



Oregon

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Information Memorandum

Nursing Facility Providers

NF-19-37

Date: March 8, 2019

From: Nursing Facility Licensing Unit

Subject: Social Media and Resident's Privacy Awareness

With daily online and social media activity becoming more routine, we are sending this reminder to Nursing Facilities to ensure enforcement of residents' protections related to social media abuse.

Unfortunately, incidents of care staff, or other employees, taking, posting and sharing unauthorized private photographs or video recordings of residents continue to occur.

Each resident has the right to be free from all types of abuse, including abuse that is facilitated or caused by staff taking or using photographs or recordings in any manner that would demean or humiliate them.

Nursing Facilities must establish an environment that treats each resident with respect and dignity. Treating a resident in any manner that does not uphold a resident's sense of self-worth, individually dehumanizes the resident, and/or creates a disrespectful environment could be deemed abusive.

Nursing Facilities should update their abuse policies to incorporate the prohibition of utilizing unauthorized pictures or videos of residents, or their personal space. This would include taking a picture or video, sharing the electronic data, and/or posting it on a social media site.

A resident has the right to personal privacy of not only their own physical body, but also of their personal space, including accommodations and personal care. Taking photographs or recordings of a resident and/or their private space for a person's own enjoyment without the resident's, or designated representative's written consent, is a violation of the resident's right to privacy and confidentiality.

Each resident has the right to privacy and confidentiality for all aspects of

care and services.

Taking unauthorized photographs or recordings of residents in any state of dress or undress using any type of equipment (e.g., cameras, smart phones, or other electronic devices) and/or keeping or distributing them through multimedia messages or on social media networks is a violation of a resident's right to privacy and confidentiality.

Each Nursing Facility must provide training on abuse prohibition policies for all staff who provide care and services to residents, including prohibiting staff from using any type of equipment (e.g., cameras, smart phones, or other electronic devices) to take, keep, or distribute photographs and recordings of residents that are demeaning or humiliating.

The provision of in-service education on abuse prohibition alone does not relieve the Nursing Facility of the responsibility to assure the implementation of these policies and procedures. The facility must provide ongoing oversight and supervision of staff to assure that these policies are implemented and followed as written.

Elder emotional abuse may be verbal or nonverbal, including:

- Humiliation or ridicule of an elderly person
- Habitual blaming, scapegoating, or demeaning behavior toward the elderly person
- Intimidation of an elderly person, through threatening behavior or yelling
- Isolating the elderly person from social activities or friends
- Terrorizing or menacing the elder

Additional information regarding protecting resident privacy can be found in the Center for Medicare and Medicaid Services' (CMS) Survey and Certification Letter [S&C: 16-33-NH](#). Please note, the interpretive guidelines for abuse and neglect is now found under F-600 through F-610 in the CMS State Operations Manual, [Appendix PP](#).

visit the DHS Web site at www.oregon.gov/DHS/. To contact the Nursing Facility Licensing Unit, please email: NFLicensing@state.or.us