



APPROPRIATE USE OF SOCIAL MEDIA BY HEALTH CARE PROVIDERS

By Erich Garland, MD, Board Member

The Idaho board of medicine regulates the practice of medicine to protect the health and safety of Idaho patients. The use of social media has become important across all industries including health care. In 2015, 65% of Americans used social networking sites. Social media offers enormous potential for both the health care providers and their patients. Use of social media can produce significant educational benefits to patients and the health care providers, but may also produce ethical challenges.

These benefits must occur while maintaining the same professional and ethical standards, confidentiality, boundaries, avoiding conflicts of interest, and being aware that information posted on social media may be available to anyone to read. The relationship with a health care provider begins when an individual seeks care and the health care provider agrees to treat them. The health care provider should be aware that when using

social media they may be unable to confirm the identity of the person on the other end of the communication. Health care providers are discouraged from interacting with current or past patients on personal social networking sites. Health care providers should only have an online interaction with patients when discussing the patients' medical treatment within the provider-patient relationship on a secure HIPAA compliant network. Documentation about patient care

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Special Points of Interest

- *PMP Gateway*
- *Prelitigation*
- *CDC New Recommendations*

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communications should be included in the patient’s medical record. Health care providers should know that online postings on social media may have future implications on their careers.

Social networking websites may be useful places for health care providers to gather and share their experiences and discuss new treatments or procedures. Any discussion on a social network is discoverable and can be used to judge an individual’s character in a lawsuit. Medical advice given by a health care provider to a patient on social media may imply the creation of a health care provider-patient relationship regardless of whether a disclaimer is given. Health care providers should never post information that could be used to identify a patient.

Health care providers should be aware that any information posted on a social media site may be disseminated to a larger audience and may remain publicly available online in perpetuity. Professionalism carries the same standard no matter where it occurs. State Medical boards have the authority to discipline licensed providers for unprofessional behavior relating to the inappropriate use of social media.

Social media has transformed communication and is changing the way health care can be practiced. Health care providers must be aware of the implications social media has on professionalism, ethics, and confidentiality.

References

Oregon Medical Board policy (2016)

Social Media as a Tool in Medicine, Katherine Chretien and Terry Kind



The following statute and rule changes will be presented to the Legislature in 2017:

Chapter 35, Title 54 – Changes to Dietitian Practice Act

IDAPA 22.01.01- Changes to the Physician Assistant Rules

Full text of the proposed statute and rule changes can be accessed at our website:

www.bom.idaho.gov

MEDICAL MALPRACTICE PRELITIGATION

The Prelitigation hearings are of great importance to physicians, hospitals, and the citizens of Idaho. Idaho Code requires that claims for medical malpractice go through the Prelitigation Hearing process.

The Board of Medicine's Prelitigation Department is staffed by Alissa Murphy, Prelitigation Manager, Claudia Lawson and Jacquelyn Fuerte-Stone, Prelitigation Assistants. The Prelitigation Department receives Medical Malpractice Prelitigation Hearing Applications and Claims (claims) requesting a Prelitigation hearing by mail, fax, or email.

In accordance with Idaho Code § 6-1002, "The Board of Medicine shall provide for and appoint an appropriate panel or panels to accept and hear complaints of such negligence and damages made by or on behalf of any patient who is an alleged victim of such negligence."

Each year the Prelitigation Department processes over 100 claims and appoints a panel for each hearing. The hearing panels include a lawyer, an Idaho licensed physician, a hospital administrator, and a layman panelist (volunteer). The Prelitigation staff and panelists follow Idaho Statutes, procedures, and time guidelines to ensure the Medical Malpractice Prelitigation Hearings are held within 90 days retaining jurisdiction. The Medical Malpractice Prelitigation Hearing is nonbinding and an informal proceeding [sec. 6-1003, Idaho Code], but nonetheless compulsory as a condition precedent to litigation, section 6-1001, Idaho Code.

According to Idaho Code 6-1004 (ADVISORY DECISIONS OF PANEL), at the close of proceedings the panel, by majority and minority reports or by unanimous report, as the case may be, shall provide the parties its comments and observations with respect to the dispute, indicating whether the matter appears to be frivolous, meritorious or of any other particular description. If the panel is unanimous with respect to an amount of money in damages that in its opinion should fairly be offered or accepted in settlement, it may so advise the parties and affected insurers or third-party payors having subrogation, indemnity or other interest in the matter.

Physicians: Please note serving as a physician panelist on at least one Prelitigation Hearing panel in a two (2) year period is a requirement for renewal of an Idaho Medical License. (IDAPA 22.01.01.081).

081. PHYSICIAN PANELIST FOR PRELITIGATION CONSIDERATION OF MEDICAL MALPRACTICE CLAIMS.

01. Purpose. The purpose of serving as a physician panelist for prelitigation consideration of medical malpractice claims against physicians and surgeons practicing in the state of Idaho or against licensed acute care general hospitals operating in the state of Idaho is to: (4-4-13)

a. Cooperate in the prelitigation consideration of personal injury and wrongful death claims for damages arising out of the provision of or alleged failure to provide hospital or medical care in Idaho; and (4-4-13)

b. Accept and hear complaints of such negligence and damages, made by or on behalf of any patient who is an alleged victim of such negligence. (4-4-13)

02. Eligibility. A physician licensed to practice medicine and surgery or osteopathic medicine or surgery in Idaho shall be available to serve in any two (2) year period, or a longer period not to exceed five (5) years, as determined by the panel chairman, as a physician panelist for prelitigation consideration of a medical malpractice claim. (5-8-09)

03. Excusing Physicians from Serving. A physician panelist so selected shall serve unless he had served on a prelitigation panel during any previous two (2) year period, or a longer period not to exceed five (5) years, as determined by the panel chairman or for good cause shown, is excused by the panel chairman. To show good cause for relief from serving, the selected physician panelist shall present an affidavit to the panel chairman which shall set out the facts showing that service would constitute an unreasonable burden or undue hardship. The panel chairman shall have the sole authority to excuse a selected physician from serving on a prelitigation panel. (5-8-09)

04. Penalties for Noncompliance. The Board may condition, limit, suspend, or refuse to renew the license of any physician whom the Board determines has failed to serve as a physician panelist for the prelitigation consideration of a medical malpractice claim. (5-8-09)

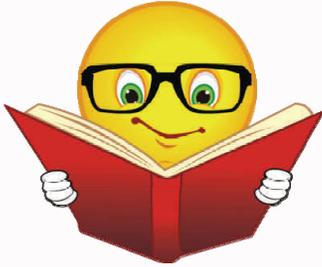
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PMP GATEWAY

Announcing Launch of PMP Gateway® to Integrate PMP Data into Pharmacy Dispensing Systems

Did you know?

In August 2016, the Idaho Board of Pharmacy officially launched PMP Gateway® which enables the integration of Prescription Monitoring Program (PMP) data directly into electronic medical records and electronic health records. This integration allows instant access to PMP data for prescribers and pharmacists without having to separately log on to the Board of Pharmacy's PMP web portal.



The Board of Pharmacy often hears complaints about the time burden associated with logging into the current PMP and believes this tool will streamline access and reduce the administrative burden on end users. As more prescribers and dispensers get instant access to the PMP, it is our hope that this tool will strengthen our fight against opiate abuse. Currently 20 states use this tool, and it has greatly enhanced use of the PMP!

PMP Gateway® is operated by Appriss, the Board of Pharmacy's PMP vendor. Initial integration and on-going maintenance fees are managed by Appriss and do not pass through the Board of Pharmacy. Use of PMP Gateway® is subject to Appriss' terms and conditions, and users must take care to ensure their use is consistent with the limits placed on prescribers and dispensers as outlined in Idaho Code. Only individuals who have previously registered for PMP access will be permitted to access data through PMP Gateway®.

To begin the process of integrating your electronic medical record or electronic health record, contact Teresa Anderson at the Board of Pharmacy, (teresa.anderson@bop.idaho.gov) or 208.334.2356.

Prelitigation - Continued from Page 3

Volunteers: We have excellent layman panelist volunteers in each region, but we don't want to overwork them with too many assignments. If you know of anyone in your area who would be a great layman panelist and is interested in serving on Prelitigation Hearing panels, please have them contact Alissa Murphy, Prelitigation Manager, by phone (208) 327-7000 or email: lisa.murphy@bom.idaho.gov. A layman panelist (volunteer) cannot be a lawyer, doctor, or hospital employee, but shall be a responsible adult citizen of Idaho, section 6-1002, Idaho Code.

Panel members, with the exception of the Panel Chairmen, shall serve without honorarium or compensation of any kind, but shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.²

The Board will send physicians a notification of panel appointment by email or fax. Please note that maintaining current contact information with the Board is beneficial to saving time and receiving a copy of a Prelitigation claim when named as a Respondent (Defendant) or when receiving notification of appointment to serve as a physician panelist.

If your contact information needs to be updated, you may make changes on the Board's website at bom.idaho.gov, **Online Address Changes**.

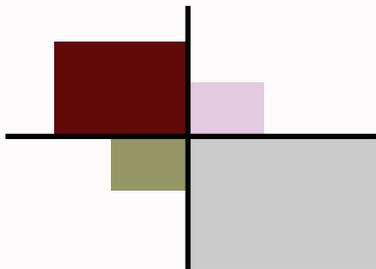
Idaho Code regarding Medical Malpractice: <http://legislature.idaho.gov/idstat/Title6/T6CH10.htm>

Shorts

SUPERVISING AND DIRECTING PHYSICIAN RENEWALS

The time is almost up for renewing your Supervising and Directing Physician licenses. Please contact Board staff immediately at 208-327-7000 if you have not already renewed your license.

PLEASE NOTE THE NEW [GUIDELINE FOR PRESCRIBING OPIOIDS FOR CHRONIC PAIN](#) by the CDC.



The Interstate Licensure Compact

Eighteen states, including Idaho, have joined the Interstate Medical Licensure Compact, and the Compact Commission has been formed. To learn more about the Compact please see these websites:

<http://licenseportability.org/>

<http://www.csg.org/ncic/>

Also, the Board maintains links to meeting notices, minutes, and press releases relating to the Interstate Medical Licensure Compact Commission (IMLCC) [at this link](#).

Each state in the IMLCC has two commissioners. The current commissioners for Idaho are Board of Medicine Chair Robert Ward, MD, and Anne Lawler, Executive Director for the Board of Medicine.



Rx Profiles

Please access the Board of Pharmacy Prescription Drug Monitoring Program (PMP) to review your patients' profiles. In a single minute you can improve the safety and efficacy of the care you provide your patients.

For information on how to access the PMP, visit the Board of Pharmacy website <http://bop.idaho.gov/>.

DO YOU KNOW HOW TO PRESCRIBE OR USE NALOXONE??

If you are prescribing opioid medications for your patients, or if you believe a patient is addicted to opioid medications, it is critical that you make them or family members aware of Naloxone.

Naloxone is available now in Idaho to reverse opioid overdose.

For more information, please go to the [Office of Drug Policy webpage](#).

BOARD ACTIONS

PLEASE NOTE:

Some physicians have similar names, please verify information by license number on our [web site](#). Details of the action are available on the web site.

Andrew G. Southard, MD
M-11238 Boise, ID
Board Action—Public Reprimand and Fine

David R. Hadlock, DO
O-163 Twin Falls, ID
Board Action—Public Reprimand

Jeffrey D. Lovin, MD
M-5645 Del Mar, CA
Board Action—Reciprocal Board Order

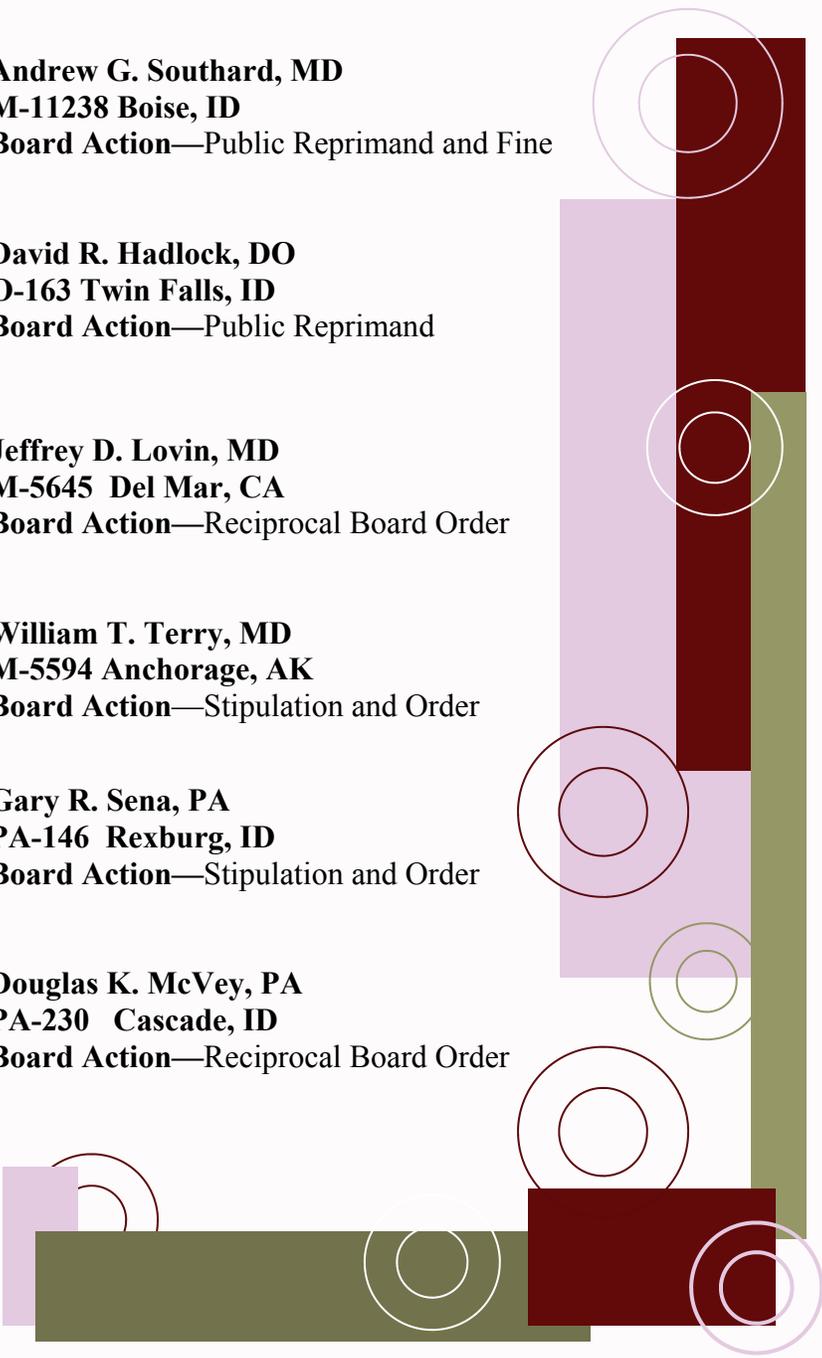
William T. Terry, MD
M-5594 Anchorage, AK
Board Action—Stipulation and Order

Gary R. Sena, PA
PA-146 Rexburg, ID
Board Action—Stipulation and Order

Douglas K. McVey, PA
PA-230 Cascade, ID
Board Action—Reciprocal Board Order

Explanation of terms:

- Stipulation: an agreement, admission, or concession.
- Stipulation and Order: an agreement between the Board and the practitioner regarding authorization to practice or placing terms or conditions on the authorization to practice.
- Suspension: temporary withdrawal of authorization to practice.
- Reprimand: a formal admonishment of conduct or practice.
- Revocation: cancellation of the authorization to practice.
- Fine: a fee imposed for failure to provide accurate information on renewal.



BOARD WELCOMES NEW STAFF

Shasta Kilminster-Hadley, Board Attorney



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Claudia Lawson, Allied Health Licensing

Jennifer Woodland, Finance

Jacquelyn Fuerte-Stone, Receptionist and Prelitigation