

MODULE 8 - Advocate Peer Marketing
MORE MARKETING
M8C L4 Ethics and Conduct

Disability Associates has over the years introduced many different types of professional individuals to the field of disability advocacy. Recently, we have been receiving questions from students who are also practicing medical professionals of various types. Most of these questions center on two issues:

1. May I represent my own patients in a disability claim?
2. If not, how can I successfully offer this service?

Let's begin with question one:

May I represent my own patients in a disability claim?

The answer is no. You cannot represent a client you are also seeing as a patient. It would be a direct conflict of interest for you to do so. I'll explain why in this sample scenario below:

Scenario: You are a chiropractor. Your reason for buying this program was to add representational services to your practice. This made sense to you because many of your patients have or should apply for disability benefits. You now discover that it would be a conflict of interest for you to represent your own patients.

Why? Because as medical professional, you generate medical evidence each time you visit with the patient. This same medical evidence will be requested and used by Social Security to determine if the claimant meets their criteria for total disability. It should make sense that SSA could not trust documentation generated by the same person representing the case.

Now on to question 2:

How can I successfully offer this service?

As is true with all things Social Security, there are exceptions to the conflict of interest rule. For example, it would not be a conflict of interest for you to represent your patient if the disorder (impairment) the claimant is alleging as a disability is not a disorder treated by you.

Scenario: You are a chiropractor. You have a 50-year-old male patient that you're seeing for severe back strain. He wants you to represent his case. He is alleging disability as a result of diabetes and severe asthma. Although you have noted several clinical signs of these diseases, you have made no attempt to treat them. You know that the patient is being seen by a medical doctor for these disorders. The client's back strain is not being alleged to cause any disability.

In the above scenario, you could probably represent this client without fear of conflict. In your capacity as a chiropractor, you're treating the client for a severe back strain. Back strain is not alleged to cause a disability and is therefore not relevant to the case. In your capacity as the client's chiropractor, you can request copies of his medical documentation before accepting the case. If the case looks viable, you can represent the client as usual.

If you do not feel comfortable representing any of your own patients, there is another way to approach the problem of conflict of interest. The solution is to create an industry specific referral network with someone else in your field.

Creating an Industry Specific Referral Network:

An industry specific referral network is an agreement that allows two or more parties within an industry to share and/or cooperate in such a manner that all parties benefit from the agreement. The agreement should be easy to understand with all responsibilities of the participants spelled out in simple language.

Every referral network starts with two individuals working under a mutually beneficial agreement. You and at least one other individual within your industry must participate in the agreement. Within it, you and the other party must agree to provide customer referrals to one another for the purpose of representation. This approach works well as long as you do not represent a client who is also your patient.

Anyone Can Create a Referral System!

Any professional from any industry can create a referral network with others in the same industry. In a standard referral agreement, you and the other party agree to provide one another with customer referrals. The parties of the agreement receive a customer-for-customer benefit, meaning a referral is "paid for" by an equivalent product or service. You could pay for a referral. However an equivalent exchange of some sort is probably best.

Avoid fee sharing referral systems. Fee sharing in SSA cases, although not technically illegal, is not warmly accepted by SSA. I suggest you use a customer-for-customer referral system or find something other than cases that the other party wants as an incentive to refer clients.

An incentive to refer might be as simple as an offer from you to refer your customers to the other party on a different issue. For example, the other party may want you to refer your clients to him so that he can offer his custom product or service.

Take the First Step:

If you want your advocacy service to grow, don't mess around! If you set up a referral network with a person, take the time to make sure that he understands how everything should work. Take the first step and begin sending referrals to him. Don't send more than three referrals. Stop and see if the partner is in a position to respond by sending you referrals. This is not a numbers game. However, you must get your referral partner

to take action or the system will stagnate and die. When you make a referral, make sure that your partner knows where the customers are coming from. This will hopefully motivate him into referring clients to you.

Provide Incentives to All:

Don't forget the incentives! As is true with most other business services, offering incentives to a client or a partner is acceptable and useful. Incentives to your partner will increase the number of referrals you receive. Incentives to the client play a more emotional roll in the business transaction. Make sure that both you and your referring partner use incentives for the client built into the referral. Discounts for the client help make the referral more palatable to the client.

You see, most clients do not like to be referred because they lose a little of the comfort zone built up over time with the existing professional. Verbal reassurance works well here. However, by providing the client with a cash discount or other incentives with the referral, you're actually reducing the client's stress level associated with seeing a stranger for service. The incentive approach increases the likelihood that the client will follow through with the referral. It also helps both you and your network partner to sell more custom products and services. All around, incentives can really help to get your peer-to-peer referral system off the ground.