



# **Don't Be A Twit When You Tweet!**

## **Legal Pitfalls of Social Media in Healthcare**

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# HIPAA Review

- HIPAA regulates “protected health information” or “PHI”
  - Demographic and medical information
  - Anything that could be used to identify a patient
- Patient must authorize disclosures of PHI, unless an exception applies
- Pictures

# Accept No Excuses

- “But I didn’t use the patient’s name...”
- “But I use the privacy settings and my account is private...”
- “But I posted the information when I was at home...”
- “But I was only trying to be kind...”
- HIPAA enforcement

# Professional Boundaries

- **Can I “friend” a patient?**
  - **Test: Are you really friends with the patient from some context outside of work?**
  - **Never discuss patient’s care online**
- **AMA Policy: Professionalism in the Use of Social Media**
- **Blogging patients and online reviews**
- **E-mailing patients**
  - **Appropriate subjects**
  - **Auto-replies**
  - **Informed consent to e-mail communications**
  - **File in medical record**
  - **Patient portals**

# Employment Law

- **Social networking use in hiring**
  - Google searches
- **Social networking use in firing**
  - Employment at will
  - Working conditions
- **Employee discipline**
  - Keep a copy if possible
  - Require employee to remove information

# Policies

- **Issues to address**
  - HIPAA
  - Confidential information
  - Technology usage
  - Photography in the clinic
  - Code of conduct / behavior expectations
  - Management
  - Marketing
- **Harder issues**
  - Lawful off-duty conduct that is in poor taste
  - Use of personal phones to access Internet