

Messenger

BUSINESS TIPS FOR YOUR PROFESSIONAL PRACTICE & PERSONAL LIFE

Recognizing the Power of Social Media

Once considered a passing fad, social media has matured into a pervasive communication and marketing channel.

People use social media interactions to make decisions and meet their needs in most aspects of their lives—including decisions about when and where to obtain chiropractic care. A healthy social media presence offers several benefits. Make sure to check with your legal counsel or state board before initiating any efforts.

Improved Brand Awareness

A strong social media presence makes it easier for current and potential patients to find and connect with you. Social media allows you to tell your chiropractic story to the world. Creating profiles on the top social networks (Facebook, Google+, LinkedIn, Twitter and Snapchat), posting regularly and commenting on others' posts position you as a chiropractic educator, as well as an authority in your local community.

How-To Tip: Focus on crafting insightful posts that readers will be encouraged to share. Include links in your social media profiles and postings to drive visitors to your

website—putting your practice in the forefront for people who need chiropractic services.

Enriched Patient Experiences

Be a resource. Social media isn't a vehicle to blast your practice's sales pitch; it's a two-way communication channel much like email or the phone. Your intent with using social media should be to develop a dialogue and enrich patient relationships. Your social media interactions let you publicly demonstrate your level of customer service and introduce new patients to chiropractic. Start discussions with other doctors and healthcare providers to address current trends, recent industry news or interesting findings or studies.

How-To Tip: If a patient complains about you on social media, immediately address the comment, and take the appropriate action to make it right. Or if a patient compliments you, thank them and recommend additional services. You might also ask them to provide a review.

Expanded Reach

With social media, millions of people can see your "online office" with a click of a button. By sharing your content through social media, your online followers naturally

become referral partners and may help market your practice for you.

How-To Tip: Set up your so practice page so patients can "like" your practice. This shows the rest of the online world they trust you enough to use you for care, enticing others to establish that level of trust, too.



Free or Low-Cost Advertising

Social media is an effective way to promote your practice, products, services and special events inexpensively. Just be careful to not oversell. Rather than always promoting your practice, provide content that offers value, inspires, educates or helps solve a problem.

How-To Tip: Join relevant Twitter chats, then join the conversations and share your expertise. You may want to send invitations to participants to receive advice or a complimentary assessment.



Social Media—The Legal Issues

By Ben Roach

While there are many positive benefits of using social media for marketing, patient engagement and patient education, as a D.C. you must be mindful of potential legal pitfalls. Four potential legal issues that can arise from the inappropriate use of social media are:

- Patient privacy
- Licensing
- Litigation
- Copyright

Patient Privacy

As a chiropractor and a healthcare provider, you are governed by HIPAA and HITECH, which regulate the use and disclosure of patient information.

In terms of social media, first and foremost, anything you or a staff member post must comply with HIPAA/HITECH. There is no exemption for disclosure on social media.

Information that cannot be posted on a chiropractor's or practice's social media page includes any protected health information or information that could be used to identify a patient. HIPAA/HITECH violations could include:

- Posting a patient's name, address, insurance or social security number, date of birth, or photo or video. For example, if you post a photo or video and a patient is identifiable in the background, that would be a violation—if you didn't obtain the patient's prior written consent first.
- Writing daily summaries, blogs or any other identifiable

information about patient encounters. For example, if you describe on social media a rare medical problem or include the times or locations of patient visits, you could be in violation.

Essentially, if a patient, family member or acquaintance could identify the patient based on the post, it could violate HIPAA.

If you would like to write informational posts about a patient encounter as a teaching tool or use a particular patient example as a hypothetical for educational purposes, you must change or omit key patient details, avoid overly specific descriptions and not identify specific times or locations of visits. To avoid all doubt, obtain patients' written consent to disclose their names and protected health information before you post anything about patients on social media.



Licensing

It's important to be aware of how social media use could adversely impact your credentials and licensure. State chiropractic boards have the authority to discipline chiropractors,

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including imposing restrictions or suspending or revoking licenses for unprofessional behavior.

Social media posts may be used as evidence of such unprofessional behavior. Problematic behavior in social media could include illicit drug use, sexual harassment, breaches of patient privacy, and other illegal, immoral or unprofessional behavior. A patient, competitor or regulator who discovers inappropriate behavior in social media posts could use the posts as the basis for filing a complaint. Ultimately, what you post could be considered evidence in complaint proceedings.

Litigation

In addition to being used in licensing and disciplinary proceedings, the information you post on social media can be used as evidence in litigation. At the very least, social media posts are discoverable, which means the parties to a lawsuit can obtain copies of the information posted on social media. That means anything you or your practice posts on Facebook, Instagram, Snapchat or other social media sites could be used by an opposing party in any litigation.

In addition to not posting inappropriate content on social media, legal cases should never be discussed. If you wouldn't want the comment or picture shown in a courtroom, you should consider strongly whether you should post it on a social media site.

Copyright

Social media postings can create copyright infringement issues. Generally, the holder of a copyright has exclusive rights to publish his or her work. Thus, if your social media post uses content created by someone else, it could be an infringement of a copyright.

To complicate matters, when you create a social media account, you agree to the particular terms of use for the app or website. These terms will often include a certification that the poster holds all copyright or trademark rights to the content that he or she is posting. By agreeing to such terms, you take on the liability for an infringement claim.

The easiest answer to potential copyright problems in social media use is not to post content (text,

images, sounds) created by someone else. If you are going to post others' content, make sure you have their permission.



While there are some exceptions to infringement, such as fair use, they are limited and apply only in specific circumstances. There are a lot of misconceptions about when fair use does and does not apply. You cannot claim fair use simply by giving attribution to the author—fair use and attribution are not related. While the actual legal standards for fair

use are complicated and must be evaluated on a case-by-case basis, typically fair use applies to comment, criticism or parody of the original content.

If you are planning to rely upon the fair use exemption to post someone else's content on social media, make sure to seek a knowledgeable attorney's advice. Otherwise, the safest course is to only post content that you create.

Don't Shy Away

As a practitioner, you don't need to avoid using social media to promote your practice or to educate patients. If you keep the potential pitfalls in mind, you can incorporate social media safely and effectively as part of your overall business plan.

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Unsure about Social Media?

If you're still apprehensive about getting started with social media, consider these points:

- **Many fellow DCs are already involved.** Don't let your competitors reap the benefits of this growing communication channel while you miss out.
- **Start small.** Relationships on social media grow exponentially. The sooner you start growing your audience, the better.
- **Rewards outweigh the risks.** The time and money you spend to create your profiles, develop a website and write posts will likely be less than more traditional marketing.