

# In Depth: Dispatches from the Review Wars: Part II

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## 10 tips for managing your online reputation | *Plastic Surgery Practice* August 2014

By William Payton and Alayna Zayas

Think twice before suing your patients for posting negative online reviews. This was the main takeaway message from the federal court's recent ruling in *Loftus v Nazari*, but this doesn't mean you don't have other options.

The one thing you can't do is nothing. Doctors who simply ignore review sites are in for a rude awakening. Scores of patients now view and post on sites such as RealSelf, Yelp, Vitals.com, and RateMD, making these sites game changers in the elective surgery marketplace. A *Harvard Business School Review* article published in September 2011 found that a decline of just one star on sites like Yelp can diminish a business's revenue by nearly 10%.

Here are 10 expert-approved tips to help you regain control of your online reputation:

### 1. AVOID "RED-FLAG" PATIENTS

It has always been important to screen for bad candidates, but the advent of online reviews has made it all the more important. "As long as you have not accepted the patient, you don't have to worry about dismissing them," explains Jay Shorr, BA, MBM-C, CAC I-IV, the founder and managing partner of The Best Medical Business Solutions, a South Florida-based medical practice consulting firm. "Have they asked you to do something that [another surgeon] has refused to do? Have they filed a lawsuit with another physician? If so, stay away from them."

### 2. BETTER YOUR BEDSIDE MANNER

Surgeons are not perfect, and sometimes they need only look in the mirror to see why they are receiving bad reviews, says Joseph Niamtu III, DMD, a Midlothian, Virginia-based cosmetic facial surgeon. "If people feel ignored or blown off, that's when they get angry," he explains. In contrast, those surgeons who bend over backward to cater to their patients' needs usually get positive reviews online. Niamtu recommends giving patients a means to vent—other than a review site. Training your office manager and staff to work with patients to resolve the problem can go a long way.

### 3. LEARN FROM YOUR REVIEWS

Pay close attention to what reviewers are saying, and try to address their concerns. Look for patterns in your reviews. If you see a lot of people mentioning long wait times, a poor bedside manner, dirty bathrooms, or another issue, do everything to eliminate the problem.

### 4. ASK AND YE SHALL RECEIVE

Most online reputation experts agree that you should actively encourage happy patients to post reviews. "What if all the wonderful happy patients didn't write in, but all the ones with bad results did? Even if the doctor was recommended to you, you might think your friend was the lucky one," Shorr says.

"The number of stars are contingent on the number of reviews," he explains. "The way to [address this] is to get more positive reviews that will offset the negative ones." He even recommends making an iPad or similar device available. Left to their own devices (literally), only 20% of satisfied patients fill out reviews; but up to 80% will complete the process if prompted in person at the practice, Shorr says.

### 5. REACH OUT OFFLINE

Reach out to unhappy patients offline to resolve their complaints in a civil manner. Both Niamtu and Shorr recommend that you sympathize with dissatisfied patients. In some cases, it's even OK to apologize. Most complaints posted on review sites have to do with relatively innocuous issues like scheduling or being put on hold. There's nothing wrong with saying you're sorry and working through such problems. Niamtu even gives patients his cell phone number, and offers to explain certain issues to them over the phone.

## 6. RUN IT UP THE FLAGPOLE

Nearly every online review site has a mechanism to report defamatory or unreasonable posts, and most will remove posts that are deemed vitriolic or ranting. "In my experience, the best way to deal with this problem is to have an attorney review the Terms of Use of the site in question where the review has been posted," says Wendy Lewis, founder of Wendy Lewis & Co Ltd Global Aesthetics Consultancy. "If the poster has violated any portion of the Terms of Use even slightly, you have a reasonable chance of having it removed."

## 7. OUTSOURCE YOUR ONLINE REP

Consider hiring a reputation management firm to help. Some specialize in medicine, while others offer their services to professionals in any industry. A good firm will be able to help you track down problem reviews.

## 8. IDENTIFY ANONYMOUS POSTERS

In today's wired world, physicians should expect one or more negative online reviews from anonymous users. "The busier your practice is, the more patients you treat, the more likely you are to get some bad reviews. It is a numbers game," Lewis says. "Similarly, the more successful you are and the bigger you become, there will always be someone eager to knock you down a few pegs."

While federal laws do not allow doctors to successfully sue host websites (eg, Yelp, RateMD) for defamation, doctors may be able to subpoena the host to reveal the identity of the anonymous reviewer. The host website may try to block the subpoena, but when a posting is truly defamatory, the courts will generally require the website to reveal the identity of the anonymous reviewer.

Even if the subpoena fails, there is usually no need to panic about an anonymous review. "I believe that consumers are becoming savvier to these tactics, and will dismiss obviously planted negative reviews for what they are—a feeble attempt by a jealous competitor, an aggressive SEO company, or a disgruntled employee or spouse to take their revenge out anonymously online," Lewis says.

## 9. SEND A "CEASE AND DESIST" LETTER

Most often, a physician's true objective is not to win a lawsuit, but simply to have the defamatory material taken down. Richard M. Escoffery, an Atlanta-based attorney, recommends pursuing other "lesser" legal options to accomplish this goal. For example, a "cease and desist" letter may work. "Patients often act on emotional impulse when they post a defamatory review. Once they are contacted by a lawyer and put on notice of the claims the practice has against them, however, reason usually prevails. Once patients understand their potential liability, they will often voluntarily remove the posting."

If the physician has exhausted all other options and the negative reviews have the potential to cause the physician serious harm—ie, ruin his/her reputation—then filing a lawsuit may be the only option. "In limited circumstances, doctors can successfully sue those who post negative reviews," he says.

## 10. TURN THE PAGE

The best way to win the review game is to treat all patients like family and garner as many positive reviews as possible, Niamtu says. "When a negative one comes along, sometimes you simply have no choice but to move on and try to do better."

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