



## Using Education as an Occupational Health Marketing Tool

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As marketing initiatives become increasingly self-serving, it behooves an urgent care clinic to differentiate itself by “playing the education card.”

### Why Education?

Many employer decision-makers are still strikingly naïve about the value of a well-integrated, proactive approach to their company’s health and safety activities.

Educational information does not come off as self-serving and is perceived as a “kinder and gentler” form of marketing. In our information-saturated world, it is imperative to find a way to stay in front of prospects in an unobtrusive, yet memorable manner. Education can do this.

An urgent care clinic that positions itself as an educator inevitably is also viewed as an expert—an important image to foster.

### Live Seminars

Although invariably there is intrinsic value in providing such programs, seminars’ value vis-à-vis their opportunity cost is often questionable. Seminars consume scarce financial and human capital—capital that may generate a greater return to an urgent care clinic if expended on other activities, such as direct sales or targeted mailings.

Offering live seminars, however, can be valuable under certain circumstances, such as:

- if your clinic is a recent entrant to the occupational health market
- if your clinic is far from the occupational health market leader and needs attention



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- if there is a hot new topic (e.g., a new federal or state regulation).

Should your clinic develop a seminar, remember the following:

- Ask prospective participants what they want to learn about, rather than assume that you know. Educational session topics should be market driven.
- Offer the seminar at a hotel, restaurant, or conference center. We have found that midweek, morning sessions tend to be well attended.

*“Providers of occupational health services are, by definition, educators.”*

- Forget the “if it is free, they will come” maxim. Charge enough to cover expenses and create a perception of value. When I am invited to a “free” investment seminar, I never attend because I assume that the session is little more than a thinly veiled sales pitch. Your clients/prospects are likely to feel the same way.
- Go first class. Find an attractive venue; offer quality food service and recruit knowledgeable, engaging speakers.
- Publicize the event well in advance and through multiple modalities. Use direct mail, e-mail blasts, calls to prime prospects, and even radio spots in appropriate markets. A big turnout makes your program look good; a dismal one has the opposite effect.
- If need be, throw it into fifth gear. If attendance looks disappointing a week out, do something about it.

### Emerging Educational Tools

E-mail is a rapid, low-cost mode of communication. Yet,

## OCCUPATIONAL MEDICINE

there is a thin line between using e-mail to your advantage and irritating prospects with “spam.” Your clinic is less likely to overstep the boundary if your e-mail messages are educational in nature. Prospects are much more likely to open and read e-mail—and to remember the sender (a central marketing principal)—if they feel they will learn something.

Here are some basic rules:

- Your clinic is likely to see greater benefits if you e-mail a brief (i.e., a few sentences) “educational piece” once a week than if you send a lengthy message twice a year. The secret of effective mass communication? Keep it simple and keep repeating it.
- Offer tangible “to do’s” (e.g., track consecutive workdays without a reported work injury by posting the number of days in a prominent location) rather than trivial facts or meaningless statistics. Make your prospects want to forward your e-mail to other colleagues within or outside of their company.
- Aggressively build your e-mail address book. Marketing is a numbers game—if you have 1,000 email addresses rather than 500, you reach twice as many people, and it won’t cost you any more.

### Website Strategies

Many urgent care clinic websites tend to be one-dimensional and inherently fact-based. Use your website as an educational tool; with the right approach, doing so may not even add much additional effort or cost.

For example, our company e-mails a “Tip of the Week” to thousands of occupational health professionals, including urgent care clinics. We have found that maintaining a complete library of those tips, organized by subject (i.e., marketing, financial management, etc.), on our company’s website ([www.naohp.com](http://www.naohp.com)) is beneficial both to us and to our customers and prospects; many of them access our website routinely for program management advice and thereby become more familiar with our broader range of services. Your clinic should do the same.

### Summary

Providers of occupational health services are, by definition, educators whether they are educating at the employer, individual worker, or coworker level. We are, after all, not selling a hard commodity, but rather an intricate concept: worker health and wellbeing.

The nature of your educational outreach depends on market size, market leadership, program maturity, and consumer preferences. Once your clinic has defined your position in the market, it is advisable to craft education into your broader marketing strategy. ■

## HEALTH LAW

some protection (limited liability corporations, limited liability partnerships, professional corporations, etc.) you will both be held liable for each other’s negligent actions which occur in the course and scope of your partnership.

In general, a provider is not liable for the negligence of another provider if that other provider is an independent contractor. Typically, independent contractors work on a one-time or on an as-needed basis.

An independent contractor relationship, unlike an employment relationship, does not create vicarious liability. Therefore, physicians are typically not liable for the negligent actions of the independent contractors with whom they contract.

To determine if an independent contractor relationship exists, the courts will look at a number of factors, such as whether the individual has a set schedule, gets paid at regular intervals, whether the services are integral to the business, whether the employer furnishes training material and equipment, and finally, whether or not taxes are deducted and worker’s compensation insurance is provided.

### Requisite Care

One area where a physician may be liable despite the fact that the relationship is found to be that of an independent contractor is if the contractor was hired without the requisite care required. In other words, liability can attach if the physician did not use reasonable care and discretion in hiring the independent contractor provider. Say the provider you hired to fill in for you during a vacation commits medical negligence; if you didn’t check the National Practitioner Data Bank or your state’s medical board, you may be directly and not vicariously liable to the plaintiff.

There are ways to mitigate your liability:

- Make sure the business form you choose gives you protection; joint ventures and partnerships are not the vehicles to use when forming a medical practice.
- Know the individuals you are working with. Take the time to adequately screen and train them to ensure they are performing up to the standard of care.
- Urgent care providers, like emergency medicine providers, probably fall under the safe harbor provision under the tax code and therefore can be contracted with as independent contractors.

Finally, if you are working in a hospital or group setting and your job description places you in the realm of having to use “borrowed servants,” ask for indemnification for any liability you might incur as the result of derivative negligence of institutional employees.

The practice of medicine is challenging enough without having to worry about the wrongful acts of others. Consult with an attorney to ensure that you are as protected as possible against vicarious liability claims. ■