

EMS Social Media Issues

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Introduction

Member / Partner

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History & Experience

Disclaimer

Nothing in this lecture should be considered as “legal advice”

Consult with your legal counsel before making any changes to your practice, policies or your organization

Ripped From the Headlines!

5 Hospital Employees Fired for Discussing a Patient on Facebook

NO PHOTOS OR HIPAA PHI DISCLOSED

EMT Pled Guilty, Loses License for Posting Photo of Murder Victim

Social Media

Number One Employment-Related Area

Pictures and Video

Workplace Conduct



Facebook



Regulating Off-Duty Conduct

Public vs. Private Employers

First Amendment Issues

Does Not Apply to Private Entities

USUALLY!

Fourth Amendment Issues

Reasonable Expectation of Privacy

Pictures and Video

ED Nurses Fired for Posting Cell Phone Pictures of Patient on Facebook

NYC Paramedic Fired for Posting Murder Victim Pictures on Facebook

Firefighter Suspended for Putting Patient's Photo on Facebook

Firefighter Criminally Charged After Posting Patient Photos on Website

The Today Show



Policy Elements

Just Don't Do It - ZERO Tolerance

Cannot Sufficiently De-Identify under HIPAA

No Reasonable Work-Related Reason

But What If...?

Any Photographs Taken On-Duty Become the Property of the Department

Any Scene or Patient Photos Become Part of the Patient Record

No Use of these Photographs Without Agency Authorization

Workplace Conduct

Firefighter Disciplined for Ridiculing and Disparaging Department Members Online

Paramedic Sued by Patient for Posting Details about Sexual Assault

Paramedic Fired over Racially Derogatory Animated Video

Xtranormal.com



Social Media

The Rules and Policies for Workplace Conduct Apply Online as Well - PERIOD

Hostile Work Environment

Discriminatory Conduct

You CAN Regulate Legal Off-Duty Conduct

Don't Friend Your Patients or Your Subordinates

Joe Cassano



Twitter @jcassano15

Getting sick of picking up all these obama lovers and taking them to the hospital because their medicare pays for an ambulance and not a cab

MLK could go kick rocks for all I care, but thanks for the time and a half today

News flash to half of the island, ur white! Stop talking like ur a shwoog

I like jews about as much as hitler #toofar? NOPE

Workplace Computers

Reasonable Expectation of Privacy

Computers, Cell Phones, Email Accounts

Text Messages...

What to Avoid

- Don't Post About Patients
- Don't Post Conflicting Information About Yourself
- Don't Post Something You Wouldn't Want Your Boss to See
- Don't Friend Supervisors & Subordinates

What to Avoid

- Don't Pretend to be Someone You Are Not
- Don't Accept Friend Requests from People You Don't Really Know
- Don't Post Things that Belong to Other People
- Don't Pick Fights
- Don't Make Politically-Charged Statements*

Risks

- Job Termination
- Action Against Your Certification
- Civil Liability - Intentional Tort
- Criminal Liability under HIPAA and State Statutes

National Labor Relations Board

- Protected Concerted Activity
- AMR Connecticut Case
- All for One or One for All?

Policies You Need

- HIPAA / PHI Disclosure
- Workplace Conduct
- Social Media Conduct
- Computer / Cell Phone Utilization

Conclusions

- People - Don't be Stupid!
 - Maximize Your Privacy Settings
- Departments - Have Policies!
- Fix Your Mistakes!

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