

# 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

**Ophthalmology Management 2015**

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#s, 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.

# Lucia Magno

# Top Review Sites



- Google
- Healthgrades
- Yelp
- Vitals
- ZocDoc





# Top Review Sites

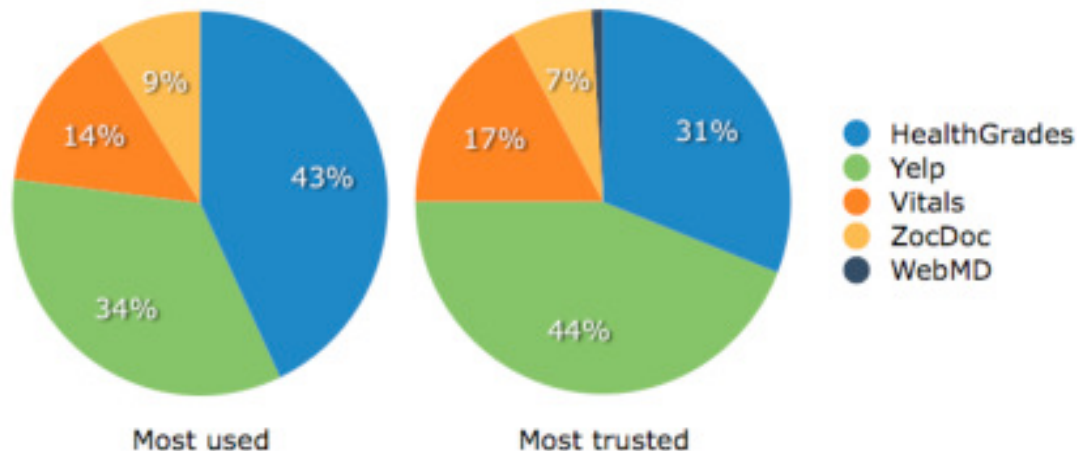


Image Source: How patients use online reviews graphic - <http://www.dentistryiq.com/articles>

# 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 organizations review. Additionally when people are looking for a doctor the 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?

# Michael Dobkowski

# 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.

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Dr. Mark Whitten is a board-certified ophthalmologist and Medical Director of Whitten Laser Eye.

Dr. Whitten has practiced ophthalmology in the Washington, DC ...

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[www.whitten-lasik.com/charlotte-hall/meet-dr-whitten.htm](http://www.whitten-lasik.com/charlotte-hall/meet-dr-whitten.htm) •

Dr. Mark Whitten→ is widely recognized as one of the nation's leading LASIK eye surgeons. ... In addition to doing LASIK eye surgery he performs general ophthalmology services, cataract surgery and the implantable contact lens procedures using the new Visian ICL. ... Dr. Mark Whitten ...

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[www.drmarkwhitten.com/](http://www.drmarkwhitten.com/) •

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[www.healthgrades.com](http://www.healthgrades.com) › ... › Maryland (MD) › Charlotte Hall •

★★★★☆ Rating: 3.8 - 4 votes

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[www.eyedoctorreview.com/browse/whitten-laser-eye/dr-mark-whitten/index.html](http://www.eyedoctorreview.com/browse/whitten-laser-eye/dr-mark-whitten/index.html) •

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Dr. Mark Whitten, MD, offers LASIK, cataract surgery and general eye care at Whitten Laser Eye to patients in Southern Maryland, and surrounding areas.

[Dr. Mark Whitten, MD - Ophthalmologist in Charlotte Hall, MD - Vitals](#)

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Dr. Mark Whitten, MD, Patients' Choice Award, Compassionate Doctor Recognition, rated 5/5 by patients. 16 reviews, Phone number & practice locations, ...

What does  
your page 1  
search engine  
results page  
look like?



**Not being proactive is the  
worst thing you could do.**

# Marc Haskelson

# How Do Patients Feel About HIPAA?

Are you confident your healthcare providers protect your medical records?



▪ *Not confident*

Did your providers' negligence cause or contribute to identify theft?



▪ *Yes, they caused or contributed to it.*

[http://medidfraud.org/wp-content/uploads/2015/02/2014\\_Medical\\_ID\\_Theft\\_Study1.pdf](http://medidfraud.org/wp-content/uploads/2015/02/2014_Medical_ID_Theft_Study1.pdf)

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?



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