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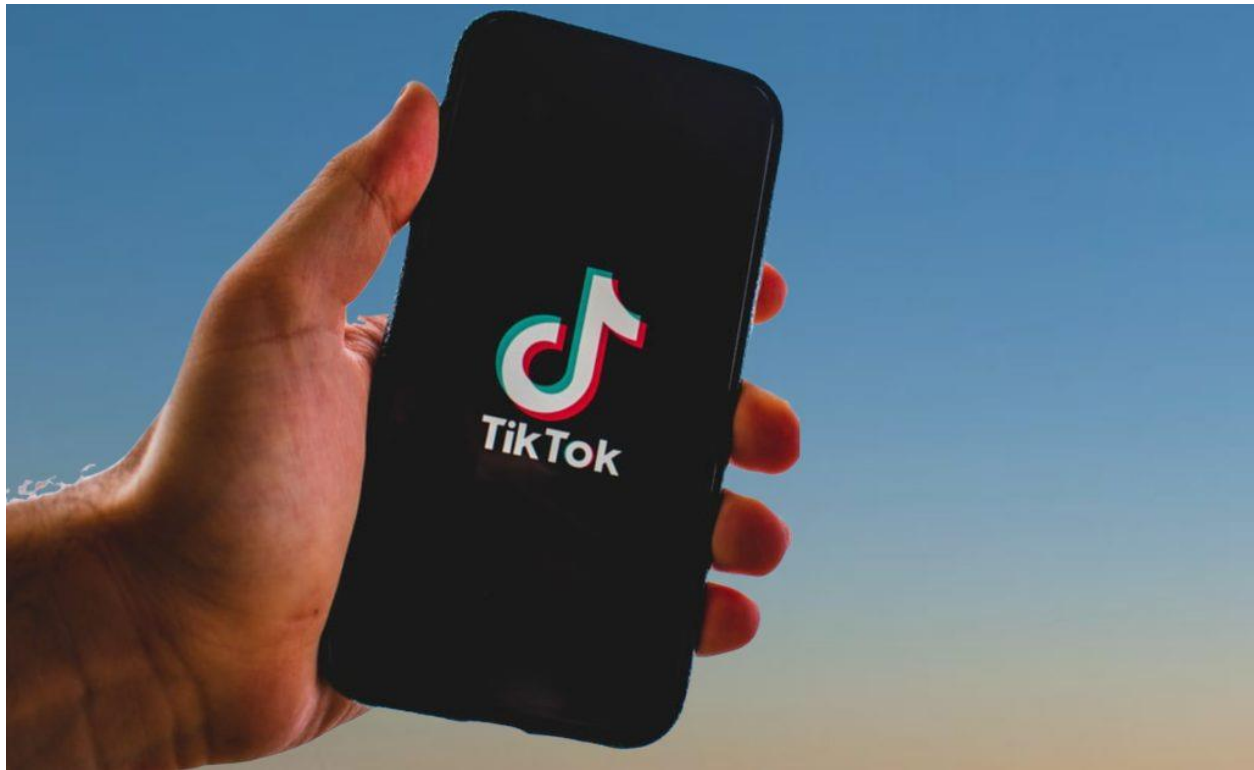
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# Can #DoctorsofTikTok Be Held Accountable?

BY [MARA H FIELDS](#)/ ON MARCH 8, 2021



*Image by Nitish Gupta from Pixabay*

By now, most people have heard of the social media app taking the world by storm—TikTok. TikTok is a free social media networking application that allows its users to create, watch, and share videos.<sup>1</sup> “The convenient mobile-native nature of TikTok, coupled with its creative lean and digestible bite-sized content are elements that have propelled the platform’s colossal success in recent times;”<sup>2</sup> it is a highly engaging, heavily subscribed, and exponentially growing social media platform.<sup>3</sup> TikTok has around 524 million active users worldwide,<sup>4</sup> and videos created on TikTok earn an average of 17 billion views every month.<sup>5</sup>

While TikTok’s average users consist of Millennials and Generation Z, professionals are joining the app and using it to provide TikTok users with free advice; doctors are using TikTok to share medical information.<sup>6</sup> Whereas previously, one might have turned to Google for medical advice, Generation Z TikTok users respond well to medical information dances.<sup>7</sup> Many of these educational TikToks have gone viral.<sup>8</sup> #DoctorsofTikTok or #TikTokDocs are two hashtags used to conglomerate medical information on TikTok and have thousands of videos tagged.<sup>9</sup>

Along with every other user, professionals participate in the music and dance trends – but use these trends to educate their viewers.<sup>10</sup> In one video, psychiatrist Melissa Shepard dances to

the viral TikTok song "Choices" by E-40 while addressing common stigmas around people who self-harm.<sup>11</sup> Similarly, Dr. Staci Tanouye, an OB-GYN, lists what a healthy menstrual period should look like while dancing to "Baby One More Time" by Britney Spears.<sup>12</sup> Both Melissa and Dr. Tanouye, along with many other doctors on TikTok are board-certified physicians in their respective fields.<sup>13</sup>

The response to these videos has generally been positive. Dr. Rose Marie Leslie, a Family Medicine Resident Physician participating in #DoctorsOfTikTok, says many users reach out to her after watching her videos to say that a video has inspired them to take more control over their health.<sup>14</sup>

While #DoctorsOfTikTok comes with greater access to medical information, it also comes with the risk of disinformation, misleading information, and conspiracy theories.<sup>15</sup> Further, TikTok's emphasis on humorous content can make it hard to find the balance between educational and funny without being misleading.<sup>16</sup> There have been groups of physicians and medical providers that have embraced TikTok as a new way to educate patients and break down barriers between the medical community and patients.<sup>17</sup> There have also been critics in the medical field that feel TikTok is not an appropriate or professional method of communicating with patients.<sup>18</sup>

In a recent video, Dr. Leslie urges #DoctorsOfTikTok to use their expertise appropriately and only make videos based on medical science; she hopes that #DoctorsOfTikTok will hold each other accountable by sending direct messages to users who are not sharing correct or appropriate information.<sup>19</sup> This begs two questions. First, can doctors be held accountable for the information they transmit on TikTok? Second, how can TikTok play a part in keeping information accurate?

Medical advice is a formal professional opinion regarding what a specific individual should do for their health. Typically, medical advice involves giving a diagnosis and/or prescribing a treatment for a medical condition.<sup>20</sup> Medical information, on the other hand, is the relation of facts. Discussing facts and information is considered to be a form of protected free speech and is not considered medical advice.<sup>21</sup> No exact line can be drawn to distinguish information from advice, but the context and content of the information can help distinguish the two.<sup>22</sup> Generally, professionals who speak to groups (for example, giving a presentation) have been characterized as offering only general information.<sup>23</sup> While, on the other hand, professionals who answer fact-specific questions have been characterized as offering advice.<sup>24</sup>

Medical advice is given in the context of a doctor-patient relationship and a licensed health care professional can be held legally liable for the advice given to a patient.<sup>25</sup> A doctor-patient relationship is generally established when a physician affirmatively acts in a patient's case by examining, diagnosing, treating, or agreeing to do so.<sup>26</sup> Once a physician consensually enters into a relationship with a patient, a legal contract is formed and the physician owes a duty to

that patient to continue to treat or properly terminate the relationship.<sup>27</sup> #DoctorsofTikTok should strive to, and should in fact, only give medical information and not fact-specific medical advice while posting on TikTok so as to avoid creating a doctor-patient relationship.

Even if #DoctorsofTikTok solely participate in medical information rather than medical advice, a person is not legally permitted to provide medical advice without a license.<sup>28</sup> Doing so may lead to fines, possible jail time, or other forms of punishment.<sup>29</sup> Regulations are in place so that untrained and uneducated individuals are not treating others with potentially harmful methods.<sup>30</sup> All states have criminal offense charges for those who are practicing unauthorized medicine.<sup>31</sup>

However, it can be more difficult to attach legal charges to a person providing an opinion.<sup>32</sup> To attach charges, and create the potential for legal problems, the information given “must be specific to the illness, injury, or ailment of the individual.”<sup>33</sup> So long as #DoctorsofTikTok do not engage with their comment section, it will be hard for an individual to hold a board-certified doctor using TikTok to disseminate medical information accountable for what they put out.

How can TikTok play a part in keeping information dispersed safe and accurate? They can provide board-certified #DoctorsofTikTok with a verified badge. Once an account is verified, it becomes officially endorsed by TikTok as a trusted-thought leader and provides that user with more credibility—ultimately improving the way others perceive the account.<sup>34</sup>

By following only a few simple guidelines, #DoctorsofTikTok can ensure their community remains positive, trustworthy, and safe and can continue to reach new audiences and individuals who would not otherwise have easy access to medical providers.

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