

Ask An Attorney

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Q My general practice partner and I have noticed an increase in the number of patients who review their doctors online. How do we handle an online review?

A In an age where patients can (and do) rate their health care providers as they would restaurants and retail stores, online reviews are an increasing reality for medical practitioners. Sites like Yelp, Vitals, RateMDs, Healthgrades and Zocdoc are just a few of the growing number of places patients can rate their health professionals online. Knowing whether and how to respond to online reviews is critical for those in the health care industry.

The good news is patients like their providers, and the vast majority of online reviews are positive. However, a negative review criticizing a health care provider's care and treatment could damage a practitioner's reputation or influence prospective patients.

Upon reading a particularly glowing or critical review, a provider may be tempted to respond to the reviewer. However, publicly responding to an online review is a delicate matter for a medical professional.

In acknowledging an online review, it is essential to remember that state and federal confidentiality and privacy laws restrict a provider's ability to respond. Under the Health Insurance Portability and Accountability Act (HIPAA), even acknowledging the reviewer is a patient constitutes a violation. Health care providers may speak generally about the way they treat patients, but are not permitted to reveal individual patient health information.

In general, it is better to address conflicts offline. Responding publicly only provides prominence to the complaint. Health care providers can carefully encourage

these reviewers to contact the office directly where their complaint can be handled privately.

Most negative reviews involve office management, such as the office wait, the front office staff or office hours. Practitioners can use these reviews as an opportunity to examine and improve, if necessary, the office experience of their patients.

Perhaps the best way to handle negative online reviews is to encourage satisfied patients to post reviews online about the care they received. As Justice Louis D. Brandeis famously wrote: "the remedy to be applied is more speech..." Encouraging patients to share their reviews online allows the positive reviews to balance out and overshadow any negative reviews. Consumers know that one negative online review is not representative of a practice. If you ask patients for reviews, however, remember it is illegal to provide anything of value for those reviews, such as discounts or free services.

If a review is obviously fake or mistakes your practice for another, contact the review website and explain that the review is not real or does not actually review your practice. Review sites want their reviews to be accurate. Remember not to divulge patient information to the review site as evidence of an inaccurate review.

If you receive an online review that necessitates a response, take the following steps: (1) try to evaluate the review objectively and determine if it needs an online response; (2) if the review alleges malpractice, immediately call your attorney; and (3) draft a short, measured and carefully worded response, which does not reveal any patient information. If in doubt, contact your attorney to discuss responding publicly to any online review.

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