

 HAWAII HEALTH SYSTEMS C O R P O R A T I O N "Touching Lives Everyday" PROCEDURES	Quality Through Compliance	Policy No.: CMP 017B
		Revision No.: N/A
Subject: Policy for Use of Social Networking and Other Electronic Media	Issued by: Chief Compliance and Privacy Officer	Effective Date: October 13, 2011
	Approved by:  Bruce S. Anderson HHSC PCEO	Supersedes Policy: N/A Page: 1 of 5

I. **PURPOSE:** To provide procedures, examples, and guidelines on use (both business and personal) of (i) social networking websites, (ii) blogs, (iii) video sharing websites and (iv) any other public websites that allow for user comment or sharing of information.

II. **PROCEDURES:**

- A. Social media and networking sites have evolved rapidly over the last few years. With this rapid growth, the Chief Compliance and Privacy Officer (CCPO) and Regional Compliance Officers should provide employees and staff with guidance so that they can make informed decisions on the appropriate usage of these sites.
- B. Any known or suspected violation of law or other wrongdoing in connection with social media use should be reported immediately. Reports may be communicated to a manager/supervisor, regional compliance officer, Regional Chief Executive Officer, Chief Compliance and Privacy Officer, and/or via the Corporate Compliance Hotline.
- C. The Chief Compliance Officer and/or Regional Compliance Officer shall record, follow-up, and investigate as necessary any complaint received regarding social media or other electronic media using the procedures outlined in CMP 009B and CMP 010B.
- D. If the use of social media violates a law, act, statute, code of conduct, policy or procedure, and the usage pertains to HHSC, its affiliates or its employees and staff, HHSC's disciplinary action policies must be followed.
- E. General Guidance: These procedures are intended guidance for employees, staff, and others affected by Policy CMP 017A who use social media sites both in a professional capacity and in a personal capacity to make their own decisions regarding the appropriate use of social media.
 1. Employees and staff have a responsibility to represent themselves clearly and honestly, to take care to provide only factually correct and accurate information and to ensure that all existing policies are adhered to.
 2. The same basic policies that apply to conduct as an HHSC employee, staff member, volunteer, contractor, or other agent apply to the use of social media as

well. Harassment, for example, is harassment whether it is done face to face, over the phone, or on a social media site.

- F. Specific Guidelines: The following are provided as further guidance. They may be used by the CCPO, Regional Compliance Officers, or other managers and supervisors in education and training to illustrate specific types of social media use and its appropriateness or inappropriateness. These examples are not intended to be all inclusive and overarching HHSC Policies, laws, and regulations will prevail in the case of improper use of social networking or other electronic media.

1. Patient Privacy: There are federal and state laws (i.e., HIPAA) which require HHSC and all employees and staff to protect the privacy and security of patient information. One of our standards at HHSC facilities is safeguarding information for all. In addition, HHSC facilities have policies, procedures and guidelines that were established in order to maintain the highest level of privacy and security of patient information. Posting any patient information using social media can be considered a violation of federal and state law as well as a violation of HHSC's privacy and security policies and the Code of Conduct. Anyone who posts patient information could also face personal liability including severe fines and penalties. Personal information includes, but is not limited to, medical information, photographs, images, descriptions and commentary about situations occurring at work that involve patients.

Example: Two nurses in Wisconsin were terminated after posting photos of a patient's x-ray online. The nurses took photos of the x-ray using their cell phones. Even though the name of the patient was indecipherable, it was still a violation and the nurses were terminated.

Remember that a patient does not have to be named or otherwise specifically identified in order for it to be a violation. It is also important to realize that you cannot control what others post and just because you do not identify a patient by name, this does not mean that something you have posted will not turn into a violation.

Example: A colleague puts a message on Facebook that reads, "I had a rough day today... three codes in one hour!" Then, one of your friends comments by saying, "One of them was my neighbor, Jim Smith. We saw the ambulance in front of his house. Was he ok?"

In this example, the employee did not disclose the patient's name but the employee opened the door for someone else to disclose personal information about another individual. It is important to recognize that we in healthcare are held to a higher standard. The privacy laws that we are required to adhere to are different than in most other industries. We have a legal obligation to never disclose protected health information outside the scope of our practice. We also have an ethical obligation not to open up the door and make it easy for others to disclose personal information.

2. Adhere to All HHSC Policies and Procedures: Even if a policy or procedure does not specifically reference on-line postings or social media sites, it is your

responsibility not only to comply with the letter of the policy or procedure, but also to comply with its intent.

Example: An employee writes harassing comments of a sexual nature about a co-worker on his Facebook page. He does this while he's at home. In fact, in his position, he doesn't even have computer access at work.

HHSC's Code of Conduct prohibits discrimination and/or harassment. It does not specify on-line discrimination or harassment. However, if harassing comments are posted using social media, it is a violation of our Code of Conduct. This includes harassing comments about any colleague (peer, supervisor, direct report, etc.) or patient.

3. Confidential and Proprietary Information: Disclosing confidential or proprietary information is a violation of existing policy. Doing so is prohibited whether it is done in person or using social media sites. HHSC policies prohibit the disclosure of information that is considered confidential and proprietary.

Example: An employee writes a "tweet" that says, "Just found out my boss makes \$45 per hour. Wish I had HIS job!!"

At HHSC salary and payroll information is considered confidential. Disclosing it is a violation.

4. Be Responsible: Anything posted on-line is there for the world to see. And, even if you delete it, it does not mean that it is gone. There is nothing preventing someone from printing it out. For example, Facebook currently emails comments. Just because it is deleted from your personal page does not mean that 200+ people don't still have it sitting in their email box. Once it gets written, it is close to impossible to make it disappear.

In addition, the use of social media has created blurred lines between "what I do at home" and "what I do at work". In many cases, what you do at home can affect your employment. Depending on how you use social media, these lines can get very blurry.

Example: Your ex-boyfriend is rushed into the emergency department after overdosing on drugs. You text a message about it to your mother.

Anyone who has gone through compliance orientation training and HIPAA training knows that this would violate policy and violate law. The employee could be terminated and could even face fines and penalties. It does not matter that she made the disclosure while she was on her free time. The same thought process needs to happen for social media. Just because you are using it on your free time does not give you a free pass to violate policies and laws.

5. Recognize that other people, besides patients, have the right to privacy as well. Disclosing information about another person on-line that is otherwise protected could also be a violation of law.

6. Use good judgment. If you have to think twice about what you are writing, think some more. If it makes you uncomfortable in any way, there's a good chance that it is not the right thing to do. Take personal and professional responsibility for your on-line activities.
7. Use of Assets and Resources: Do not use your HHSC email address to sign up for social media.
8. Do not use social media during business hours unless it is part of your job and you are authorized to do so.
9. Be Aware: If you don't want it to be on the front page of the newspaper with your name attached to it, don't write it on-line. Once it is written, you cannot take it back. Even if you have enabled privacy settings, there is no guarantee that someone will not obtain what you have written.
10. Raising Concerns: If you have a grievance or something that you believe needs attention, bring it up the chain of command until it is addressed. If you are uncomfortable doing so, bring your concerns to Human Resources or call the Anonymous Compliance Hotline. Posting your frustrations on-line is unproductive and will almost never result in change. If it bothers you enough to post it, then tell someone about it.
11. More Tips: Here are some more tips to think of whenever posting anything on-line:

- a. If you are writing something that indicates your connection to a HHSC facility, be transparent. Make sure you identify yourself. Avoid making comments like "I work there" but not indicating who you are and what your role is. Make that connection apparent and do not try to hide your affiliation. In those situations, add a disclaimer. An example is, "The views expressed here are my own and do not reflect the views of my employer."

Example: A trauma is brought into the emergency department. It is all over the news and in the newspaper. An employee goes onto the news website and comments, "I work there and saw her come in. There's no question that she was dead before she arrived. It was really awful." This would be a violation.

- b. If you post comments or information that would negatively impact HHSC's reputation, you should either not refer to HHSC by name or make your affiliation known. Again, be transparent and honest and recognize that doing something to tarnish the reputation of HHSC or posting something that damages the reputation of HHSC is a violation

Example: Two Domino's Pizza employees posted a video on YouTube doing some very gross things to food. The video was viewed by over a million people before it was taken down. The employees were identified, fired and arrested under a felony warrant.

- c. Do not use HHSC logos or trademarks. Only use "HHSC" if doing so is part of your job and it is for business purposes.

Example: Setting up a Facebook group that uses "HHSC" in the title or uses HHSC's logo or photos of the hospital would be a violation unless setting up the group is for business purposes, you are authorized to do so, and use of the logo or photo has been approved by HHSC management.

- d. Be respectful, honest and truthful. Untrue, deceptive or otherwise unethical postings may not only reflect poorly on HHSC but may also reflect poorly on you and may result in liability for you, HHSC, or both.
- e. Do not use aliases or false on-line personas. Most social media sites have rules against the use of fake names that many people are unaware of. It is generally not an issue unless and until the account is being used for illegal or unethical purposes. Once that happens, the identity of the user can often be discovered and could result in personal liability.

Example: A mother created a fake MySpace account portraying herself as a boy from her daughter's school so she could harass another student. After being tormented on-line, the student committed suicide. The mother was sued and found guilty.

- f. Professional Codes of Conduct: Licensed professionals are required to follow their respective codes of conduct and to recognize that there are requirements that affect the use of social media sites.

Example: A nurse receives a "friend request" from a patient through Facebook. The nurse has no other relationship with the patient other than that of healthcare provider. She did not know the patient prior to his hospital stay. The American Nurses Association (ANA) Nursing Code of Conduct has a section in its standards of conduct called "Professional Boundaries". Nurses are expected to know these standards when deciding whether it is appropriate to accept the friend request.

- 12. Knowledge of Code of Conduct: It is everyone's responsibility to read and be familiar with the Code of Conduct. Ignorance or "I didn't know" is not an excuse for inappropriate, unethical, harassing, defamatory or illegal on-line postings.

- III. **APPLICABILITY**: These procedures apply to all HHSC facilities, employees, medical staff, Board members, auxiliary and foundation members, vendors, contractors, and other agents.

- IV. **REFERENCE**: HHSC Policy CMP 017A and all authorities therein.