

Protected Health/Proprietary and Social Media Policy
Didactic Program in Dietetics (DPD)
Department of Nutrition, Food Science and Packaging, San Jose State University

Summary:

Patient privacy and confidentiality are professional responsibility of all healthcare providers. Respect for privacy and confidentiality of patients gives them the dignity as individuals and is important for their moral worth. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) was passed to protect a person's privacy and confidentiality in regards to their health information. The Department of Health and Human Services (HHS) and its Office for Civil Rights enforces:

- The HIPAA Privacy Rule, which was implemented in 2003 and protects the privacy of individually identifiable health information and monitors the compliance issues and sets civil money penalties in cases of violations.
- The HIPAA Security Rule sets national standards for the security of electronic protected health information.
- The HIPAA Breach Notification Rule requires covered entities and business associates to provide notification following a breach of unsecured protected health information (HHS.gov, 2014).

The Didactic Program in Dietetics (DPD) program and the Dietetic Internship (DI) at San Jose State University (SJSU) are accredited programs by the Accreditation Council of Education in Nutrition and Dietetics (ACEND). The Academy of Nutrition and Dietetics (AND) has published written policies specifying Code of Ethics, and Standards of Practice for all dietetics professionals working in the United States, in addition to an Ethics Committee that serves as the disciplinary committee monitoring all reported violations (AND, 2014).

The presence of social media in student lives and the need to abide by the HIPAA regulations has been a cause of concern for most healthcare professionals and educators. The following social media policy reiterates the ethical code of conduct as specified by AND and the HIPAA Privacy Rule.

The Protected Health/Proprietary and Social Media Policy

For the purpose of this policy, social media was identified to include any website or forum that allows for the open communication on the internet including, but not limited to social networking sites (LinkedIn, Facebook), micro-blogging sites (Twitter, Tumblr, Pinterest), blogs (WordPress, including personal), wikis (Wikipedia), social bookmarking (Delicious), and video and photo-sharing websites (YouTube, Flickr, Instagram, SnapChat).

- The policy stipulates that in general, dietetic students working as volunteers, paid employees or dietetic interns should think carefully before posting online.
- Students should carefully consider the risks and rewards with respect to each posting and should remember that any conduct, online or otherwise, that negatively or adversely impacts the job performance or conduct, the job performance or conduct of other co-

workers or adversely affects clients, customers, colleagues or associates of SJSU and/or the intern's supervised practice training site may result in disciplinary action, up to and including termination.

- Despite privacy policies, students cannot always be sure who will view, share or archive the information and they should use their best judgment and exercise personal responsibility when posting to social media websites.
- Students should not use social media during working hours or on equipment provided by the supervised practice site unless such use was work-related or authorized by a preceptor/employee.
- Where applicable law permits, SJSU and the supervised practice training site reserves the right to monitor the students or intern's use of any social media and take appropriate action with respect to inappropriate or unlawful postings.
- Employees should note that this provision is not meant to interfere or prohibit interns from engaging in concerted protected activity, which is lawful under Section 7 of the National Labor Relations Act (NLRA). In monitoring social media, SJSU and the supervised practice training site will not in any way interfere with any intern rights under Section 7 of the NLRA.
- The policy also asked students to be fair and respectful to co-workers, clients, customers, colleagues, preceptors and other individuals who may work on behalf of SJSU and the supervised practice training site.
- Any online behavior should be consistent with AND, SJSU and the supervised practice training site's policies and practices with respect to ethics, confidential information, discrimination and harassment.
- Because online tone can be interpreted in different ways by readers, students/interns should not engage in any online conduct that would not be acceptable or appropriate in the workplace.
- If a student decides to post complaint or criticism, then he/she should avoid using any statements, photographs, video or audio that may be viewed as malicious, obscene, threatening, harassing or abusive of co-workers, clients, customers, colleagues, preceptors or other individuals that work on behalf of or are associated with SJSU or the supervised practice training site.
- Students need to consider the value of linking websites, liking, friending, following and endorsing and the message that may be conveyed to their audience.
- It is strongly discouraged to "friending" of patients on social media websites. Students volunteering or working in healthcare settings should not initiate or accept friend requests except in unusual circumstances such as the situation where an in-person friendship pre-dates the treatment relationship.
- Write in the first person. Where your connection to the SJSU DPD or the healthcare setting is apparent, make it clear that you are speaking for yourself and not on behalf of the agencies. In those circumstances, you should include this disclaimer: "The views expressed on this [blog; website] are my own and do not reflect the views of the SJSU DPD or my employer." Consider adding this language in an "About me" section of your blog or social media profile.

References:

- Academy of Nutrition and Dietetics (AND). 2014. *Code of ethics*. Retrieved December 3, 2014 from <http://www.eatright.org/codeofethics/>
- National Labor Relations Board (NLRB). (2014). *National labor relations act*. Retrieved on December 3, 2014 from <http://www.nlr.gov/resources/national-labor-relations-act>
- U.S. Department of Health and Human Services. (2014). *Health information privacy*. Retrieved December 3, 2014 from <http://www.hhs.gov/ocr/privacy/hipaa/understanding/summary/index.html>

Student's Name: _____

CONFIDENTIALITY ACKNOWLEDGEMENT

RE: PROTECTED HEALTH/PROPRIETARY INFORMATION

In connection with the DPD Program, I agree to adhere to the following:

In connection with my clinical training /practicum [hereinafter referred to as "clinical experience"], I recognize that I may have access to oral information and review of records and charts of patients, whether by paper copy or computer/electronic files, which may contain protected health information, the unauthorized disclosure of which is prohibited by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), as well as other proprietary/confidential information of the clinical experience facility(s).

I further agree to abide by all policies of the DPD program and the facility(s) to which I am assigned. I understand that the confidential/proprietary information to which I am privy shall remain confidential after completion of the course(s). I understand that any disclosure by me of such confidential/proprietary information, at any time, whether orally, hard copy/paper or electronically, including removal of same, could subject me to substantial civil as well as criminal penalties imposed by law. It is hereby acknowledged that my responsibility to maintain the confidentiality of such confidential/proprietary information shall apply to any facility in which I am placed for clinical training/instruction/observation during my tenure as a student at San Jose State University regardless of whether or not said facility is specifically listed above.

I further agree that should confidential/proprietary information be disclosed by me in any manner or form or copies made or distributed (paper or electronic) by me in violation of this agreement, Family Education Rights and Privacy Act (FERPA), or any rules or policies of SJSU or the facility to which I am/have been assigned, HIPAA, or any other applicable laws or regulations, I will immediately notify the faculty person assigned to me/my clinical experience or the Department Chair.

By signature below, I hereby acknowledge that I am 18 years of age or older and that I agree to the terms and obligations as set forth above.

I have read and understand the Protected Health/Proprietary and Social Media Policy as written.

Print Student's Name.

Student's Signature

Date Signed