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USF Health Care

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Internal Guideline and Procedure Name:	HIPAA and Social Media Use		
Responsible Office:	Professional Integrity Office		
Submitted By:	Barbara Wolodzko	Title:	Privacy Officer

Review/Approvals:	Committee Name and/or CEO Name:	Date Approved:
Oversight Committee <i>(if applicable):</i>	Privacy & Security Advisory Committee	
USFHC CEO:		
USFHC Finance, EMC or CLB <i>(if applicable):</i>		

OBJECTIVES AND PURPOSES

To provide appropriate guidance on the use of Social Media by Workforce members, in a personal capacity, while prohibiting conduct that is a violation of state or federal laws including the Health Insurance Portability and Accountability Act (“HIPAA”).

“Social Media” as used in this Standard Practices and Procedures includes all forms of electronic communications such as websites for social networking and microblogging through which users create online communities to share information, ideas, personal messages and other content such as videos, including but not limited to, current and future sites and applications such as Snapchat, Instagram, Facebook, Flickr, Google+, LinkedIn, Pinterest, Twitter, YouTube, and Vine.

“Workforce” members include USF Health Care credentialed physicians and other healthcare professionals; employees, agency, contractor and temporary personnel, including those under a HIPAA Business Associate Agreement; and Residents/Fellows, students and other trainees regardless of whether they are USF trainees or rotating through USF clinical areas from another institution.

STATEMENT OF INTERNAL GUIDELINES

Use of Social Media, even in a personal capacity, must comply with state and federal laws concerning patient protected health information (“PHI”), including but not limited to, HIPAA. Text, photos, videos and other material posted on Social Media should be in keeping with generally accepted professional and ethical standards for an individual’s work or field of study.

Workforce members who participate in Social Media:

- Must never include PHI, including discussing, posting, sharing electronic files and/or images, or otherwise providing any details about patients or patient interactions;
- Must never share or post a photograph or video of a patient or caregiver of a patient;
- Must never mention a patient by name;
- Must never post a diagnostic image, or portions of an image, even if the image does not have a name, medical record number, time or date on it as it may be identifiable based on the image itself;

- Must never describe a patient encounter, even in vague terms, as the patient or someone who knows the patient may be able to identify the patient;
- Must not respond to a post or public message from a patient with additional details about the patient's health or health care provided;
- Must not engage in any activity that may be interpreted as defamation, cyberbullying, sexual harassment, or e-harassment that has the potential to disrupt workplace activities, reputations, or is in violation of state or federal law;
- Must never post a screenshot or portions of the electronic health record ("EHR") as this may also violate the contractual arrangement with the EHR vendor;
- Should carefully consider whether to accept a "friend" or similar requests from patients, caregivers, or vendors via personal Social Media accounts. Similarly, Workforce members should carefully consider potential privacy issues and professionalism in determining whether to send friend requests to patients, caregivers, or vendors; and
- Should report any breach of privacy or confidentiality committed by any fellow Workforce member to his or her supervisor or contact the Professional Integrity Office at (813) 974-2222.

Workforce members are encouraged to review the attached list of examples of Social Media HIPAA Violations for additional insight into the application of HIPAA and this Standard Practices and Procedures.

Workforce members who violate HIPAA may be liable for criminal and civil money penalties. In addition, Workforce members that violate this Standard Practices and Procedures are subject to disciplinary action ranging from counseling/verbal warning up to and including termination of employment or business relationship, or dismissal from the respective educational program. Workforce members who violate HIPAA and/or professional standards imposed by the regulatory board of their profession, may also be subject to disciplinary actions/sanctions by such regulatory board.

RESPONSIBLE OFFICE: The preceding was developed by the Privacy Officer, USF Health Professional Integrity Office. Any questions or concerns should be directed to the Professional Integrity Officer at piohelp@usf.edu or (813) 974-2222.

Prior Approval: COO 07/06/17, AVP 07/06/17, and by the USF Health PSAC 03/21/17

Examples of Social Media HIPAA Violations

- A provider posts a picture of himself with one of his three-year-old chemotherapy patients stating how brave his patient is and what a great example of how a positive attitude can assist in medical recovery. Since the child was not of the age to be able to consent to the photograph and no written consent was obtained from the parents, this would be a HIPAA violation.
- A nurse took a photograph in clinic of the nursing team celebrating a fellow nurse's birthday and posted it on Facebook. However, in the photograph, there are patient charts showing patient names of that practice group.
- An OB-GYN who states she works at Sunshine State Hospital in her Facebook profile complained about her frustration with a patient in a Facebook posting stating "So I have a patient who has chosen to either no-show or be late (sometimes hours late like today) for all of her prenatal visits, and ultrasounds. She is now 3 hours late for her induction this afternoon. May I show up late to her delivery?" Another physician then commented, "If it's elective, it would be canceled if it was me!" The OB-GYN then responded, "Here is the explanation of why I have put up with it/not cancelled induction: prior stillbirth."
- Martha posts to her Facebook page that she had an exhausting day at work but "at least I got to meet a famous football player – poor guy, he needed two pins inserted – guess I shouldn't complain about my busy day." Martha's Facebook profile reveals that she is a registered nurse working for United Hospital of Sample County and her page is also viewable to the public.
- Sam and Peter, both medical students, are so excited to share with each other where they will spend their residency training after graduating that they video tape themselves doing a little celebratory dance in the clinic and post it to YouTube for their fellow students to see. They fail to realize however they are wearing white lab coats identifying Health Hospital and the video shows patients' faces in the background.
- Josh, an x-ray tech, posted an image taken by him on Instagram, showing a leg with an arrow through it. There was no other information on the image, no name or medical record number, however, the local news aired a news story that night about a hunting accident involving a local celebrity getting shot through the leg with an arrow.
- A local newspaper posted a story online about Susanne, a teenager who was injured by a drunk driver and overcame great medical odds to not only learn how to walk again but to compete in a local 5K race. The physical therapist who treated her during her long recovery was so moved by her strong will that he posted in the comments section of the news story "Way to go Susanne. I got the privilege of seeing her strong will and drive-in action every day in therapy. I've never had a patient with a stronger drive!"