HIPAA Privacy and Social Media:
Or how to create a Culture of Confidentiality

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Agenda

Culture of Confidentiality: HIPAA plus

Two Case Studies:
- Tri-City: A new day…a new way
- Sinai: Confidentiality on the brink

Lessons Learned

Questions

What were you doing in 1996?

Health Insurance Portability and Accountability Act of 1996
Social Media: An Explosion

The New Norm

- Used by 74% of internet users
- 80% using platforms to research physicians, hospitals, and medical news and information

Powerful Marketing Tool

- General Information to the public
- Sharing of experiences

Meaning…. HIPAA breaches INVOLVING social media are on the rise!

Office of Civil Rights (OCR): responsible for enforcement of HIPAA

Penalties can be significant:

- Civil Money Penalties: fines ranging from $100 – $1,500,000
- Criminal Penalties: fines up to $250,000 and up to 10 years in prison
- Other consequences of violating HIPAA include lawsuits, the loss of a medical license, or employee termination.
- And don’t forget…. reputational harm! (Don’t be on the wall of shame).
How do we usually approach HIPAA v. How we should

- Burdensome vs Protection
- Over-inclusive vs Under-inclusive
- A pain in the neck vs A tool
- Hindering care vs Promoting better care
- Old school vs Constantly evolving

The Case of the Nurse on Instagram
We want to go above and beyond the requirements of HIPAA.

We want to evolve.

We want to maintain a confidential and empathetic environment for our patients.

We want to create a CULTURE OF CONFIDENTIALITY.
Case Study #1
Tri-City: A New Day...A New Way

Tri-city: A public hospital district

- Opened in 1961; located in Oceanside, CA
  - Community owned and operated
    - Serves the communities of Vista, Carlsbad and Public agency of the State of California
  - Affiliated with UC San Diego
  - Safety net
- Hospital (388 Beds); Two advanced clinical institutes for cardiovascular and orthopedic care; 700 physicians practicing in 60 specialties
- Challenges
  - Reduction in patient volumes
  - Tightening of margins
  - Loss of DSH $
Build upon the foundation:
Culture of Confidentiality
Project Timeline

- Revise Privacy Training
- Initiate Staff Rounding
- Town Halls and Monthly Compliance newsletter
- Educate operational leadership: help spread the word

Build upon the foundation

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<th>Education, education, education</th>
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<td>• Revise Current Training</td>
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<td>• Increase focus on “Culture of Confidentiality” concept</td>
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<th>Relationship building and communication</th>
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Tri-City’s Culture of Confidentiality Journey:

“A journey of a thousand miles begins with a single step.”
Lao Tzu

“I am not sure what a “Culture of Confidentiality means…”

Education, education, education

- The 5 W’s of Compliance
- What does the concept mean?
- How have other organizations dealt with this issue?
Culture is changing…. slowly

Increase in Privacy issues being raised
- Hotline, in person, via email

Increase in Privacy-related questions
- Consult requests have increased since onset of program

A significant issue is discussed (and used as a learning opportunity)

The Case of the CT Scan Selfie

- Privacy issue: Investigation and corrective action
- Radiology Team
  - Inappropriate selfie
    - California Department of Public Health report and fines
    - Media coverage
    - Employee Corrective Action Plan
- Education Provided
Case Study #2

Sinai Health System: Confidentiality on the Brink

Be Stronger

Care Harder

Love Deeper

- Serving Chicago's south and southwest side
- Safety Net
- 3 hospitals, 695 beds, 300 physicians, 1 Level I trauma center, 1 community institute, 1 urban health institute, 4,000 Caregivers
Culture of Confidentiality: From infancy to teenager

When I first asked people to speak up, this happened: [insert cricket noise here]

When I First Told People About the Culture of Confidentiality:

When I first asked people to speak up, this happened: [insert cricket noise here]
Then I became the social media police.

I am not sure this is a compliance issue but...

Someone said something bad about Sinai on Facebook

What if I post on Facebook that I hate all my co-workers?

Can I post a picture of my Sinai badge?

Can my department create their own Twitter page?

Someone is saying something mean on Twitter

Now the focus is collaboration.

- Partnership with marketing and HR department
- Education on separation of issues
- Encouraging auditing and monitoring across the board
- Emphasizing how we use the CoC to help us and to help us help our patients
Education, education, education

Make it good, tell a story.
NY Med

Top Down Apply Tell a GOOD story.

Tell them WHY.
Personal, reputational, and government repercussions.
No man is an island

- Collaboration is key
- This is not just a compliance issue!
  - HR
  - Marketing
  - Operational

BE the social media police

- Auditing and monitoring (you WILL find things)
- Recruit others to do the same
- Talk about your finds….a lot
Respond quickly and effectively

- Step one is always: “take it down”
  - Nurse on Snapchat
- You can ask questions during steps two through 100.
- If you educate, repeat training steps:
  - Tell a story
  - Tell them why (personal, reputation, and government repercussions)

Be ready to separate HIPAA and the CoC, if necessary

- Do you need a CoC? **YES!**
- Do you need to report on CoC issues? **MAYBE?**
Tell us about your social media victories.

Tell us about your social media challenges.

Tell us how you have changed your culture (confidentiality-wise or otherwise).

Thank you!

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Questions?

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