Damage Control: Dealing with Online Patient Complaints

As the first medical professional liability insurer to establish a patient safety department, The Doctors Company remains the leader in developing innovative tools that can help you reduce risk and keep your patients safe.

Although the Internet provides a plethora of useful information, it becomes problematic when patients post unfavorable opinions about physicians and/or their services. It is very difficult to prevent negative comments from being posted to a blog or online message board. It can be equally difficult to obtain a retraction or have a negative comment removed once it has been posted.

Even if you can find the person posting the negative comments and persuade him or her to stop, the existing comments remain in the public domain and might even be perpetuated inadvertently or intentionally by others. As we have all come to appreciate, it is difficult to completely eradicate comments once they are on the Internet.

There is no easy remedy.
We frequently receive requests from members asking for information on how they can hold patients accountable for posting negative comments. It is common for physicians to ask for insurance coverage or want us to provide an attorney to pursue a defamation case—even though no malpractice is involved.

If you are considering pursuing a defamation suit, you might need to retain private counsel to assist you. Proving damages and recovering them from a former patient can be a difficult and expensive undertaking.

Keep in mind that many lawyers are not interested in prosecuting these types of claims. Both federal and state courts have repeatedly held that individuals and Internet Service Providers are protected by the First Amendment in exercising their right to free speech.

Some physicians hire reputation management companies. The companies might promise to remove negative posts, but this claim can be misleading. It’s more likely that the search engine results will be manipulated to move the posts further down in the result pages.

Feedback can be constructive.
One study indicated that 88 percent of the comments posted about physicians are positive. The remaining 12 percent may appear disproportionately hurtful and vindictive, but negative feedback also creates an opportunity for a physician to become a better practitioner or improve the practice.

Consider conducting your own research to determine how the negative comments have affected the practice. Have patients left the practice? Is the patient load decreasing? Do patients call about or comment on the negative posting? Answering these questions will provide reliable evidence to help you determine if there are areas within your practice that could be improved.

Patient safety tips to help you guard your reputation.
- Discuss with all new patients your commitment to answer their questions and keep them informed.
- Allow patients to have a voice by conducting patient satisfaction surveys. Discuss the survey results in regular staff meetings, and address any patient concerns.
- Consider posting in the patient reception area or treatment rooms select survey results and your actions to improve.
- Ensure that you and your staff communicate with patients and family members in a respectful and friendly manner. When patients have a positive experience with the practice, they are likely to tell others, and when patients in a community consistently rave about a physician, negative postings tend to lose their intensity.
- Consider sending a letter to new patients after their first visit, thanking them for choosing the practice and hoping to see them in the future.
- Do not respond to a negative post. Responding might draw more attention to it.
- If you want to write off all or part of a dissatisfied patient’s fee, contact your patient safety/risk manager for help evaluating the situation from professional liability and compliance standpoints.
If there is any demand for money from a dissatisfied patient, contact your claims representative immediately.

**Additional Resources**

For more about blogs and rating and review sites, read “The Internet: Friend or Foe to Physicians” under Communication at www.thedoctors.com/articles.

A sample patient satisfaction survey is provided on our Patient Safety page at www.thedoctors.com/patientsafety.

Avoid potential liability risks associated with new technologies by visiting our Electronic Health Record and Telemedicine Resource Center at www.thedoctors.com/ehr.

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**Reference**