



Opinion Medico-Legal

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Social media – avoid the #pitfalls!

The standard expected of doctors is no different on social media than when communicating face-to-face or through traditional media, writes Ms Dee Duffy, Legal Counsel, Medisec

For years, doctors have used the mainstream media to communicate with the public on important medical issues. In recent times, the use of social media has given doctors an additional and novel way to communicate with the public as trusted sources of information. Doctors can use social media platforms to raise awareness about new and emerging health concerns or to encourage healthy lifestyles. Doctors using social media can also benefit from professional networks, upcoming events and health and policy discussions in a specialist field. It can facilitate information-sharing across country boundaries, stretching the reach of global health information at a doctor's fingertips. It can also be a useful way to share practice information with patients, such as opening hours, available services, etc.

During the Covid 19 pandemic, social media proved particularly useful, especially at the onset where messaging on public health advice was so important to curb the spread of the virus and allay fear. Information on the vaccination campaign was also successfully communicated through social media. Doctors were often a source of comfort to the public by providing well-informed and reliable advice about the emerging issues and used their expertise and standing to encourage people to adhere to public health advice and guidance. Another useful social media initiative that arose during the pandemic was the ability of GPs to input and track incidents of Covid-19 in the community and the symptoms that were evident.

Of course, doctors also use social media for personal interactions with friends and family, but it is important to remember that social media use is not without its pitfalls. Unfortunately, some doctors have found themselves subject to complaints to their practice or to the Medical Council due to online posts. We have set out some factors to consider when using social media.



Medical Council guidance

The Medical Council's current version of the *Guide to Professional Conduct and Ethics for Registered Medical Practitioners* (2019) (the 'Guide') sets out some guidelines on social media use. The Medical Council is currently reviewing and revising the Guide and any updated version is expected to have further guidance for doctors on the use of social media.

The current Guide, at paragraph 20, acknowledges that social media provides new ways for doctors to communicate with patients, colleagues and the public, but states that doctors should still maintain the professional standards expected in other forms of communication. The Guide further provides that when engaging in social media, doctors should always consider the possible impact on colleagues, patients or the public's perception of the profession, before publishing comments. It is specifically stated that doctors should be respectful and avoid abusive, unsustainable or malicious comments and ensure comments are not defamatory or otherwise in breach of the law.

Confidentiality

Confidentiality is fundamental to the trust between a doctor and their patient and a core element of the doctor/patient relationship. It is vital that doctors never share anything on social media that could breach patient confidentiality or identify a patient. The fact that a person is a doctor's patient is confidential and to acknowledge such a fact without consent to do so would breach patient confidentiality.

The Guide goes as far as stating that "you must not publish information about, or images of, individual patients from which those patients might be identified on publicly available platforms"; use of the term "must" imposes an absolute duty on the doctor to comply with the principle.

Anonymising individual patient information may not be sufficient as when combined with other pieces of information, a patient could inadvertently be identifiable to themselves or others. Sometimes doctors share anecdotal or hypothetical situations on social media and, when doing so, it is very important to ensure that no patient could assume that the situation relates to them.

The Guide acknowledges that closed professional networks are a useful way to share experiences and case studies, to set up expert or learning groups, and get advice or help; however, it is advised that when using professional networks, you should not give information that would identify patients. Doctors should also take reasonable steps to check that the network they are using has effective security settings and privacy policies.

Doctors should avoid communicating with patients through personal social networking sites. Regardless of privacy settings used for "private messaging," social media sites cannot guarantee confidentiality.

The obligations on doctors can be frustrating when a patient posts on social media websites and may leave a negative online review, with some facts that are untrue or may require clarification. Unfortunately, when faced with such an issue, it is impossible to give the doctor's side of the

story without breaching patient confidentiality and any such comment or retaliatory post should be avoided.

Identifying yourself by name

The Guide states that doctors should always identify themselves by name if giving clinical advice online. At times the public is exposed to inaccurate information and, therefore, it is important that they can confirm the source of the information they may rely on. All reasonable steps should be taken to ensure all information is accurate, valid and verifiable. No unsustainable claims for effectiveness of treatments should be made and, obviously, patients' vulnerabilities or lack of medical knowledge should not be exploited.

Doctors are generally held in a position of trust so it is very important to consider how comments or posts could be interpreted as representing the views of the profession and prior to publishing, you should always consider how information or images you post might be viewed by patients, colleagues and the general public. You should also include a statement clarifying that all views expressed are your own personal views.

Maintaining private and professional boundaries

It is best to keep personal and professional social media use separate as, in some cases, it can cause social and professional boundaries to become unclear. It is not usually recommended to "friend" or "follow" patients as it could blur the professional boundary and could cloud judgment and clinical decision-making.

It is recommended to take time to review settings on social media platforms and regularly change passwords to ensure no risk of unauthorised access to your accounts. It is important to be aware that even with the proper privacy settings in place, anything posted online may end up being "shared" and distributed further than intended. The same professional standards expected in other forms of communication should be maintained at all times.

Overall, it is vital to remember that the standard expected of doctors is no different when communicating on social media than when communicating face-to-face or through traditional media. The content you post not only directly reflects your professionalism, but also has the ability to influence public opinion of the medical profession.

While social media provides new and innovative ways of communicating with patients and colleagues and creates opportunities for clinical learning and the sharing of experiences when used prudently and appropriately, it can unfortunately also have disadvantages when used unwisely, such as inadvertent breaches of patient confidentiality. It is essential, therefore, for doctors to familiarise themselves with their professional and ethical obligations and the guidance in this area to avoid the pitfalls associated with social media use.

Tips for social media use

As a doctor, the reality is you are never really off duty. You are subject to professional and ethical obligations and your status in the public eye demands a high standard of conduct at all times.

We recommend that you bear the following in mind when using social media:

- ▶ Keep personal and professional use of social media separate;
- ▶ Consider whether anything you post could reflect badly on the profession;
- ▶ Make it clear that all views expressed are your own;
- ▶ Avoid communicating with patients through social media sites;
- ▶ Never publish information about patients or anything that could cause a patient to identify themselves or to be identified by others;

- ▶ Check all privacy settings when using social media sites;
- ▶ Ensure practice staff are subject to social media policies and adhere to confidentiality obligations at all times;
- ▶ Ensure any information you post is accurate, valid and up-to-date;
- ▶ If you disagree with other posters on social media, always try to remain respectful and professional;
- ▶ If you become subject to abusive messages or posts/harassment, try to ignore them, unfollow/block the user and report the abuse in accordance with the platform's relevant policies. You should also contact your indemnifier for assistance and advice in such situations.