

Solicitation of a Client for Business When Your Client is a Group

In the Winter and Spring 2010 issues of *résumé*, we published articles to explain why the College discourages individual client testimonials in advertising and the personalized, direct solicitation of clients for business. These articles focused on clients who are individuals. But, what about when your client is a group or an organization rather than an individual?

IF CLIENTS ARE 'GROUPS' OR 'ORGANIZATIONS' (A SCHOOL OR WORKPLACE), IS IT ACCEPTABLE FOR RDs TO MAIL THEM INFORMATION ABOUT THEIR DIETETIC SERVICES?

Yes, if clients are groups or organizations, it is acceptable for RDs to mail information to promote their dietetic services and to solicit business. Communication from organization-to-organization or from an RD to organizations or groups is not personalized direct solicitation of an individual. Groups and organizations do not have the same vulnerability as individual clients; the power imbalance is just not the same. Therefore, contacting organizations to solicit more business or new business is acceptable. Sending promotional information customized to the needs of a group or an organization is also an acceptable practice.

AN RD HAS BEEN WORKING IN LONG-TERM CARE FOR A NUMBER OF YEARS AND HAS DECIDED TO START A CONSULTING COMPANY TO PROVIDE EDUCATION SESSIONS TO STAFF AT OTHER LONG-TERM CARE FACILITIES REGARDING HYDRATION AND DYSPHAGIA. CAN THIS RD SEND OUT PROMOTIONAL LETTERS AND PAMPHLETS DESCRIBING HER DIETETIC SERVICES TO THE ADMINISTRATORS OF LONG-TERM CARE FACILITIES?

Yes, it is very appropriate for an RD to send promotional material about her services to the administrators of organizations such as long-term care facilities, schools or other institutions. It would also be acceptable to follow-up with a telephone call to the facility administrator to discuss the services and explore opportunities for business. As

representatives of their organizations, administrators would not have the same vulnerability as individual clients. Administrators have the authority to say yes or no to your offer of services. In most cases, they can also depend on formal policies and processes in choosing appropriate services for their organization.

AN RD IS EMPLOYED AT A COMMUNITY HEALTH CENTRE (CHC) AND COUNSELS INDIVIDUAL CLIENTS IN A WEIGHT LOSS PROGRAM. AFTER CONDUCTING A NEEDS ASSESSMENT, THE RD HAS DETERMINED THAT MANY CLIENTS WOULD BENEFIT FROM A SERIES OF GROUP EDUCATION CLASSES ON MAKING HEALTHY CHOICES WHEN EATING OUT AT RESTAURANTS. WOULD IT BE ACCEPTABLE FOR HER TO CALL CLIENTS TO INFORM THEM ABOUT THESE GROUP SESSIONS AND RECOMMEND THAT THEY ATTEND THE CLASSES?

RDs have a professional responsibility to provide quality dietetic services to their clients. In this scenario, the RD has determined that it would be beneficial to provide group education classes to meet the needs of a large number of her clients at the CHC. The RD is responding to client needs and providing a value-added service by informing her clients of these group education classes and even recommending that they attend them. There is no apparent personal or financial gain for the RD to recommend the classes to her clients.

This situation might be characterized as referring clients to available resources, based on their assessed needs and with their informed consent. It is understood that the RD would have to contact these clients directly to explore their interest in the class.

AN RD RECENTLY JOINED A MULTIDISCIPLINARY WELLNESS CENTRE OFFERING A VARIETY OF SERVICES TO CLIENTS. THE RD WILL BE PROVIDING FREE INTRODUCTORY NUTRITION GROUP EDUCATION CLASSES TO RECRUIT CLIENTS FOR HER FEE-FOR-SERVICE

INDIVIDUAL COUNSELLING SESSIONS. IS IT APPROPRIATE FOR THE RD TO PHONE THE EXISTING WELLNESS CENTRE CLIENTS TO RECRUIT PARTICIPANTS FOR THE FREE GROUP CLASSES?

It would not be appropriate for the RD to phone the clients of the wellness centre to recruit them for the classes. This is personal, direct solicitation of clients, and it is strongly discouraged by the College. Solicitation means contacting an individual or a client directly, either face-to-face, over the phone or other direct means, to ask for or urge them for business. Given the power imbalance between a professional and clients, solicitation can be intrusive, leading to undue influence or pressure.

RDs need to ensure that clients are not being inappropriately pursued or pressured into using services they have not asked for, or may not need. In the CHC scenario above, the clients have been assessed by the RD and the classes were created to meet their need; in this scenario, the classes are being created to solicit business for the RD. In the former, the service was client-focused; in the latter there may be a question as to whose interest is being served first: the RD's need for business or the client's. Clients should always come first.

Would the RD be able to send the clients of the centre promotional information about the classes by mail or email?

The RD may send promotional material to clients of the wellness centre only if the clients have consented to receiving promotional information about centre activities. The *Personal Information Protection and Electronic Documents Act (2000)* of Canada, specifies that when someone (in this case the wellness centre or a designated employee) collects personal information, the purpose for collecting personal information must be clearly explained to the client and consent must be obtained from the client for its use in any other circumstances. In other words, the law says that you have to obtain consent to use a client's contact information to send them promotional material or information about the centre's activities.

Most organizations have a check box on their forms asking clients whether they would like to receive information about their activities by mail or electronically. If clients have not consented to receiving information, then the RD cannot send

promotional material by using the client list of the centre. To promote the new service to clients who have not consented to receiving information, the RD may:

- Send promotional material to everyone in the neighbourhood or the region using open mailing lists.
- Display information or business cards in the reception area of the wellness centre.
- Inform the other health professionals in the wellness centre of the new service and display information or business cards in their offices.
- Post the information on the wellness centre's website.
- Post the information on their own website.
- Advertise in local or community newspapers.

If clients consent to be contacted about new services and programs, then the RD may direct information to them. However, the College encourages RDs to avoid direct solicitation such as speaking to the clients in person or contacting them by phone.

NEED TO KNOW

RDs advertising their services is a practice supported by the College. However, before RDs undertake any action to solicit business, they should:

Know the Law

- Obtain client consent for sharing or using personal information.
- Identify clearly to clients why and how their personal information will be used.
- Protect the privacy of client personal health information.

Act in the Public Interest

- Give verifiable and accurate information that will help the public make informed decisions about the services they need.

Maintain Integrity and Honesty

- Avoid direct client solicitation.
- Avoid any situation that may be perceived or interpreted as a conflict of interest.
- Avoid engaging in conduct that would reasonably be regarded as disgraceful, dishonourable or unprofessional.
- Foster confidence in your professional services.

Respect Clients

- Respect professional/client boundaries.
- Reduce the possibility of misunderstandings which could