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Tool kit aims to prepare physicians for legal implications of social media

Doctor-oriented advice on using these websites to help market practices is scarce.

By KEVIN B. O'REILLY, *amednews* staff. Posted Oct. 28, 2010.

The Ohio State Medical Assn. has released a tool kit aimed at helping physicians better prepare for the legal and employment ramifications of engaging patients through social media websites such as Facebook and Twitter.

The move in October comes as more physician practices seek to use social media to help market their practices yet find little formal doctor-oriented guidance on how to do so without setting off legal and ethical tripwires.

"We had the idea to do this tool kit because we were getting phone calls from practices about employees posting about a patient online or some similar undesirable activity on the part of employees and needing to know what to do about it," said OSMA General Counsel Nancy Gillette, who co-wrote the guidelines.

"Physicians should look to update their policies, procedures and employee manuals to govern what's acceptable and not acceptable behavior," Gillette said.

Physicians and office staff posting to social media, Wikipedia and online physician-rating and discussion sites could run afoul of federal civil rights, disability, advertising and patient privacy laws and therefore should exercise caution, the medical association's guide says.

The guide advises doctors to take care when accepting friends on Facebook or followers on Twitter, especially if such contacts could lead to giving casual medical advice. In doing so, the guide advises, "The physician most likely has created an electronic record of an exchange that could be construed as a physician-patient relationship," with all the medical liability and patient privacy risks that entails.

The tool kit includes sample "best practices" for social media use -- be honest about who you are when posting; do not "post any derogatory, defamatory or inflammatory content about others" -- as well as a sample policy governing employees' personal use of social media at work.

"We're not saying to shut down social media use, but rather to engage it and get in front of it and manage it," Gillette said. "A lot of things can trip you up if you don't think sensibly about what you're doing and why you're doing it."

The guidelines are available on the association's website (www.osma.org/socialmediapolicy).

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