

Do's and Don'ts of Social Media

By Daniel Aaronson



After reading about the Grand Rapids, MI doctor who was suspended from practice because she identified a patient on Facebook when a nurse uploaded a photo of the patient's rear end, I was amazed that most people don't realize the basic "do's and don'ts" of social media, especially doctors who should know the ins and out of HIPPA. Social media is not a whisper, it is a loud speaker. Don't post anything on social media unless you are willing to have the entire world see what you have posted. There is no such thing as a comment between only two people on social media.



In that vein of things never to do, one should never post something as fact, when it is only opinion. Opinion by and large is exempt from the laws dealing with defamation. However that same opinion, stated as a fact, subjects that poster to a potential lawsuit. Everyone is allowed to have an opinion, whether correct or incorrect. No one is allowed to state a fact about someone else if that fact is not correct.

Also with the current trend in the law, social media and the internet cannot be used for cyber bullying, stalking and the latest fad—revenge porn. Unlike defamation, truth is not a defense to these acts which can also become crimes.

A common misconception is that the First Amendment is a shield for whatever is said or written. The First Amendment applies to the Government curtailing expression, not the private employer or private citizens.

Daniel Aaronson, Chairman Emeritus and immediate past president of the First Amendment Lawyers Association, is a Fort Lauderdale-based attorney with the firm Benjamin Aaronson Edinger & Patanzo. He can be reached at danaaron@bellsouth.net.