

**AON**

# Managing Social Media Use and Privacy

For Middle Managers

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## Disclosures

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

## 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.

## Purpose

The purpose of this course is to provide middle 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.

## 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.

## What is Social Media?

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



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.



## What is the Difference Between Social Media and Social Networking?

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



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



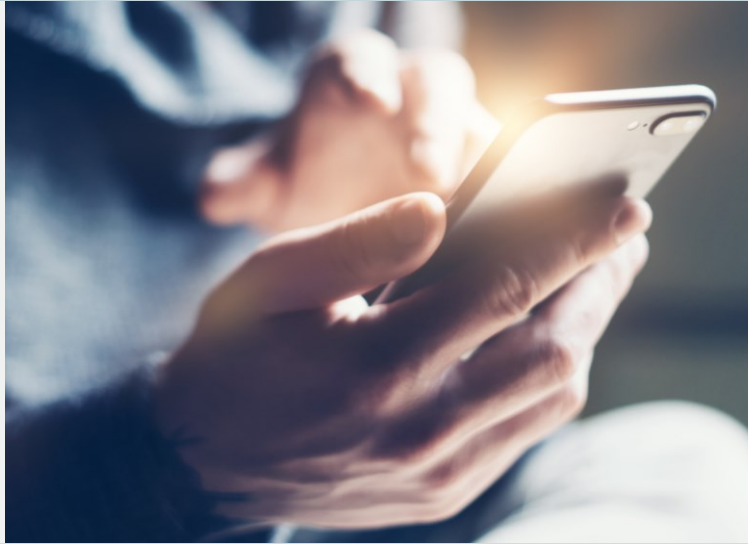
Health care workers use, and are influenced by, social media. More than 90% of health care workers say they use social media, most for both personal and professional purposes.

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.

## Public Spaces for Communicating

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



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 Communicating

- Zoom
- Google Meet
- Facetime
- Microsoft Teams
- Webex



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.

## Separate Personal from Professional Social Media Use

- Determine the importance of your online presence
- Decide how frequently you will post
- Know the difference between professional and personal usage



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 context.

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 personal or political statements.

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



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.

## Uses for Social Media in Health Care

- ⊙ Getting feedback
- ⊙ Marketing
- ⊙ Recruiting staff and residents
- ⊙ E-health
- ⊙ Education



Social media has many valid uses in health care. For example, it can be a very useful tool for marketing a facility and showcasing the services available in a senior living community.

Social media can also be helpful for getting valuable feedback from both residents and staff.

Combining social media with the facility website can enhance recruitment for both staff and residents. Social media also has a role to play in e-Health, the use of digital technology to support health and provide health care. In addition, senior communities can also use social media for public education.

Whatever the goals of using social media, the organization must take measures to protect resident and staff privacy.

## Health Insurance Portability and Accountability Act

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



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.



## What is Protected Health Information (PHI)?

- ⊙ Is data that identifies an individual
- ⊙ Is used to determine care
- ⊙ Falls under protected privacy
- ⊙ Requires consent for sharing



HIPAA requires individuals to give their consent to share their protected health information. PHI “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.”

The definition of PHI also includes names, photos, and geographic information, including where residents live.

In short, any information that can identify the resident or their health conditions is PHI. Sharing of any personal information requires the resident’s 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 included in public information, photos, or videos. The consent form should include the specific 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. Professional staff should know the guidelines for their profession.

Some facilities believe 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 may decide that employees cannot use personal devices at work for personal activity. Surfing the web and scrolling social media distracts employees from providing care and fulfilling their responsibilities. Managers should know the facility guidelines and apply them uniformly and fairly with their employees.

## American Nurses Association Guidelines for Social Media

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



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 avoid 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. These posts violate the code of conduct of the ANA and state nursing boards. 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

- ⦿ Confidentially
- ⦿ Avoiding defamation
- ⦿ Protecting privacy
- ⦿ Building public trust
- ⦿ Sound reasons to use social media



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.

## Health Care Workers Making an Online Presence

- They strive for humor
- They want to be influencers
- They share stories for marketing
- They provide health care information



More and more health care workers are creating an online presence. They strive to be influencers, to share knowledge, and to use platforms for entertainment.

Nurse Blake (an influencer) and Snarkynurses (an Instagram platform for surveys and memes) offer some good examples of humorous posts. Some of the health care professionals on social media sites provide helpful health care information.

Hashtags like #seniorliving and #seniorlivingstories highlight residents, caregivers, and their stories and activities. Some residents have become niche internet celebrities, but all have provided consent to be recorded and posted.

## Improper Use of Social Media

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



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.

Managers should be aware that staff speaking to reporters or law enforcement, or sharing information about a resident with an unauthorized person, is inappropriate and a violation of residents' privacy rights. Facilities should have a designated official spokesperson for any media or law enforcement inquiries with or about residents.

## Examples of Inappropriate Use of Social Media

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



Inappropriate use of social media can be shocking and disturbing. In one case, two Florida nursing assistants used their cell phones to post a livestream of their abusive behavior toward an elderly female resident with dementia. They then posted this video on Snapchat. An anonymous person reported it to authorities.

The police arrested the workers and charged them with video voyeurism, abuse of an elderly person, and interception/disclosure of wire or oral communications. The county sheriff called the behavior vile and the perpetrators “disgusting individuals.” The facility, which had been unaware of the workers’ behavior, immediately terminated them.

Middle managers can and should play a pivotal role in preventing such behavior from occurring with their staff members.

## Other Examples of Misuse of Social Media in the Workplace

- ⊙ Taking pictures of residents or staff
- ⊙ Posting any information that could violate HIPAA regulations
- ⊙ Posting work-related content without approval or consent



Many staff members use their personal cell phones with the best intentions—but they may still be violating HIPAA and organizational policies. Middle managers must educate their staff and enforce the organization’s regulations.

Taking a selfie with a resident using a staff member’s phone is inappropriate. If the resident requests a photo with the staff member, the staff member should use the resident’s phone so that the resident retains control over the image.

Staff members must be reminded that any time they take photos of residents and staff, even at a work activity or social event, they must obtain consent. Managers who witness staff taking photos at work should intervene to enforce facility policies.



## Other Examples of Inappropriate Use of Social Media

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



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.

## Use Social Media Controls

- Use controls for staff and residents
- Limit the ability to comment on organizational sites
- Maintain and monitor privacy and security settings



Facility leaders should implement social media controls for both staff and residents. They should communicate what the controls are and make the reasons for the controls clear.

Some organizations block access to Facebook and Instagram on the facility server, except for use by the professional marketing staff. This helps protect both staff and residents and safeguards the security of the organization.

Middle managers should remind staff, residents, and families that public posts could impact the safety and privacy rights of residents and staff. Many residents and employees post or share content and use online social media without malicious intent. However, comments, visual clues, and other elements can identify the facility, even if the name is not part of the post.

## Staff Members Must Avoid

- ⦿ Staff-on-staff recording
- ⦿ Posting derogatory comments
- ⦿ Posting photos in compromising situations
- ⦿ Sharing misinformation



Young people often take videos of each other and then post the videos to share their lives with others.

However, taking videos or photos of coworkers on the job and posting those photos is not appropriate. Any posting, on any post, with derogatory comments is inappropriate. Posting photos of oneself or others under the influence of substances or engaged in questionable behavior is inappropriate.

And sharing misinformation, especially health-related misinformation, with coworkers or residents is inappropriate. Middle managers who have access to staff social media can watch for inappropriate posts and coach staff on proper use of social media. Work to reinforce facility rules and requirements regarding social media at every opportunity.

## 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, all staff should know the facility's policies. Middle managers should assure adequate training for all staff members relating online presence and use of social media. Good training, effective monitoring, and clear guidance will help protect residents and staff from misuse of social media. These steps will also help protect the facility.

## Safety and Caution First!

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



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; use your facility's secure program 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
- ⊙ Damaged reputations
- ⊙ Litigation from the resident and family



Policies should clearly identify the ramifications of violating confidentiality. Managers are responsible for enforcing policies and making sure that employees know the consequences. Consequences may include employee counseling, termination, fines, litigation, and damaged reputations.

All employees have an obligation to protect an individual's privacy. A particular resident may be identified from a Facebook post stating, "My 80-year-old resident refused her insulin today." A coworker may feel bullied or harassed if a coworker posts, "I had a horrible day because you-know-who was on my shift." Posts like these promote an unsafe workplace for everyone.

Many managers and staff are social media "friends." Middle managers are in an excellent position to see posts from friended staff members, and to advise them on appropriate online behavior.

## To Help Prevent Negative Posts in Social 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/families 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.

Middle managers can help prevent negative postings by listening to the frustrations and complaints of staff, residents, and 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 care.

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. Middle managers have the power to make staff and residents feel heard and appreciated.

## 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



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. Middle managers can use social media to promote activities and share positive feedback with staff and residents.



## Social Media as a Positive Tool for Communication

- ⊙ Marketing
- ⊙ Sharing research and discovery
- ⊙ Promoting new services
- ⊙ Recruiting staff and residents
- ⊙ Continuing education & training



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 that prevent complications and promote health and wellness, both within the facility and in society in general. Middle managers can support these efforts with staff and residents. 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. All of these strategies are effective when done according to facility policy and procedure.

Online reviews often use ratings from people 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 and its employees can cause drastic consequences.

## When Using Social Media to Highlight Facility Activities

- ⦿ Restrict commenting on the site
- ⦿ Obtain feedback



Facilities that post updates on Facebook, Instagram, or their websites can set privacy limits. These limits will either allow readers to comment, or restrict 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 and ask for suggestions. Senior leadership of the facility will determine what interaction with the public is best to support their goals and mission. Middle managers should understand and support the organization's approach and share the goals with staff.

## 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



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. As a middle manager, be alert to positive stories in your facility, and share them with senior management.

## What Can be done to Protect Residents, Staff, And Families?

- ⦿ Develop policies
- ⦿ Implement safeguards
- ⦿ Provide training



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.

Middle managers should review policies regularly as new technologies emerge daily. Train staff during orientation and annually, and provide reeducation whenever there is a significant update or change in technology or regulations.

Organizations should keep their social media policies updated and posted for residents, families, and staff.

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