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Operating Procedure No. 20-61¹

SOCIAL MEDIA USE

TO: All NYC Health + Hospitals Workforce Members

FROM: Mitchell Katz, M.D. 
President and Chief Executive Officer

DATE: February 8, 2024

- I. **POLICY:** NYC Health + Hospitals (the “System”)² recognizes that Social Media³ provides a rewarding way to connect and share opinions with friends, family, and the public. However, System personnel should not express personal opinions via Social Media in a manner that suggests that the opinions are connected to their roles with the System, or that they are System opinions. Furthermore, Social Media content that is threatening, abusive, or disruptive to the workplace is prohibited.
- II. **PURPOSE:** The purpose of this Operating Procedure (“OP”) is to establish and provide guidance to Workforce Members in order to identify and avoid potential issues in the use of Social Media, including the publication on Social Media of posts that are threatening, abusive or disruptive to the workplace, and to ensure that the Workforce Members adhere to applicable laws, rules, and regulations, and procedures of this OP.
- III. **SCOPE:** This OP governs the use of Social Media by Workforce Members as it pertains to the System’s information and as it pertains to Workforce Members’ responsibilities when accessing or using Social Media. This OP does not prohibit constitutionally protected speech.
- IV. **APPLICABILITY:**

¹ This policy supersedes Operating Procedure No. 20-61, dated May 27, 2014, and any changes thereto, in its entirety.

² “NYC Health + Hospitals” and the “System” are used interchangeably throughout this Operating Procedure, and refer to the New York City Health and Hospitals Corporation, a public benefit corporation created pursuant to McKinney’s New York Unconsolidated Law §§ 7381 *et seq.*, and including all NYC Health + Hospitals’ facilities, units, and entities.

³ Unless otherwise indicated, capitalized terms in this OP are defined in § V, *infra*.

- A. This OP applies to all Workforce Members, as defined in Subdivision “B” of this Section.
- B. For purposes of this OP, the term Workforce Member shall mean any of the following System individuals, whether serving in a temporary or permanent capacity on the System’s premises or remotely, who perform System duties, functions or activities on a full-time, part-time, or *per diem* basis:
- i. Employees;
 - ii. Affiliate employees;⁴
 - iii. Members of the medical staff;
 - iv. Members of the NYC Health + Hospitals Board of Directors and their designee agents;
 - v. Directors of NYC Health + Hospitals wholly owned subsidiaries;
 - vi. Members of the Gotham Health FQHC, Inc. Board or Directors;
 - vii. Appointees;
 - viii. Interns;
 - ix. Trainees;
 - x. Students;
 - xi. Volunteers;
 - xii. Temporary staff;
 - xiii. Independent Contractors; and
 - xiv. Any individual whose conduct, in the performance of their work functions and duties on behalf of the System, is under the supervision of the System, whether or not they are paid by the System.
- C. Nothing in this OP limits the application of other organizations’ policies that may be applicable to Workforce Members as they relate to Social Media.

V. DEFINITIONS:

- A. **Protected Health Information (“PHI”)** PHI means information that is created or received by the System in any form or medium, whether electronic, paper, or oral, except employment records, that relates to the (i) past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual; and (ii) identifies the individual or is such that there is a reasonable basis to believe the information can be used to identify an individual.

⁴ The term “affiliate employees” shall mean all affiliate employees and other affiliate personnel who, pursuant to an affiliation agreement with the System, serve as *Contract Service Providers* and perform on behalf of the System *Contract Services*, as both of these italicized terms are defined under such corresponding affiliation agreement.

- B. **Social Media:** Refers to Internet-based social networking sites (*e.g.*, Facebook, Instagram, LinkedIn, Twitter a/k/a/ X) and other forms of user-generated media content, such as blogs, discussion forums, collaborative information and publishing systems (*e.g.*, Wikis), chat rooms and bulletin boards, online journals, and dairies, RSS feeds, and video and photo sharing websites (*e.g.*, YouTube, Picasa). The examples cited here are not exhaustive, and this OP applies to all current and future online platforms and sites where users can generate or participate in content.

- C. **Prohibited Social Media Content:** Refers to content that is abusive or threatening, with a result that is disruptive to the workplace. Workforce Members are not permitted to post Prohibited Social Media Content.

VI. RESPONSIBILITIES:

- A. **Workforce Members:** All Workforce Members are responsible for complying with this OP. Workforce Members are responsible for the content they post online, and are prohibited from posting or disclosing confidential information, including but not limited to PHI, and proprietary information of or about the System, its Affiliates, vendors, and/or suppliers, on Social Media.

- B. **Office of Communications and Marketing:** The Office of Communications and Marketing monitors Social Media for violations of this OP and if they identify violations of this OP, reports such violations to the Office of Corporate Compliance (“OCC”).

- C. **Human Resources/Labor Relations:** Human Resources/Labor Relations is responsible for assigning corrective, remedial and/or disciplinary action, up to and including termination of employment, contract, and/or other affiliation with NYC Health + Hospitals for violations of this OP.

VII. PROCEDURES:

- A. The Following content should be avoided by Workforce Members who are engaging with Social Media outside of their work:
 - i. Posting of System confidential information learned through their work;
 - ii. Posting of abusive, threatening or discriminatory content, or any other content that is likely to disrupt the System’s operations.

- B. **Use of Social Media:** The use of Social Media is subject to all applicable Federal, State, and local laws including, without limitation, Chapter 68 of the New York City Charter. For example, pursuant to § 2604(b)(4) of Chapter 68, System employees shall not post or otherwise disclose any information unavailable to the general public that they have



learned as an employee. In addition, the use of System time, technology and/or resources to access Social Media for personal use is prohibited.

- C. **Monitoring:** The System maintains the right to monitor Social Media activity of its Workforce Members on System devices or when using System accounts. Workforce Members are subject to the procedures outlined in *EITS Information Technology Resources Acceptable Use Policy* and all HIPAA Privacy Policies (OP 240 series) and HIPAA Security Policies (OP 250 series).
- D. **Necessary Disclaimers:** Workforce Members are personally responsible for the content and statements they make on Social Media platforms. When posting any content and/or statements on any Social Media platform, Workforce Members who identify themselves as System Workforce Members, or whose position within the System is widely known, should include a disclaimer on their profile page of each account to which a posting is made when they are not communicating in an official capacity. Workforce Members must make it clear that the views expressed are those of the Workforce Member and are not the views of NYC Health + Hospitals.
 - i. **DISCLAIMER EXAMPLE:** "The opinions expressed herein are my own and do not represent the positions, strategies, or opinions of NYC Health + Hospitals, or any facilities or departments of NYC Health + Hospitals."
 - ii. This disclaimer does not free the Workforce Member from the obligations set forth in this OP, Code of Ethics, Principles of Professional Conduct, or from corrective, remedial, and/or disciplinary action for violations of this OP.
- E. **Branding:** All Workforce Members must comply with the laws and policies governing the use of copy written material, icons, logos, trademarks, brands, and other intellectual property owned by the System.
- F. **E-mail and Other Communication Applications:** In accordance with *EITS Information Technology Resources Acceptable Use Policy*, Subdivision F, Workforce Members may not use their System email address to register on Social Media websites, networks, blogs, or other online tools.
- G. **Prohibited Disclosures:** All Workforce Members are prohibited from posting or disclosing the System's confidential information, including but not limited to patient information, as well as proprietary information of or about the System, its affiliates, vendors, and/or suppliers, and must comply with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and other patient confidentiality laws at all times, even when not at work. Workforce Members are prohibited from posting or sending any internal reports, policies, procedures or other confidential information of the System. PHI should never be posted or uploaded to Social Media. Any Social Media postings or

online content that violate System policies or law; or includes threats, bullying, violence or harassment or threats of violence or harassment, or similar inappropriate or unlawful conduct, are strictly prohibited. Examples of such conduct include postings that could contribute to a hostile work environment on the basis of race, gender, gender identity, disability, religion, or any other status protected by law or System policy.

IX. MANDATORY COMPLIANCE: Any Workforce Member who fails to adhere to this OP in any manner will be subject to corrective, remedial and/or disciplinary action, up to and including termination of employment, contract, and/or other affiliation with NYC Health + Hospitals.

X. MANDATORY REPORTING:

- A. Mandatory Reporting:** All Workforce Members who know or have reason to believe that another person has violated this OP, the procedures established hereunder, or any of the applicable laws or regulations has an affirmative duty to report the matter promptly to the OCC. All reported matters will be investigated, and if appropriate, steps will be taken to remedy the situation.
- B. Reporting Procedure:** All reports required to be made pursuant to Subdivision "A" of this Section, shall be made to the OCC by phone, e-mail, facsimile or mail, as follows:

NYC Health + Hospitals
Office of Corporate Compliance
50 Water Street, Suite 528
New York, NY 10004
Telephone: (646) 458-5632
Facsimile: (646) 458-5624
E-mail: CPO@nychhc.org

Confidential Compliance Helpline: 1-866-HELP-HHC (1-866-435-7442)

XI. WHISTLEBLOWER PROTECTION:

- A. Retaliation Prohibited:** NYC Health + Hospitals strictly prohibits retaliation, as defined in Subdivision "B" of this Section, or intimidation in any form, against any individual ("Reporter" or "Whistleblower") who makes a report, complaint or inquiry in good faith concerning a violation of this OP, as well as any individual who participates in or cooperates with an investigation of any violation of this OP.
- B. Retaliation Defined:** Retaliation means the discharge, suspension, demotion, engagement of threatening or coercive conduct, penalization, discrimination or other adverse employment, contractual, business-related or patient care-related action imposed



against any individual or entity as a consequence of making a good faith report of any violation of this OP or the applicable laws and regulations.⁵

XII. Effective Date: This OP shall be effective as of the date posted to the System's Intranet, and shall remain in effect until explicitly modified or suspended in writing by the President and Chief Executive Officer.

⁵ See Labor Law §§ 740 (1)(e), 741(1)(f).