

# Health Information Compliance Alert

## Toolkit: Know the States' Rules on Social Media and Medicine

### Avoid online faux pas with patients to keep your license intact.

Social media as a marketing tool is an amazing benefit and helps practices reach more patients. There are limitations to what you can post and who you interact with online. Disregarding state and federal guidelines may lead to violations down the road.

**Expert insight:** "Social media is the chosen means of communication, sourcing and learning for billions of people worldwide" says **Howard Luks, MD**, Principal with Symplur, LLC. "Medical practices understand this and may feel there is a rush to jumping onboard." But he warns against making any rash decisions, adding, "The risk is that a practice will rush to implement a social media strategy, but they spend very little time determining what their goals are, what their message is and exactly how they're going to try to get that message to resonate."

**HIPAA:** It takes a thorough knowledge of both HIPAA and social media to fully understand the ramification of an ill-framed tweet or an overzealous Facebook post. Providers must have patients' authorizations in writing to ensure that they don't accidentally reveal protected health information (PHI). (See Health Information Compliance Alert, Vol. 17, No. 5.)

Unfortunately, even the savviest online operators can get themselves into hot water and land themselves a HIPAA violation or worse. Physicians, in particular, must be extremely vigilant about their social media presences - or risk the revocation of their medical licenses. Depending on what and how something is posted, physicians can run into trouble with the Stark law or defamation laws, too.

Clinicians must be aware that they are not only liable under federal mandates. The states have the resources to levy hefty punishments as well.

### Know Your State's Rules on Social Media, Marketing, and More

The Federation of State Medical Boards (FSMB) offers many resources for physicians to remain compliant with their respective state's medical boards. They offer these crucial reminders on how missteps on social media can have outside consequences on your practice, up to and including physician license revocation.

The FSMB's report, "Model Guidelines for the Appropriate Use of Social Media and Social Networking in Medical Practice," offers these reminders and guidelines:

"Medical Board Sanctions and Disciplinary Findings State medical boards have the authority to discipline physicians for unprofessional behavior relating to the inappropriate use of social networking media, such as:

- Inappropriate communication with patients online
- Use of the internet for unprofessional behavior
- Online misrepresentation of credentials
- Online violations of patient confidentiality
- Failure to reveal conflicts of interest online
- Online derogatory remarks regarding a patient
- Online depiction of intoxication
- Discriminatory language or practices online."

"State medical boards have the option to discipline physicians for inappropriate or unprofessional conduct while using social media or social networking websites with actions that range from a letter of reprimand to the revocation of a

license," the FSMB says.

**Resource:** Find out more about the FSMB's social media use suggestions here:  
<http://www.fsmb.org/Media/Default/PDF/FSMB/Advocacy/pub-social-media-guidelines.pdf>.