

## Health Insights

### How medical practitioners can manage negative online reviews

Patients are increasingly using social media to post anonymous reviews and ratings about medical services they have received, both good and bad. Thankfully, most are positive. However, a critical review can be distressing for the practitioner and has the potential to damage reputation despite a bad review being just a scintilla of evidence as to a practitioner's skill.

Some medical practitioners have chosen to take posters of "fake news" on by filing defamation proceedings to combat a negative online review and preserve their reputation and business.

In 2017, a prominent Melbourne dentist took defamation action against a patient who posted a scathing online review, including a hostile personal attack on the dentist. The practice has more than 65,000 patients and the defamatory imputations were purported to have been available to more than 700 people reviewing the website on a daily basis.

A Sydney plastic and reconstructive surgeon with a stellar reputation sued a former patient for defaming him with "plainly untrue" allegations in online reviews, including that he had charged her for a service he had not performed. Research into the effects of the defamatory imputations revealed that site traffic dropped by almost 25 percent in the week following the review. The Supreme Court ordered that the patient pay damages of \$530,000 and all the practitioner's legal fees incurred during the lengthy legal stoush.

If you receive an adverse online review, there are a number of options for dealing with the problem. You can:

- Do nothing; most negative comments are not worth responding to online and are likely to inflame the situation. You also need to be careful not to breach patient confidentiality.
- Try to identify the patient and consider contacting the patient directly to discuss their concerns. Be responsive, caring and demonstrate a willingness to work with the patient to see if the problem can be rectified.
- Utilise the website policy for removal of posts.
- Send a letter to the patient and/or website proprietor requesting removal of the post and/or threatening the commencement of defamation proceedings.
- Commence defamation proceedings.
- You can seek advice from your medical defence organisation about your proposed response.

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While negative reviews can be upsetting, they can also provide the opportunity for self-reflection and improvement.

**This article was written by Special Counsel Claudine Watson-Kyme. Please contact her if you have any questions or would like more information.**



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