

# Ethics in Practice: Livestreaming

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## WHAT IS LIVESTREAMING?

**I**F IT SEEMS LIKE COMPANY SOCIAL media policies are outdated, it could be because technology is constantly evolving. Created in 2016, it took just 3 years before the popular smartphone application, or app, known as TikTok took off in the United States and, despite ongoing legal discussions to ban the platform, it has yet to show signs of slowing down.<sup>1-3</sup> The app specializes in short videos, 15 seconds to 3 minutes in length, and allows users to stream live videos, upload previously recorded content, and create “duets” where their video is combined with other users in a split screen.<sup>4</sup> However, TikTok is just one of several social media platforms used to make videos. Instagram, Twitter, YouTube, Snapchat, and Facebook are other popular choices for users to both livestream and upload recorded content for viewers to watch.<sup>5</sup> Further, TikTok is banned from use on many federal and university-owned devices due to the continued and increasing incidences of cyber threats.

What began, and is still used, as a medium for networking and making and talking to friends, social media has evolved into a growing and monetizable source of entertainment. It has also become a medium for seeking answers—with information available on topics ranging from home improvement, travel, surgery, fashion, cooking, and nutrition.<sup>1</sup> With this change in how social media is used, it may not be surprising that there are questions and concerns that arise about its application in the health field and by health care providers.

These platforms provide a viable opportunity for health care providers, including nutrition and dietetics practitioners, to reach prospective clients

and underserved communities in new ways. Livestreamed videos, specifically, allow a presenter to interact with his or her audience in real time.<sup>5</sup> From a viewer’s perspective, these live events also provide a more candid, behind-the-scenes look, and have the ability to remove the mystery or fear surrounding different parts of health care.<sup>5,6</sup>

A 2022 survey from CharityRx that focused on drug and supplement advertisement exposure among consumers, found that “nearly one in five Americans trust health influencers more than health professionals in their community,” and roughly the same amount are as likely to turn to social media for advice before consulting their health care provider.<sup>7</sup> For nutrition and dietetics practitioners either with an established presence, or looking to create one, this can be meaningful.

As with most types of social media, nutrition and dietetics practitioners have additional factors to consider when livestreaming content.

## ETHICAL CONSIDERATIONS FOR LIVESTREAMING

Health care providers across different professional fields have made the news during recent years regarding their conduct in social media. This negative media exposure has included sharing explicit images of patients on social media and violating the Health Insurance Portability and Accountability Act (HIPAA). Other notable cases have included performing live surgeries, mocking patients, making racist and sexist comments, and using social media in a way that may breach an employment contract. Some incidents have led to dismissal from place of employment, whereas others have led to loss of professional state licensure.<sup>8</sup>

Because nutrition and dietetics practitioners work in a variety of practice areas, they also may record in a variety of locations and settings.

Social media in work settings naturally brings up the concern of patient and client privacy relative to HIPAA.<sup>9</sup> But depending on the content, livestreaming may add an additional concern because interacting with viewers and performing for an audience may distract from providing safe patient care as well as other safety standards.<sup>6,9</sup> For example, food safety guidelines that apply when cooking and serving food for in-person events should still be demonstrated on camera. Serena Ball, a registered dietitian nutritionist and social media specialist, points out that for nutrition and dietetics practitioners working with food, “Good food safety and food handling skills are paramount.” This means those on camera should remember to “wear shoes, make sure you have safe knife skills, and wash hands,” and Ball emphasizes that although it is not uncommon for pets to make guest appearances in social media videos, handwashing after touching animals is still a crucial food safety step and should be modeled to consumers.

Disclosing any potential conflicts of interest, including sponsorship, is also essential in a realm where monetization and free samples are becoming more and more common.<sup>10</sup> Also, “know what ads are running on your website or other platforms,” Ball recommends because this is another form of monetization that may be used and can reflect on personal and professional image. Because social media is so strongly focused on image, giving extra thought to presentation can also go a long way in promoting evidence-based practice in livestreamed videos. Ball suggests nutrition and dietetics practitioners consider what type of information they are communicating before selecting their setting and attire to help strengthen their messaging and image.

Other important areas of consideration, Ball indicates, include copyright laws and plagiarism. “Copyright

infringement—using someone else’s work without obtaining permission—vs plagiarism—claiming attribution for a work you did not create,” are considered both legal and ethical issues.<sup>11</sup> Photographs, videos, and published works are generally protected by copyright law. Recipes “accompanied by substantial literary expression in the form of an explanation or directions” or included in a compilation of some sort, such as a cookbook, may also be eligible for copyright protection.<sup>12</sup>

For educational institutions with interprofessional experiential learning teaching clinics, not only is HIPAA a concern, but The Family Educational Rights and Privacy Act must also be a consideration. The Family Educational Rights and Privacy Act affords students the right to privacy with respect to their education-related needs. This applies to being filmed for educational purposes such as making videos for demonstrations as part of a class assignment or recording client–student interactions as part of an experiential and often interprofessional learning requirement for a practicum course.<sup>13</sup>

## RELEVANT PRINCIPLES AND STANDARDS

The Code of Ethics for the Nutrition and Dietetics Profession (Code) presents several relevant principles and standards:

1. Competence and professional development in practice (Non-maleficence)
  - 1a. Practice using an evidence-based approach within areas of competence, continuously develop and enhance expertise, and recognize limitations.
  - 1b. Demonstrate in depth scientific knowledge of food, human nutrition, and behavior.
  - 1g. Act in a caring and respectful manner, mindful of individual differences, cultural and ethnic diversity.
2. Integrity in personal and organizational behaviors and practices (Autonomy)
  - 2a. Disclose any conflicts of interest, including any financial interests in

products or services that are recommended. Refrain from accepting gifts or services which potentially influence or which may give the appearance of influencing professional judgment.

- 2b. Comply with all applicable laws and regulations, including obtaining/maintaining a state license or certification if engaged in practice governed by nutrition and dietetics statutes.
  - 2c. Maintain and appropriately use credentials.
  - 2d. Respect intellectual property rights, including citation and recognition of the ideas and work of others, regardless of the medium (eg, written, oral, electronic).
  - 2e. Provide accurate and truthful information in all communications.
  - 2h. Respect patient/client’s autonomy. Safeguard patient/client confidentiality according to current regulations and laws.
3. Professionalism (Beneficence)
    - 3b. Respect the values, rights, knowledge, and skills of colleagues and other professionals.
    - 3c. Demonstrate respect, constructive dialogue, civility, and professionalism in all communications, including social media.
    - 3d. Refrain from communicating false, fraudulent, deceptive, misleading, disparaging, or unfair statements or claims.
    - 3f. Refrain from verbal/physical/emotional/sexual harassment.
    - 3h. Communicate at an appropriate level to promote health literacy.
  4. Social responsibility for local, regional, national, global nutrition and well-being (Justice)
    - 4c. Contribute time and expertise to activities that promote respect, integrity, and competence of the profession.

- 4d. Promote the unique role of nutrition and dietetics practitioners.
- 4e. Engage in service that benefits the community and enhances the public’s trust in the profession.

Upholding the Code is an obligation for all Academy of Nutrition and Dietetics members and all practitioners credentialed by the Commission on Dietetic Registration. The primary goal of the Code is to protect the individuals, communities, and populations with whom a practitioner works and interacts regardless of the practice setting.<sup>14</sup>

These evolving technologies offer nutrition and dietetics practitioners opportunities for professional growth and community engagement. However, when it comes to social media, including platforms that allow live-streaming, best practice for nutrition and dietetics practitioners still includes making “patient safety and welfare the primary objective.”<sup>10</sup>

## References

1. The evolution of social media: how did it begin, and where could it go next?. Accessed June 22, 2023. <https://online.maryville.edu/blog/evolution-social-media/#:~:text=In%20less%20than%20a%20generation,vital%201st%20century%20marketing%20tool>
2. Chan K. TikTok CEO grilled by skeptical lawmakers on safety, content. Published March 23, 2023. Accessed April 7, 2023. <https://www.pbs.org/newshour/politics/watch-live-tiktok-ceo-testifies-before-house-committee-over-security-concerns-connection-to-china>
3. US moves on TikTok will intensify as 2024 approaches. Accessed June 22, 2023. <https://dailybrief.oxan.com/Analysis/ES274822/US-moves-on-TikTok-will-intensify-as-2024-approaches>
4. Geysler W. What is TikTok? Everything you need to know in 2023. Updated December 2022. Accessed February 2023. <https://influencermarketinghub.com/what-is-tiktok/>
5. Mayfield BJ, Helm J. Chapter 29: Social media is a powerful tool for nutrition communication and professional marketing. In: *Communicating Nutrition: The Authoritative Guide*. Academy of Nutrition and Dietetics; 2020.
6. Min SK. Ethics of live surgery demonstration or broadcast: is it beneficial to the patients? *Vasc Specialist Int*. 2020; 36(1):4-6.
7. CharityRx. The shifting role of influence and authority in the Rx drug & health supplement market. September 2022. Accessed February 2023. <https://www.charityrx.com/blog/the-shifting-role-of-influence-and-authority-in-the-rx-drug-health-supplement-market/>

8. Levine AS. Doctors and nurses are becoming Internet stars. Some are losing their jobs over it. December 2022. Accessed February 2023, <https://www.forbes.com/sites/alexandralevine/2022/12/20/healthcare-influencers-medical-creators-firing/?sh=764a075213ee>
9. Dotinga Randy. Surgeon's license suspension spotlights hazards, ethics of live-streaming surgeries. January 4, 2023. Accessed February 2023, <https://www.medscape.com/viewarticle/986463>
10. Klemm S. Guidance for professional use of social media in nutrition and dietetics practice. *J Acad Nutr Diet.* 2022;122(2):403-409.
11. Peregrin T. Clearing up copyright confusion and social media use: what nutrition and dietetics practitioners need to know. *J Acad Nutr Diet.* 2017;117(4):623-625.
12. US Copyright Office. FAQ. What does copyright protect?. Accessed April 11, 2023. <https://www.copyright.gov/help/faq/faq-protect.html>
13. Student Press Law Center. FERPA: what it means and how it works. Accessed June 22, 2023. <https://splc.org/ferpa-what-it-means-and-how-it-works/>
14. Academy of Nutrition and Dietetics. Code of ethics for the nutrition and dietetics profession. June 2018. Accessed February 2023, <https://www.eatrightpro.org/-/media/files/eatrightpro/practice/code-of-ethics/codeofethicshandout.pdf?rev=e70b72588c044984a6b93cff61bcb793#:~:text=When%20providing%20services%20the%20nutrition,of%20ethical%20conduct%20and%20practice>

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