Merely following or observing a resident's public social media profiles in a passive manner might not breach HIPAA. However, actively engaging with or interacting on their private posts could raise concerns. All staff should maintain appropriate professional boundaries, both online and offline.

Real World Violations



A dental practice in Texas disclosed the patient's last name along with details of her health condition, treatment plan, insurance, and cost information in response to patient's online review. Investigation also found it was not the first time that PHI had been disclosed without authorization on the social media platform when responding to patient reviews. The practice paid a HIPAA violation fine of \$10,000 and submitted a corrective action plan to resolve the violations.



A nurse at a nursing facility in North Carolina posted multiple TikTok videos that poked fun at resident abuse. The videos included jokes about overmedicating patients, lying about vital signs, and unplugging a patient's ventilator to charge her phone. Following an internal investigation, the conclusion was reached to terminate her employment due to HIPAA violation.

Two CNAs from an Illinois nursing home posted a Snapchat video of a 91-year-old dementia resident with the caption "Margaret hates gowns" and two laughing face emojis. They knew that the resident didn't like hospital gowns and were taunting her by waving a hospital gown in front of her. One pleaded guilty to disorderly conduct and received a sentence of 18 months' supervision and 100 hours of community service. The other CNA pleaded guilty to attempted unauthorized recording and received a sentence of one year supervision and 50 hours of community service.



A children's hospital nurse in Texas shared some information about a boy's medical condition on an anti-vaccination support Facebook group. She did not mention the child by name, but her Facebook page indicated where she worked. One parent, whose child was treated at the hospital, posted screenshots to the hospital's Facebook page. After four days of suspension during an internal investigation, the decision was taken to terminate her over the HIPAA violation.

A physical therapy office in California impermissibly disclosed numerous individuals' protected health information when it posted patient testimonials, including full names and full face photographic images, to its website without obtaining valid, HIPAA-compliant authorizations. The business paid a \$25,000 fine and was required to implement a corrective action plan, and annual reporting of compliance efforts for a one year period to Office of Civil Rights.

