

Tip: Managing Negative Online Reviews

The Risk: Healthcare providers recognize that along with their practice websites, public websites such as Yelp, Healthgrades, and Rate MDs, and social media sites like Facebook and Twitter, can be used as marketing tools to inform the public of their services. The online community, however, is then afforded an opportunity to respond, rate, and, at times, complain about those services. These statements and reviews are readily accessible to anyone with an internet-ready device to open and read.

While there is a basic instinct to immediately respond to negative online reviews, healthcare providers must remember that privacy rules make a complete response via social media inappropriate, and responding directly to an online post puts the healthcare provider at risk of disclosing protected health information (PHI). Your response may not contain any identifying statements, but the mere recognition of a patient-provider relationship is a potential HIPAA violation.

The following tips will help you successfully and appropriately respond to negative online reviews:

Recommendations:

1. Critically review all social media posts for accuracy and authenticity. While some negative statements regarding the performance of you or your staff may be difficult to read, evaluate these reviews to determine if there is any opportunity for learning or process change.
2. Do not become engaged in online arguments or retaliation—especially if the comments made are particularly negative and potentially detrimental to the reputation of the facility or physician.
3. According to federal and state confidentiality and privacy laws, providers are precluded from identifying patients on social media. In order to protect patient privacy, all patient concerns and complaints should be resolved by the practice by contacting the patient directly and not through social media.
4. If you do choose to respond via social media, use a standard response that also serves as a marketing opportunity for your practice. Some examples include:
 - a. “[Insert name] Medical Group is proud to have been providing comprehensive and compassionate care in the community since [insert year] and takes our treatment of its patients and their privacy seriously. Because federal privacy laws govern patients’ protected health information, it is not the policy of [insert name] Medical Group to substantively respond to negative reviews on “ratings” websites, even if they provide misleading, unfair or inaccurate information. We welcome all our patients and their

families to address any concerns/requests or information about their care with us directly, as we strive to continue to provide individualized care in our community.”

- b. “At our medical practice, we strive for patient satisfaction. However, we cannot discuss specific situations due to patient privacy regulations. We encourage those with questions or concerns to contact us directly at [insert phone number].”
5. If you feel the patient’s complaint has disrupted the physician-patient relationship, consider discharging the patient from your practice. This action may be viewed as retaliatory by the patient and may set off a new series of negative posts. Attorneys at Mercado May-Skinner* are available to assist you to make this decision.
 6. Notify your local authorities if you feel at any time that your safety, the safety of your staff or your family is threatened or at risk.

*The attorneys of Mercado May-Skinner are employees of MLMIC Insurance Company.

USE OF TECHNOLOGY

CHECKLIST

MANAGING NEGATIVE ONLINE REVIEWS

Healthcare providers recognize that along with their practice websites, public websites such as Yelp, Healthgrades, and Rate MDs, and social media sites like Facebook and Twitter, can be used as marketing tools to inform the public of their services. The online community, however, is then afforded an opportunity to respond, rate, and, at times, complain about those services. These statements and reviews are readily accessible to anyone with an internet-ready device to open and read.

While there is a basic instinct to immediately respond to negative online reviews, healthcare providers must remember that privacy rules make a complete response via social media inappropriate, and responding directly to an online post puts the healthcare provider at risk of disclosing (PHI) protected health information. Your response may not contain any identifying statements, but the mere recognition of a patient-provider relationship is a potential HIPAA violation.

	YES	NO
1. All social media posts are critically reviewed for accuracy and authenticity. While some negative statements regarding the performance of the providers or staff may be difficult to read, these reviews are evaluated to determine if there is any opportunity for learning or process change.	<input type="checkbox"/>	<input type="checkbox"/>
2. An online argument or retaliation is not participated in—especially if the comments made are particularly negative and potentially detrimental to the reputation of the facility or providers.	<input type="checkbox"/>	<input type="checkbox"/>
3. According to federal and state confidentiality and privacy laws, providers are precluded from identifying patients on social media. In order to protect patient privacy, all patient concerns and complaints are resolved by our practice by contacting the patient directly and not through social media.	<input type="checkbox"/>	<input type="checkbox"/>

MANAGING NEGATIVE ONLINE REVIEWS (continued)	YES	NO
<p>4. A standard response that also serves as a marketing opportunity for your practice is used for social media responses. Some examples include:</p> <ul style="list-style-type: none"> • “[Insert name] Medical Group is proud to have been providing comprehensive and compassionate care in the community since [insert year] and takes our treatment of its patients and their privacy seriously. Because federal privacy laws govern patients’ protected health information, it is not the policy of [insert name] Medical Group to substantively respond to negative reviews on “ratings” websites, even if they provide misleading, unfair or inaccurate information. We welcome all our patients and their families to address any concerns/requests or information about their care with us directly, as we strive to continue to provide individualized care in our community.” • “At our medical practice, we strive for patient satisfaction. However, we cannot discuss specific situations due to patient privacy regulations. We encourage those with questions or concerns to contact us directly at [insert phone number].” 	<input type="checkbox"/>	<input type="checkbox"/>
<p>5. Local authorities are notified if at any time the safety of the staff is threatened or at risk.</p>	<input type="checkbox"/>	<input type="checkbox"/>

If the patient’s complaint has disrupted the physician-patient relationship, discharging the patient from your practice is considered. This action may be viewed as retaliatory by the patient and may set off a new series of negative posts. Attorneys at Mercado May-Skinner* are available to assist with this process. They can be reached by calling **(844) MMS-LAW1** (844-677-5291).

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