

Social Media Abuse and Misuse

Facebook, Twitter, Instagram, Snapchat. There are lots of ways to share photos and videos with family, friends, and even “virally.” Social media is a great way to share experiences. It requires careful choices. This is even truer when you are taking photos and videos in nursing homes.

At the end of 2015, ProPublica reported 47 incidents of social media misuse in skilled nursing facilities since 2012.¹ (There were likely many more.) Some of these cases were horrific. In some cases, staff took photos or filmed residents using the toilet. Staff then shared these pictures and videos on social media. Other cases did not seem as bad. One staff member shared a video on Facebook of residents singing but didn’t show the residents’ faces. Each case failed to respect the privacy of the residents. Many were cases of elder abuse.

Many nursing homes have clear rules against recording residents by photo or video and/or posting these on social media. But this issue is a relatively new problem. Even long time staff members may not know what is okay.



Here are some examples of situations you might find at work. Is there a violation of a resident’s privacy?

1. Mary was a resident whom Dana cared for 5 years. She recently passed away. Dana posts a photo of Mary on Facebook and describes how fond she was of Mary.

2. Jason has a long night shift. He uses Snapchat to make the time go faster. One “Snap” he sends is a selfie he takes while in a resident’s room. The resident living there is not visible.
3. Gerald has severe cognitive impairment. He often makes racist comments to African-American nursing home staff. The comments are hurtful. Pamela is fed up. She posts a video of Gerald on Snapchat with the caption, “Can you believe I have to put up with this?!”
4. Theresa is dressing a wound. She texts a photo of the wound to a co-worker without the resident knowing to express her displeasure with this task.
5. Laurel asks Regina to help her give a shower to a resident. When Regina gets to the resident’s room, she sees Laurel taking a video of the resident. The resident is screaming about being bathed.

What do you think? Some of these cases, like the first one, do not seem like a problem while others, like number 5, were clear violations of privacy and abusive. Before discussing each case in detail, consider the following:

According to the Centers for Medicare and Medicaid Services (CMS), skilled nursing facilities should think about Residents’ Rights to guide social media use.² Under federal law, residents have a **right to personal privacy and confidentiality**. A resident’s right to privacy means he or she is not identified when it is not necessary. Residents also have a right to privacy about their activities and belongings. And facility staff have to keep residents’ medical records and other information about their care confidential.

The same rights apply when it comes to social media. This means that photographs or videos of

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residents receiving personal care, resident medical records, and even residents in public spaces should not be shared on social media without residents' consent. *Consent means permission and the consent is only good if the person understands what he or she is agreeing to.* Sometimes residents cannot give consent because they have a cognitive impairment, like dementia.

Sometimes staff members take photos for newspaper articles or official social media accounts. Staff still need to get the residents' consent to be photographed. When the resident cannot give consent, they must ask family members or others who have the legal right to make decisions for the resident.

In addition to violating resident privacy, sharing photos and videos of residents is often a form of mental abuse. According to CMS, mental abuse includes taking and/or sharing a photo or video of a resident when the resident would be embarrassed by the photo or video. Even if the resident does not know, or does not appear to be harmed, it is still abusive.

The misuse of social media is a fairly new problem. Staff should expect to see more attention given to it by regulators, law enforcement, and the social media companies.



Now we'll go back to the situations described above.

ALL of the situations described above violate resident privacy. Three of them -- numbers 2, 4, and 6 -- are based on real stories from ProPublica. Below are explanations about why each situation violates resident privacy.

1. Dana has good intentions, but this is still a violation. Even if the resident has passed away, Dana should not post a photo online without the permission of a family member.
2. Even though the resident is not in Jason's "selfie", the right to privacy extends to the resident's room or other places that are part of the resident's personal space.

3. Pamela's frustration is understandable. This resident, though, is not able to give consent for his words to be posted online. Pamela should talk to her supervisor to find a solution. Pamela also can seek support online without showing the video or disclosing the resident's identity.
4. While Theresa might receive help and support from sharing her experience with a co-worker, this is a clear violation and likely abuse. If the resident knew the pictures were being shared, she would likely be embarrassed.
5. This incident violates resident privacy and is abusive. Since Regina is a witness to Laurel committing abuse by filming the resident, Regina is required to report this incident.

Photos and videos can be quickly shared. Stop and think before clicking or hitting record. If you see a co-worker shared something he or she shouldn't have, you should report it. Doing this can help respect residents and keep them safe from abuse.

¹Ornstein, C. & Huseman, J. (2015, December 15). Inappropriate Social Media Posts by Nursing Home Workers, Detailed. *ProPublica*. Retrieved online at: <https://www.propublica.org/article/inappropriate-social-media-posts-by-nursing-home-workers-detailed>

²Center for Clinical Standards and Quality/Survey & Certification Group, Centers for Medicare and Medicaid Services. (2016, August 5). Protecting Resident Privacy and Prohibiting Mental Abuse Related to Photographs and Audio/Video Recordings by Nursing Home Staff. (Ref: S&C:16-33-NH). Retrieved online at: <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/Survey-and-Cert-Letter-16-33.pdf>

For More Information

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