

When Doctors and Patients Troll Each Other, PHI Protection Suffers

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A lot of good things are happening in healthcare in the name of transparency. Rating systems, usually in the form of a designated number of stars, are now being assigned by the public to hospitals, physicians, and nursing homes. And it's become easier for consumers to comparison shop when they need a knee replacement. As healthcare becomes more retail-centric, providers have had to accept that they are not immune from public scrutiny in social media channels and public rating websites like Yelp or RateMDs.

However, patients and providers have found themselves wiping egg from their faces as online reviews from both sides have taken a very personal—and HIPAA-violating—turn.

An investigation by the news organization [ProPublica](#) revealed numerous examples of physician responses to [Yelp reviews that revealed](#) protected health information (PHI) about the patients who wrote poor reviews.¹ In one case a patient wrote a negative review of a dentist office encounter on Yelp, and the dentist's Yelp-based response revealed portions of the patient's health history and diagnosis. The US Department of Health and Human Services Office for Civil Rights is investigating the dentist.

The Federal Trade Commission (FTC) recently settled a case between the electronic health record (EHR) vendor Practice Fusion over several cases in which the vendor asked users to write reviews about their physicians and services. Patients were happy to respond to the requests, but some did so without realizing their reviews would be made public. According to the [FTC complaint](#), warnings that patient responses would be in the public domain were inadequately placed, leading patients to disclose procedures like a wart removal and diagnoses such as yeast infections with their full names in view.²

Efforts to seek feedback from patients can mean more accountability in the healthcare system, but if not handled wisely, physicians could soon find themselves performing removal-of-foot-from-mouth procedures.

Notes

1. Ornstein, Charles. "Stung by Yelp Reviews, Health Providers Spill Patient Secrets." *ProPublica*. May 27, 2016. www.propublica.org/article/stung-by-yelp-reviews-health-providers-spill-patient-secrets.
2. Federal Trade Commission. "Complaint: In the Matter of Practice Fusion, Inc." www.ftc.gov/system/files/documents/cases/160608practicefusioncmpt.pdf.

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