

Abuse Posted on Social Media in Nursing Homes: A Hidden Danger to Older Adults

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Photo credit: ProPublica



Acknowledgments

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A large white circle is centered on an orange background. The circle is partially enclosed by a dashed yellow line on its left side. A solid blue circle is positioned at the bottom right edge of the white circle. The text "Warning" is centered at the top of the white circle, and "Some Content is Disturbing" is centered below it.

Warning

Some Content is Disturbing

Quotes

“The newest form of elder abuse”

– Ornstein & Huseman, as cited in Hitchen, 2017

~ ~ ~

“Social media abuse is an extreme version of neglecting to treat a resident as a person”

– Eric Carlson & Fay Gordon, 2016



POLICING PATIENT PRIVACY



Nursing Home Workers Share Explicit Photos of Residents on Snapchat



A ProPublica review found 35 cases since 2012 in which nursing home or assisted living workers surreptitiously shared photos or videos of residents on social media. At least 16 cases involved Snapchat.

by Charles Ornstein, Dec. 21, 2015, 8 a.m. EST

<https://tinyurl.com/yc4xtfeu>



Data sources: Government inspection reports, court cases, and media reports



POLICING PATIENT PRIVACY



Inappropriate Social Media Posts by Nursing Home Workers, Detailed



Below are details of 47 incidents since 2012 in which workers at nursing homes and assisted-living centers shared photos or videos of residents on social media networks. The details come from government inspection reports, court cases and media reports.



by Charles Ornstein, Dec. 21, 2015, 8 a.m. EST

<https://tinyurl.com/ycsnakra>

HEALTH INC.

Social Media Abuse Of Nursing Home Residents Often Goes Unchecked

July 14, 2016 · 8:00 AM ET



By Charles Ornstein, Jessica Huseman



Maria Fabrizio for NPR

<https://tinyurl.com/2bw2bpj9>

Nursing homes companies are “all struggling with this.”

– American Health Care Association

Source: July 14, 2016: <https://tinyurl.com/2bw2bpj9>

New Jersey

“A nursing assistant photographed a resident’s **genitals** and sent a picture to a friend, who uploaded it to Facebook.”

New York

“A nurse aide took photos of an incontinent resident’s **genitals covered with fecal matter** and shared them with another staff member on **Snapchat**.”

Illinois

A staff member recorded a co-worker using a nylon strap to lightly slap the face of a 97-year-old resident with dementia.

The resident was crying out “Don’t! Don’t!” as the employees laughed.

The video was posted on Snapchat

California

Police were notified after a video was posted on Instagram showing one employee bending “his rear-end over the resident’s head and [expelling] gas over the resident’s face.”

The resident told state inspectors that “employees passed gas in his face as often as once a month.”

Indiana

Aide pleaded guilty for sharing photo of resident's buttocks on Snapchat

“They just blew everything out of proportion.

It was just a picture of her butt.

How many people take a picture of people's butts?

I worked in healthcare for five years.

Everybody takes pictures of the residents all the time.

I am not the only one.”

Source: Ornstein (December 21, 2015). Nursing home workers share explicit photos of residents on Snapchat.

ProPublica: <https://tinyurl.com/322zkzvz>

Taunting Video on Snapchat



Illinois

91 y/o Margaret Collins with dementia



“This is somebody’s sick idea of entertainment” – Daughter Joan Biebel

“The 91 y/o no longer lives at the nursing home but her family says she still has nightmares about the incident.”

Family civil lawsuit seeks 1 million \$ in damages

ABC7 News (8.11.19): <https://tinyurl.com/3ft2yduj>

Minnesota

One video showed

A man with C.P. and moderate impaired cognition was sitting half-naked on his bed.

A nurse aide **aggressively threw him down, then threw his shoes at him**, striking him in the head and chest.

He was heard mumbling: “Ouch.”

The aide proceeded to give him **the middle finger**.

NATIONAL

‘Humiliating’ videos of nursing home residents posted to Snapchat, MN officials say

By Kate Linderman

Updated November 19, 2024 8:47 AM | 



A nursing home worker is accused of taking “humiliating” photos and videos of residents and posting them to Snapchat, Minnesota health officials said. Photo by Thought Catalog via Unsplash

Another video showed

The same aide **threw pasta at the resident** who was sitting in a wheelchair.

The employee **left him covered in pasta** as he tried to pick it off of himself.

A photo showed

A woman holding a picture of a man with an erection.

Caption: “Showing me the (expletive) pics she gets”

Suzanne Scheller – Elder Law Attorney

“It’s just inhumane and it just shows a lack of connection with basic human life.”

“It’s really twofold. It’s one related to the **physical abuse** and **then it takes it to another level to make fun** and add light to the physical abuse in social media.”

TV segment: Employee admits to recording ‘humiliating’ videos of residents at Minnesota nursing home. CBS News. November 15, 2024:

<https://www.cbsnews.com/amp/minnesota/news/employee-records-humiliating-videos-of-residents-at-nursing-home/>

Connecticut

Video showed a resident seated in wheelchair wearing a white helmet repeatedly asking for a grilled cheese sandwich.

Caption: "All I want is a grilled cheese sandwich"

The aide attended training a day earlier in which staff were reminded that cell phone use is prohibited in care areas.

Snapchat post, a fall and a death lead to nursing homes' fines. Connecticut Health I-Team (December 5, 2019):

<https://c-hit.org/2019/12/05/snapchat-post-a-fall-and-a-death-lead-to-nursing-homes-fines/>

California

A woman living with **dementia**

Two staff members took and posted **humiliating pictures of her getting ready to shower...**

“The conversation was:

‘Oh, she hates taking showers’ and then they started laughing.”

TV reporter: “That breach of trust is stomach turning.”

Nursing home nurses **mock** patient, post video on **Snapchat**. ABC 10 News: <https://www.youtube.com/watch?v=swB3NW0xX7E>

Iowa

A person living with dementia

CNA took a photo of him with his pants around his ankles, his legs and hand covered with feces.

The CNA used Snapchat to send the picture to six colleagues with the caption: “Shit Galore.”

The CNA was fired after a co-worker reported her

Nightmare in the nursing home, Snapchat edition. *Pacific Standard*, July 19, 2016:

<https://psmag.com/news/nightmare-in-the-nursing-home-snapchat-edition/>

Georgia

A 76 years old woman had a stroke

Three employees were supposed to monitor her while waiting on a Hospice Nurse

Instead, one of them was **smoking a vaping pen** and they were **using profanities** and **making obscene hand gestures** at the camera.

Police spokesperson:

“They were **completely ignoring her** and posting the **Snapchat** video with **the caption: “The End.”**”

Another employee discovered and reported the Snap story. The three employees were arrested...

Nursing Home Employees Record 'The End' Snapchat Video While Vaping Over Dying Hospice Patient.
Newsweek (July 9, 2018): <https://www.newsweek.com/end-snapchat-nursing-home-bentley-senior-living-employees-arrested-dying-1014772>



Underreported

Suspicion that “such incidents are underreported, in part because many of the victims have **dementia** and do not realize what has happened.”



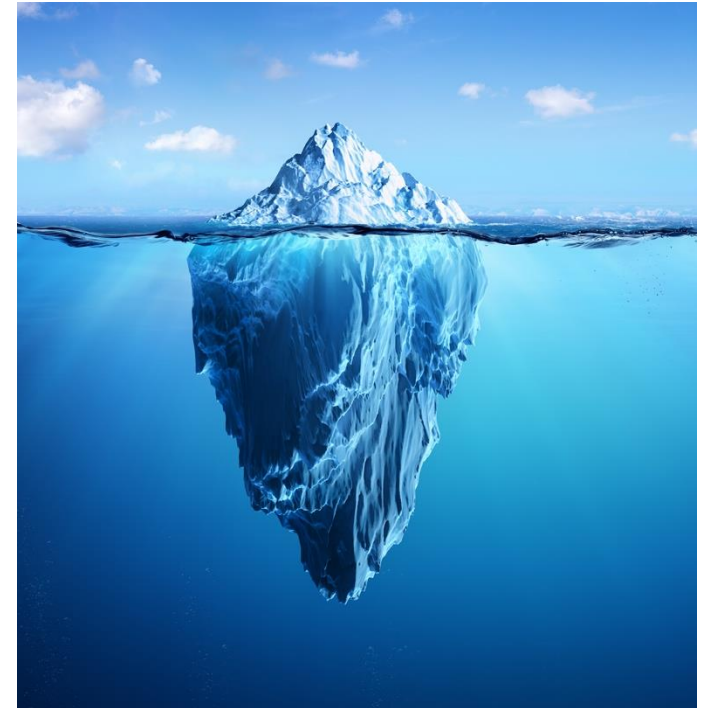
– Marian Ryan, District Attorney, Middlesex County, Massachusetts

Quote

In the “most troubling” incidents, “the resident often has **dementia** or a comparable cognitive limitation and is effectively unaware of the violation.”

“As ProPublica points out, the residents’ lack of awareness allows the violations to happen in the first place and likely leads such violations to be **underreported**.”

– Aging Today Article by Eric Carlson and Fay Gordon, Justice in Aging, 2016



Misconceptions About People with Dementia

Brod et al. (1999)

When dementia-friendly interviewing conditions are created, **many people with dementia were able to appropriately respond to questions about their quality of life.** The researchers concluded that **many people living with mild-to-moderate dementia** can be considered **good informants** of their own subjective states.

Kasper et al. (2014)

“People with **dementia**, especially those **in early and middle stages** of disease, are **often able to communicate** their choices, share **their preferences** and values, **and report abuse.**”


Richmond et al. (2020) among older adults in emergency departments

For 59% of those with **cognitive impairment**, “assessors were **confident or absolutely confident**” in the patient’s **ability to report abuse.** Specifically, the “assessors expressed confidence in reports made by 11 of 12 patients with **mild cognitive impairment** and 7 of 11 patients with **moderate to severe** cognitive impairment.”

The researchers stated, however, that the ability of those in advanced stages of the disease to recognize and report mistreatment “may be more challenging.”



Lack of Datasets / Centralized Tracking



“Gathering data in this area is especially difficult due to the often private nature of the incidents.”

– Breanne Hitchen 2017

Data Source

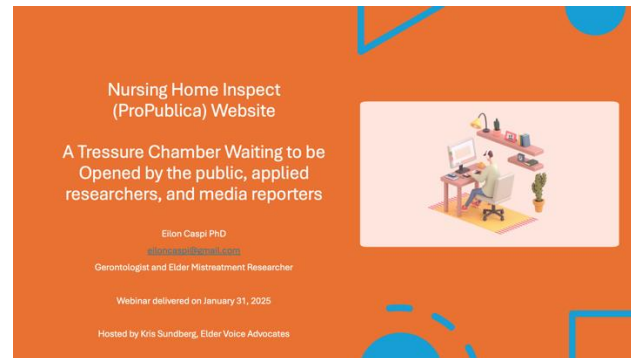
Nursing Home Inspect (ProPublica) website:

<https://projects.propublica.org/nursing-homes/>

The ability to search for investigation reports has been substantially improved a couple of years ago

~ ~ ~

Webinar



<https://www.youtube.com/watch?v=j-Wub3SrvpE>



Study Goals

The qualitative study aims to:

1. Raise awareness to social media abuse in nursing homes
2. Generate insights for prevention and policy changes

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Preliminary findings

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We hope to secure funding for in-depth study:

Circumstances surrounding and characteristics of these incidents

Current Study

100 Nursing Homes in 31 states

100 Investigation reports

March 23, 2017 and September 30, 2024

- **Privacy violations** / “Abusive invasion of privacy” (Hitchen, 2017)

Unauthorized disclosure of Protected Health Information (PHI) = HIPAA violations

- **DemEANing, humiliAting, & abusive photos and videos** posted on social media

152 victims

- Women (54.5%) / Men (45.5%) (for 77 victims for which information was available in the reports).
- 85% of victims had some level of **cognitive impairment**;

At least 40 with severe cognitive impairment (conservative estimate).

Resources

People with **dementia** deserve respect on social media:

<https://www.mcknightshomecare.com/people-with-dementia-deserve-respect-on-social-media/>

McKnight's Home Care article by Lance Slatton, January 31 , 2023

Online Radio Program

People Living with **Dementia** Are Targets of Social Media Abuse in Nursing Homes.

Hosted by Lori La Bey, Alzheimer's Speaks, February 2025:

<https://www.youtube.com/watch?v=22LS7Jw9IG4>

Social Media Platforms (n=100)

- “Social media” (unspecified): 40
- Snapchat: 31
- Facebook: 17
- TikTok: 4
- FaceTime: 2
- Instagram: 1
- Other (e.g. group text chat): 4
- In 1 investigation, staff used both Snapchat and Facebook



State – Breakdown (n=31)

- Michigan (n=10)
- Illinois (n=9)
- Minnesota, Ohio, Indiana, California, Kansas, Oklahoma (n=6 each)
- Maryland, Pennsylvania (n=4 each)
- Massachusetts, Texas, Missouri, Iowa, Washington (n=3 each)
- New York, Maine, Alabama, Mississippi, Tennessee, South Carolina (n=2 each)
- Colorado, Georgia, Utah, New Hampshire, Rhode Island, Oregon, Nebraska, Virginia, Wisconsin, Connecticut (n=1 each)

Missouri

A man with **dementia** and Schizophrenia living on secure unit

CNA took and posted on **Snapchat** a video showing the person walking **with no brief or pants on.**

The resident sat at the dining table **exposing his genitals.**

Caption: **“Code Naked Man”**

When confronted by the Administrator, **the CNA denied taking the video...**

The NH's security footage verified that the CNA took the video.

The CNA said s/he didn't know why s/he did it, s/he just did it. The CNA was fired...

Michigan

A person living with moderate cognitive impairment

CNA took a photo during a transfer and added LMAO (“Laughing My Ass Off”) and posted it to Snapchat

When asked how she would feel if someone took her picture without her permission, the CNA stated:

“I would feel horrible if something like this happened to me. I would be very angry.”

“I realize now that doing a video of a resident without permission is abuse. I knew taking a picture of a resident without their clothes on would be considered abuse. I am embarrassed and ashamed.”

Pennsylvania

A person living with **severe cognitive impairment** receiving Hospice services

An aide taped the person's nose to resemble a piggy face

Then video recorded the person singing and posted it on **Snapchat**

Indiana

A woman living with Alzheimer's disease / Moderate cognitive impairment

CNA I took a photo of her laying exposed on the floor with a soiled gown.

The CNA sent the photo to CNA II via Snapchat.

A former employee received it from CNA II and reported it to the Health Department.

The DON was shown the photo and identified the resident by the lamp sitting on her table.

When asked why she took the photo, CNA I said: "She was having a bad day..."

She took and sent the picture "not as a malice intent, but to vent to her how her day was going.

She did not think CNA II would share the picture with anyone else."

Texas

A person living with Alzheimer's disease / Severe cognitive impairment

CNA 2 video recorded CNA 1 tickling the person's nose while asleep and laughing.

The video was posted on Snapchat.

CNA 1 wrote she did not mean any harm, and she was sorry.

CNA 2 wrote she was sincerely sorry.

The CNAs' employment was terminated...

Minnesota

A man living with paralysis of all extremities (quadriplegia) / cognitively intact

He said that 2 aides washed his hair, put hair extensions in it, took pictures of it, and posted it on Snapchat.

“It was done to make fun of me”

He said the incident was humiliating and he thinks about it every day.

The Unit Manager said he had been more depressed since the allegation...

California

Video showed two aides laughing while **gluing fake eye lashes** on a resident while s/he was sleeping...

The Administrator said the video was a form of **mental / psychosocial abuse** because it was **humiliating** to the resident.

Michigan

A person living with **cognitive deficits**

Two staff members were **twerking** in his/her face

The resident seemed **very offended** by it

The video was posted on **Snapchat**

Illinois

A person living with Alzheimer's disease / Severe cognitive impairment

Video showed a CNA holding up her/his arm **jiggling the loose skin...swinging it back and forth.**

Caption (with crying emojis): **“Don't leave your family members with her, she plays with their skin.”**

Agency RN saw the video on social media. She immediately recorded it and showed it to another employee who contacted the family. The family was **disappointed, upset, and discouraged...**

Medical Director: “This is unforgiveable. I am feeling very terrible about this. What if this was me or my family member, I would want action taken right away. Or if it happened to one of their family members?”

South Carolina

A woman living with **dementia**
(cognitive assessment was not conducted due to being rarely/never understood)

Video posted on **Snapchat** showed **2 CNAs mocking and laughing at her:**
“We ain’t got no wee wee for you.”

The resident could be heard yelling and telling the CNAs to get out.

At one point, the video showed **a linen covering her upper body and head** while **her legs kicking** as if she was **in distress**. One **CNA continued to laugh** out loud...

The 2 CNAs were suspended pending the investigation and subsequently terminated...

Oklahoma

A person living with dementia / Severe cognitive impairment

CNA took a photo of him from his chest to his knees.
He was in bed, wearing a T-shirt and a brief,
and had feces up and down his legs.

Caption

“This is how my morning is – SHITTY!!!

But for this extra \$20 an hour I get off early so it’s a win win”

The CNA posted the photo on Snapchat

Oklahoma

Woman living with dementia / Severe cognitive impairment

She was recorded being taunted by 2 CNAs

She was told she could not lay down after she requested to lay down

The CNAs held her hands down and gave her “wet willies”
(wetting a finger with saliva and putting it in her ear)

The video was posted on Snapchat

Oregon

A person with **dementia** and Schizophrenia

S/he repeatedly wanted to make funeral plans for a deceased relative.

Two CNAs recorded a phone call between themselves and the person.

While laughing, they pretended to be Funeral Home staff and discussed funeral plans:

“We have cardboard coffins and we are on [NAME] street.”

The employment of the CNA orchestrating it was terminated / The 2nd was disciplined

The 2nd employee said it was poor judgement / She felt bad for participating in the incident.

New York

A woman living with Alzheimer's disease / Severe cognitive impairment

A CNA pulled a wig off of her and hit her on the head with it

The CNA then posted the video on social media

Kansas

Woman living with dementia / Severe impaired cognition

Nurse aide 1 recorded nurse aide 2 taunting her with a baby doll

The aide teased her by running the doll in front of her face,
which made the resident swat and bite the doll

The video was shared at a high school basketball game

Maryland

Two staffers posted abusive commentary in an online forum about a woman with a “morbid obesity”

“She’s having her boyfriend feed her through a funnel so she can become the fattest on earth.”

A co-worker commented: “Girl, take [his/her] name off [social media] before we all be sitting in court!!!!”

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Regional Director of Operations and Quality Assurance Consultant did not treat allegations as possible abuse.

⇒ It was not reported to SSA and it was not internally investigated

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A former employee made the resident aware of the post =>

The resident complained to SSA => Citations were issued (including Immediate Jeopardy)

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The perpetrators apologized to the resident

# Missouri

A person living with obesity and dementia

Video showed her/him exposed on the floor

Caption: “Tonight’s vibe” + 3 laughing emojis

Surveyor: “This makes the resident angry, hurts his/her feelings, and makes him/her sad that someone would do that to him/her”

# California

A man living with heart failure and dementia

A CNA took and posted a photo with explicit and offensive sexual remarks:

“I want to f\_\_\_ you and want to suck my c\_\_\_” and “Come get your daily dose of [resident’s name]”

LVN said it made her sick to her stomach and upset her.

Another CNA took a picture of the post and reported it to the Administrator.

The Administrator didn’t conduct a formal investigation and didn’t report it to SSA.

He said “the image was crude and always inappropriate, but in his opinion, it did not rise to abuse level.”  
“The resident was not alert or aware in relation to the circumstances, so I am not sure it caused him harm.”


# Other Incidents

- At 3:30am, aide took a photo of a man with **cognitive impairment** with eyes closed in bed  
Caption: “**Grown ass man acting like a baby and making me sit with him**”
- Person fell off bed. Video: While naked on floor, **smacked on the butt by CNA**
- Photo: Person with **dementia** **wedged in-between chairs** staff use to block the dining room entrance until meal service was ready. Caption: “**This mother fucker is bound...**”
- Video: 3 residents watching TV. Caption: “**Old Pervs**” with a **vomiting emoji face**
- Resident with **severe cognitive impairment** eating ice cream and **saying a nursery rhyme**
- Video: Encouraging a person with **dementia** to **use vape pen** (with **laughing emojis**)
- Video with caption: “**I am high as F\*\*K arguing with these niggers**”
- Photo: Resident in wheelchair. Caption: “**Happy Birthday Just Turned 21 come get [expletive]**”





# Summary



Beyond gross and abusive violations of residents' right for privacy and confidentiality...

The photos and videos contained demeaning, humiliating, abusive, & de-humanizing content

## Social Media Abuse in Nursing Homes

“An emerging threat”

“A new type of mistreatment”

“This type of behavior is cruel”

“Deeply disturbing”

"An appalling act"

“Absolutely disgusted”

It "violates the human dignity of the resident"

“A crime”

# Impact on Victims

Loss of Dignity, Trust, and Relationships

~ ~ ~

“Posting inappropriate photos demonstrates  
a failure to treat residents with dignity and respect”

– Eric Carlson & Fay Gordon, 2016

# Impact on Victims

Embarrassment

Feeling humiliated

Feeling dehumanized

Devastated

Crying

Feeling violated

Anxiety

Fear

Depression

Inability to sleep

Withdrawal

# “Reasonable Person Concept” – CMS

“To apply the reasonable person concept, **the survey team should determine the severity of the psychosocial outcome** or potential outcome the deficiency may have had **on a reasonable person** in the resident’s position.

**What degree of actual or potential harm would one expect a reasonable person in a similar situation to suffer as a result** of the noncompliance.”

~ ~ ~

This concept is often applied to abuse of residents in **advanced stages of dementia**

# Ohio

A woman living with **Alzheimer's disease / Severe cognitive impairment**

CNA took a video showing her **slouched in a shower chair exposing her bare body** from her breasts down to just above her ankles.

There was **a large amount of fecal material on the floor** under her.

The CNA posted the video to **Snapchat** with the **caption:**

**“bruh” with a loudly crying face emoji**

The CNA's cousin called the nursing home to report the video...

# Ohio (cont)

“Based on the reasonable person concept, a reasonable person would have **suffered serious mental / emotional harm** from a video of this nature and then posted on social media for an undetermined number of people to access.”

“Based on the reasonable person concept, [she] **suffered humiliation** through the social media post.”

~ ~ ~

The victim’s representative was “**absolutely livid** about the incident.”

Source: Investigation report from St Mary’s Alzheimer’s Center, December 11, 2024

# Quote

A family member said that their relative would be  
“appalled, just devastated... just be beside themselves”  
if they knew the video was on the internet.



# Misconceptions



Photo credit: ProPublica

# Digital Trail

- “I set it to automatically disappear” / “It disappeared after being viewed”

Some employees think the photo or video will **disappear** / **no longer exist** within seconds or a couple of minutes or once the intended receiver sees them

But receivers can take a screen shot and the image can have a life of its own...

- A photo or video deleted may still live on a server (discoverable in court of law)
- Perpetrator’s co-workers, friends, family, or community members may report it

# Misconceptions

“But you can’t see her face”

Or

“It was just a picture of her butt”

# Ohio

A woman who is cognitively intact

An aide took a video of her on the toilet **with feces running down her legs.**

Caption: **“Bruh, now I am pissed and ready to f-ing go”**

She **thought it was okay because she covered her face and upper torso** with cartoon emoji.

But...the victim's brother identified her rainbow tie-dyed Crocs she was wearing.

The resident reported **increased depression and anxiety** following the incident.

She did not feel she could trust anyone at the nursing home after the incident and wanted to go home.

# CMS Memo 2016

**“If a photograph or recording of a resident, or the manner that it is used, demeans or humiliates a resident(s), regardless of whether the resident provided consent and regardless of the resident’s cognitive status, the surveyor must investigate Federal requirements related to abuse...**

**This would include, but is not limited to,...****showing a body part without the resident’s face** whether it is the **chest, limbs, or back...**”



The Memo also provides guidance to surveyors on:

**“...Demeaning or humiliating photographs or videos of nudity, exposed bodily parts, such as genitalia, breasts, or of posting examples of bodily functions such as toileting, provision of incontinence care exposing perineal areas, and/or fecal material on body parts or beddings/furnishings.”**

# Misconceptions

“It was only a photo of her bedroom”

“Staff taking an **unauthorized photo or video of** a resident’s private space — such as **their bedroom or furnishings**, even when the resident is not there — **is considered** by CMS as **a violation of** the person’s right for **privacy** and confidentiality.”

# Misconceptions

“He was asleep so not aware of it.”

It is still a violation.

When the resident learned about it, he became **upset**.

The “reasonable expectation of privacy” standard applies...

# Misconceptions

“She has dementia. She doesn’t understand and won’t remember anyway.”

Apply CMS “Reasonable Person Concept.”

And when her family discovered it, they were “**outraged.**”



# Misconceptions

“It was only a photo of the residents by the nurse’s station.”

But...their medical records with their names were seen in the background...

It was a Private Health Information (PHI) / HIPPA violation

~ ~ ~

Names of 7 residents shown on Visitation Sign Up Calendar posted on Facebook and was publicly accessible.

# Misconceptions

Panoramic video of co-workers in dining room

But...a resident shown in background.

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Photos of six residents at Christmas party
posted on the NH's Facebook page

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Photos of residents during indoor and outdoor events.  
The Administrator didn't think the nursing home had to have residents' consent.  
The new Activity Director was not told anything about the need for permission.

# Misconceptions

A CNA took a video showing her dancing with a resident

CNA: “We were having a good time.”

She added: “The app I used to record the video wound up posting it to social media.”

The nursing home was issued F600 citation for Abuse

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Resident: “I wouldn’t have given permission to be video recorded.

Why would anyone need to record me?

That doesn’t make any sense.”

“It was only a FaceTime call”

A person living with **severe cognitive impairment**

A CNA made a FaceTime call to a friend during work...

It showed the CNA making **demeaning gestures** with her hands towards the person **and pulled a cover over his/her face**

The friend recorded the call and texted it to the Administrator

The CNA's employment was terminated...

Areas for Consideration



Photo credit: ProPublica

Quote

“Many social media users, especially young people growing up in the social media age, **fail to perceive the risks** of sharing an embarrassing or humiliating photo or video of another person online.”

– Breanne Hitchen (2017)

Age Overlap

Snapchat Users and Direct Care Staff in Nursing Homes

Median age of Direct Care Workers in U.S. nursing homes (PHI, 2022): 39 years old

Age 16-24: 21%

Age 25-34: 20%

Age 35-44: 21%

Age 45-54: 17%

Age 55-64: 16%

Age 65+: 4%

Age of Snapchat users (U.S. 3rd quarter of 2020):

Age 15-25: 48%;

Age 26-35: 30%;

Age 36-45: 18%;

Age 46-55: 11%;

Age 56+: 5%

Areas for Consideration – Care Homes

- Train all employees – Residents’ rights (privacy / HIPAA) & reporting requirements (“Mandatory reporters”)
- Address this issue in Orientation, In-Services, and on the floor education to staff and managers
- Zero Tolerance policy – Make sure all employees are aware of potential consequences (e.g. employment termination, report to licensing boards, criminal charges, jail time)
- Educate residents and families/friends about this issue and their rights
- Policy and Procedures – All on- and off-duty employees must be aware (must sign attestation form)
“Facilities need to enforce their rules, not just have them” – Attorney Tatiana Melnik
- Immediate and thorough investigations upon suspected violations / Report to SSA & law enforcement

“Snapping pictures puts your job at risk”

– Wisconsin Department of Health

~ ~ ~

A former Dietary Aide said she didn't know that a few seconds video could have consequences...

The video showed **a resident smoking in a funny way**

Her employment was terminated

Social Media Policy

Care homes should have a social media policy that protects residents but also employees and the care home.

“The policy should define what employees can or cannot do on social media, and if written correctly, is essentially a **“code of conduct”** that clearly defines what the center expects from its employees when it comes to online behavior.”

“Care centers should **prominently post the social media policy** and procedures for residents, families, and staff.”

The policy needs to be **frequently updated** given the rapid pace in which social media / technology evolves

AHCA Guidance:

<https://www.ahcancal.org/News-and-Communications/Documents/2016%20Social%20Media%20Guidance.pdf>

NHs Policy

“Taking, keeping, distributing, and posting photos and videos of residents is prohibited.”

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LPN said her 4 y/o and 5 y/o grandchildren were playing with her phone and they must have accidentally posted on Facebook a wound care photo of a person with **dementia**

The resident’s family were “**very upset**”

The LPN’s employment was terminated for HIPAA violation and non-compliance

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In another case, 25 pictures were discovered on aide’s phone during an unrelated crime / police investigation

NH Policy

Camera-equipped Devices

Employees should only be allowed to use their camera-equipped devices during their meal breaks and staff breaks.

Even then, it must be done inside staff rooms away from residents (not in bedrooms, bathrooms, and any common areas where residents are present).

Cell Phone Usage Policy

Indiana Nursing Home

“Unless properly authorized, employees will **refrain from the use** of any form of personal electronic communication device during normal work hours. These devices should be **turned off** during work hours **and stored in a secure place** such as a locker.

Authorization from the supervisor must be obtained before an employee may carry a personal electronic communication device on their person on the work site.

These devices **may be used during breaks or** when employees are **at lunch**. They must be used on employee **break areas** and **not used in work areas**, public hallways or resident common areas.

Employees whose electronic communication devices are camera enabled are **restricted** from using these devices **anywhere in the building** or on the company property at anytime.

Employees who are found to have used these camera-enabled features will be subject to progressive discipline.”

NHs Policies



Cell Phone Policy

“Absolutely no cell phone usage in care areas”

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“Personal camera-equipped cell phones, smartphones, and related devices  
are not permitted in care areas”

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Administrator:

“Phones are not supposed to be on the floor, at all, when clocked in”

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“Only while on break” / “In designated break areas”

# Bridge Gap in Implementation

“While many facilities ban the use or possession of cell phones by employees when in resident areas, some have also found such rules impractical to enforce.”

Source: Federal officials seek to stop social media abuse of nursing home residents.  
*ProPublica*. August 8, 2016:

[Sen. Grassley: 'Exploitation On Social Media Is A Form Of Abuse' : Shots - Health News : NPR](#)

Blog Post:



November 27, 2024

What nursing homes can do to prevent staff misuse of social media:

<https://www.mcknights.com/blogs/guest-columns/what-nursing-homes-can-do-to-prevent-staff-misuse-of-social-media/>





# Call to Action

## Strengthen...

- CMS / SSAs oversight and enforcement  
(F583; F550; F557; F600; F607; F609)
- Reporting “reasonable suspicion of a crime” (F608)  
Affordable Care Act (2010); [CMS Memo](#) (2012)
- HIPAA enforcement – Such as Civil & Criminal Penalties  
(HHS – Office for Civil Rights)

# CMS Memo to SSA Directors

August 5 2016

Protecting Resident Privacy and Prohibiting Mental Abuse Related to  
Photographs and Audio/Video Recordings by Nursing Home Staff

<https://tinyurl.com/736jbxpe>

# But...

“Because the memorandum merely contains guidelines that are non-legislative rules, they are technically non-binding”

The CMS Memo describes how CMS plans to “interpret federal laws and exercise its discretion.”

“But the issue with this method is that it is merely that – an interpretation.”

– Hitchen (2017)

# Role of Other Agencies

- Long-Term Care Ombudsman Program
- Nurse Aide Registry / Board of Nursing (including disciplinary actions)
- Law enforcement
- U.S. Attorneys' Offices
- State Attorney General / Medicaid Fraud Control Units
- District Attorneys
- U.S. Department of Justice / Elder Justice Taskforces
- U.S. Office of Inspector General
- U.S. Government Accountability Office
  
- Policymakers and lawmakers

# Role of Trade Associations

American Health Care Association / National Center for Assisted Living

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Social Media **Guidance** for Nursing Care Centers and Assisted Living Communities (HACA, 2016):

<https://www.ahcancal.org/News-and-Communications/Documents/2016%20Social%20Media%20Guidance.pdf>

Evaluating **legal risks** in photos of nursing home residents on social media:

<https://www.mcknights.com/blogs/guest-columns/evaluating-legal-risks-in-photos-of-nursing-home-residents-on-social-media/>

– Mcknight's Long-Term Care News, August 29, 2016

# Argentum Safety Kit

Training on Elder Abuse:

“Employee training should include review of: Social Media Policies  
Policies on use of personal phones during work hours”

## Abuse Prevention:

### Social Media

Social media presents special risks with vulnerable residents.

Communities should stay up-to-date on technology and include the following elements:

- Review current policies regarding cell phone usage and update them, as necessary, to include social media usage.
- Prohibit picture taking of residents using staff phones under any circumstances.
- Prohibit posting on Facebook or other social media about community events.



Source: Argentum (2018). Senior Living IQ Toolkit: Resident Safety

A Nurse's Guide to the  
**Use of  
Social Media**

National Council of State Boards of Nursing (2024):

<https://tinyurl.com/rav93s5b>

# Bridge Gaps in Federal and State Laws

**Ensure federal and state laws allow prosecutors to pursue justice for victims in social media abuse cases**

“Although there are federal laws that could potentially apply to nearly every reported incident, **the appropriate federal agencies have not taken the necessary actions to enforce those laws.**”

“States should adopt criminal statutes to punish the act of capturing and disseminating inappropriate images of elderly residents on social media.”

“Even though there are federal health laws or state criminal laws that exist that potentially could have been used to prosecute the offenders, **those laws do not directly address social media abuse of long-term care facility patients.**”

– Hitchen 2017



# Gaps in Federal and State Laws

“Stronger Federal leadership in this area is needed”

GAO, as cited in Hitchen (2017)

Federal and state laws lack specific language on social media abuse in LTC homes

Examples identified by Hitchen (2017):

“Dignity and respect,” “Mental Abuse,” and “Invasion of privacy” / “Reasonable expectation of privacy” are not included in many state laws on social media abuse

Criminal Elder Abuse State Laws / “Lack of criminal liability for staff members”

HIPAA “is essentially outdated when it comes to the ever-evolving world of social media”

# Need for Increase in Criminal Prosecution

Perpetrators “often go unpunished”

– Breanne Hitchen, 2017

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One estimate (ProPublica):

Only 31% of incidents (15 / 47) resulted in criminal charges for perpetrators

# 12-year Prison Sentence

Video showed an aide **mocking** a resident who was **lying dead in bed** with her mouth open.

Other videos showed residents **on the toilet or nude in bed**.

The 21 y/o perpetrator sent degrading photos and videos of the residents **66 times**.

The offenses involved **15 residents**.

**Degrading Snapchat** photos of Oklahoma nursing home patients gets former aide 12-year prison sentence (February 12, 2025): <https://tinyurl.com/26zmedes>

# Hold Social Media Platforms Accountable

- Strengthen monitoring of privacy violations and elder abuse on social media
- Increase collaboration with and reporting to law enforcement

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- Snapchat – Safety Advisory Board: <https://values.snap.com/safety/safety-advisory-board>
- Facebook – Community Standards: <https://transparency.fb.com/policies/community-standards/>
- TikTok – Safety Center: <https://www.tiktok.com/safety/en/>



Quote



“Deeply disturbing”

– Rachel Hochhauser,  
Head of Safety, Snapchat

Snap's heavy focus on protecting children, teens, students, and young adults:

- Safety Guidelines
- Safety Centers
- Parent Center
- Educational Initiatives (educators and school Administrators)
- Public Awareness Campaigns



Not a single word on protecting older adults until February 2025

# U.S. Senator Richard Blumenthal

“People in long-term care facilities have the right to be treated with consideration, respect and dignity”

He urged social media platforms to take action and protect older adults.

“This research is deeply troubling and shows how often patients’ privacy is abandoned in favor of a cruel joke on social media. I urge these platforms to be vigilant of this content and remove it promptly to protect nursing home residents who cannot consent or defend themselves.”

Source: Fenster, J.N. (December 17, 2023).

‘Cruel’ social media posts target nursing home residents across US, CT research shows. [Connecticut Mirror](#).



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People have a right to be free from privacy violations and mistreatment through staff misuse of social media in long-term care homes



Photo credit: Ofir Ben Natan, ESHEL



# Q & A

Thank you!



Photo credit: Ofir Ben Natan, ESHEL