



The rise of "cyber insurance" is further evidence of insecurities with the social media phenomenon. Categories of coverage include privacy liability, network security liability, and Internet media liability. Make sure that proper steps are taken to reduce your personal liability and to educate those that would inadvertently pass on liability to you.

(f) Dentists must recognize that actions online and content posted may negatively affect their reputations, may have consequences for their professional careers (particularly for dentists-in-training and dental students), and can undermine public trust in the dental profession.

When dental professionals provide a social media forum for patient feedback, they risk running afoul of HIPAA rules and regulations. Prior to building a social media presence, it is important to develop policies and procedures designed to guide appropriate use of the relevant forum. A few key points follow:

(1) Clearly define what permissions are voluntarily given or granted to the site administrator when a patient posts in the forum and explain how the posted information will be used (prior written consent is always best); (2) Specify what degree of privacy can be expected in the forum (most Internet forums are publicly available and publicly accessible); (3) Make it abundantly clear that any social media forum is not to be used for personal medical advice; (4) State that the social media forum is not monitored continuously or on a twenty-four hours a day, seven days a week basis; and (5) Post consistent policies in a prominent location on all social media sites, tailored to the relevant forum.

Above all, be clear with a disclaimer that patient information is personal and should never be shared via the Internet. Inform participants that any posting that appears to be a violation of this policy will be removed. Do not edit posts. If the content of a post is questionable, it should be deleted. Do not become the co-author of a potential HIPAA violation. Always take medical conversations offline.

Employee Relations

It is equally important to keep your employees from becoming lax about privacy rules when it comes to social media. Education is always the first line of defense when it comes to privacy and security safeguards. Make sure all employees are trained and up to date about the privacy and security rules and be sure to disseminate a written company policy outlining permissible and impermissible actions. Make social media training a part of your HIPAA compliance program. Social media is a powerful tool for expanding a dental practice, but be aware of the potential complications. Always consult your legal adviser before branching out into online forums.

78 Study Club

The next Highway 78 Study Club meeting will be held July 14, 2011 at Summit Chase Country Club in Snellville, Georgia. If you are interested in attending, please contact Jackie Watson at 770-554-1400 RSVP by email to jackie@obermanlaw.com.

GDA Convention

Please visit our booth at the GDA Convention July 21-24, 2011 in Hilton Head, South Carolina.

Dental Tribune

As a regular contributor to Dental Tribune, we invite you to view our published articles. To review the articles, please go to www.dental-tribune.com and search for Stuart Oberman.

Save the Date

The Northern District Dental Society 2011 Gala for Smiles will be held Saturday, August 27, 2011 at the Druid Hills Country Club.

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Social Media and the Dental Practice

The online world is growing. Facebook now boasts a "population" larger than the United States. Thousands of dentists are currently taking advantage of social media (e.g. Facebook, Twitter, Youtube, LinkedIn, &c.) and smartphones. It is important to take a brief look at some important issues and areas of concern for dental professionals using or considering the use of social media to build and promote their public, patient, and employee relationships.

Public Relations

The advantages of a strong social media presence are clear. Information may be shared with colleagues to sustain camaraderie, with patients to strengthen dentist-patient relationships, and with the public to bolster your reputation. However, what may seem to be a cheap promotional tool can quickly become a costly defamatory weapon. Having a strong social media presence is better than social media absence. However, as with any tool, it is best to educate yourself about the tool's capabilities and drawbacks before its use. It is vitally important to consult with your legal advisers early and often when bringing your professional presence to an online forum.

Patient Relations

It is becoming more common that social media and smartphone user data is tagged with an increasing amount of detail, including the author, date, time, and even location of all uploaded information. If the content of the information is also medical in nature, depending on the forum,

the Health Information Portability and Accounting Act (HIPAA) may be implicated. Members of the dental profession should adhere to the following guidelines:

- (a) Dentists should be cognizant of standards of patient privacy and confidentiality that must be maintained in all environments, including online, and must refrain from posting identifiable patient information online.
- (b) When using the Internet for social networking, dentists should use privacy settings to safeguard personal information and content. Dentists should routinely monitor their own Internet presence to ensure that the personal and professional information on their own sites and content posted about them by others, is accurate and appropriate.
- (c) If dentists interact with patients on the Internet, dentists must maintain appropriate boundaries of the patient-dentist relationship.
- (d) To maintain appropriate professional boundaries dentists should consider separating personal and professional content online.
- (e) When dentists see content posted by colleagues that appear unprofessional they have a responsibility to bring that content to the attention of the individual, so that he or she can remove it and/or take other appropriate actions.

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