



Don't Mess with Textas: Social Media

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WEDNESDAY, FEBRUARY 19 - SATURDAY, FEBRUARY 22, 2020

Disclosures

- I am a full-time employee of PICA/ProAssurance
- I am a shareholder of Proassurance (PRA:NYSE)



Learning Objectives

Learner will be able to describe the legal ramifications of inappropriate social media and electronic communication in patient care settings.



The Perfect Storm

- Your Residents (Gen Z) Have Never Lived Without Electronic Communication
- Technology Advances are Improving Exponentially
- Our Regulatory Requirements are Lagging Our Technology



The Baseline

HIPAA and HiTech Rules



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HIPAA

- Privacy Rule (2004)
- Security Rule (2007)
- HiTech Rules (2009)



Audience Poll - What methods do you use to communicate patient care issues/call issues with your residents when off campus?

By texting on a cell phone

By work email

By personal email

By tweeting

More than one of the above

Cell Phones

- Readily Available and Cost Efficient
- Functionality of a Supercomputer



The Problem

How Do You Leverage the Efficiencies of Social Media and Electronic Communications Against the Requirements of the HIPAA/HiTech Rules?



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Texting

- Open Source Texting (SMS) is Never Compliant
- Closed Source Texting is Becoming more Readily Available



Audience Poll - Have you ever shared and/or received a clinical picture from a resident using a cell phone?

Yes

No

Taking Pictures with a Cell Phone

- Taking a Picture and Texting it on an Open Source is Never Compliant
- Storing Pictures on Your Phone is Never Compliant*

* exceptions



Taking Pictures with a Cell Phone

What Do You Do When the Patient
Wants to take Pictures or Videos?



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What About Email?

- Exactly the Same Issues as with Texting
 - Open Source versus Closed Source
 - Protecting all HIPAA/HiTech Requirements



Malpractice Implications

- Communication Breakdown
- Shadow Medical Record
- Licensure Issues?



Social Media



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Social Media: Friend or Foe?

All the Same Rules Apply



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Questions?



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