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Managing Social Media Use and Privacy

For Senior Managers

Provided by Wolters Kluwer

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Disclosures

The planners have no financial relationships related to this educational activity.

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Instructions

To obtain a certificate of earned contact hours for this continuing education activity:

1. View the entire program.
2. Take the post-test. If you pass, you will be able to print your certificate of earned contact hours and an answer key. If you fail, you have the option of taking the test again at no additional cost. The passing grade is 70%.
3. Complete the evaluation form.

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Purpose

The purpose of this course is to provide senior managers with an understanding of the implications of their online presence, emphasizing the importance of maintaining resident/patient confidentiality in compliance with the Health Insurance Portability and Accountability Act (HIPAA). Practical case studies and real-world scenarios will be explored, providing healthcare workers with tangible insights into navigating the complexities of social media in their day-to-day work.

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Learning Objectives

After viewing this presentation and taking the post-test, you should be able to:

1. Explain residents' rights with regards to the privacy and security of their personal health information.
2. Differentiate between appropriate and inappropriate behaviors related to social media usage for employees of senior living facilities.
3. Identify the consequences of improper social media usage to employees of senior living facilities.

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What is Social Media?

- A means of communication
- A platform to create and share information virtually
- A way to interact through the internet

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The World Wide Web is a gathering place for information exchange, facilitated by global computer networks called the internet. You connect to the internet to access the web, but the internet is simply the connection between countless separate computers, servers, smartphones, tablets, and other devices. The web is the medium we use to access, edit, discover, and share information, through links that use a standard programming language called HTML.

Social networking refers to the act of using the internet to keep in touch with other people, and social media refers to the actual websites used to do so. Both "social networking" and "social media" mean keeping in touch with people over the internet.

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What is the Difference between Social Media and Social Networking?

- ⊘ Social media is personal sharing
- ⊘ Social networking is professional or community sharing

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Young people are so used to communicating digitally that they don't always differentiate between social media and social networking. But there is a difference.

Social media is less formal than social networking. Social media generally includes sharing information in the form of text, photos, and videos. In health care, social networking refers to online ways for professionals to connect individuals or to share knowledge that relates to work or health.

Most social networking sites have a private communication feature, but most posts on social media are open to the public—anyone who has an account on that platform. Web-based personal and professional networking, facilitated by trained professionals, might include support groups for Alzheimer's caregivers or cancer patients, for example.

Smart Devices are Everywhere

- ⊘ Staff
- ⊘ Residents
- ⊘ Families
- ⊘ Vendors

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Health care workers use, and are influenced by, social media. More than 90% of health care workers say they use social media, most for both personal and professional purposes.

Many health care professionals use social media as a way to connect with residents as well as a way to share expertise with new audiences.

Today almost everyone owns and uses a smart device for information. The Millennial and Gen Z groups are the biggest users, but even seniors rank the internet as their third most trusted source of health information. During the Covid-19 epidemic, when in-person contact was severely limited for personal and business purposes, use of online media grew exponentially for everyone, including vendors, businesses, staff, and all generations.

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Public Spaces for Communicating

- ⊘ LinkedIn
- ⊘ Facebook
- ⊘ Instagram
- ⊘ Snapchat
- ⊘ YouTube
- ⊘ X (formerly Twitter)
- ⊘ TikTok

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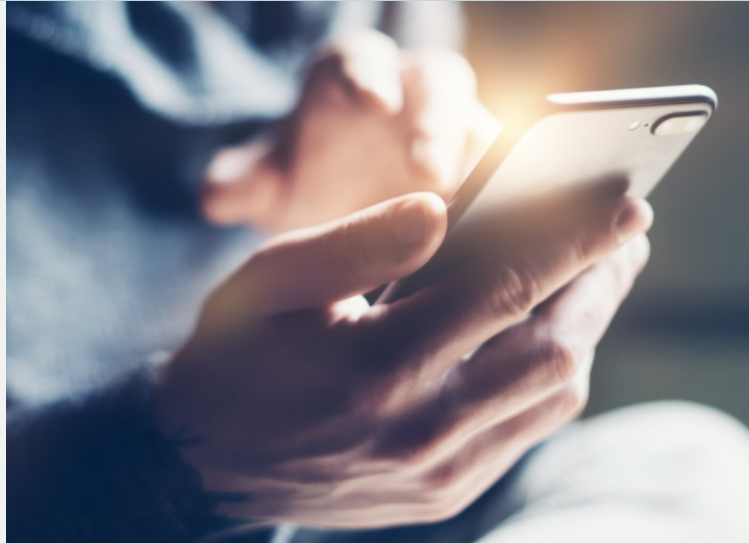
The internet offers many ways to communicate. Professional websites, like LinkedIn, are networking tools where people post work-related information about themselves and their organizations.

Most web users are familiar with Facebook, Instagram, Snapchat, YouTube, X (formerly Twitter), and TikTok. These social media sites are more often used for personal communication than professional interaction. People usually use Facebook and Instagram to share personal messages with confirmed contacts.

On these platforms, individuals can set privacy settings on their personal accounts. Settings can be adjusted to allow access by the public, friends, or specific groups.

X and TikTok offer short messages and videos intended to grab public attention.

Senior communities can use all of these platforms for marketing, within the facility's policies and guidelines.

Sites that Offer Online Meetings and Face-to-Face Communications

- Zoom
- Google Meet
- FaceTime
- Teams
- Webex

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A virtual meeting is an effective substitute for gathering in person. Zoom, Google Meet, FaceTime, Microsoft Teams, and Webex are platforms that provide real-time communication between people, either one-to-one or in a group.

Participants can see who is on the call or in the meeting, and they can communicate via microphone and usually a chat feature. These platforms are very helpful when members of a group are scattered across different locations.

To keep the use of these meeting platforms safe and effective, it is important to set and uphold clear rules. Teams and Zoom even allow you to leave the group and go into "break rooms" to have individual meetings.

Separate Personal from Professional Social Media Use

- ⊘ Determine the importance of your on-line presence
- ⊘ Decide how frequently you will post
- ⊘ Know the difference between professional and personal use

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Many people enjoy posting on social media. However, it is important to know when to share and what to share in both professional and personal contexts.

Some professionals post clips on TikTok, sharing moments from a day in the life of a caregiver. These videos often showcase the human, caring side of a caregiver's personality. They can bring humor to a serious industry.

Other professionals post updates from their daily life, sometimes with great frequency. Some post solely to connect with family and friends. Others want to make a personal or political statement.

When you post, use privacy settings to maintain control of who can see your posts. Know your audience and the rules of your professional organization, what postings are in violation of the profession's code of conduct.

Think before you post any personal or controversial content.

Guidelines for Social Media Use in Health Care

- ⊘ Professional
- ⊘ Institutional
- ⊘ Ethical

Privacy Policy

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Health care facilities and senior living communities must develop guidelines to direct professional and institutional use of social media platforms.

Many staff members carry personal cell phones with them at work. This is a way for them to communicate in an emergency and to maintain important contact with supervisors, colleagues, and loved ones.

Facility policies and procedures should be clear on the use of personal devices at work and what platforms staff members may access through the facility server. Gaming, texting friends, and surfing the internet are inappropriate on the job. In addition, employees should be aware of ethical guidelines relating to texting, friending, and accessing resident social media accounts.

Using Social Media Controls

- ⊘ Controls can be implemented for both staff and residents
- ⊘ Limit the ability to comment on organizational sites
- ⊘ Maintain and monitor privacy and security settings

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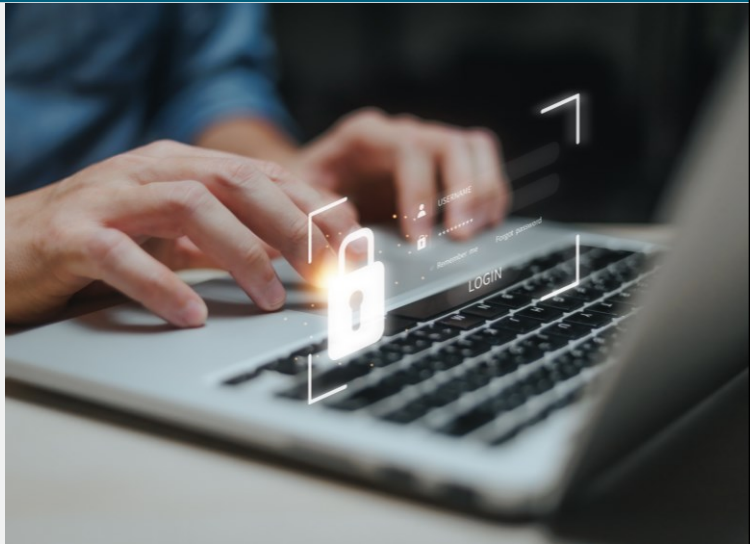
Facility leaders should implement strong social media controls. These controls should be made clear to both staff and residents.

Some organizations block access to Facebook and Instagram on the facility server to all employees except professional marketing staff. This helps protect both staff and residents and helps safeguard the security of the organization's server.

Senior leaders should remind staff and residents that public posts could impact the safety of other residents and staff. Many residents and employees post or share content and use online communication tools without malicious intent. However, visual cues and other elements in photos and comments can lead to public identification of the institution (and individual residents), even if the name is not part of the post.

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Health Insurance Portability and Accountability Act

- ⊘ HIPAA protects private health information
- ⊘ Individuals must give informed consent to share their information
- ⊘ Caregivers must advocate for residents to assure privacy of information

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The U.S. Department of Health and Human Services, Office of Civil Rights, enforces HIPAA, a federal regulation that requires all health care providers to secure a resident's permission before sharing their private health information.

That includes sharing a resident's information on any form of media. Staff members must be advocates for residents and protect their privacy at all times.

Posting private information about residents without consent violates their privacy. It can be a cause for disciplinary action, as well as a potential liability to both the facility and the staff member resulting in possible litigation. For example, taking a selfie with a resident and posting, "My sweet resident won't even remember me tomorrow," would be inappropriate and unprofessional—and it would also be a violation of HIPAA privacy regulations.

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What is Considered Protected Health Information (PHI)?

- HIPAA regulations
- Basic privacy and security rights
- Need for consent

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HIPAA requires individuals to give their consent to share their protected health information. Per HIPAA, health information includes "demographic information, medical histories, laboratory results, physical and electronic health records, diagnosis, mental health conditions, insurance information, and other data that a health care professional collects to identify an individual and determine appropriate care."

Protected health information also includes names, photos, and geographic information, including where the individual lives.

In short, any information that can identify the resident or their health conditions falls under protected privacy. Sharing any personal information requires consent. Residents, or resident's Attorney-in-Fact under the Power of Attorney or the resident's Guardian should complete a separate consent form each time they agree to be in public information, photos, or videos. The consent form should include the reason for sharing the information, such as education or marketing.

Guidelines Provide Structure

- Professional organizations can be resources for social media usage
- Facilities can incorporate guidelines into policies
- Staff members should follow facility guidelines

Many professional organizations offer guidelines for appropriate social media use. Still, employers sometimes neglect to include these guidelines in their policies.

Some facilities think that employees' use of their personal electronic devices and their social media profiles fall outside the realm of the workplace.

However, when staff members share information on social media, it can impact the reputation of the institution and violate resident privacy. Facilities can implement consequences for workers who use personal devices to share inappropriate information or are distracted from providing care and fulfilling their responsibilities.

Employers can also look at the social media accounts of prospective hires and current staff. If inappropriate posts are found, like appearing drunk wearing facility logos, employment can be at risk.

American Nurses Association Guidelines for Social Media Use

- Know your audience
- Maintain professionalism
- Use only respectful content
- Know your social media policies
- Secure your profiles
- Share only credible information

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The American Nurses Association (ANA) is a good example of an organization that has published guidelines for social media use. These guidelines support the ANA code of conduct and the rules of state boards of nursing.

Remember, every post should be appropriate for the people who will be seeing it—and for the people they may share it with.

Professionals should refrain from posting unprofessional or inappropriate content, such as photos or videos of people under their care. Nurses should not share content that is harmful, disparaging, racist, homophobic, or derogatory. All staff members should know the facility's social media policy and adhere to it across all social media platforms.

Medical Governing Body Guidelines: Professional Social Media Use

- ⊘ Confidentiality
- ⊘ Avoiding defamation
- ⊘ Protecting privacy
- ⊘ Building public trust
- ⊘ Sound reasons to use social media

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Several medical governing bodies publish guidelines through the Association for the Study of Medical Education. These guidelines focus primarily on mitigating risk from social media.

Like the American Nurses Association, the medical governing bodies take social media use seriously. There are five key themes identified across all of the published guidance documents. The themes are:

1. Maintain patient confidentiality.

2. Defamation is unacceptable.

3. Privacy cannot be guaranteed.

4. Uphold the responsibility to maintain public trust.

5. Know the reasons to use social media.

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What are Some Improper Uses of Social Media?

- ⊘ Making derogatory statements about the employer, employees, or residents
- ⊘ Posting false information about the workplace
- ⊘ Using group texting to share misinformation or other harmful statements

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Social media is often misused. This misuse includes making derogatory comments about the workplace, residents, or coworkers.

Words have power, and words can negatively affect the feeling of safety at work. If an employee or manager is the target of derogatory comments, they may feel unsafe at work. A hostile working environment can have an impact on the care and services residents receive. Comments made about residents can have a negative impact on the resident, the family, and the workplace.

Staff communicating with reporters would be inappropriate and a violation of facility policies. These comments can appear online and in print, making them another potential social media pitfall. The facility should have a designated spokesperson for any media postings.

Examples of Inappropriate Use of Social Media

- Videos of residents in vulnerable states
- Livestreaming residents without their permission
- Breaking trust with residents, staff, and the public

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Two Florida nursing assistants posted a livestream of their abusive behavior toward an elderly female resident with dementia. They then posted this video on Snapchat to give their friends a laugh. An anonymous person who viewed the video reported it to the authorities.

The police arrested and charged the workers with video voyeurism, abuse of an elderly person, and interception/disclosure of wire or oral communications. The facility, which had been unaware of the workers' behavior, immediately terminated the employment of the two nursing assistants.

The employees used their personal cell phones to commit this violation of resident privacy and public trust. The county sheriff called the behavior vile and the perpetrators "disgusting individuals."

Other Examples of Inappropriate Use of Social Media

- ⊘ Taking photos without permission or consent
- ⊘ Sharing work photos and videos of residents publicly for "entertainment"
- ⊘ Posting identifying information of residents without authorization
- ⊘ Violating professional and workplace standards and policies

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ProPublica has multiple examples of inappropriate use of social media violating resident privacy, public trust, and federal regulations. Many examples include recording the elderly who have dementia, Alzheimer's, and other cognitive impairments. These residents are incapable of giving consent.

Reported posted photos of residents have included those in compromising situations, photos exposing genitals of residents, and photos or comments that identify clinical conditions. In one situation, a worker took a photo of a resident's private parts and sent it to a friend. That friend shared the photo on Facebook with a disparaging comment. Both the worker and the friend were culpable.

In all instances, the facilities immediately terminated the employees, and in many instances they were also charged with serious crimes.

Examples of Problematic Social Media

- ⊘ Social media sites that are not secure
- ⊘ Links to scam sites
- ⊘ Surveys and questionnaires from unknown sources
- ⊘ Bogus friend and follower requests

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The internet is not safe. Staff must avoid clicking on links they don't know. Avoid completing surveys from unknown sources. Never click on a friend request from a person who is already a confirmed contact. Be careful of notices that appear to be from financial institutions, or from Amazon, eBay, or other sites, saying your account is being frozen or that there is a question about a charge.

All of these are phishing scams, spelled with a PH. Phishing is intended to trick users into giving up private account information. In general, avoid clicking on any link in an email.

Organizational leaders should educate internet users to recognize potential scams from emails or social media. All scam sites should be reported to the IT department.

Public Health Care Facility Compliance

- ⊘ Medicare and Medicaid Services review nursing homes
- ⊘ Facilities must show established social media policies and adequate training
- ⊘ Public reviews of caregivers and staff can impact facility reputation

The Centers for Medicare and Medicaid Services review nursing homes to ensure that there are policies in place that prevent staff from breaching confidentiality while using social media.

To assure compliance and a positive accreditation visit, the institutional strategy should include comprehensive policies and adequate training for staff. These policies must be consistent with organizational goals and objectives.

Some health care professionals post videos and information online in order to advertise their services or to provide health care information. If the professional is wearing a work ID or stating the name of the facility where they work, what they share can reflect on the reputation of that facility, positively or negatively.

Safety and Caution First!

- ⊘ Always safeguard resident and staff privacy
- ⊘ Make sure your media platform is secure
- ⊘ Do not use identifying information

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Another source of risk involves the use of social media to communicate directly with residents and their families.

For example, one visiting therapist shared updates with a resident's family via an internet communication tool that was not secure. The outcome was a leak of information about the patient to laypersons uninvolved in the case. The information was sensitive and private, and the leak violated the resident's privacy.

Remember, when you share a post or post publicly, you must ensure that the platform is secure. General email is not secure; your facility needs a secure program in place to ensure that only the intended recipient can access sensitive information. Never assume the computer or cell phone is secure, especially since you do not know if the receiver's terminal is secure.

Consequences for Violating Regulations

- Counseling
- Termination
- Fines for the agency
- Litigation from the resident and family

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Policies should clearly identify the ramifications for violating resident confidentiality. Consequences may include employee counseling, possible termination, and even legal action.

All health care professionals have an obligation to protect an individual's health information. Any media posted online should always have the proper permissions. Someone may be able to identify a particular resident from a simple Facebook post stating, "My 80-year-old resident refused her insulin today." A coworker may feel bullied or harassed if someone was to post, "I had a horrible day at work today because you-know-who was on my shift." These types of posts promote an unsafe workplace for everyone.

Consequences for Publishing Information without Authorization

- Fines
- Terminations
- Damaged reputations
- Litigation

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Local and national newspapers and news agencies frequently report on inappropriate use of social media in health care.

For example, in Florida, a worker posted a video of two residents engaged in sexual activity. Reporting on this breach of privacy, the newspaper article included the ages of the residents and the name of the facility. The worker was arrested and lost her job. Reporters investigated the facility and found that it had previously been fined for improperly trained staff and malpractice.

In another case, a worker posted images of a resident covered in feces.

Images like these are an extremely poor reflection on the institution. Public posts can be seen by anyone, including local and national media outlets.

To Prevent Negative Posts in Public Media

- Listen to staff, residents and their families
- Respond to grievances and complaints in a timely fashion
- Take corrective action
- Maintain ongoing communication with residents about their care
- Address deficiencies in the facility that affect resident care
- Focus on the positive

Once the public is aware of a social media posting that has gone viral, the damage from that content is often irreversible, even if the posting is false.

Senior leaders can help prevent these postings by listening to the frustrations and complaints of staff, residents, and their families. Respond to grievances in a timely fashion, and acknowledge when the facility takes corrective action.

Look at complaints as an opportunity to improve. Address deficiencies in the facility that affect resident care. Post the positive news, the successes, and the innovations that create a positive image for the facility.

Complaints can Easily go Viral

- ⊘ Make rounds
- ⊘ Listen
- ⊘ Be open to suggestions
- ⊘ Take corrective action

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Care issues and facility problems should be resolved with corrective action. When staff members feel that their voices are heard, they also feel that it is unnecessary to create a damaging post.

All complaints should be dealt with as if they would go live if not addressed. Once a person or group feels they have not been listened to, they will find a way for their voice to be heard. That way could very well be through social media.

Senior managers may be tempted to respond to negative comments posted online about their facility. However, there could be resident privacy concerns regarding responding online, as inadvertent disclosures about a resident could occur even in a good-faith response to complaints or negative comments.

Common HIPAA Violations that Occur at a Senior Level

- Sharing patient photos or documents
- Responding to negative comments with PHI information
- Communicating with PHI information on social media platforms
- Targeted marketing using PHI information
- Sharing PHI with third parties without a business associate agreement

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If a decision is made to respond to a negative online social media comment, be aware of potential HIPAA violations.

Common HIPAA risks and violations on social media include sharing patient photos or documents, responding to negative comments with protected health information, known as PHI; communicating with protected health information on social media platforms; targeted marketing using protected health information; and sharing protected health information with third parties without a business associate agreement.

In general, make every effort to take your response offline. Keep social media and social networking for sharing news of facility and staff successes, recognition, and other positive news that does not disclose protected health information.

Social Media has Many Positive Impacts for Staff and Residents

- ⊘ Creating connections
- ⊘ Fostering feeling seen and heard
- ⊘ Facilitating connecting with family and loved ones
- ⊘ Facilitating participation in group activities

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We've talked a lot about the problems and safeguards of social media, but there are advantages as well.

Social media helps create connections between people. It helps individuals feel seen, especially people who are shut-ins or otherwise limited in getting out.

Social media can also facilitate family and community interaction. Zoom and FaceTime can connect a senior to a book club, a support group, a bridge game, a religious service, or a family birthday party. Staff and residents can appreciate and get to know each other better by sharing appropriate photos, stories, and activities that promote the therapeutic relationship. Managers can also promote activities and share positive feedback with staff and residents.

Social Media is a Positive Tool for Communication

- ⊘ Marketing
- ⊘ Sharing research and discovery
- ⊘ Promoting new services
- ⊘ Recruiting staff and residents

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Social media can be a very positive channel of communication. Health care professionals can use social media as a platform to advocate on behalf of specific issues, such as research on certain diseases or health care innovation or policy. These uses put residents' needs first.

Leaders can also market their facilities and share state-of-the-art practices to prevent complications and promote health and wellness, both within the facility and in society in general. Recruiting staff, residents and fostering continuing education and training are all positive uses of social media.

How do Seniors and their Families Choose a Facility?

- ⊘ Search for a suitable living facility
- ⊘ Read online reviews
- ⊘ Examine quality reports
- ⊘ Look for online education support

Seniors and their families use social media to search and communicate with potential senior living community facilities. As a result, most institutions have a marketing website with descriptions of the facility. YouTube videos featuring residents or staff can foster a positive image for a senior living community.

Online reviews often use Likert-style ratings from people who are familiar with the care facility. Further research into the quality of a facility might be found in blogs or at review sites that describe the physical plant and resident satisfaction.

A single bad review can discourage people from choosing a facility. Negative online media in relation to a facility, the institution, and its employees can cause drastic consequences.

When Using Social Media to Highlight Facility Activities

- Restrict commenting on the site
- Obtain feedback

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Facilities that post on Facebook, Instagram, or their own websites can set privacy limits on these sites that either allow readers to comment or restrict the readers from commenting.

Negative comments can reflect poorly on the organization, while positive comments can be helpful. If the facility wants public feedback, it can post a survey to get feedback and ask for suggestions. Senior leadership of the facility must determine what interaction with the public is best to support their goals and mission.

How Should Seniors and Senior Living Agencies Use Social Media?

- ⊘ Post photos, videos, and vignettes
- ⊘ Share stories that are informative, inspiring, and humorous
- ⊘ Promote programs and services
- ⊘ Highlight residents and staff

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Some senior living facilities use social media to highlight their residents and programs. They have thousands of followers, and some of the seniors have become beloved celebrities. In some cases, residents have become senior influencers with many followers.

If you are on Instagram and search for #seniorlivingstories, several sites will come up. Select a site and click on "View profile," and you will see posts from a number of senior living agencies.

These posts are informative, inspiring, and humorous. All are recorded, photographed, and posted with resident consent and following facility social media policy. Some posts highlight staff and the good work they provide.

What can be Done to Protect Residents, Staff, and Families?

- Develop policies
- Implement safeguards
- Provide training

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The American Health Care Association/National Center for Assisted Living, known as AHCA/NCAL, encourages senior living facilities to adopt clear social media policies that protect residents, their families, and employees, as well as the care center itself.

The policies are a code of conduct that spells out what is appropriate and what is not allowed. They encompass the safeguards discussed earlier, including monitoring and taking corrective action for misuse of social media.

Organizations should post their social media policies for residents, families, and staff. Agencies should review policies regularly, as new technologies emerge frequently. Train staff during orientation, annually, and whenever there is a significant update or change in technology. Provide reeducation when there are changes in regulations.

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