HEALTH CARE PROFESSIONALS, SOCIAL MEDIA AND ETHICS



OBJECTIVES

- Define "Social Media"
- Define "Crimen Injuria/Defamation"
- Describe the laws and regulations which govern the use of Social Media in South Africa
- Give two examples of acceptable use of Social Media by Health Care Professionals



OBJECTIVES

- Explain how Ethical use of Social Media relates to Patient's Rights in terms of relevant legislation in South Africa
- Discuss the Professional and Ethical Challenges related to the increasing usage of Social Media by Physicians, Medical Students and Patients
- Demonstrate familiarity with the WMA's recommendations to all Medical Associations regarding Guidelines on usage of Social Media by Medical Practitioners.
- Give examples of the advantages Social Media use by Medical Practitioners

DEFINITIONS

• SOCIAL MEDIA

- Online Oxford dictionary defines it as:
 - "Websites and applications that enable users to create and share content or to participate in social networking".



DEFAMATION OF CHARACTER

• Defamation is the intentional and wrongful *publication* of a statement concerning one person which has the effect of injuring that person in his *reputation*.

CRIMEN INJURIA

• Unlawfully, intentionally and seriously impairing the *dignity* of another.

LAWS AND REGULATIONS IN SOUTH AFRICAN LEGAL CONTEXT

Currently no law in South Africa governing Social Media specifically

• POPI (Protection of Personal Information Act 4 of 2013)



LAWS AND REGULATIONS IN SOUTH AFRICAN LEGAL CONTEXT (continued)

- The Constitution of South Africa Act 108 of 1996 :Chapter
 2: Bill of Rights
- Section 9 Equality
- Section 10 Human Dignity
- Section 12 Freedom and Security of the Person
- Section 14 Privacy



WHAT IS ACCEPTABLE USE OF SOCIAL MEDIA?

- Using it for "good" rather than "evil"
- Promotion of Profession in line with HPCSA rules and regulations
- Providing much needed information to patients regarding development of new medical technology etc
- Creating a "link" with the patient where applicable and relevant information is shared which proves beneficial for both parties



EXAMPLES OF ACCEPTABLE USE

- Promotion of patient rights in health care setting
- Dissemination of Public Health messages and other Health Communication
- Keep patients updated on Development of Medical Technology and Procedures



HPCSA GUIDELINES

- General Ethical Guidelines Booklet 1
- "Best interest or well-being: Non-maleficence"
- "Best interest or well-being: Beneficence"
- "Confidentiality"
- How to resolve Ethical Dilemmas
 - Formulate the problem
 - Gathering information
 - Considering options
 - Making a moral assessment



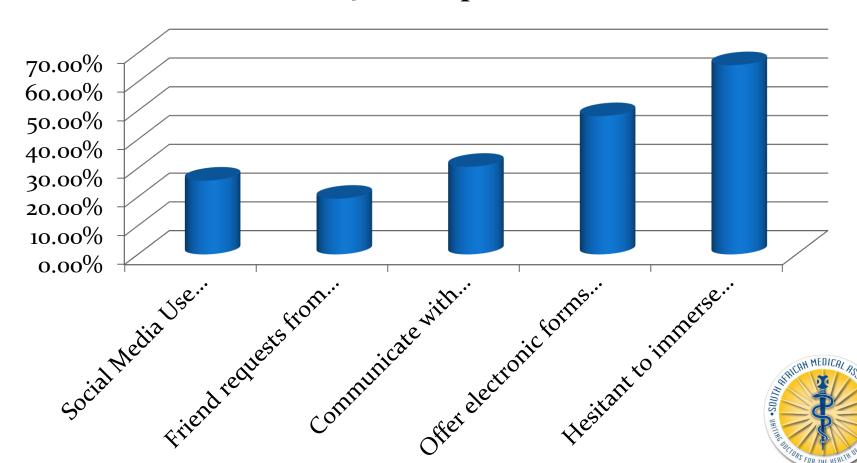
HPCSA GUIDELINES

- <u>Duties to patients</u>
- Patient's best interest or well-being
- Respect for patients (links with Sec 14 Privacy)
- Informed Consent (links with Sec 10 –Human Dignity and Section 12 Freedom and Security of the Person)
- Patient confidentiality (links with Sec 14 Privacy)
- Patient participation in their own health care
- Impartiality and Justice
- Access to health care
- Potential conflicts of interest
- Duties to Health Care Profession



HOW DOCTORS VIEW AND USE SOCIAL MEDIA – AUSTRALIAN STUDY

187 Participants



CASE STUDIES

• Case Study 2 – Facebook "friend requests"

• A middle-aged family physician opens a Facebook account, because his grandchildren have "pestered" him into doing so. The physician posts photos of himself at home, at work and on vacation.



• He posts photos of his wife, children, grandchildren and office staff. With his grandchildren's help he "friends" his children, grandchildren, staff members and colleagues who have Facebook accounts.

• After a few weeks, the physician begins to receive friend requests from his patients. Not wanting to insult his patients, he accepts the requests.

 Afterward, the physician notices some patients' messages include health-related questions. The physician does not visit his page regularly and he finds the Facebook notices, invites, pokes and instant messages irritating. He begins to ignore messages and notices.

CASE STUDIES

• Should the physician have set up a personal Facebook account?



• There is no reason why physicians should not have personal Facebook accounts. However, it is advisable to limit access to personal accounts to family and friends and allow open access, e.g., to staff, patients and colleagues, only to professional accounts.

• Should this physician have posted the photos he did?

• This depends. One certainly may include photos of family and friends on one's personal pages. Staff photos would best be posted on one's professional page and certainly only after obtaining explicit consent from staff.

CASE STUDIES

• Should physicians befriend patients?



• Yes and no. Yes, certainly friend any patient at the professional account. If the patient is a personal friend, then friend them on one's personal account. All patients should receive a copy of the office's online communications protocol and social media policy so that boundaries are not crossed.

• Use the most stringent security and privacy settings.

• Should physicians answer health-related questions via instant messaging?

- This depends on the questions being asked.
- As confidentially cannot be guaranteed, it is best only to answer general health-related questions.
- If a patient asks specific questions about his or her health, it is advisable to ask the patient to book an appointment and inform the patient this is necessary to protect privacy and PHI.

CASE STUDIES

- Should this physician review notices and messages more regularly?
- Because this physician only has one account and he has befriended patients who post health-related questions, yes it would be advisable to do so — at least until he establishes a professional account and his patient-friends migrate to it

WMA RECOMMENDATIONS

- Maintain appropriate boundaries
- Study and understand privacy provisions of social networking sites

- Routinely monitor your own internet presence
- Consider the intended audience and assess whether technically feasible to restrict access



WMA RECOMMENDATIONS

- Adopt a conservative approach when disclosing personal information
- Provide factual, concise information, declare conflicts of interest

• Ensure no identifiable patient information is posted in any social media



• Draw the attention to the fact that online posting may contribute to the public perception of the profession

• Consider inclusion of educational programs with relevant case studies

• Bring concerns to a colleague when observing his/her clearly inappropriate behaviour

DISCUSSION

- Which Human Rights are directly affected by the use of social media by Medical Practitioners?
- Can a Medical Practitioner be sued for Defamation/ Crimen Injuria?
- What is the way forward in so far the use of Social Media by Medical Practitioners in South Africa is concerned?



CLOSING

- Not intention of SAMA to try and prevent Health Care Professionals to make use of Social Media
- SAMA supports responsible use of Social Media
- Health Care Professionals should abide by the rules of as set out by the Regulator
- Be Professional



• "In light of the blurred boundaries, doctors must draw a clear line."

- Prof. Mazwai
- President of SAMA



QUESTIONS



