



Bad reviews happen. Here's how your practice can respond without violating patient trust and HIPAA.

BY NAREN ARULRAJAH

Patients are free to discuss details of their own treatments—they can describe exactly what you said and did, and the outcome, even if they misrepresent those facts. However, as a doctor, you can't mention such things publicly.

The fairness of this rule is debatable, but its enforceability is not. Violations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy rules can come with considerable financial repercussions, not to mention potential damage to your professional reputation. Yet an analysis by ProPublica found *privacy* or *HIPAA* mentioned in thousands of one-star physician reviews. In dozens of incidents, responses by physicians to one-star reviews by patients then escalated beyond the initial complaint into disputes about patient privacy.

In light of worries about violating HIPAA regulations, you may have been advised to simply ignore bad reviews. That is the safest option, in terms of legality. However, it may not be the best move for effective reputation management. So what can you do?

1

TALK BACK

Simply stated, it is a myth that you cannot respond publicly to a negative review. HIPAA and other patient privacy regulations forbid you from divulging any patient information; however, you can post a reply discussing your policies, standard of care, and other general information. Do not attempt to resolve a complaint on a public forum. If you leave a reply, it should be for the benefit of other viewers.

Use this strategy when you are concerned about potential patients seeing a bad review and you want to defend your practice. Also discuss your dedication to customer service, qualifications, office protocols, or other relevant topics—all in general terms. The message should be one that would still make sense if it were said to a nonpatient.

Another thing to keep in mind is that you should not talk about the reviewer or confirm in any way that the individual is a patient. Make no mention of the person's condition, treatment, or experience with your practice. Even if a patient divulges his or her own information, you cannot repeat it.

2

KEEP IT PRIVATE

Often, people leave negative reviews in anger, feeling that they have no other options. Some might not bother contacting your office because they assume that the staff will ignore them. In other cases, the person did attempt direct contact but was dissatisfied with the response.

You cannot discuss details of the issue on a public forum, but you can invite the reviewer to call or email your practice directly. Better yet, invite the person to come in and speak with you. In these situations, individual attention and a demonstration of excellent customer service can go a long way toward turning around an unhappy patient.

When you believe the issue can be resolved, it is best to use direct messaging (available on Yelp and most other platforms) and to ask the person to contact you. Again, even on direct messaging, don't reveal any patient information; use the same precautions that you would on a public forum.

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3 TAKE ACTION Reviews are rarely detail-accurate. An unhappy patient might leave out pertinent details, or misrepresent events. However, a falsified review is something completely different. Maybe a patient is telling blatant lies about what happened in your office, or maybe the person was never there at all.

Fake reviews from disgruntled employees, competitors, or vengeful patient are rare—but they happen, and they can be devastating, especially if there are multiple instances. The good news is, most platforms have an option to report fraudulent reviews. The bad news is, you have little recourse if the host refuses to take it down.

If someone is attempting to sabotage your practice with fraudulent

reviews, report the falsified review using the links or instructions provided by the host site. Don't report reviews that are based on truth, even if they are skewed in a negative light.

4 BURY THE BAD STUFF Your best weapon against bad reviews is good reviews. Fortunately, for most ophthalmologists, the happy patients far outnumber the unhappy ones. Therefore, the more reviews your practice accumulates, the less credibility negative ones will have. Be proactive and focus on building your reputation at all times, but redouble your efforts if a negative review shows up.

There are numerous ways of increasing patient feedback. Whether it is in the form of a simple verbal request, an automated email, or a text message, people are more likely to leave reviews

if you just ask. This strategy encourages patient feedback. Be sure to provide instructions for posting reviews on your preferred sites, and request permission to share testimonials on your own website.

Never make patients feel pressured to leave a review, and don't share any testimonials without written permission.

FINAL NOTE: PLAY IT SAFE

Learn the law, and consider appointing a compliance manager at your practice. When in doubt, consult your attorney. Violations of privacy are not only legal infractions, but also violations of patient trust. Never take chances. ■

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