

## Proposed Policy and Guidelines

### Use of Social Media Communication Technology The University of Tennessee Graduate School of Medicine September 10, 2010

#### I. RATIONALE

The continuing advances in capacity in performance of devices referred to as “smart phones” and of venues termed social media communication technology has afforded much need capability for immediate and continuing contact with loved ones and family members as well as friends and colleagues. Recently, one device allows two-way visual contact via a smart phone and another software package allows two-way visual communication via computer. Fortunately, similar to technology advances in the past, this new communication technology has had a major positive force on delivering of healthcare services as well as an equally positive influence on undergraduate and graduate medical education. As has been true for previous adaptation of technology to healthcare service and medical and dental education, the daily *transition from personal use* of smart phones and social communication technology must be done with the highest degree of integrity and professionalism.

#### II. PURPOSE AND OBJECTIVES

1. To provide guidance to residents, fellows and students of the University of Tennessee Graduate School of Medicine (GSM) in the *personal* use of smart phones and social media communication technology while providing supervised healthcare to patients at the University of Tennessee Medical Center (UTMC), or who are engaged in educational activities that involve patient information, or who are engaged in supervised clinical research activity that involves access to or transfer of patient information.
2. To provide guidelines and policies to: (a) assure the privacy of GSM and UTMC patients and staff; (b) to ensure patient safety; (c) to ensure that all patient health information (PHI) is protected in accordance with Federal HIPAA and Tennessee State privacy regulations, (d) to ensure that PHI obtained at the UTMC campus, including but not limited to photographs, videos, patient encounters or patient observations are not disclosed or posted to any public or private media.
3. To ensure that GSM directed UGME and GMDE programs are in accordance with Liaison Committee on Medical Education (LCME) and ACGME regulations and general competencies, respectively.

#### III. GUIDELINES

1. For policy and guidelines purposes, social media communication technology includes smart phones, portable communication devices and other devices capable of text messaging, utilization of e-mail and transfer of photographs or file documents.
2. Social media is further divided into the use of web-based applications such as, but not limited to Facebook, MySpace, LinkedIn, YouTube, Flickr, Blogs, Wikis, and other outlets where comments (interactive or closed) are posted in network-based or public settings. As new technologies emerge, these applications will be evaluated and assessed for adherence to the guidelines.
3. Students, residents and fellows are to also understand that this policy and guidelines apply to social media participation both during GSM directed work or educational time as well as time spent outside of UTMC.

4. Residents, fellows and students are representatives of the GSM, and UTMC and are therefore are expected to exhibit a high degree of professionalism, personal integrity and mutual respect at all times in compliance with ACGME general competencies.
5. Proficiency in the competencies extends to the personal use of portable communication devices or smart phones and other social media outlets. *Where no unambiguous policy or guideline exists regarding personal use of this communication technology, students, residents and fellows should consult with their clerkship or program director and should use professional judgment to take the most prudent action possible.*
6. When posting to a social media site, students, residents and fellows (when identified) may be perceived as having expertise or special insight on medical related topics, whether that expertise is real or not, simply because of their GSM or UTMC affiliation. Therefore, all students, residents and fellows should apprehend as well as understand that they may have a higher level of influence through their comments.
7. Residents, fellows and students who use GSM or UTMC electronic communication systems shall adhere to the GSM computer use policy outlined at <http://gsm.utmck.edu/med> or for the UT system <https://my.tennessee.edu/>
8. Residents, fellows and students should have no expectation of privacy with respect to ***personal use of smart phones or social communication technology that also includes any patient or UTMC identifiers when using GSM or UTMC electronic communication systems.*** The GSM and UTMC reserves the right to monitor, review and inspect all e-media use conducted through its networks and the contents thereof. [See Supreme Court decision June 17, 2010]
9. Further, students, residents and fellows are to understand that information posted on a social media sites is public information with no inherent privacy rights for the individual posting the information.

#### IV. Policy

6. Smart telephones, portable communication devices or social media communication technology of any type shall not be used to acquire or transmit personal health information (PHI) ***for personal reasons.***
7. Patient care information that is de-identified (per HIPAA) may be acquired or transmitted at the request of an attending or by a patient or family member to answer a healthcare question.
8. Visiting or posting to social media sites undertaken during normal duty hours or during GSM directed educational interventions for ***personal reasons*** is prohibited unless such activities are embedded within inherent responsibilities of the duty hours activities or are a part of expected activity within GSM educational intervention.
9. Using smart telephones or portable communication devices in posting of the following types of information is prohibited and, in some cases, may be a violation of law (it is understood that this is not an exhaustive listing):
  - Patient information of any type, narrative or pictorial.
  - Photographs of patient care environments.
  - UTMC/GSM logos and/or proprietary information of UTMC/GSM or a business partner.
  - Defamatory, false and/or malicious statements about GSM or UTMC or their staff.

- Reference to information as it relates to a patient/family or touches upon a patient/family emotion, reaction or event while at a GSM clinic or at UTMC.
  - Comments regarding other health care providers or their leadership teams.
  - Defamatory, false and/or malicious statements about physicians, dentists or other health care professionals who practice in the region.
  - Speaking or posting on behalf of GSM or UTMC without express authorization.
  - Postings that violate other GSM or UTMC policies (discrimination, harassment, Code of Conduct, etc.)
4. **Smart telephones**, portable communication devices or social media communication technology shall not be used for **personal reasons** in the following patient care encounters:
- i. Hospital patient rooms
  - ii. Hospital treatment areas or operating rooms
  - iii. GSM clinics patient consultation rooms
  - iv. Patient lounges while communicating to patients and families
  - v. UT Hospital patient ambulatory care rooms
  - vi. UT Emergency patient care rooms
  - vii. During didactic lectures
  - viii. During patient care rounds

In the above instances and specifically regarding use of cellular and smart phones, the student, resident or fellow is expected to excuse his/her self from within hearing distance of the patient or family to complete the call.

5. Photographs of students, resident or fellows or of GSM or UTMC staff in the work environment may not be posted without the consent of all subjects in the photograph.
6. If the student, resident or fellow identifies himself/herself on a social media site as a UTHSC/GSM student; or a resident or fellow identifies himself/herself as a GSM or UTMC employee, any posting that relates to standards of patient healthcare, such a posting should include a disclaimer that the posting reflects the personal views of the author and not those of the GSM or UTMC. However, it is understood that a disclaimer does not protect the individual from possible disciplinary action as a result of posting inappropriate content. (II.4 above and IV.5 below)
7. Personal social media sites cannot be generated with nor maintained using GSM or UTMC computer equipment.
8. GSM or UTMC Logo/brand or GSM identification number must not be incorporated on individual personal social media page at any time
9. Students, residents or fellows are prohibited from referencing their GSM and UTMC relationship in the promotion of any personal business enterprise/activity
10. If GSM or UTMC become aware of postings on public social media sites that have a negative or detrimental impact on GSM or UTMC's mission, such information can be used in determining the appropriate sanction for failure to act in accordance with this policy.
11. Postings on a social media site by a student, resident or fellow of any information that breeches patient, UTMC employee, UTMC business confidentiality or that reflects negatively on GSM or UTMC's public image **may** be a basis for disciplinary action, up to and including dismissal from further participation in GSM administered UGME and GMDE programs.

**V. IMPLEMENTATION**

1. Violation of the GSM smart phones and social media policy and guidelines may be considered deficiency in one or more of the following ACGME general competencies of ***professionalism, interpersonal and communication skills*** or ***systems-based practice***; **Student, residents or** may be verbally instructed to immediately implement corrective conduct.
2. A second ***confirmed*** violation may result in possible probation; such an action shall become a permanent part of the resident or fellow's GME files.
3. A third violation ***may*** be considered failure to achieve proficiency in one or more of the ACGME general competencies and, depending on PGY level, may result in non-promotion with mandatory repeat of the PGY year or subject to dismissal from further residency training.
4. It is understood that the severity of ***any*** infraction may warrant immediate disciplinary action up to and including suspension and dismissal from his/her residency training program. (*See Policy III.11 above*)
5. These policies and guidelines may be refreshed or revised as the evolving nature of smart telephones and portable communication technology and social media sites advances.

Ad Hoc Committee for Communication Technology Guidelines and Policy  
University of Tennessee Graduate School of Medicine  
Knoxville, Tennessee

Evans, Samantha M.D.  
Lockett, Alison  
Metheny, William Ph.D.  
Thomas, Gary  
Wallace, William, J.D.  
Moore, Eddie S., M.D., Chair

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*D. V.*