



Wilkey Legal Consultants, LLC

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The Yelp Quandary for Physicians: Maintaining HIPAA and Rebutting False or Inaccurate Patient Reviews

A number of recent [articles](#) and [reports](#) have highlighted how the very well-known review website Yelp, has now become the primary source for online physician reviews. In fact, as of 2015, there were approximately [300,000](#) reviews of physicians on Yelp, the vast majority occurring during the course of the past two years.

From a consumer and patient perspective, Yelp serves an important purpose, but with respect to physicians and the maintenance of their online presence, practice reputation and good-will of their business practice groups, hospitals, and other health care providers, the onset of Yelp as a medium by which to post, review, and otherwise obtain online physician reviews puts such health care professionals and health care entities at odds with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. § 300gg and 29 U.S.C § 1181 *et. seq.* and 42 USC 1320d *et. seq.* HIPAA is the foremost privacy law relating to the privacy and confidentiality of patient's medical information, where the primary [goal](#) "of the Privacy Rule is to assure that individuals' health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well being."

In instances where a patient or consumer of health care services posts a false or inaccurate review, physicians are faced with a number of ethical, professional responsibility, and other practice dilemmas where either advising Yelp of the basis of such false or inaccurate reviews by a patient, or publicly seeking to rebut or otherwise respond to such reviews, could constitute a violation of the relevant HIPAA provisions subjecting physicians to significant fines, penalties, and liabilities. In fact, Yelp's [own](#) policies, guidelines, and procedures, require that businesses experiencing a false or defamatory review, to not only report it, but to also "include any information that our moderators can independently verify" and "business owners should also feel free to use their business accounts to publicly or privately respond to any inaccuracies in the review." As such, it is apparent that Yelp needs to modify its practices and procedures with respect to physician reviews, possibly allowing for an internal dispute review process that

balances the interests of consumers and patients, while allowing physicians and health care providers the ability to adequately maintain their independent HIPAA duties and obligations.

About Us

Mr. Wilkey holds a BA/MPP from Brigham Young University and a JD from the University of Iowa College of Law, and has over a decade of experience with class action, mass tort, and complex civil litigation. Mr. Wilkey is a strong advocate for labor and employment rights of medical residents, including providing employment based support to medical residents for claims and grievances before the Accreditation Council for Graduate Medical Education (ACGME), the effectuation of maximum hour legislation, whistleblower protection and employment based reforms for medical residents and health-care professionals

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Robert N. Wilkey, Esq., MPP
Wilkey Legal Consultants, LLC
Eagleview Office Plaza
600 Eagleview Blvd., Suite 300
Exton, PA 19341
www.robertwilkey.com
Toll Free Number: (888) 598-1112
Local Number: (610) 465-7393
Facsimile: (484) 698-7961

For General Inquiries Email us at: info@robertwilkey.com