



## Client Consent Is Crucial When Posting to Social Media

Social media offers many tools for building a sense of community with existing clients and attracting new ones. With clients' consent, posting patients' photos on platforms such as Facebook, Twitter, and Pinterest, as well as on the practice's website or the veterinarian's blog, can enhance a practice's image and reputation.

**T**om McCauley, co-owner and operational director of TOPS Veterinary Rehabilitation in Grayslake, Illinois, said his practice posts "videos of patient progress and photos to keep our social media subscribers engaged. Sometimes it will be a nice picture of a dog; sometimes an 'entertaining' picture—a patient wearing goggles when getting a laser treatment.

"It is our policy to always get a client's permission to use any pictures we take," he added. "If a client asks for a picture to be taken down, we always comply with their request. Our policy also states that we will not identify a client's last name."

Experts say practice owners and team members must address legal and ethical concerns to ensure a positive outcome when using social media.

Brenda Tassava, CVPM, CVJ, a veterinary practice consultant, serves on the Technology and Innovation Committee of the Veterinary Hospital Managers Association. In her book *Social Media for Veterinary Professionals*,<sup>1</sup> she recommends taking these issues into account when developing guidelines and protocols to govern the use of patients' pictures and client information:

- The boundaries and guidelines that all team members should respect
- The team member(s) authorized to participate on the practice's behalf
- Confidentiality guidelines relevant to social media posts
- Possible repercussions should team members breach confidentiality or fail to follow policy
- Steps to follow during a social media crisis (eg, negative remarks).

"Giving team members real-life examples will help with their understanding of this complex issue," she said.<sup>2</sup>

### Confidentiality Is Key

"The very nature of social media leads to interpersonal interactions that could potentially cross the lines of patient and client confidentiality," Tassava said. "You must do your best to protect the confidentiality of your clients and their pets at all times."<sup>3</sup>

Protections include never mentioning clients or patients by name, changing names to protect identities, and posting digital x-rays and photos of patients without real names, she said.<sup>4</sup>



David Carser, BVSc, LLB, CML, president and founder of the Veterinary Defence Association (VDA), agreed that keeping clients and patients anonymous is a simple way to preserve confidentiality.

“Given that, most often, the point of the article is to highlight a particular veterinary condition or treatment, the owner and pet details are usually irrelevant, and there is therefore no need to publish them. It is rarely necessary to even publish the location of the animal, unless it involves a situation of special interest to other animals/owners in that area—for example, a local disease epidemic or hazard. The mere fact that the reader could deduce the rough location of the animal from the location of the veterinary practice does not constitute breach of confidentiality.”

### Always Obtain Consent

Any use of patients' photos on social media requires written client consent, said Charlotte Lacroix, DVM, JD, owner of Veterinary Business Advisors, Inc., who counsels veterinarians and attorneys nationwide on veterinary business and legal issues.

“When you're looking to post pictures of client-owned animals, you will need client consent, because they are part of the medical record,” Lacroix said. While obtaining consent is always an ethical duty, in most states it is a legal duty as well, she said.

She recommended including the request for written consent, along with information about posting on social media, in the admission sheet.

“Inform the client that you may take pictures of the animal and that the hospital does post online on social media. ... Explain what you're doing and what kind of pictures. You have to inform the client of the context.” She suggested reinforcing the written form with a verbal “heads up” before a photo is actually posted.

Christine Corcos, Associate Professor of Law at the Paul M. Hebert Law Center at Louisiana State University, stressed that veterinary practitioners should “obtain written consent for any use of a photo in any context (posting on Facebook, Instagram, Twitter, Pinterest, any social media). ... Apart from client confidentiality, using photographs might be considered advertising by the clinic,” she said.

### Consent Form Considerations

Corcos suggests the following when a practice formulates a photo consent form:

- Specify the reason(s) for the posting and use of the photo(s).
- Mention the duration of the use (eg, one year, forever).

- Specify where the practice can use the photo (eg, Facebook, Twitter, any social media platform).
- Note whether the practice can modify the photo in any way or for any purpose.
- Specify whether the client has the right to authorize or approve each photo as it is taken.
- Decide whether the client may withdraw consent before the contract expires. If so, how?
- Include signatures of both the veterinarian (or other designated team member) and the client.

Carser agreed, adding, “The key to protecting the veterinarians, staff, and practice is to obtain written informed consent from the owner for every case before publishing.

“Legally, the concept of ‘informed consent’ has 3 components: knowledge, appreciation, and acceptance,” he said.

“The practice representative needs to impart specific knowledge to the lawful owner of the animal about the intentions and implications of the publication; must be reasonably certain that the owner comprehends/appreciates the extent of the intended publication, as well as the implications and risks; and must

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## One Practice's Policy

Office manager Karina Moser, RVT, and community outreach coordinator Bonnie Parker said their practice, Charlotte Street Animal Hospital in Asheville, North Carolina, always asks for a client's permission to use a patient's photo for any public (nonmedical record) purpose and documents the permission in the medical record.

The team is always very respectful of their clients and honors confidentiality, team members said. Also, they avoid making assumptions about clients' individual preferences, because comfort levels differ when it comes to privacy, they added; for example, although some clients are thrilled to share even the most lurid details of their pets' illness/injury and recovery, others may prefer or require their privacy, which a recognized pet could compromise.

positively acknowledge that they understand and accept these. The safest way to obtain proof of any informed consent is to record it in writing," Carser said.

### Who Owns the Photo?

Another legal issue to consider, Lacroix said, is ownership of the photo. Does it belong to the subject, the photographer, or the person who has the photo in his or her camera? To avoid confusion, she advised, "Take pictures on a device owned by the hospital and authorized by the practice."

### Other Considerations


Corcos posed another question: "What would the practice be giving to the owner for the use of the photo? This 'what' is called consideration. Should the question come before a court, the court would ask if the owner received adequate consideration. Inadequate consideration can make a contract unenforceable."

An example of consideration in human healthcare, she said, would be a

cosmetic surgeon offering a discount to a patient who authorized use of her "before" and "after" pictures in advertisements.

Clients' privacy—and the lack of it once something has been posted online—is also a factor to consider when using social media, Corcos said.

"Even if the veterinarian takes the photo down, it still has been posted. It still might have been captured by someone, somewhere. Once you publish something on the internet, you lose a large measure of control.

"I am not saying this to frighten anyone," Corcos said. "I'm simply saying that as a practical matter, any material posted to the internet is no longer private." 

**See Aids & Resources, back page, for references & suggested reading.**

**Editor's note:** *Suzanne Smither has 30 years of journalism, editing, management, and research experience. Her writing has been published in numerous newspapers and periodicals, and she has authored 6 books about cats. Karin Kandur is the online marketing specialist for a network of emergency and specialty hospitals, and is responsible for implementing and educating team members about photo release policies.*

## IVERHART MAX<sup>®</sup>

Chewable Tablets  
(ivermectin/pyrantel pamoate/praziquantel)

**CAUTION:** Federal (US) law restricts this drug to use by or on the order of a licensed veterinarian.

**BRIEF SUMMARY:** Please consult package insert for complete product information.

**Indications:** For use in dogs to prevent canine heartworm disease by eliminating the tissue stage of heartworm larvae (*Dirofilaria immitis*) for a month (30 days) after infection and for the treatment and control of roundworms (*Toxocara canis*, *Toxascaris leonina*), hookworms (*Ancylostoma caninum*, *Uncinaria stenocephala*, *Ancylostoma braziliense*), and tapeworms (*Dipylidium caninum*, *Taenia pisiformis*).

**WARNINGS:** For use in dogs only. Keep this and all drugs out of reach of children. In safety studies, testicular hypoplasia was observed in some dogs receiving 3 and 5 times the maximum recommended dose monthly for 6 months (see **Animal Safety**). In case of ingestion by humans, clients should be advised to contact a physician immediately. Physicians may contact a Poison Control Center for advice concerning cases of ingestion by humans.

**PRECAUTIONS:** Use with caution in sick, debilitated, or underweight animals and dogs weighing less than 10 lbs (see **Animal Safety**). The safe use of this drug has not been evaluated in pregnant or lactating bitches.

All dogs should be tested for existing heartworm infection before starting treatment with IVERHART MAX Chewable Tablets, which are not effective against adult *D. immitis*. Infected dogs should be treated to remove adult heartworms and microfilariae before initiating a heartworm prevention program.

While some microfilariae may be killed by the ivermectin in IVERHART MAX Chewable Tablets at the recommended dose level, IVERHART MAX Chewable Tablets are not effective for microfilariae clearance. A mild hypersensitivity-type reaction, presumably due to dead or dying microfilariae and particularly involving a transient diarrhea, has been observed in clinical trials with ivermectin alone after treatment of some dogs that have circulating microfilariae.

**ADVERSE REACTIONS:** In clinical field trials with ivermectin/pyrantel pamoate, vomiting or diarrhea within 24 hours of dosing was rarely observed (1.1% of administered doses). The following adverse reactions have been reported following the use of ivermectin: depression/lethargy, vomiting, anorexia, diarrhea, mydriasis, ataxia, staggering, convulsions and hypersalivation.

**ANIMAL SAFETY:** Studies with ivermectin indicate that certain dogs of the Collie breed are more sensitive to the effects of ivermectin administered at elevated dose levels (more than 16 times the target use level of 6 mcg/kg) than dogs of other breeds. At elevated doses, sensitive dogs showed adverse reactions which included mydriasis, depression, ataxia, tremors, drooling, paresis, recumbency, excitability, stupor, coma and death. No signs of toxicity were seen at 10 times the recommended dose (27.2 mcg/lb) in sensitive Collies. Results of these studies and bioequivalence studies support the safety of ivermectin products in dogs, including Collies, when used as recommended by the label.

In a laboratory safety study, 12-week-old Beagle puppies receiving 3 and 5 times the recommended dose once weekly for 13 weeks demonstrated a dose-related decrease in testicular maturation compared to untreated controls.

**HOW SUPPLIED:** IVERHART MAX Chewable Tablets are available in four dosage strengths (see **Dosage** section) for dogs of different weights. Each strength comes in a box of 6 chewable tablets, packed 10 boxes per display box.

**STORAGE INFORMATION:** Store at 20°C -25°C (68°F-77°F), excursions permitted between 15°C-30°C (59°F-86°F). Protect product from light.

For technical assistance or to report adverse drug reactions, please call 1-800-338-3659.

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