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## **3 STEPS TO RESPONDING TO NEGATIVE ONLINE COMMENTS**

The growth of physician rating sites is causing a lot of physicians to feel like they're losing control of their reputations. When seeing negative reviews and comments online, it's natural for professionals to want to respond immediately to defend their reputations. But is that always the best course of action? In this special report, NORCAL's Risk Management experts discuss the pros and cons of responding to negative online comments and lay out three steps to developing a plan of action for doing so when appropriate.

## Considering Legal Action? Think Twice.

When physicians have attempted to use the legal system to stop online harassment, the courts have generally been less than accommodating to them. The following case demonstrates the courts' attitude toward physicians' attempts to protect their reputations.

**Case Study:**<sup>4</sup> This case involved a neurologist who filed a lawsuit against the son of a former patient claiming defamation. The judge dismissed the case and stated, "The court does not find defamatory meaning but rather a sometimes emotional discussion of the issues." The case was widely publicized through newspaper, internet, and television media outlets, and it resulted in a negative impact on the physician's practice.

If you're considering suing a reviewer, there are many potential issues you need to be aware of to avoid pitfalls and counter-suits. Consult with your attorney as soon as possible before taking any steps in that direction.

“ She did not listen to my concerns and did not answer my questions. While I was sitting in her office, she took two phone calls and on one, scheduled a presentation for her practice by a drug rep. I am getting my records and getting another doctor. ”

## The Challenge of Negative Online Comments

Patients are leaning heavily on physician ratings websites to help them select their physicians<sup>1</sup> in much the same way as they use Yelp, Angie's List, and other sites to find the best hotels, car dealerships, or home improvement contractors. Recent developments also suggest that online physician reviews may one day affect physician availability in payer networks.<sup>2</sup>

And while 96% of patient complaints on these sites relate to customer service, not medical care,<sup>3</sup> some patients are using these sites to make serious and repetitive attacks on providers' reputations and competency. As a result, physicians may feel personally under attack, and some have claimed that the comments negatively affect them emotionally and financially. NORCAL Group Risk Management receives frequent calls from policyholders asking how they can respond to these sometimes hostile and false statements made in public forums. When these attacks occur, physicians may naturally want to go into a defensive mode in order to preserve their reputations, but they must still always maintain compliance with HIPAA and other privacy laws. Furthermore, if physicians respond immediately and impulsively, they may do more harm than good.

While this new reality may seem daunting, with a deliberate, reasoned approach, physicians can not only respond to negative online comments appropriately, but also enhance patient satisfaction by identifying and addressing any underlying issues that may have led to them.

## 3 STEPS TO RESPONDING TO NEGATIVE ONLINE COMMENTS

Because online reviews can affect your practice—both positively and negatively—the issue certainly warrants a plan of action. Developing one can help prepare you for when you become the target of negative online comments and help you avoid an emotional response in favor of a more measured one. These steps can also help improve your online ratings, mitigate the effects of negative online comments and guide your response to negative ratings before you ever face a crisis. **Remember:** Always maintain compliance with HIPAA and other privacy laws. Do not reference patient information, the medical record or other protected information in public forums.

**01 Be Proactive: Develop a digital and social media plan for your practice.** To proactively build your online reputation, consider monitoring online comments and requesting reviews from patients. Add health & wellness articles, frequent announcements, or other content to your practice website to help you control your message. Also, consider the information and suggestions in this article to develop guidelines for responding to online reviews. Other helpful tools include office surveys and patient complaint processes to help you understand and address the needs and concerns of your patients.

**02 Don't Panic: Objectively assess the situation that led to the comments.** Avoid an emotional, off-the-cuff response. Review the medical record for potential issues, but never reference the medical record in your response. If there are significant issues, contact your professional liability insurance carrier and inform a representative about the situation. If the issue directly affects patient care and you therefore have interactions with the patient, document all communication and follow-up in the medical record.

**03 Maintain Professionalism: Keep your tone professional and put the patient's needs first.** If you decide to respond, remember your response becomes part of your online reputation. Follow group practice guidelines if you're part of a group practice. Always maintain compliance with privacy laws and don't directly or personally attack the individual posting the comment. Attempt to move the discussion to a private forum with a response like, "I'm sorry you had this experience. I'd like to discuss it with you. Please contact my office."

### ONLINE PHYSICIAN REVIEWS REFLECT PATIENT EXPERIENCE, NOT MEDICAL CARE<sup>3</sup>



...yet **96%** OF PATIENT COMPLAINTS RELATE TO CUSTOMER SERVICE — especially communication and physician/staff interactions — not medical care

This report is presented as a courtesy by NORCAL Mutual Insurance Company. Our Risk Management Specialists are always ready to help policyholders with risk issues and to support practice changes that lower risk and improve patient safety.

## ABOUT NORCAL GROUP

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