

Docs seek gag orders to stop patients' reviews

AP Associated

By LINDSEY TANNER, AP Medical Writer
Wed Mar 4, 12:14 am ET

CHICAGO – The anonymous comment on the Web site [RateMDs.com](#) was unsparing: "Very unhelpful arrogant," it said of a doctor. "Did not listen and cut me off, seemed much too happy to have power (and abuse it!) over suffering people." Such reviews are becoming more common as consumer ratings services like Zagat's and Angie's List expand beyond restaurants and plumbers to medical care, and some doctors are fighting back.

They're asking patients to agree to what amounts to a gag order that bars them from posting negative comments online.

"Consumers and patients are hungry for good information" about doctors, but Internet reviews provide just the opposite, contends Dr. Jeffrey Segal, a North Carolina neurosurgeon who has made a business of helping doctors monitor and prevent online criticism.

Some sites "are little more than tabloid journalism without much interest in constructively improving practices," and their sniping comments can unfairly ruin a doctor's reputation, Segal said.

Segal said such postings say nothing about what should really matter to patients — a doctor's medical skills — and privacy laws and medical ethics prevent leaving doctors powerless to do anything it.

His company, Medical Justice, is based in Greensboro, N.C. For a fee, it provides doctors with a standardized waiver agreement. Patients who sign agree not to post online comments about the doctor "his expertise and/or treatment."

"Published comments on Web pages, blogs and/or mass correspondence, however well intended, can severely damage physician's practice," according to suggested wording the company provides.

Segal's company advises doctors to have all patients sign the agreements. If a new patient refuses, the doctor might suggest finding another doctor. Segal said he knows of no cases where longtime patients have been turned away for not signing the waivers.

Doctors are notified when a negative rating appears on a Web site, and, if the author's name is known, physicians can use the signed waivers to get the sites to remove offending opinion.

RateMD's postings are anonymous, and the site's operators say they do not know their users' identities. The operators also won't remove negative comments.

Angie's List's operators know the identities of users and warn them when they register that the site will share names with doctors if asked.

Since Segal's company began offering its service two years ago, nearly 2,000 doctors have signed up. In several instances, he said, doctors have used signed waivers to get sites to remove negative comments.

John Swapceinski, co-founder of RateMDs.com, said that in recent months, six doctors have asked him to remove negative online comments based on patients' signed waivers. He has refused.

"They're basically forcing the patients to choose between health care and their First Amendment right and I really find that repulsive," Swapceinski said.

He said he's planning to post a "Wall of Shame" listing names of doctors who use patient waivers.

Segal, of Medical Justice, said the waivers are aimed more at giving doctors ammunition against Web sites than against patients. Still, the company's suggested wording warns that breaching the agreement could result in legal action against patients.

Attorney Jim Speta, a Northwestern University Internet law specialist, questioned whether such lawsuits would have much success.

"Courts might say the balance of power between doctors and patients is very uneven" and that patients should be able to give feedback on their doctors' performance, Speta said.

Angie Hicks, founder of Angie's List, said her company surveyed more than 1,000 of its consumer members last month, and most said they had never been presented with a waiver; 3 percent said they would sign one.

About 6,000 doctors reviewed on the Angie's List site also were asked to comment. Only 74 responded and about a fifth of them said they would consider using them.

Lenore Janecek, who formed a Chicago-based patient-advocacy group after being wrongly diagnosed with cancer, said she opposes the waivers.

"Everyone has the right to speak up," she said.

While she's never posted comments about her doctors, she said the sites are one of the few resources patients have to evaluate physicians.

The American Medical Association has taken no position on patient waivers, but President Dr. Nancy Nielsen has said previously that online doctor ratings sites "have many shortcomings."

Online doctor reviews "should be taken with a grain of salt, and should certainly not be a patient's sole source of information when looking for a new physician," she said.

Dr. Lauren Streicher, a Chicago gynecologist, got a glowing recent review on Angie's List, but also remembers a particularly snarky rating from a patient angry about getting brisk treatment after arriving minutes late to her appointment.

She said she sympathizes with doctors who ask patients to sign a waiver.

Streicher said she has seen shoddy doctors praised online who she would not trust "to deliver my mate much less my baby." Conversely, bad reviews can destroy good doctors' careers, she said.

"Are there bad doctors out there? Absolutely, but this is not a good way to figure it out," Streicher said

—

On the Net:

Medical Justice: <http://www.medicaljustice.com>

Angie's List: <http://www.angieslist.com>

RateMDs: <http://www.ratemds.com>

Copyright © 2009 The Associated Press. All rights reserved. The information contained in the AP News report may not be published, broadcast, rewritten or redistributed without the prior written authority of The Associated Press.

Copyright © 2009 Yahoo! Inc. All rights reserved. [Questions or Comments](#) • [Privacy Policy](#) • [Terms of Service](#) • [Copyright Policy](#)