Responding to Online Reviews: Best Practices

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You've become aware that a negative review has been posted online. What should you do?

Impressions and feedback about your practice aren't just shared by patients in your direct interactions with them. Their opinions may also be posted in a review from a patient on social media channels. Positive feedback can lead to existing patients referring their family and friends to your practice. However, when a patient is dissatisfied or upset, they may express those feelings by posting a negative review.

Platforms such as Yelp and Google, among many others, provide an outlet for patients to review their experiences. Whatever the platform, negative reviews can put the reputation of the office at risk, prevent new patients from choosing a practice and be damaging for startup practices that are trying to make a positive presence in the community.

Reading negative reviews can generate feelings of anger, betrayal, frustration, and fear that someone reading the review will take the opinion of the reviewer's opinion as being accurate and truthful. However, acting upon these feelings and impulsively responding could make matters worse.

Responding to the review is not recommended. As a covered entity, you are bound by HIPAA privacy laws and are expected to safeguard patients' protected health information (PHI). If you violate privacy laws, the patient could file a complaint with the Department of Health and Human Services (DHHS) and the Office of Civil Rights (OCR). A patient complaint requires that OCR investigate and initiate a compliance review.
TDIC provides the following recommendations and strategies:

<u>Be proactive to avoid the potential for a negative review.</u>

- Foster positive communication with patients and staff. Train staff to ask patients at check-out "how was your visit today?" This opens the line of communication and encourages patients to share their feedback. If the patient has negative feedback and is willing to share it with the office, they might not be inclined to take their opinion to a public forum.

- Establish office protocols on managing negative feedback and dealing with dissatisfied patients. Staff should promptly relay this feedback to you and implement a plan to follow up with the patient.

- Patients often simply want to be heard, and an effective approach is taking the time to listen to their concerns.

<u>Once you become aware of the review, assess the situation before you act.</u>

- Consider contacting the patient to discuss their concerns or complaints. Let the patient know your intention is to provide quality patient care. Ask the patient for their expectation of a satisfactory resolution. This doesn't mean that you are obligated to agree to their request, but there may be a reasonable compromise you are willing to consider. If this resolves the matter, the patient might remove the review.

- If there is no resolution and the review remains, you can ask the platform to remove the review by flagging it. The platform will consider removing the post if it is defamatory or violates content guidelines. If you don't prevail, you have the option to submit an appeal.

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- If you are not successful in getting the post removed and feel compelled to respond to the review, your response *must* be HIPAA compliant. For example:

  "Thank you for submitting your review. As with all reviews, we have read your post carefully and take the issues you have raised seriously. However, due to federal and state privacy laws, we cannot comment further. Our office welcomes you to contact us at [phone or email]."

Increase the number of positive reviews.

When a patient raves about the treatment, dentist, or staff, tell them the best compliment they could give you is a positive review. With enough good reviews, the bad ones will be less noticeable or have minimal impact.

"You have responded to a negative review that included protected health information (PHI)."

Follow the steps in this link: https://www.hhs.gov/hipaa/for-professionals/breach-notification/index.html

- Following a breach, the covered entity must provide written notification of the PHI breach to the affected patient. Include the content of the breach and what action is being taken to investigate the breach and prevent future breaches. Include steps the affected individual should take to protect themselves. If you fail to notify the patient or Department of Health and Human Services (HHS) there could be ramifications determined by the Office of Civil Rights (OCR) including triggering an investigation of all possible violations.

- Breaches affecting less than 500 individuals must be reported to the secretary of DHHS Department of Health & Human Services at Breach Reporting | HHS.gov no later than 60 days of the calendar year following the year in which the breach occurred. of the breach.

- Implement effective appropriate administrative safeguards. Tools and guidance available at Final Guidance on Risk Analysis | HHS.gov

- Create written office protocols and train staff to ensure compliance with HIPAA. HIPAA Training and Resources | HHS.gov

"I should sue the reviewer for defamation."

Some posts can be defamatory and damaging. You might even consider suing. Be extremely cautious with seeking litigation against the reviewer. Most states have adopted anti-SLAPP (strategic lawsuit against public participation) statutes, which are designed to prevent abuse of the legal system by providing additional defenses to those who are sued for exercising their First Amendment rights. If you attempt to sue, you can expect the reviewer to counter with an anti-SLAPP motion.