

Reporting of Social Media Incidents

We are happy to say that we receive very few reports of inappropriate social media incidents!

But, what should you do to prevent an incident and how should you handle it if an employee posts resident pictures and/or information to a social media app such as Facebook or Snapchat?

First, here are some things your facility can implement to lessen the possibility of an incident occurring:

- Educate all new hires during orientation about HIPPA, social media, and reporting.
- Educate volunteers during orientation about HIPPA, social media, and reporting.
- Have annual trainings to reinforce this information.
- Implement a strict 'no cell phone' on the floor policy.
- Empower your supervisors to resolve the situation immediately versus reporting to management – such as remove the phone or send the employee home if they refuse to relinquish it.

Social media is a way of life with some employees. There are people who post everything from what time they woke up, to what they eat, to inappropriate pictures of themselves and they often do not stop to think before posting events that occur at their workplace. During your educational sessions, be sure to give real life examples. The resident's photo and/or face is not, in and of itself, the only wrong doing.

Examples include:

- Photographs of nudity or partial nudity
- Photographs with captions mocking a person
- Posts regarding 'resident in room #_____ " with personal private information
- Voice recordings used to humiliate or mock a person

If an incident does occur remember that it is a reportable event to the SD DOH.

- 44:70:01:07 – any allegations of abuse or neglect
- 44:73:01:07 – any reasonable cause to suspect abuse or neglect
- F600 – types of abuse – mental and verbal abuse

This would also be reportable to local law enforcement:

22-21-4. Use or dissemination of visual recording or photographic device without consent and with intent to self-gratify, harass, or embarrass--Misdemeanor or felony. No person may use or disseminate in any form any visual recording or photographic device to photograph or visually record any other person without clothing or under or through the clothing, or with another person depicted in a sexual manner, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to self-gratify, to harass, or embarrass and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy. A violation of this section is a Class 1 misdemeanor. However, a violation of this section is a Class 6 felony if the victim is seventeen years of age or younger and the perpetrator is at least twenty-one years old.

Source: SL 2004, ch 151, § 1; SL 2011, ch 116, § 1; SL 2016, ch 123, § 1.