Long-Term Care Survey Alert

Risk Management: Preempt the Perils of Online Social Media Forums

Prohibit staff from making this No. 1 privacy mistake.

Online social forums provide a great networking tool, but they're also rife with potential privacy and public relations snafus. You can, however, sidestep the pitfalls and make social media work for, rather than against, your facility.

Start by realizing the potential for major problems. "Facebook and similar social forums can be a very dangerous world" in terms of privacy, warns **Jim Sheldon-Dean,** principal and director of compliance services for Lewis Creek Systems LLC in Charlotte, Vt. "Never assume that anything that [is posted on a social media forum] is going to be private."

Develop a Policy and Procedure to Cover the Privacy Bases

The policy should address the dos and don'ts for using the online media,

including what staff can and cannot say in that forum -- "and under what circumstances," says Sheldon-Dean **Must do:** The policy should prohibit staff from posting any specific information about a resident on a social media site, in the view of **Heather Berchem,** with Murtha Cullina LLP in New Haven, Conn.

In fact, some experts advise against posting anything about patients whatsoever. Berchem doesn't know of any facility that has forbid staff from consulting with each other on various discussion forums, which are often hosted by professional organizations. But those discussions should be generic, she stresses, such as "'how would you handle a patient who does x, y, or z?' That's different from posting that 'we had a patient come in today' who is doing x, y, and z.'"

Beware: In theory, nursing home staff who posted that they had a patient exhibiting sexually inappropriatebehaviors to other residents, as an example, could trigger survey problems, Berchem cautions. The policies should also let employees know that posting a picture of a facility party could "infringe on residents' privacy rights" if the picture shows residents in attendance, Sheldon-Dean warns.

Under HIPAA, you'd have to obtain an authorization before posting such a picture, he instructs. "Most facilities have policies governing picture-taking," observes **Nathan Lake, RN, BSN, MSHA,** director of clinical design for American HealthTech based in Jackson, Miss. For example, he worked somewhere where staff members weren't allowed to take any pictures except for authorized reasons.

Get the inside scoop: When training staff to use online social media appropriately, include input from people who really understand how the social media works, advises attorney **David Harlow,** with The Harlow Group LLC in Newton, Mass. For example, "find a young person on staff or someone who uses the various social media forums on a regular basis to help with the training. Use real examples."

Train Staff Not to Take the Bait

Suppose a resident's family member blogs or tweets that they came to your facility and found their loved one sitting in urine, says Harlow. If nursing home staff response to that post acknowledges that the patient is in the facility or provides any information about the patient, they could end up violating a patient's privacy, he cautions. You could, however, respond in a generic way, such as, "XYZ Manor has a comprehensive ABC Services program. Check it out at our website."

Monitor and Respond

"Nursing facilities should monitor various forums so they know what's being said about the facility,both good and bad," advises Harlow. "You can't necessarily monitor stuff on Facebook, but people blog and post comments on Twitter. All of

that is searchable on the Internet." Or "you can use Google alerts or proprietary tools to track what's being said about the facility or by those related to the facility," he adds.

Then use that information proactively to correct misperceptions and rectify situations, Harlow suggests. If you address a quality issue, post an article or press release on the facility's blog or website touting the quality improvement. For example, you could say, "It's hard to get people motivated on the night shift but here's what we have done at our facility."