



Making Cancer History®



### PROS vs CONS OF SOCIAL MEDIA USE FOR HEALTHCARE PROFESSIONALS

#### Ishwaria M. Subbiah, MD, MS

Associate Professor, Department of Palliative, Rehabilitation & Integrative Medicine Division of Cancer Medicine University of Texas MD Anderson Cancer Center Houston, TX





#### **Disclosure of Conflicts of Interest**

 Ishwaria M. Subbiah, MD, MS, has no relevant financial relationships to disclose.





### Social Media in Medicine: A Complex Multi-faceted Issue...

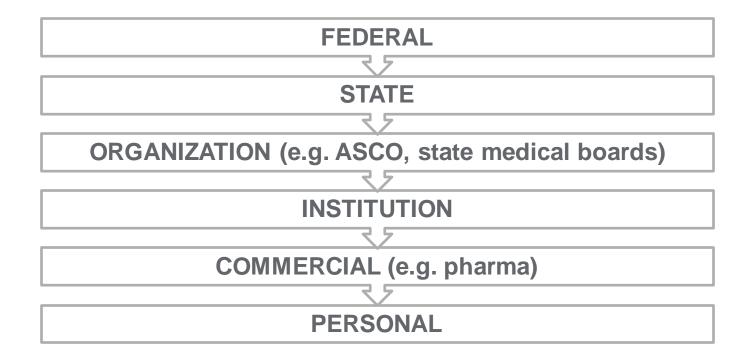
PRIVACY
PATIENT/CLINICIAN SAFETY & SECURITY
PATIENT/CLINICIAN INTERACTIONS
LIABILITY
CLINICIAN RATINGS AND ONLINE REVIEWS
SOCIAL MEDIA AND EMPLOYMENT
and many more issues.

### Today's Focus: Transcend Boundaries and Create Opportunities for Patients



#### **WHO'S THE BOSS:**

### Levels of Governance of Healthcare-related Interactions on Social Media Platforms







### General Rule: Adhere with the Most Restrictive Policy!

#### **HIPAA & OTHER FEDERAL LAWS**





**ORGANIZATION GUIDELINES** 





### Federal Governance of Social Media Interactions: "RETROFITTING" LEGISLATION

August 21, 1996

The Health Insurance Portability and Accountability Act (HIPAA) enacted by the 104th US Congress.

May 5, 2003

LinkedIn launched.

February 4, 2004

Facebook launched.

March 21, 2006

Twitter launched.





### Interpreting HIPAA for the Social Media Era





HIPAA for Professionals https://www.hhs.gov/hipaa/for-professionals/index.html



### HIPAA PRIVACY RULE: DEFINING WHAT'S PROTECTED

"Privacy Rule" - Standards for Privacy of Individually Identifiable Health Information

Establishes **national standards** for the protection of certain health information.

OCR Privacy Rule Summary https://www.hhs.gov/sites/default/files/privacysummary.pdf



### HIPAA PRIVACY RULE: DEFINING WHAT'S PROTECTED

The Privacy Rule protects all "individually identifiable health information" held or transmitted by a covered entity, in any form or media, whether electronic, paper, or oral.

The Privacy Rule calls this information "protected health information (PHI)."

OCR Privacy Rule Summary https://www.hhs.gov/sites/default/files/privacysummary.pdf

### HIPAA: DEFINING PROTECTED HEALTH INFORMATION

**NAMES** 

POSTAL ADDRESS

PHONE, FAX, EMAIL ADDRESSES

SSN

**MRN** 

HEALTH PLAN BENEFICIARY ACCOUNT NUMBERS

CERTIFICATE, LICENSE NUMBERS VEHICLE IDENTIFIERS, LICENSE PLATE DEVICE IDENTIFIERS, SERIAL NUMBERS

URLS, IP ADDRESS

BIOMETRIC IDENTIFIERS (FINGER, VOICE PRINTS) FULL FACE, COMPARABLE IMAGES

OCR Privacy Rule Summary https://www.hhs.gov/sites/default/files/privacysummary.pdf



### EXAMPLES OF HIPAA VIOLATIONS ON SOCIAL MEDIA

If you've heard about it on the news, it is likely egregious.





### **Commonly Reported Social Media HIPAA Violations**

- Images and videos of patients without consent (written).
- Any identifiable information within posts.
- Photographs from a medical facility where PHI is seen (i.e., in background).
- Sharing of identifiable information in private groups.

Crane GM, et al. Pathology Image-Sharing on Social Media: Recommendations for Protecting Privacy While Motivating Education. AMA J Ethics. 2016 Aug 1;18(8):817-25.



# WHO FILES THE COMPLAINTS: Entities that Report Social Media Violations

Rare to get reports from patients who themselves are the subjects.

#### **Most common sources:**

- Communications Office monitor institutionally related tweets
- Self-report
- Acquaintances of the employee on social media.

Privacy & Information Security Compliance, Institutional Compliance Program.
University of Texas MD Anderson Cancer Center.



# So...are you even more convinced to stay away from social media?

There is hope for effective use....



# A MAJORITY OF CLINICIANS USE SOCIAL MEDIA WITHOUT ISSUE.

Their strategy: Employ common sense and these standard pearls of wisdom.





#### PEARL #1: DE-IDENTIFY HEALTH INFORMATION

#### No restrictions on the use of de-identified health information.

Neither identifies nor provides a reasonable basis to identify an individual.

#### 2 ways to de-identify:

A formal determination by a qualified statistician;

or

 The removal of specified identifiers to where the remaining information cannot be used to **re-identify** the individual.

45 CFR 164.502(d), and 164.514(a)-(c)

https://www.hhs.gov/hipaa/for-professionals/privacy/special-topics/de-identification/index.html



#### PEARL #1: DE-IDENTIFY HEALTH INFORMATION

POSTS OF CONCERN	IDENTIFIERS	ALTERNATIVE TO CONSIDER
"Today I saw someone with"	Date, Diagnosis (esp. if rare)	Avoid (or be vague about) dates. "I recently saw a case of"
"my gameshow host patient with pancreatic cancer is starting chemo but I want to be ready with alternate options if needed"	Newsworthy circumstances	Avoid details that allow association with recent events.  "Any new trials for metastatic pancreatic cancer?"
	Identifying images	WRITTEN CONSENT.  Avoid posting full facial images, unique tattoos, or other identifying features without signed consent.

Crane GM, et al. Pathology Image-Sharing on Social Media. AMA J Ethics. 2016 Aug 1;18(8):817-25.



#### PEARL #1: DE-IDENTIFY HEALTH INFORMATION

POSTS OF CONCERN	IDENTIFIERS	ALTERNATIVE TO CONSIDER
"56 year old female with a new diagnosis of"	Age	Exclude age for patients > 89 or aggregate ages into "age 90 or older."  Avoid precise ages esp. children.  Use approximate ages or ranges for all posts.
"my patient is moving to the Rice University area and needs a new oncologist"	Geographic location	Avoid mention of small geographic subdivisions. "My patient is moving to the Houston area"
"24 year old man with a right arm mass"	Anatomic site Patient history	If appropriate, consider modifying clinical history. "A woman in her 20s presents with a left thigh mass"

Crane GM, et al. Pathology Image-Sharing on Social Media. AMA J Ethics. 2016 Aug 1;18(8):817-25.

#### PEARL #2: RECOGNIZE AN ERROR IMMEDIATELY.

A breach is, generally, an impermissible disclosure of PHI.

**EXCEPTIONS:** low probability that the PHI has been compromised based on the following factors:

- Nature, extent of the PHI (types of identifiers, likelihood of re-identification)
- The unauthorized person who used (or received) the PHI
- Whether the PHI was actually acquired or viewed; and
- The extent to which the risk to the PHI has been mitigated.

### NOT ALL ERRORS ARE BREACHES. Contact your privacy officer.

HIPAA Breach Notification Rule, 45 CFR §§ 164.400-414. https://www.hhs.gov/hipaa/for-professionals/breach-notification/index.html





#### PEARL #3: WHEN IN DOUBT, OBTAIN PATIENT CONSENT.

Review your practice's media policy.

Obtain necessary consents.



Making Cancer History

#### MEDIA AUTHORIZATION AND RELEASE

I hereby consent to having my photograph taken, and I hereby give The University of Texas MD Anderson Cancer Center ("MD Anderson") permission to capture my name, likeness, image and/or voice in photographic, audio, audiovisual, digital or any other form of medium (the "Media Materials"). Furthermore, I hereby authorize MD Anderson and its affiliates (e.g., MD Anderson Services Corp. and MD Anderson Physician Network) to use the Media Materials for any numana (including any and all business advectional professional or fund mising activities)



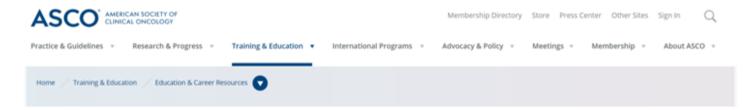
### PEARL #4: ENGAGE YOUR COMMUNICATIONS AND LEGAL OFFICES.

Explore resources within your practice network.

• Most hospital systems, practice networks, cancer centers, and universities have communications offices and legal services.

Take social media training through institution or organization (e.g., AMA, ASCO).

Consider refresher courses to stay up to date with HIPAA social media rules.



Social Media Resources

ASCO Social Media Resources.

https://www.asco.org/training-education/education-career-resources/social-media-resources



### PEARL #5: VIEW REGULATIONS AS PROTECTIONS, NOT BARRIERS

 Thousands of clinicians engage on social media while following the regulations in place for patient safety and their own protection.



#### PEARL #6: USE RESTRAINT - EQ OVER IQ

- Participation in social media is a constant exercise of your Emotional Intelligence.
- Your posts enter the public domain.



#### STRATEGIES FOR EFFECTIVE SOCIAL MEDIA USE IN **HEALTHCARE**

**PEARL #1: DE-IDENTIFY HEALTH INFORMATION** 

PEARL #2: RECOGNIZE AN ERROR IMMEDIATELY.

PEARL #3: WHEN IN DOUBT, OBTAIN PATIENT CONSENT.

PEARL #4: ENGAGE YOUR COMMUNICATIONS AND LEGAL OFFICES.

PEARL #5: VIEW REGULATIONS AS PROTECTIONS, NOT BARRIERS.

PEARL #6: USE RESTRAINT - EQ OVER IQ.



### EXAMPLES OF EFFECTIVE SOCIAL MEDIA USE IN ONCOLOGY

Clinicians who make a difference...



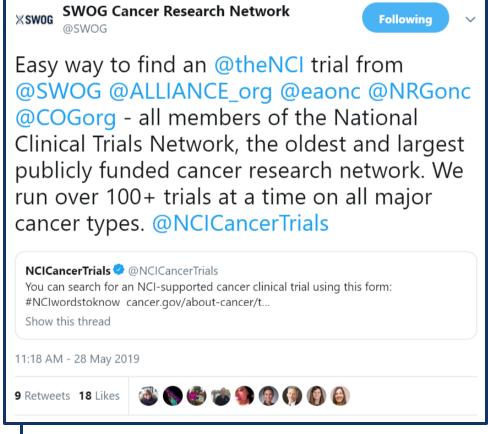


### **Creating opportunities for our patients: Clinical Trials**





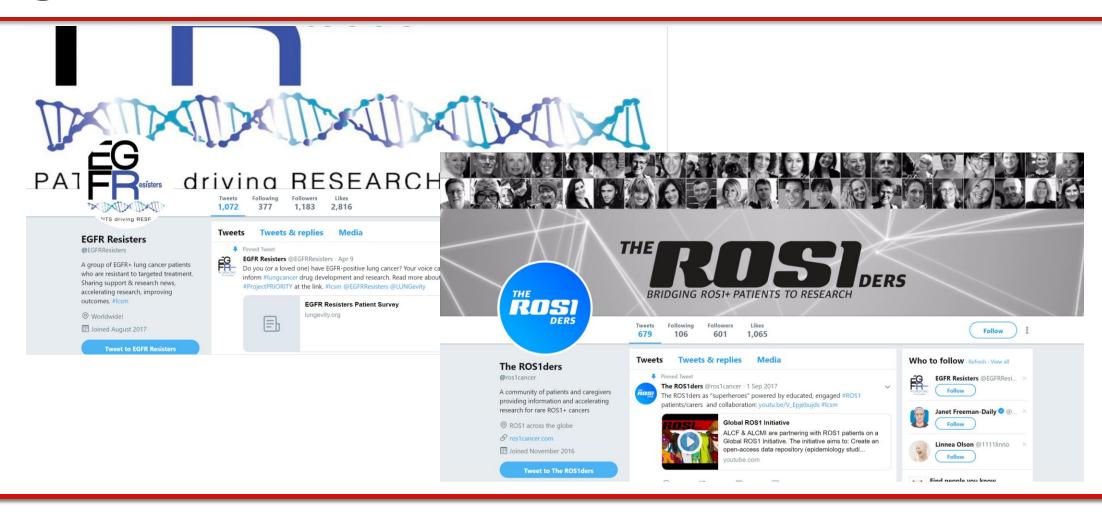
12:22 PM - 29 May 2019







### Creating opportunities for our patients: Bringing together rare cancers and rare aberrations.

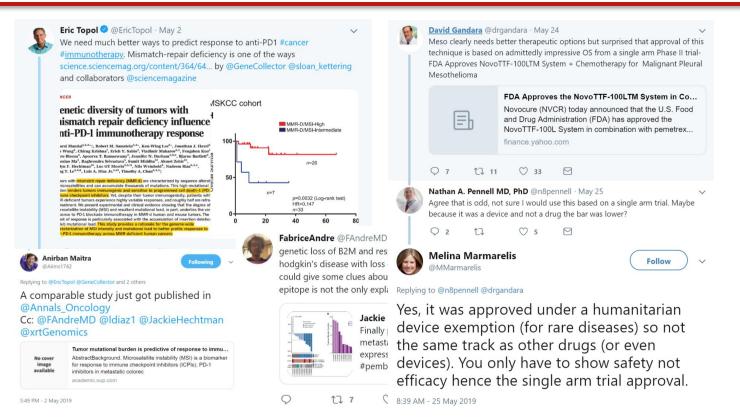


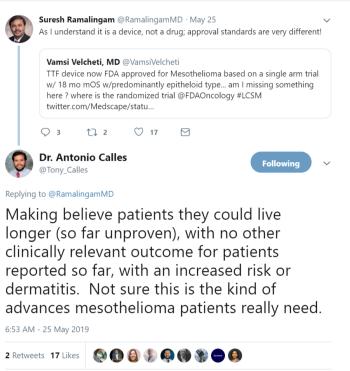




### Creating opportunities for our patients: Engage in immediate conversation on recent publications

#### A REAL-TIME PEER REVIEW





1 2





# Creating opportunities for our patients: Community among clinicians.

#### **CELEBRATE MILESTONES!**





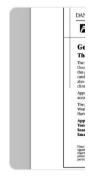


### Creating opportunities for our patients through close community among clinicians.



Following

Positions open for GU medical oncologists @DanaFarber. If interested, email me a letter of intent and your CV. Ad below. #LankCenter



11:32 AM - 29 May

H. Jack West, MD 

@JackWestMD

For those at #ASCO19, I'm happy to to connect w/folks who want to learm a new opportunity at @cityofhope, who growing our service for remote experionsults & telemedicine. Innovative provides work. GI onc, melanoma expertise especies. Let's talk.



6:46 PM - 30 May 2019



249,000

lives saved

45,000

lung cancer





### Patient-Centered Care Begins with a Thriving Clinical Team

