



THE PRO PERFORMANCE THERAPY GROUP

Los Gatos | Morgan Hill | Saratoga | San Jose | Campbell

Orthopedic Sports Therapy

PROactive Orthopedic and Sports Rehabilitation : "One Team, One Goal"

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Social Media, Testimonial & Athlete Representation Policy (Version 2.0)

Purpose

To establish enforceable standards governing patient testimonials, athlete representation, and social media use to ensure compliance with:

- HIPAA and patient privacy laws
 - California Civil Code §3344 (Right of Publicity)
 - Lanham Act §43(a) (False Endorsement)
 - California Business & Professions Code §17200 (Unfair Competition)
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Scope

Applies to all employees, contractors, residents, interns, and former employees. Covers all personal and professional media, including social media, websites, and marketing materials.

Core Rule (Non-Negotiable)

No patient, athlete, or case may be used in any content without:

1. Written HIPAA-compliant authorization
 2. Signed Athlete Media Release (if applicable)
 3. Written company approval
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Patient Privacy & HIPAA

Strictly prohibited:

- Identifiable patient information (direct or indirect)
- Treatment details tied to identifiable individuals
- “Soft identifiers” (team, event, timeline clues)

Public figures are NOT exempt from HIPAA protections.

Testimonials & Marketing Use

All testimonials must include:

- Written authorization specifying:
 - Name
 - Image/video
 - Clinical context
 - Marketing usage scope
- Company approval

Unauthorized testimonials are prohibited.

Athlete & Professional Representation

STRICTLY PROHIBITED without approval:

- Use of professional/collegiate athlete likeness
- Use of team logos, uniforms, or facilities
- Any implication of endorsement or affiliation

This applies EVEN IF:

- The employee treated the athlete
 - The athlete reposts or tags the employee
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Affiliation & Misrepresentation

Employees and former employees may NOT:

- Suggest ongoing affiliation with teams or athletes
 - Use prior employment relationships for personal marketing
 - Create confusion regarding sponsorship, endorsement, or access
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Former Employee Restrictions

Former employees may NOT:

- Use patient relationships developed during employment
 - Use images/videos obtained during employment
 - Imply affiliation with [Company Name]
 - Leverage athlete relationships for commercial gain
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Approval Process

All applicable content must be submitted to [Designated Reviewer] prior to publication.

Violations & Enforcement

Violations may result in:

- Immediate removal of content
 - Disciplinary action up to termination
 - Legal action including:
 - Breach of confidentiality
 - Misappropriation of likeness
 - False endorsement
 - Unfair competition
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Athlete Media Release (Companion Form)

Required for ANY athlete-related content:

- Athlete Name: _____
 - Organization/Team: _____
 - Consent to use likeness: YES / NO
 - Scope (circle): Social / Website / Marketing / All
 - Duration of use: _____
 - Signature: _____
 - Date: _____
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Employment Agreement Clause (Insert)

Employee agrees that:

- All patient and athlete relationships developed during employment are the property of [Company Name]
 - Employee will not use such relationships for personal marketing
 - Employee will not imply affiliation post-employment
 - Violation constitutes grounds for termination and legal action
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Acknowledgment

I acknowledge that I have read, understand, and agree to comply with this policy.

Employee Name: _____

Signature: _____

Date: _____