



**2019 ETHICS IN MEDICINE:
GEORGE R. HUGMAN, III, MD FORUM**

George R. Hugman, III, MD



George Robert Hugman, III, M.D., 59, was born May 17, 1955, in Galveston, Texas, the son of Joyce Plummer Hugman and the late Dr. George Robert Hugman, Jr. He passed away February 2, 2015, in Nacogdoches, Texas, while doing what he loved to do each morning—tending to his patients, George, or Trey to his family, was a loving and devoted husband, father, brother, and son.

He was raised in Gladeview, Texas. His interest in medicine was sparked at an early age when his father, a long-time family physician, found him digging through his house call bag and warned him, "Don't touch it!" He quickly began telling his mother that he too was going to be a doctor with his very own bag of "don't touch it." He stayed true to this passion, graduating with his bachelor's degree in biology from Austin College in 1977. He attended University of Texas Health Sciences in Houston for graduate studies in physiology. He graduated from Baylor College of Medicine in Houston with his medical degree in November 1981.

After a year of working in the emergency room at Nacogdoches Memorial Hospital, he opened his own family medical practice, now known as East Texas Physicians' Care, fulfilling his childhood dream.

Dr. Hugman was a member of Texas Medical Association for 37 years; he served on the Board of Councilors for 7 years.

In 2013, he was invited to the Texas Capitol as House District 11 Doctor of the day during the 82th Texas Legislature.

He was deeply involved in local, state, and national medical associations, taking on numerous leadership roles—most recently becoming the Chief Medical Officer at Nacogdoches Memorial Hospital—all with the goal of ensuring that his community had the highest quality of medical care.

To his family and friends he was known for much more than his medical work, he was an avid water skier, tennis player, adventurer, sailor, dancer, a soccer dad, Boy Scout leader, teacher of obscure facts, and master margarita maker.

Panelists

Sherif Zafraan, MD, President, Texas Medical Board, Houston

Dr. Zafraan is the president of the Texas Medical Board. Dr. Zafraan is an anesthesiologist and president of US Anesthesia Partners Southwest Division. He is a delegate for the Texas Medical Association (TMA) and an alternate delegate and member of the Committee on Future Models Anesthesia for the American Society of Anesthesiologists. Additionally, he is chair of the Government Affairs Committee for the Texas Society of Anesthesiologists and a vice-chair for the Harris County Medical Society Delegation to TMA. He studied biochemistry at The University of Texas at Austin and received a Doctor of Medicine from The University of Texas McGovern Medical School in Houston.

Victoria Soto, JD, Lead Counsel, Law Office of Victoria Soto, Austin

Victoria Soto is lead counsel of the Law Office of Victoria Soto and concentrates her practice in defending physicians before the Texas Medical Board. She graduated from Southern University Law Center in Baton Rouge, Louisiana and was admitted to the Louisiana Bar in 1995 and the Texas Bar in 2001. Beginning in 2001, Victoria served as a prosecuting attorney for the Texas Medical Board. During her tenure with the Board, she resolved a record number of cases, becoming a leader among her peers in case resolution and Agreed Orders resulting from administrative disciplinary proceedings such as Informal Settlement Conferences, Show Compliance Proceedings, License Committee hearings and State Office of Administrative Hearings/Mediations. Since leaving the Texas Medical Board in 2005, Victoria has represented several hundred physicians before the Texas Medical Board. Her experience and extensive knowledge of medical board rules, procedures and policies coupled with her experience in working closely with board administrators, staff attorneys, affords her clients a seasoned and experienced representative before the Texas Medical Board.

Victor Vines, MD, Diplomate, American Board of Addiction Medicine, Medical Director, Solutions of North Texas, Denton

Dr. Vines is a Diplomate of the American Board of Addiction Medicine, a Fellow of the American Society of Addiction Medicine, and has been in practice for 29 years. He serves as Vice-Counselor on the TMA Board of Counselors, chairs the Physician Health and Wellness Committee for the Denton County Medical Society, and founded the Calceus 12 step meeting for recovering professionals in Denton County. His special interests lie in assessing and treating licensed professionals who are employed in safety sensitive careers, and in that capacity has been a faculty member of the Santa Center UT Southwestern Maintaining Proper Boundaries course for professionals, where he presented lectures regarding the psychology of professionals and their risks regarding boundary issues.



#BoundaryIssues

Legal and Ethical Pitfalls and Social Media



Notice

This information is provided as a commentary on legal issues and is not intended to provide advice on any specific legal matter. The Texas Medical Association provides this information with the express understanding that 1) no attorney-client relationship exists, 2) neither TMA nor its attorneys are engaged in providing legal advice and 3) that the information is of a general character. **This is not a substitute for the advice of an attorney.** While every effort is made to ensure that content is complete, accurate and timely, TMA cannot guarantee the accuracy and totality of the information contained in this publication and assumes no legal responsibility for loss or damages resulting from the use of this content. You should not rely on this information when dealing with personal legal matters; rather legal advice from retained legal counsel should be sought.

Course Objectives

- Understand implications of use of social media by a physician with respect to a physician's patients
- Understand legal and ethical requirements relating to boundary issues in a physician's practice
- Understand how social media presents new issues for a physician in the physician-patient relationship and applicable boundaries

Objective 1

Ethics of Physician Use of Social Media

Social Media

- “Communication through e-mail or other electronic means can supplement in-person encounters; however, it must be done under appropriate guidelines.”

American College of Physicians Ethics Manual, 170 Annals of Internal Medicine S3 (2019)

Effective communication is critical to a strong patient-physician relationship.
Communication through e-mail or other electronic means can supplement in-person encounters but must be done under appropriate guidelines.
E-communications should only be used by physicians in an established patient-physician relationship and with patient consent.
Documentation about all patient care communications should be in the patient's medical record.
Aspects of a patient-physician relationship, such as the physician's responsibilities to the patient, remain operative.

Social Media

- “Communication through e-mail or other electronic means can supplement in-person encounters”
- Do current medical ethics guidelines sufficiently address social media?
- Should social media be another type of “electronic means” to supplement in-person encounters?
- What are appropriate guidelines that provide direction for use of social media? Best practices? Worst practices? Medical Board guidance?

Social Media

- Responding to patients or “key third parties”—is it appropriate?
- Is it even appropriate to be connected with a patient on social media?



Social Media



- Does the appropriateness of responding change when a post is directed to a physician?
- Is there a duty to respond to an existing patient?

Social Media



- What are the ethical implications of a physician's posting on social media? Even if patient information is de-identified?
- What are other considerations to make when making public posts from a personal account?

Social Media: Other considerations

- Can a physician use social media to advertise? What are legal implications and ways of minimizing liability?
- What are other legitimate uses of social media in a physician's practice?
 - Having a professional practice page?
 - Discussing medical issues and recent developments?
 - What are legal considerations that should be made?
- Can a physician's use of social media satisfy other ethical obligations (e.g., advocacy, public health awareness)?

Social Media: Other considerations

- How much consideration must be given to how employees or other supervised professionals use social media?
- What are the legal implications that a physician should be aware of?
- What are best practices for a physician that employs or supervises physicians or other allied health professionals?

Boundaries and Privacy

- Has #MeToo Affected physician-patient boundaries? Perspectives from patients? Perspectives from medical board/liability?
- Best practices for use of a chaperone?
- Best practices for avoiding boundary issues?
- Best practices for rectifying boundary issues after they have begun?

Boundaries and Privacy

- Attending events with patients and third parties
 - Is it appropriate to accept invitations to the social events of patients or key third parties?
 - Is it appropriate to attend the funeral of a deceased patient?
 - Any legal implications of doing either?

Boundaries and Privacy

- Interaction with patients
 - In what circumstances is it appropriate to correspond with an adolescent patient outside of the clinical setting?

Boundaries and Privacy

- “Documentation about patient care communications should be included in the patient’s medical record . . . Physician entries in the medical record, paper and electronic, should contain accurate and complete information about all communications, including those done in-person and by telephone, letter, or electronic means.”

American College of Physicians Ethics Manual, 170 Annals of Internal Medicine 55 (2019)

- Must a physician document in a patient’s chart every interaction? Is there an ethical or legal line that guides when this is required? Is there a difference between the ethical and legal lines?
- What are best practices for including electronic communications in a patient’s record?

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Questions from audience
