Your Online Reviews and HIPAA Compliance

By Michael Dobkowski, Marc Haskelson and Lucia Magno
HIPAA and your online reputation!

Carrot vs. Stick

- What Patients think about HIPAA
- What you need to know!
When most physicians think of the Health Insurance Portability and Accountability Act (HIPAA), their immediate thought is a data breach. But they should also be keenly aware that they can violate the federal law simply by replying to a negative online review.
Michael Dobkowski
88% of consumers trust online reviews as much as personal recommendations

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We no longer live in a world where we control our brand identity. The consumer is your new ad agency...

Jeff Jarvis
Online reviews are important to health care organizations.

- 84% of consumers turn to review sites to find doctors.
- Practices have the obligation to protect this patient information
- Just because a patient posts a review does not give an organization the right to release patient specific information.
To De-Identify Patient Information You Must Remove All 18 Identifiers:

- Names
- Geographic subdivisions smaller than state (address, city, county, zip)
- All elements of DATES (except year) including DOB, admission, discharge, death, ages over 89, dates indicative of age
- Telephone, fax, SSN#, VIN, license plate #s
- Med record #, account #, health plan beneficiary #
- Certificate/license #s
- Email address, IP address, URLs
- Biometric identifiers, including finger & voice prints
- Device identifiers and serial numbers
- Full face photographic and comparable images
- Any other unique identifying #, characteristic, or code
Practices and organizations should not reply or post information that confirms the identity of a patient, the fact that they may have had service or comments regarding specific services.
If a patient discloses diagnosis in review responding to that could be a HIPAA violation for a physician.
In the HIPAA world what is the difference between reviews and testimonials?
You must have written consent to use a patient testimonial.
Physical therapist to pay $25,000 over unauthorized patient testimonials

Complete P.T. allegedly posted patient info without getting approval, a HIPAA violation.
Do’s

• Thank them for feedback.
• Keep it anonymous.
• Try and take it offline…with HIPAA compliant email system.
• Focus on the positive.
• Audit and streams from review software.

Dont’s

• Do not email/text a patient without consent.
• Do not alter content or repeat or use PHI.
Top Review Sites

- Google
- Healthgrades
- Yelp
- Vitals
- ZocDoc
Top Review Sites

Image Source: How patients use online reviews graphic - http://www.dentistryiq.com/articles
TOP Review Generation Software

- BirdEye
- Podium
- MDidentity

Review generation software should build your reviews organically not push into a system that sends them into a review site. This enables the software company to control an organization's review. Additionally, when people are looking for a doctor they go to review sites not software.
Features You Should Look For In A Review Software

• A method of collecting reviews into a central control panel.
• A method for getting alerts when reviews are posted.
• A method of requesting reviews after patient visits (email)
• Ability to not push bad reviews at review sites.
• Ability to push reviews to a dedicated reviews page on website.
What is the RULE with texting patients review requests?
Why Focus on Reputation Management?

• 84% of consumers turn to review sites to find doctors.
• 85% of consumers claim to read online customer reviews for local businesses.
• 37% of consumers use the internet to search for local business at least monthly.
• 65% of consumers prefer brands that have a plurality of good online reviews.
• 71% of consumers say positive reviews increase their trust of a business.

* As medical professionals you have worked to hard, stayed late, missed kids sports and countless hours of sleep to let people ruin your reputation.
Why is Google Important.

- Google is often the FIRST place RESEARCH starts.
- Google Indexing POWER is the best positioned.
- Reviews are placed in the KNOWLEDGE GRAPH on the first page for your brand NAME.
- Google is very TRUSTED and gets a huge amount of TRAFFIC. Not all search engines are CREATED equal.
- Better algorithm compared to YELP.
- A recent annual survey by SEO software company Moz attributed 10% of traffic value to reviews. The reviews hosted by Google became radically more relevant in the context of mobile search and local search with IP recognition.
What does your page 1 search engine results page look like?
Not being proactive is the worst thing you could do.
Marc Haskelson
Are you confident your healthcare providers protect your medical records? 

- 68% Not confident

Did your providers’ negligence cause or contribute to identity theft?

- 53% Yes, they caused or contributed to it.

68% of people surveyed are NOT confident that their doctors protect their information.
Easily Avoidable HIPAA Fines

- **Patient testimonials – $25,000**
  - Physical Therapy – posted testimonials on website w/out permission, failure to have updated policy and procedures

- **Press Release - $2,400,000**
  - Publish Press release including PHI w/out authorization, failure to have policy and procedures

- **Unauthorized Filming - $2,200,000**
  - 2 Patients filmed during a TV Show (NY Med) without authorization

- **Late breach notification - $475,000**
  - Did not notify OCR/patients within (60) days, – failure to have policy and procedures
HIPAA Compliance is **Good** for Business

- HIPAA compliance is *Legally REQUIRED*
- HIPAA = *marketing opportunity*.
- **Differentiate yourself** from your peers/competitors
  - online strategy
  - sales and marketing materials

HIPAA compliance as a **differentiator**

Fitbit Inc. – announces its HIPAA compliance, stock price soared (26%)
Questions?

855-85-HIPAA | 855-854-4722
info@compliancygroup.com
www.CompliancyGroup.com