



KENTUCKY BOARD OF NURSING
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ADVISORY OPINION STATEMENT

Social Media for Nurses

The Kentucky Board of Nursing is authorized by Kentucky Revised Statutes (KRS) Chapter 314 to regulate nurses, nursing education and practice, promulgate regulations and to issue advisory opinions on nursing practice, in order to assure that nurses provide safe and effective nursing care to the citizens of the Commonwealth.

The Kentucky Board of Nursing issues advisory opinions as to what constitutes safe nursing practice. As such, an opinion is not a regulation of the Board and does not have the force and effect of law. It is issued as a guideline to licensees who wish to engage in safe nursing practice, and to facilitate the delivery of safe, effective nursing care to the public.

Opinion: SOCIAL MEDIA GUIDELINES FOR NURSES

Approval Date: 12/2017

Accountability and Responsibility of Nurses

In accordance with KRS 314.021(2), nurses are responsible and accountable for making decisions that are based upon the individuals' educational preparation and current clinical competence in nursing, and requires licensees to practice nursing with reasonable skill and safety. Nursing practice should be consistent with the *Kentucky Nursing Laws*, established standards of practice, and be evidence based.

Rationale for Advisory Opinion

The Kentucky Board of Nursing is receiving increasing complaints alleging that nurses have misused social media. As such, the Board has deemed that guidance to nurses regarding social media is warranted. In preparing this opinion, the Board reviewed and analyzed various recommendations published by professional and regulatory agencies that address the use of social media, professional boundaries, and nursing professionalism.

Advisory Opinion

The use of social media is rising as the number of social media outlets, platforms, and applications continue to increase. Social media consists of forms of communication through which users create online communities to share information, ideas, personal messages and other content to participate in social networking.¹ While the Board recognizes that the use of social media can be a valuable tool in health care, there are potential serious consequences when used inappropriately.

Nurses need to be aware of the potential consequences of disclosing patient-related information via social media. This includes being mindful of employer policies, relevant state and federal laws, and professional standards regarding patient privacy and confidentiality.

Patient Privacy and Confidentiality of Patient Information

The American Nurses Association's Code of Ethics for Nurses (2015) sets forth the duty of the nurse to promote, advocate, and protect the rights, health, and safety of the patient.

According to Provision 3.1 of the Code of Ethics for Nurses:

The nurse has a duty to maintain confidentiality of all patient information, both personal and clinical in the work setting and off duty in all venues, including social media or any other means of communication. Because of rapidly evolving communication technology and the porous nature of social media, nurses must maintain vigilance regarding postings, images, recordings, or commentary that intentionally or unintentionally breaches their obligation to maintain and protect patients' rights to privacy and confidentiality.²

As breaches of patient confidentiality or privacy may be unintentional or inadvertent, the Board advises nurses and employers that a nurse:

1. Is obligated to protect confidential patient information unless required by law to disclose the information;
2. Seeks and releases confidential patient information only when there is a clear and substantial "need to know" basis for the information. A "need to know" basis is one that requires individuals to have information in order to render care or service to a patient; and
3. Discloses confidential patient information to the patient's family members and others only as permitted by the patient.

Note on De-identification: According to the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule 45 CFR § 164.514, health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual is not individually identifiable health information. However, nurses may breach confidentiality or privacy even if the information is de-identified because there is often still enough information to identify the patient or link the nurse back to the patient.

¹ Social Media. Merriam-Webster Dictionary. Retrieved from <https://www.merriam-webster.com/dictionary/social%20media>

² American Nurses Association. Code of ethics for nurses with interpretive statements. Author, Silver Spring, MD; 201

Appropriate Use of Social Media

Social media should be used in a way that protects patients' privacy and confidentiality and maintains the standards of professional nursing practice.

The National Council of State Boards of Nursing (NCSBN) and the American Nurses Association (ANA) have mutually endorsed guidelines for upholding professional boundaries in a social networking environment. The NCSBN White Paper: *A Nurse's Guide to the Use of Social Media*³ lists actions nurses can take to minimize risk and provides scenarios of unprofessional conduct based on actual events reported to boards of nursing.

Principles for Social Media

- Nurses must not transmit or place online individually identifiable patient information.
- Nurses must observe ethically prescribed professional patient — nurse boundaries.
- Nurses should understand that patients, colleagues, institutions, and employers may view postings.
- Nurses should take advantage of privacy settings and seek to separate personal and professional information online.
- Nurses should bring content that could harm a patient's privacy, rights, or welfare to the attention of appropriate authorities.
- Nurses should participate in developing institutional policies governing online conduct.
- Remember that standards of professionalism are the same online as in any other circumstance.

Tips to Avoid Problems

- Do not share or post information or photos gained through the nurse-patient relationship.
- Maintain professional boundaries in the use of electronic media. Online contact with patients blurs this boundary.
- Do not make disparaging remarks about patients, employers or co-workers, even if they are not identified.
- Do not take photos or videos of patients on personal devices, including cell phones.
- Promptly report a breach of confidentiality or privacy.

The Kentucky Board of Nursing supports both the guidelines and principles of social media use by the NCSBN and ANA.

Consequences for Inappropriate Use of Social Media

There are consequences to the inappropriate use of social media. Potential consequences vary according to the specific breach of trust.

³ National Council of State Boards of Nursing (2011). White paper: A nurse's guide to the use of social media. Retrieved from <https://www.ncsbn.org/2930.htm>.

If employment rules were broken, the nurse may face suspension or termination at work. Civil and criminal charges may result from breaches of privacy or confidentiality. Furthermore, the nurse may be subject to personal lawsuits for defamation or invasion of privacy.

Inappropriate use of social media is a violation of Kentucky nursing law. Kentucky Revised Statutes (KRS) 314.091(1)(d),(j), and (n) state that the board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board upon proof that the person has:

- negligently or willfully acted in a manner inconsistent with the practice of nursing;
- violated any of the provisions of this chapter; or
- violated the confidentiality of information or knowledge concerning any patient, except as authorized or required by law.

The Kentucky Board of Nursing may investigate a nurse after a report of inappropriate use of social media. As with all complaints received by the Board regarding potential violations of the *Kentucky Nursing Laws*, each complaint is considered on a case-by-case basis. The facts of each situation are evaluated on an individual basis. Nurses can face disciplinary action ranging from reprimand to loss of license for violating KRS 314.091.