

Are texting & social media OK for healthcare professionals under HIPAA

Hi, I'm Dan Smith, and welcome to my video.

Today, I'm going to be talking about HIPAA and how HIPAA relates to the use of some of the more modern technologies that health care professionals may choose to use in their practice, from social media to texting.

So, so first of all, HIPAA.

You all know about HIPAA.

HIPAA is a privacy... Is a statute that protects privacy. It is a federal statute that was enacted by Congress in 1996.

It stands for the Health Information Portability and Accountability Act of 1996.

So we have the acronym HIPAA and it's something that every healthcare professional whether he or she is a doctor or a dentist or a nurse practitioner, or anyone providing healthcare services, needs to be aware of and needs to be careful with, because there are serious monetary penalties that can be imposed by the HHS and their Office of Civil Rights if you do violate HIPAA and unintentionally or intentionally, disclose protected health information of your patients.

So getting back to the question for today, what about social media and texting things of that sort that is used in the modern healthcare practice by just about everyone?

First of all, what happens when a patient says something about you or your practice on Facebook or on Twitter or on some other social media platform. Are you allowed to "like" their posting or dislike their posting or comment on their posting?

Maybe if they say something negative about you, are you able to respond and defend yourself on the social media platform? Are you even allowed to acknowledge that that person who made the posting, is your patient?

The simple answer to all those questions is no. You should not do that.

By posting anything that could be construed as protected health information of the patient, even the patient's identity or that that person is one of your patients, on a social media platform without written consent of the patient, you are in violation of HIPAA.

So, the best rule is just don't put any information about patients or patient identity, patient protected health information on social media. That would include if you take photographs or put videos for marketing purposes on social media platforms of your office. Make sure there's nothing somewhere in the video, somewhere in the picture, that would identify some of your patients.

Now, how about texting? Can you text your patients?

Most healthcare professionals like to do it. A lot of patients like to get texts from their health care providers.

It is okay to do it, but you need to have the written consent of your patients in order to do it, because you are using an unsecured platform to provide protected health information to patients by using texting and so what you need to do is make sure you have written consent of your patients setting forth the what the risks are for sending information by text, you know, that it's not encrypted, that it may be accessible. Like, for example, if someone else has access to their phone, could be accessible by someone other than them. So you need to get specific express written consent from your patients in order to send them texts with protected health information.

If you do that, then you should be okay, but I would suggest that you still should try to limit the amount of protected

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health information that you include in texts and make sure that you have an, up-to-date, current written consent from the patient in order to provide them information through texts.

That's it for the day.

I hope this information is helpful to you and we'll see you next time.