Assignment 2

Isabel L. Rodriguez

School of Advanced Technology, Algonquin College

24W_HLT0234_310 Health Ethics and Privacy

Prof. Sue McCaig & Susan Barnes

March 11, 2024

In March 2014, Dr. Catherine Puetz, the former associate medical director of emergency services at Spectrum Health Hospitals, filed a lawsuit against Spectrum Health, President Kevin Splaine, and Vice President Jeanne Roode in the U.S. District Court. The lawsuit revolves around the termination of Dr. Puetz's position and the alleged wrongful accusation of a Health Insurance Portability and Accountability Act (HIPAA) violation over a comment made on Facebook. This case highlights the complex intersection of social media, workplace dynamics, and alleged breaches of patient privacy, prompting legal and ethical considerations (M Live Michigan, 2014).

On August 5, 2013, Dr. Puetz commented on a Facebook post made by an emergency department nurse. The post contained a photo showing the backside of a woman. Dr. Puetz expressed concern, as she believed she recognized the woman from public and emergency department settings. In her comment on the photo, she questioned, "OMG. Is that TB?" raising the possibility that the person might have tuberculosis. Following an internal investigation by Spectrum Health, some employees faced termination, while others received reprimands for their comments on the same post (M Live, Michigan, 2014).

Dr. Puetz, who was employed by Emergency Care Specialists, an independent contractor for Spectrum Health, submitted an apology to the nursing director after the incident. Despite assurances from the chief medical officer that her job was secure, she was subsequently removed from her leadership role as associate medical director in emergency services on August 14, 2013. On August 19, 2013, Spectrum Health

announced her prohibition from practicing emergency medicine services at any Spectrum Health-owned facility (M Live, Michigan, 2014).

Dr. Puetz's case demonstrates ethical concerns regarding patient privacy and confidentiality in the context of social media use by healthcare professionals. Allegations of a HIPAA violation based on her Facebook comment raise questions about appropriate boundaries for discussing patient-related information online. The Health Insurance Portability and Accountability Act (HIPAA) aims to safeguard patient privacy, emphasizing the importance of maintaining confidentiality in healthcare settings (Centers for Disease Control and Prevention, 2022). This case proves the need for healthcare professionals to exercise caution and discretion when engaging in online discussions to uphold patient privacy rights and maintain trust in the patient-provider relationship.

The AMA Journal of Ethics states that the use of social media in healthcare poses professionalism concerns like privacy, confidentiality, and maintaining professional boundaries. Privacy involves individuals' control over sharing personal details, while confidentiality safeguards shared information within a trust relationship, typically managed by healthcare providers. Upholding privacy and confidentiality is vital for building patient trust, essential for effective clinical care. HIPAA mandates healthcare entities to disclose protected health information only for specific purposes like treatment, payment, and healthcare operations (Parsi & Elster, 2015).

The selective enforcement of disciplinary actions against employees involved in the same Facebook post adds an ethical topic to the case. The inconsistency in the

treatment of individuals who made unrelated comments raises questions about fairness and equity in workplace policies related to social media use. Puetz said a nurse who posted "I like big butts and I cannot lie …" – an apparent nod to the popular Sir Mix-A-Lot song - was only reprimanded, not fired. Bioethics discussions often emphasize the importance of consistent application of rules to ensure fairness and maintain professional standards.

In their recent study, Galea, Chugh, and Luck (2023) shed light on critical aspects concerning privacy in the context of healthcare organization employees' use of social media. A key finding emphasizes a prevalent lack of clarity among employees regarding the boundaries of privacy on social media platforms. The article challenges the common belief that social media posts are inherently private, emphasizing the need for enhanced awareness and education among healthcare professionals about the potential implications of their online conduct on privacy. To address this broader issue, the article advocates for the implementation of social media-specific codes of conduct. Furthermore, they advocate for the implementation of regular training programs and a consistent review cycle to foster a culture of responsible and ethical social media practices within healthcare organizations. These recommendations emphasize the need for comprehensive strategies that integrate awareness, education, and organizational guidelines (Galea, Chugh, & Luck, 2023).

The critical discussion on privacy and social media extends to responsible practices, especially concerning patient images, as highlighted in a second peer-reviewed article. This article talks about maintaining patient privacy in the field of

plastic surgery, emphasizing strict adherence to HIPAA guidelines, deidentification of posted information, and the recommendation for healthcare professionals to uphold the separation of personal and professional accounts on social media platforms. A central aspect of this article addresses deficiencies in informed consent, advocating for the establishment of a standardized preoperative consent process tailored specifically to social media practices. The paper highlights the irreversible nature of online content and emphasizes the importance of obtaining patient consent before posting (Bennett & Vercler, 2018).

Furthermore, it explores the emerging concept of 'medutainment,' which refers to the blending of medical content with entertainment on social media platforms. This term highlights the need for heightened professionalism and elevated standards to maintain the credibility of healthcare practitioners and uphold the sanctity of the patient-physician relationship. The recommendation for establishing robust professional standards and frameworks governing social media engagement within the healthcare sector aims to balance technological advancements with ethical considerations surrounding patient privacy (Bennett & Vercler, 2018).

Both arguments present valuable perspectives on the ethical considerations surrounding privacy and social media use in healthcare. The first argument, outlined in the study by Galea, Chugh, and Luck (2023), emphasized the need for enhanced awareness, education, and organizational guidelines to address the lack of clarity among healthcare professionals regarding privacy boundaries on social media

platforms. This argument emphasizes the importance of proactive measures to ensure responsible and ethical social media practices within healthcare organizations.

On the other hand, the second argument, articulated in the article focusing on patient images in plastic surgery by Bennett and Vercler (2018), highlighted the significance of strict adherence to HIPAA guidelines and informed consent processes. It also addressed the emerging concept of 'medutainment' and emphasized the need for heightened professionalism to preserve the credibility of healthcare practitioners and uphold the sanctity of the patient-physician relationship. Additionally, I believe that HIPAA guidelines need to adapt to emerging technology, including social media. According to the HIPAA Journal, "the Privacy Rule does not include any specific references to social media." (HIPAA, n.d).

Regulations and guidelines on social media and technology need to be included to ensure that patient privacy is adequately protected in this rapidly evolving digital landscape. As such, I believe that both arguments are strong and complementary. They address different aspects of the ethical considerations surrounding privacy and social media use in healthcare, and both are essential for promoting responsible practices and maintaining patient trust. Therefore, I take the position that both arguments offer valuable perspectives, and a comprehensive approach that integrates elements from both arguments would be most effective in addressing the ethical challenges posed by social media use in healthcare.

References

- Centers for Disease Control and Prevention. (2022, June 27). *Health Insurance Portability and accountability act of 1996 (HIPAA)*. Centers for Disease Control and Prevention. https://www.cdc.gov/phlp/publications/topic/hipaa.html#:~:text=The%20Health%20Insurance%20Portability%20and,the%20patient's%20consent%20or%20knowledge.

- sthoms1@mlive.com, S. T. |. (2014, March 15). *Physician terminated after Facebook comment sues spectrum*. mlive. https://www.mlive.com/news/grand-rapids/2014/03/physician_terminated_after_fac.html#comments

- HIPAA and Social Media Rules - updated 2023. (n.d.). https://www.hipaajournal.com/hipaa-social-media/

- Parsi, K., & Elster, N. (2015, November 1). *Why can't we be friends? A case-based analysis of ethical issues with social media in Health Care*. Journal of Ethics | American Medical Association. https://journalofethics.ama-assn.org/article/why-cant-we-be-friends-case-based-analysis-ethical-issues-social-media-health-care/2015-11

- Galea, G., Chugh, R., & Luck, J. (2023). Why should we care about social media codes of conduct in healthcare organisations? A systematic literature review. Zeitschrift fur Gesundheitswissenschaften = Journal of public health, 1–13. Advance online publication. https://doi.org/10.1007/s10389-023-01894-5

8

- Bennett, K. G., & Vercler, C. J. (2018). When Is Posting about Patients on Social Media Unethical "Medutainment"?. *AMA journal of ethics*, *20*(4), 328–335. https://doi.org/10.1001/journalofethics.2018.20.4.ecas1-1804