

Root Cause

IN THIS CASE: The HHS Office for Civil Rights received a complaint that a dental practice impermissibly disclosed protected health information (PHI) via responses to online reviews from patients.



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The Allegations

The complainant alleged that the dental practice and its owner habitually disclosed PHI when responding to patient social media posts about their experiences at this practice. The information alleged to have been disclosed included the full names of patients and detailed information about patient visits. This practice is illegal under HIPAA.

Findings

The Office of Civil Rights investigated and found the following conduct:

1. The dental practice impermissibly disclosed PHI.
2. The dental practice failed to have the minimum content required in its Notice of Privacy Practices.
3. The dental practice failed to implement policies and procedures concerning PHI, including releasing PHI on social media/public platforms.

The Outcome

The dental practice entered into a voluntary resolution agreement with HHS, which included accepting a fine of \$23,000 and implementing a corrective action plan.



Risk Management Pointers

This case reminds us of the following:

- **The importance of following the law.** Under HIPAA, providers must not disclose PHI of their patients when responding to negative online reviews.
- **PHI must be appropriately safeguarded.**
- **Resist the urge to hastily respond to a negative online review which can be overwhelming.** Instead, consider why a patient felt compelled to post a negative review. Then, view it as an opportunity to explore and enhance your office protocols and communications and reflect on whether changes can be made which would have prevented this from happening in the first place.
- **You should know before they resort to a public website to post a negative review that patients are unhappy with their care in your office.** If you don't, there may be room for improvement in your office communication protocols.
- **Immediately try to move any online dispute offline.**
- **Sometimes the most effective response is "no response." Suppose you feel compelled to respond to an online review.** In that case, the response should be a "neutral" statement about your practice and its commitment to quality care without directly addressing the patient or their grievance.

Contact our Risk Management Department for additional advice in handling negative online reviews!

Does your online reputation need some work?
See how you stack up by using [this free resource](#)
to evaluate your practice's online performance!