



SPONSORED TOPICAL WEBINAR

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Managing Social Media & Technology Risks in Psychology

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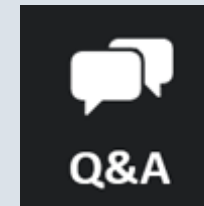
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- You are on mute. Communicate using the **Q&A box** in the webinar screen. Submit your questions for our speakers using the Q&A box.
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Presenters



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Program Objectives



Explain patient confidentiality and boundary issues related to the use of social media



Describe the psychologist's duty of professionalism when engaging in social media



Discuss case examples with social media as the central issue



Explore risk management and liability exposures pertaining to confidentiality, boundary issues and general standards of care as they apply to social media, online reviews and technology

Social Media

- Exchange of information in a virtual community or network
- Users can find information using social media and spread information
- Used:
 - *Personally*
 - *Professionally*
 - *Blending of Personal and Professional*



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Social Media Uses

Personal

- Communicating with friends/family on private personal social media page
- Hobby related chat groups
- School alumni activities

Professional

- LinkedIn
- Professional podcasts
- Professional blogs
- Professional page on social media sites

Personal/Professional

- Professional page on same social media site as personal page
- Comments open to patients on personal web pages
- Friending patients on social media after discharge

Liability Exposures

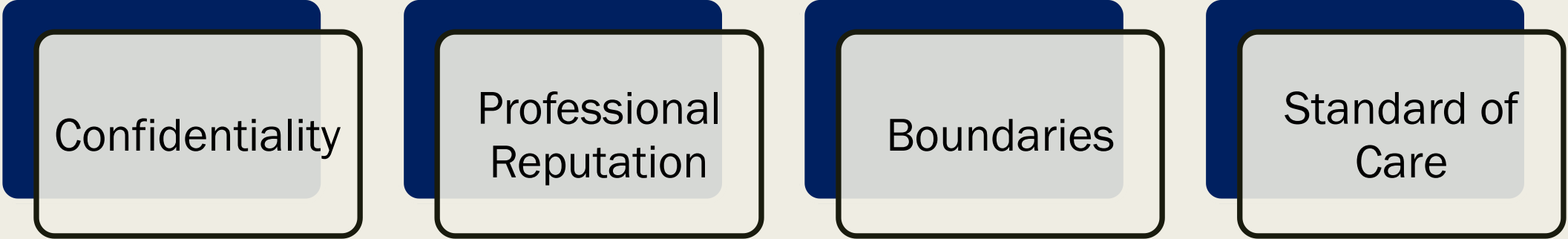
Privacy and Disclosure

- *HIPAA*
- *State Confidentiality Regulations*

Liability Concerns

- *Content Ownership*
- *False Advertising*
- *Intellectual Property Infringement*
- *Employee Disclaimers*
- *Unprofessional Conduct*
- *Libel & Slander*

Legal and Risk Management Considerations

The diagram consists of four identical, horizontally aligned, overlapping rectangular boxes. Each box has a dark blue background and a light gray foreground. The text is centered in the light gray area. The boxes overlap such that the right side of one box is behind the left side of the next box.

Confidentiality

Professional
Reputation

Boundaries

Standard of
Care

Confidentiality

Health Data
Privacy



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Communications with Patients Via Email/Text

- Privacy ≠ Confidentiality
- Encryption
- Criteria for Use of Email/Text
- Informed Consent



Risk Considerations Using Email/Text



Create Policies and Procedures



Use HIPAA Compliant Software



Use Out of Office Messaging



Set Patient Expectations Regarding Response Time & Proper Use



Use of “Read Receipt”



Consider Patient Portal



Proper Documentation

Professional Reputation



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Reputation



**HELD TO A HIGHER
STANDARD**



**PERSONAL
REPUTATION**



**PROFESSIONAL
REPUTATION**



Online Reputation

*Follow the APA Guidelines for the
Optimal Use of Social Media in
Professional Psychological Practice*

Responding to Negative Social Media Posts

- Responding publicly may create a HIPAA violation
- Ignore posts, if possible
- Post a generic statement when responding publicly
- Contact the patient off-line
- Contact law enforcement if threatening

Freedom of Speech versus Defamation - Sometimes A Fine Line

Lessons Learned – Online Reviews

- NJ psychiatrist fined \$30,000 to settle a complaint of impermissible disclosure of PHI related to an online review.
- RI physician reprimanded by Board of Medicine, and hospital privileges revoked for posting online information about a patient sufficient enough to identify the patient in her community.
- NC dental practice fined \$50,000 in civil penalties for disclosing patient-identifying information in response to a negative online review.

<https://www.hhs.gov/about/news/2023/06/05/hhs-office-civil-rights-reaches-agreement-health-care-provider-new-jersey-disclosed-phi-response-negative-online-reviews.html>

<https://www.nbcnews.com/id/wbna42652527>

<https://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/agreements/upi/index.html>

Boundaries



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Boundary Issues

- Consider how professional boundaries may be affected by communications between the clinician and “*friends*” or “*followers*” on social media
- Record of electronic communications may support the existence of a provider-patient relationship
- Licensure implications



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Boundaries and Social Networking

Accepting Request

- Possible Alliance Building
- Blurs Boundary
 - Nature of Relationship
 - Treatment Setting
- Invites Breach of Confidentiality

Declining Request

- Possible Alliance Break Down
- Confirms Professional Reputation
- Commitment to Patient's Best Interest

Risk Management Implications When Googling Patients



May create a boundary violation



Difficult to respond naturally to information



Handling discrepancies between internet information versus patient's self-reporting information



Obtain consent first

Standard of Care



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Scenario

A psychologist has a social media page where a patient posts public comments about their treatment, seeking advice.

What is the Best Way to Handle This?

Social Media Implications Consistent With Standard of Care



Access to
Private
Information

Access by
Others to
Individual's PHI

Posting
False
Information

Fraudulent
Practices

Patient Portals

For the Patient

- Appointment Scheduling
- Invoice Statements
- New Patient Intake Forms
- Updated Information
- Email Communications
- Medical Records

For the Psychologist

- Appointment Reminders
- Electronic Invoices
- Email Communications
- Communications Included In Medical Record Documentation

Patient Portal Considerations

No access to psychotherapy notes

Patient only views the information psychologist wants

Progress notes remain HIPAA protected

Informed Consent

Policies & Procedures

Unique/Secure “Log On” Credentials

Auto “Log Off”

Backup System

Emerging Social Media Issues

Live Streaming

- Reporting
- Patient Location

Online Threats

- Duty to Warn Considerations
- Law Enforcement

HIPAA Considerations

- Law Enforcement
- Family Members

Technology – The Good, The Bad & The Ugly

Technology Helps

- *Improve Access to Care*
- *Improve Communication*
- *Provide Real-Time Information/Support*
- *Increase Professional Networking/Collaboration*

Technology Can

- *Create Unrealistic Expectations*
- *Expose PHI to Unauthorized Access to Third Parties*
- *Make Boundaries Difficult to Maintain*

Conclusion

■ Respect Boundaries

➤ *Do not invite/accept friend requests with patients*

■ Avoid Dual Relationships

➤ *Patient doesn't equal an online friend*

■ Respect Privacy

➤ *Do not Google patients without their consent – online information does not belong in the medical record*

➤ *Use encryption – Follow HIPAA guidelines*

■ Maintain Professional Reputation

➤ *Exercise restraint when disclosing information on the internet*

■ Respect Your Privacy

➤ *Read each social media website's privacy settings*

Resources

- American Psychological Association. APA Guidelines for the Optimal Use of Social Media in Professional Psychological Practice. Approved October 2021 by the APA Council of Representatives - <https://www.apa.org/about/policy/guidelines-optimal-use-social-media.pdf>
- The HIPAA Journal. HIPAA Compliant Email Providers. Dec. 22, 2022 - <https://www.hipaajournal.com/hipaa-compliant-email-providers/>
- TotalHIPAA. HIPAA Compliant Text Messaging Apps – <https://www.totalhipaa.com/hipaa-compliant-text-messaging-application-review/>

Resources

- American Psychological Association. Owings-Fonner, Nicole, MA. Which payment processing platform performs best? December 2020 - <https://www.apaservices.org/practice/business/technology/tech-column/best-payment-processing-platforms>
- S., Viktoriia, Content Writer. Top 10 Best Telehealth Platforms for Therapists. Aug. 17, 2022 - <https://expertbox.io/top-telehealth-platforms-for-therapists>

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AUDIENCE Q&A

FINAL THOUGHTS

- A recording will be emailed to you in 2 weeks. It will include the presentation slides.
- Take our survey immediately after the webinar has concluded.

THANK YOU!

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