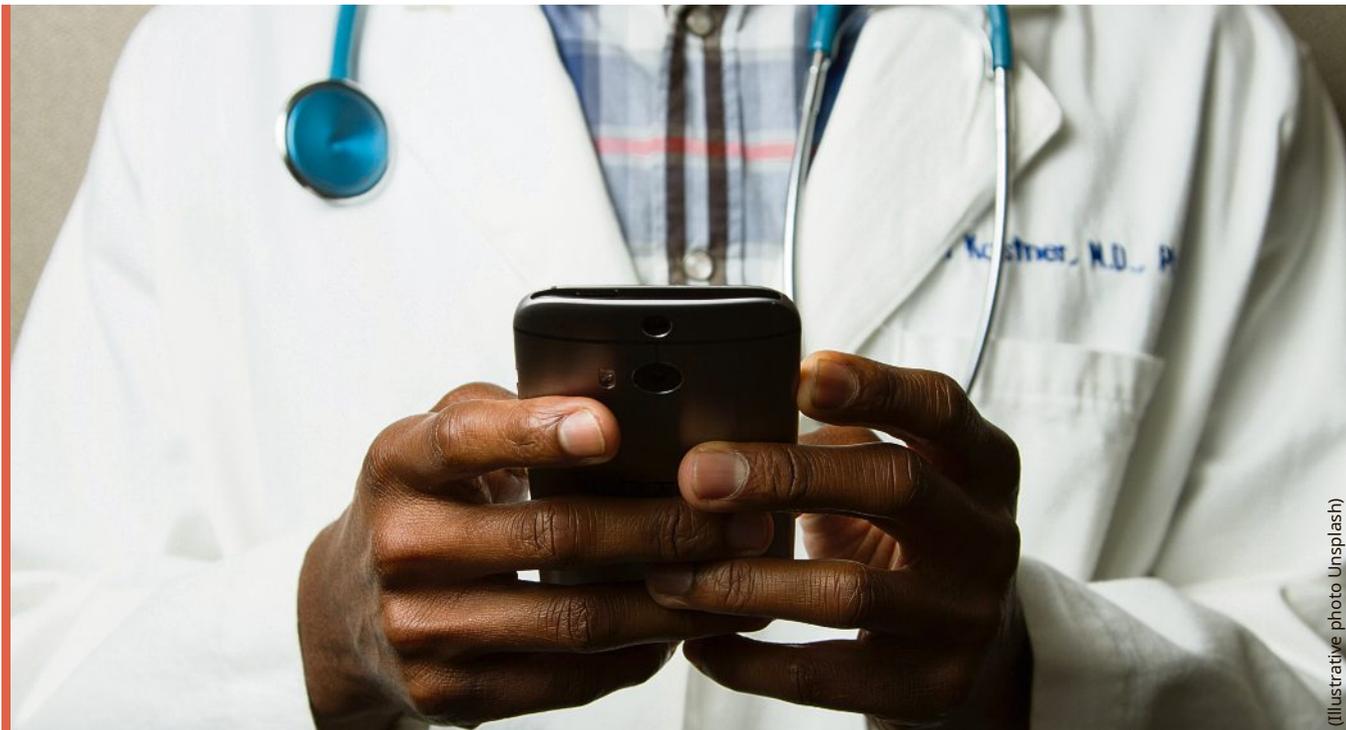


# Doctors and social networks

## RULES TO RESPECT

News



### During the pandemic

Regarding the use of social networks by doctors during the pandemic, Maître Estève believes that " **the medical word has been misguided. Ultimately, the communication was counterproductive. Most of the doctors who communicated, and sometimes**

**controversial, however, will not be sanctioned, except perhaps those who have drawn too much attention. The Orders are overwhelmed! »**

Lawyer from Nice specializing in health law, Maître Véronique Estève takes stock of a subject whose sensitive nature has been revealed by the Covid-19 pandemic, sometimes with a bang, as in the hydroxychloroquine affair.

**D** Since the start of the pandemic, social networks have largely contributed to amplifying polemics, radicalizing debates and ultimately discrediting scientific discourse. This did not fail to raise questions: can doctors communicate on the internet? Under what conditions, with what obligations? And the patients: what should they think of all this? Isn't the excessive presence of certain doctors on social networks akin to the disguised "recruitment" of patients? An intervention on the subject was scheduled at the Onco Urovar medical congress in Toulon, to which Maître Véronique Estève, a Nice lawyer specializing in health law, was invited.

"The Internet and social networks are extraordinary means of communication and you have to live with the times, but there are things you can do and others you can't, this is even more true for doctors, explains Maître Estève. Differ-

annuities case law resulted in a decree of December 22, 2020 which reforms what is publishable or not in medical matters but it is not always easy, even for those concerned, to understand what, in practice, can or cannot be done. » Reminder of a few main principles, intended for professionals, but also for patients: they too must exercise caution with regard to doctors who are too present on the networks, and for whom this is akin to disguised recruitment.

#### - Medicine is not a business

Doctors can communicate and inform much more widely than in the past, but this should not be for commercial purposes. So no advertising. " *Concretely, explains Maître Estève, a doctor can communicate on general information relating to his skills, his career, his professional practices, his conditions of practice*

and the fees charged. In summary, he can present his CV, which is interesting for the patient. For example, if he has broken his ankle, he will be able to choose the right orthopaedist: the one who is a foot specialist, and not the one who is a shoulder specialist. »

In the detail, the diplomas and pre-titles felt must-wind be allowed by the Conseil national of the College of Physicians. It is out of the question to highlight an unrecognized "specialty".

#### - Communication must be "honest and fair"

"A doctor cannot highlight patient testimonials, nor compare his practices to those of his colleagues", warns Maître Estève. With a supporting example: "Cosmetic surgeons understand

communicate a lot on Instagram. They do not have the right to present before/after photos, even with the agreement of their patient. This is a breach of medical secrecy. And they also cannot present false cases, even specifying that it is a fictitious case. »

Nor should a doctor "incite the use of unnecessary acts, claim to be better or cheaper, or take advantage of an expert title if he is not on the list of a Court", lists the specialist lawyer. To avoid any effect of unfair competition, the text also explicitly prohibits the

course to a ser-  
defect of referen-  
cement  
digital  
paying, to  
spam or  
adwords (words-  
used keys  
in a cam-

ad loincloth). Also prohibited are domain names consisting of a personal valuation: we will therefore not see the "best-to-better.com" site anytime soon. Doctors do not even have the right to "like" the post of a patient who testifies and thanks them. On the other hand, they have an obligation to pay attention to the use made of their name and its possible usurpation. Some doctors have

had the idea of highlighting on their site the absence of complaints or sanctions against them: "The Order deemed this to be incorrect and not news. warns the lawyer. Finally, the general public now knows that doctors must declare their links of interest.

- **The information must be scientifically substantiated** "Communication must be done with caution and moderation, explains Maître Estève. Care must be taken not to present information that is not scientifically substantiated as given. They can of course be presented, but it must be clearly indicated that they are hypotheses. The most prudent course is obviously to report confirmed data, keeping in mind the possible repercussions for the public. »

On their website, doctors must not mention practices that are not confirmed or validated by scientific authorities. If they deliver advice, they are expected to link to their source "and be careful that the information is verified and the site of the link complies with medical communication requirements".

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" The doctors can communicate and inform more and more than before"

(Photo DR)



### Lawyer's opinion

About this development: "Rejecting these tools would be foolish, but it is necessary to be careful about their use. Desecrating knowledge, okay if it's for a good understanding of things. But by communicating too much, we have seen during the pandemic that the risk is to trivialize medical speech. It is also to perform medical acts

a simple provision of service: however, if doctors have an obligation of means, they have no obligation of result, unlike service providers. »

About the benefits of this new text: "There is now much more information, which is a definite advantage for the public. »

About its limitations: "The text is not completely up to date

in view of current practices. An example: the use of the hashtag # is prohibited: yet it is unavoidable on Twitter. It is a prohibition that seems impossible to apply. »

About following these rules: "I had the opportunity to check some sites of cosmetic surgeons in the PACA region and most of them were in the nails. »