

THE ADVISOR

MONTHLY COMPLIANCE COMMUNICATOR

HIPAA and Online Reviews: What Your Practice Needs to Know

IA digital presence is essential for maintaining a thriving business, and healthcare practices are no exception. For patients seeking a healthcare provider, they use search engines, your website, and online review sites to understand more about you and your practice. Ninety-three percent of patients consider online reviews in their decision-making process of finding a new provider. Online reviews can help patients gauge your communication skills, quality of care, or previous patient satisfaction. What are the best practices around responding to these online reviews? Or should you not respond at all?

HIPAA Rules for Online Reviews

While the consensus for most businesses is to publicly respond to online reviews, healthcare professionals are limited in what they can communicate in a public forum due to HIPAA.

Even though HIPAA doesn't prohibit healthcare professionals from responding to online reviews, it does apply to the content of the response and a patient's privacy. Responses **cannot** include any of the patient's protected health information (PHI), **even if** the patient has revealed their own personal information.

PHI refers to any information relating a patient's past, present, or future:

- Physical or mental health condition,
- Health care provided,
- Payment of health care.

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The US Department of Health and Human Services (HHS) has 18 common health information identifiers that can't be included online as part of the HIPAA Privacy Rule. Click to view the full list.

Recent HIPAA Violations Regarding Online Reviews

There have been cases in recent years of HIPAA violations relating to responses on online reviews and revealing PHI.

In 2019, Elite Dental Associates was fined \$10,000 for disclosing a patient's name, details of their health condition, treatment plan, insurance, and cost information in response to a negative online review.

In 2021, a dental practice in North Carolina disclosed a patient's PHI in response to a negative online review. The practice did not respond to OCR's data request or the administrative subpoena and waived its rights to a hearing by not contesting the findings in OCR's Notice of Proposed Determination. OCR imposed a \$50,000 civil money penalty.

In 2022, New Vision Dental in California, disclosed PHI in a response to an online review. A settlement was reached that included payment of a \$23,000 fine and adherence to a Corrective Action Plan by the OCR for two years.

Monitoring Online Reviews

A third of patients have posted an online review of their healthcare provider in the last year. Ensure your practice is monitoring reviews on third-party websites. Below is a list of the top go-to places to find patient reviews:

1. Google/search engine
2. Your practice's website
3. Facebook
4. Yelp
5. WebMD
6. Healthgrades
7. Rate MDs

By keeping an eye on the reviews of your practice, you can gauge the kind of feedback your practice garners. Even with negative reviews, patient retention and maintenance of your online reputation are possible. Sixty-four percent of patients claimed that they would go back to a practice if the practice addressed a negative review.

The Do's and Don'ts of Responding

While healthcare practitioners know that online reviews are inevitable, most don't have a plan in place for how to respond in a HIPAA-compliant way.

What to do:

- Have established policies and procedures to ensure HIPAA-compliance in responses to online reviews and social media.
- Limit who has access to respond to online reviews.
- Report negative reviews to the Privacy/Security Officer, or Office Manager.
- **Check the rule of the Malpractice Insurance** your practice uses – some forbid responses to any reviews.
 - If able to reply:
 - use a generic template response for consistency and ask to take the conversation offline.
 - Example template for negative reviews: We appreciate your feedback and are committed to providing the best patient care. Due to federal regulations, complaints cannot be addressed online. If you have had a negative experience with our practice, please contact us at [phone number]/[email]. We would love the opportunity to discuss and resolve your issue.
 - Example template for positive reviews: Thank you for leaving us a positive review and sharing your feedback with us and the community. We are pleased to hear you had a positive experience!

What not to do:

- Don't acknowledge that the reviewer is a patient at your office or disclose any information about them. Even if the reviewer discloses personal information as it relates to their experience with your practice, you do not have permission to disclose, or even acknowledge, any patient information in the response.
- Don't respond immediately. Follow your online review process for how to respond appropriately to remain HIPAA-compliant.
- Don't forget to ask for reviews. Soliciting online reviews to your practice while patients are in-office can help garner positive reviews and build your online reputation. It also opens up an in-person conversation for feedback before a potentially negative review is written.
- Don't ignore criticism. You can look at a review from a patient's perspective to determine if your office can do anything differently.

While HIPAA regulations can make the process of replying to online reviews more challenging, don't let that intimidate you from not responding at all. By creating and following your office's online review response plan, you can make sure that your office stays compliant when engaging with your online audience.

It's Your Call

HIPAA: How do I ensure HIPAA Compliance in patient communication on social media direct messaging?

Social media platforms such as Facebook, Twitter, Instagram, and LinkedIn have become powerful tools for healthcare organizations to engage with patients and provide valuable health-related information. However, healthcare professionals must exercise caution when responding to patient private messages on these platforms to ensure compliance. HIPAA regulations mandate strict standards for protecting patient privacy and confidentiality, making it essential for healthcare providers to adopt appropriate measures when navigating social media direct messaging interactions with patients.

Educate Your Staff

One of the critical steps in maintaining HIPAA compliance is ensuring that all healthcare staff members are well-informed about the regulations pertaining to patient privacy and social media usage. Assigning one member of your organization to respond to social media direct messages allows for more control of your approved messaging.

Direct Communication Channels

To foster secure and confidential communication, patients should be encouraged to utilize direct and private channels, such as the patient portal for any medical inquiries or personal information sharing. Emphasize the importance of these secure channels for sensitive discussions to avoid potential breaches of patient privacy.

Disclaimers

Adding a clear and concise disclaimer on all social media profiles is crucial in setting the right expectations for patient communication. The disclaimer should state that social media direct messaging platforms are not appropriate channels for discussing specific medical concerns or disclosing personal health information. Instead, patients should be directed to utilize secure communication methods for such matters.

Monitor and Moderate

Active monitoring of social media channels is vital in promptly identifying any messages that may pertain to patient information. Regularly review messages to ensure that patient privacy is not compromised. If any content violates HIPAA regulations, remove it promptly and address the situation according to the organization's policies.

Secure Social Media Accounts

To minimize the risk of unauthorized access, ensure that all social media accounts associated with the healthcare organization have robust security settings. Regularly update

passwords and review the access privileges of staff members to prevent any potential breaches of patient information. This is important due to staff turnover. Access audits should be done routinely.

OSHA: Is there really an uptick with Sars-CoV-2 transmission?

Yes. The Centers for Disease Control (CDC) is reporting a 17.3% increase with the prevalence of Eris, a subvariant of Omicron. Common symptoms include a runny or stuffy nose, headache, fatigue, sneezing, sore throat, coughing, and changes to sense of smell.

Although the positive rates pale in comparison to the percentages in 2020, healthcare providers (HCP) will be at a greater risk for potential exposures from asymptomatic or pre-symptomatic patients with SARS-CoV-2 infection. Monitor the community spread and consider implementing broader use of respirators and eye protection by HCPs during patient care encounters. Source control recommendations can be found by clicking [here](#).

Ensuring X-Ray Safety: A Closer Look at OSHA Standards and Portable X-Ray Systems

In healthcare, one of the foremost priorities is ensuring a safe environment for both patients and practitioners. A critical part of diagnosing and treating various conditions in healthcare is the use of X-rays. With this usage comes potential hazards of X-rays and guidelines to maintain safety within a healthcare practice.

The Occupational Safety and Health Administration (OSHA) dictates guidelines and ensures a safe environment for everyone involved in X-ray procedures. This article provides a review of OSHA's standards for dental X-ray safety, the impact of these standards, and the transformative role played by technologies like the NOMAD portable X-ray system. Bear in mind that individual state laws may also dictate additional rules on X-ray usage, which healthcare practices must follow.

Understanding X-Ray Safety

Dental X-rays use ionizing radiation to produce images of the teeth and jaw to evaluate oral health. Despite the benefits of X-rays, excessive or prolonged exposure can potentially harm body tissues and DNA, leading to serious health concerns like cancer.

Therefore, it's of utmost importance that healthcare providers are well-versed in dental X-ray safety protocols. These protocols safeguard not just the patients undergoing X-ray examinations but also the healthcare personnel operating the equipment.

OSHA Standards for X-Ray Safety

OSHA has developed standards and guidelines to mitigate the potential hazards of radiation. The primary regulation, OSHA X-ray Standard 1910.1096, provides directives on controlling and labeling radiation areas, training personnel on safety practices, using protective gear, and permissible exposure limits.

These guidelines continually evolve with scientific advancements and technological progress. Hence, staying updated with the latest protocols is essential to maintaining dental X-ray safety.

The Importance of OSHA Standards

OSHA's X-ray standards play an instrumental role in preserving a safe healthcare environment. They ensure that everyone involved is aware of the risks tied to radiation usage in a dental practice and the precautions needed to mitigate exposure. These standards provide a consistent safety practice blueprint across the healthcare sector. Compliance with OSHA X-ray standards is not just about safety—it's a legal obligation and failure to comply can result in monetary penalties.

The Role of Technology: Portable X-Ray Systems

Healthcare technology continues to bring forth cutting-edge tools like portable X-ray systems. Handheld X-ray devices offer many safety and operational advantages from traditional stationary X-ray units.

The portability of these systems can be a more convenient X-ray procedure, reducing patient movement and lessening the need for healthcare workers to remain in proximity during the procedure. Consequently, this can curtail potential X-ray exposure, aligning perfectly with OSHA's objectives of minimizing ionizing radiation exposure.

However, it's crucial to remember that rules for portable X-ray devices can vary by state. Therefore, healthcare facilities must fully understand and strictly comply with their state-specific guidelines concerning the use of such devices. Each state's regulations on portable X-ray can be found [here](#).

Conclusion

The utilization of dental X-rays calls for careful and safe handling. Strict adherence to OSHA's dental X-ray safety guidelines, combined with the optimal use of cutting-edge technology like portable X-ray systems, can help us mitigate potential risks and establish a safe haven for both patients and healthcare providers.

Is your team proficiently trained in dental X-ray safety? Are you in compliance with all OSHA X-ray standards and your state-specific regulations? If you're unsure of the answer to these questions, consider investing time in our X-ray safety course.

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Instructions

Print and post newsletter in office for staff review. Each member should sign this form when completed. Keep on file as proof of training on these topics.

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