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Online and Mobile Communication: Maintaining Boundaries, Minimizing Risk

Social media presence and other forms of electronic communication can do more than publicize and promote a dental practice. They can also help improve patient care and reduce risk by facilitating dialogue, disseminating useful information, enhancing compliance and strengthening documentation. At the same time, their use raises a number of significant practice issues and liability exposures, including potential privacy violations and erosion of professional boundaries. This article offers a range of practical risk control strategies for dentists and their staff members in managing e-mail, text messaging and social media, the forms of interaction that define today's world.

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DELINEATING SAFE PARAMETERS FOR E-MAIL USAGE

A thorough, well-drafted e-mail policy is necessary to ensure safe and appropriate use of this ubiquitous means of communication. The following basic parameters are intended to help dental practices preserve patient confidentiality, deepen rapport, adequately document online exchanges and maintain system security:

- *Install up-to-date protective software to guard against viruses and other "malware."*
- *Change passwords regularly to enhance security and minimize the risk of hacking.*
- *Determine which staff members are authorized to use social media and e-mail for the purpose of communicating with patients.*

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- Obtain patients' written consent for e-mail communication, informing them at the same time of who in the practice has access to the e-mail account. Also, explain that e-mails can be accessed by unauthorized individuals, potentially compromising patient confidentiality.
- Establish turnaround times for messages and honor promised response deadlines.
- Use the automated response function to note receipt of patient e-mail messages and indicate the expected time of reply.
- Maintain a professional tone in messages, avoiding irritability, sarcasm, undue familiarity, harsh criticism and defamatory references. Remember that electronic messages are easily misinterpreted, as they convey neither tone of voice nor facial expression.
- Inform patients that messages may be processed by third parties, such as clerical staff or assistants.
- Instruct patients to identify the purpose of their messages in the subject line for ease in filtering and processing the flow of e-mail communications.
- Do not send group mailings with recipients' names visible – utilize the blind carbon copy ("bcc") feature instead.
- Always double-check the recipient ("to") line before hitting "send," and use the "reply all" function only when appropriate and after due consideration.
- Retain electronic and/or paper copies of e-mail messages and develop a system for filing and retrieving them.
- Refrain from prolonged e-mail correspondence, informing patients when necessary that complex, delicate or potentially serious matters require an office visit.
- Terminate e-mail relationships when necessary, e.g., if patients repeatedly ignore e-mail rules and guidelines.

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ESTABLISHING GUIDELINES FOR TEXT MESSAGING USAGE AND CONTENT

Text messaging is most appropriate for reinforcing spoken communication and conveying relatively simple matters, such as appointment and referral reminders, practice hours and contact information. The following additional measures can help protect both patients and dentists:

Explain electronic communication policies to patients. Text messaging parameters – including access hours and limitations – should be documented in writing and disseminated to patients via Web site postings and notices placed conspicuously in the office. To ensure that written parameters accurately reflect changes in services and ongoing advances in telecommunications technology, they should be reviewed and revised at regular intervals.

Obtain written consent from patients before initiating text discussions. During routine appointments, and prior to establishing a text or e-mail link with patients, discuss text messaging policies and the need for written consent. Document patients' consent or refusal in the electronic and/or hard-copy dental record, and review and update their preferences periodically.

Avoid "text-speak" when messaging. Text messages should be clear, free of potentially confusing abbreviations, professional in content and tone, and in compliance with relevant privacy statutes and regulations. The following questions are designed to help dentists and staff members evaluate and improve their text-messaging practices:

- Is the sender's identity clearly labeled on the message?
- Is the message cogent, clear and compliant with written protocols, in terms of content, format and tone?
- Is the message written at a layperson's level? (For guidelines, strategies and tools designed to cultivate clear and simple communication, visit <http://www.plainlanguage.gov/>.)
- Does the message convey a call to action, which is summarized clearly at the end?
- Are only authorized, universally understood abbreviations used – e.g., "US" for United States, "info" for information, "msg" for message and "IMPT" for important?
- Does the message include a contact telephone number and properly formatted URL, which directs patient response to a site specifically designed for mobile device use?

Thoroughly document text messages in patients' dental records. If messages cannot be directly attached to electronic dental records, then they should be manually documented, including date, time, content and responses received. Remember that, as with "deleted" e-mail messages, old text messages are potentially recoverable and hence should be thought of as permanent.

For additional text messaging guidelines, visit the Centers for Disease Control and Prevention at <http://www.cdc.gov/social-media/tools/guidelines/pdf/textmessages.pdf>. Also, a new, provider-oriented resource from the Department of Health and Human Services offers a wealth of information, suggestions and educational materials on privacy and security issues related to mobile devices, including smartphones. It can be accessed at <http://www.healthit.gov/providers-professionals/your-mobile-device-and-health-information-privacy-and-security>.

MAINTAINING APPROPRIATE BOUNDARIES

Facebook, Twitter and other social media platforms create new challenges by potentially blurring the line between professional and personal communication. In accordance with their ethical and legal duty to protect patient confidentiality, dental professionals should adopt conservative privacy settings for their social media accounts and decline "friend" requests from current or former patients. The following additional guidelines can help maintain proper professional boundaries:

Limit messages to general information. Appropriate social media usage involves general dental guidance and direction, such as sharing educational resources, answering relatively simple questions, and monitoring post-procedure compliance and follow-up. Discussion of more specific and sensitive subjects – such as negative reactions to treatment or serious health or cosmetic concerns – should be conducted in person.

Discuss the importance of knowing and abiding by privacy considerations. Explain to patients that social media applications are not absolutely secure, and therefore are best suited for communicating routine matters, rather than the exchange of privileged health information. Instruct them to contact the practice if they have any questions about what can and cannot be conveyed online. In addition, include a provision in routine patient privacy statements emphasizing the need to maintain proper boundaries in electronic and social media interaction.

Remind patients and staff members of the consequences of policy violations. Explain that electronic miscommunication can result in unauthorized disclosure of patient information, as well as violations of federal or state law, licensing authority requirements or practice privacy protocols. Any attempt by patients to discuss inappropriate matters online should be documented in their dental care records, and violators should have their access blocked following a second offense. In addition, clearly communicate social media policies to staff, as well as potential consequences of infractions, including suspension or revocation of access to the practice's social media sites.

Social media and other electronic communication tools offer many potential benefits for dental practices, including enhanced patient care and more efficient marketing. By establishing practical guidelines governing the secure and appropriate use of this technology, practices can improve patient satisfaction, while protecting confidentiality, upholding professional conduct and standards, and reducing liability exposure.

RESOURCES

- "The ADA Practical Guide to Social Media Planning," published 2012. Available for purchase and downloading at <http://www.ada.org/news/7923.aspx>.
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