

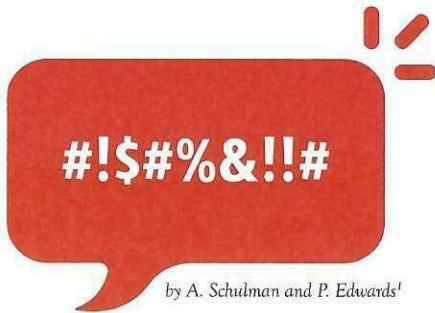
ENDO INC

ROOT CANAL SPECIALISTS

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NOT JUST WHINING...

WHAT TO DO WHEN AN EMPLOYEE'S COMPLAINT IS SERIOUS, AND HOW TO KNOW THE DIFFERENCE.

by A. Schulman and P. Edwards!

Employees complain. Even in the best offices, whether justified or not, employees are going to have complaints about how things are done, what needs to be changed, why your bonus program stinks or how you could be a better boss. The typical response is to ignore these "helpful suggestions" until you hit some unknown but very clear "annoyance threshold." This usually occurs only after you have exhausted your spouse's / golf partner's and / or practice manager's own threshold for your complaining to him/her about your employee's complaining, and finally, you are forced to confront the issue directly.

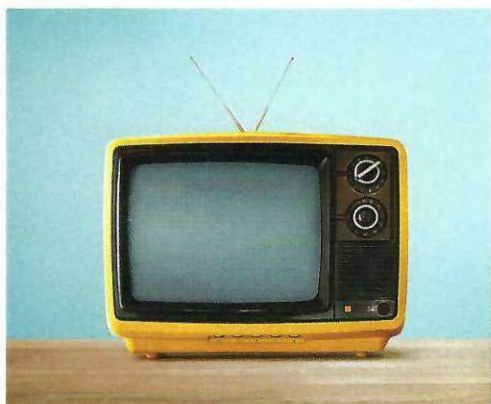
Then there's the kind of complaint that gets your immediate attention. It may come in the form of an official EEOC or OSHA investigation notice, a letter or email containing suspiciously legalistic phrases and written more eloquently than anything you've ever seen from the employee signing it, or maybe it's a hushed conversation with a tearful employee who just "thought you should know," but insists no action should be taken. It is the kind of complaint you know you must do something about, but doing the wrong thing could cost you significant damages and legal fees, not to mention lost sleep and precious energy. Both legally and practically, doing nothing and waiting to see what happens is the worst thing you can do. We see far too many practices miss an opportunity to take a proactive step early in the complaint process to resolve the issue. This is often possible even when the complaint is legitimate. In pursuit of our ongoing

mission to help as many dentists as possible thwart the employer blunders that lead to litigation and ongoing upsets in the office, this article will provide the when, why and how of responding to employee complaints.

To be clear, not all complaints by employees require an investigation, or even a response. But, complaints are how all lawsuits start. Any time you get notice (written, verbal, whispered, whatever - no formal method is required) that you or someone in your company is not complying with the law, it's a serious issue and it should not be ignored. Ideally, you should have a number of policies and procedures in your handbook for addressing the situation. And then you need to follow them.

Note, an employee complaining that they just don't get paid as much as they want, or don't like your new receptionist doesn't count. However, employees do have a right not to get fired, demoted, or disciplined for asserting a legal right or complaining that their rights have been violated under the law. Common complaints that require a formal response are sexual harassment or discrimination, accusations of theft, not paying overtime or minimum wage, drug or alcohol abuse, violent behavior, or violation of health and safety laws. When these arise, you need to initiate an investigation, and take appropriate action. By having good policies in place, and taking reasonable and prompt action, you are essentially saying, "The first thing I did was take this seriously and try to

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EFFECTIVE DENTAL ADVERTISING

by Emmett Bibb²

In today's economic environment, it is not uncommon to hear about a dental

practice that is down 25% from the previous year. In some cases, the losses are even higher and the end result is that the practice cannot remain in business. I'm sure many of you have colleagues and friends that have shared these horror stories with you. With the economic uncertainty, and being in a highly competitive industry like dentistry, how do you insulate your practice from potential losses and even position yourself for growth? The answer, more times than not, is having a successful advertising plan in place.

The old philosophy in dentistry was that you didn't advertise unless you were about to go out of business. With an infusion of "young blood" in the dental industry, along with success stories about dentists marketing everything from Implants and Sedation to Smiles for Life*, this way of thinking has become archaic. It is now commonplace to have a number of dentists in a market competing against each other for new patients. The increased competition along with a shaky economy and higher unemployment rate, have made advertising a necessary component of your business plan. However, these factors have also made it more difficult for dentists to advertise effectively. Add in all of the media options that are available, and you may be wondering where to start.

TIP # 1 - Many Dentists offer community: outreach programs; Dentistry from the Heart, Smiles for Life, etc. - throughout the course of the year. Did you know that television and radio stations are required by law to run a minimum amount of public service announcements per year? Oftentimes, dentists unnecessarily allocate their personal marketing dollars to promote these events when they may be able to get the sale exposure at no cost.

There are a number of common questions that come up when you decide to advertise - Should I use television or radio* or direct mail or pay per click? How much money should I spend? What type of results should I expect? How long should I do this for? How do I know my advertising is working? What should my ads say? - Questions that you

need answered in order to be effective and accomplish your goals.

TIP # 2 - When purchasing radio spots, salespeople may tell you that a :30 spot is the most cost efficient for you. However, make sure you are asking about the rate for a :60 spot as well. In most cases, a :30 is not 50% less costly than a :60. So using a :60 can double your exposure without doubling your cost.

One of the most important things you need to do when considering advertising options is to research your market and identify current trends in media consumption. This information; combined with the key demographics of prospective patients*, travel habits, and your budget, among other things; helps to answer the first question and determine which medium (television, radio, direct mail, etc.) you should use.

TIP # 3 - When trying to attract high value dental patients, demographics are important but socioeconomic levels also play a critical role in defining a target demographic. These include Household Income, Homeowner or Renter, Number of Children in Household, Education level, etc.

The bottom line is that each practice is different and each market is different. Just because your friend from dental school advertises on broadcast television and his or her practice is up 25% on the year, it does not mean broadcast television will be effective for you in your area. Just because your team listens to 100.3 FM and really likes the music and the djs, it does not mean that 100.3 will be effective for your message. There is no one size fits all plan in dental marketing. You have to have a clear understanding of media consumption within your market, and then develop a plan based on your goals.

So, now you have identified the right medium to reach the right audience for your message, but how much money do you need to spend to be effective? This gets into the efficiency and effectiveness of your advertising campaign. Do you have access to important data; cost per ratings point, time spent listening / viewing, exclusive cumulative audience, audience composition, and more that ensures you are maximizing every advertising dollar spent?

TIP # 4 - There are a number of ratings and measurement systems for each medium. The best way to do a cost comparison is by measuring cost per thousand to your target audience, or CPM. This is the only ratings tool that is constant across all mediums, thus enabling you to compare “apples to apples.”

Think of it this way; if you have too much frequency (the number of times a prospective patient is exposed to your message) built in to your campaign, you are spending more than necessary to get the current level of response, thus creating inefficiency in your marketing campaign. Conversely, if you have a media plan in place that does not have enough frequency built in, you will not get the desired response and therefore will have an ineffective marketing plan.

The next three questions -What type of response should I expect? How long should I do this for? How do I know my advertising is working? - all involve response, or more importantly, your expected Return on Investment (ROI). To understand what type of response you should expect, first you have to understand how each medium works.

Broadcast television, for example, is a reach medium. It consists of your major TV networks, NBC, ABC, CBS, and FOX, and is used to reach a large audience, and usually a large geographic area. Of course with reach comes cost. You have to make sure that you can actually pull patients from the coverage area, or at least a large percentage of it. If you can only pull patients from 25% of the areas being reached by NBC, you will miss out on 75% of the viewers, but you will pay for 100% of them.

TIP # 5 - Make sure you check your media invoices each month and pay close attention to your ad placement. If you buy the 5pm News and your commercial ran at 5:29 (this is referred to as the “break”), you missed a significant percentage of the audience that tuned out between programs.

Also, broadcast TV is a visual medium. Pay close attention to the old adage, “a picture is worth a thousand words.” Your television commercial needs to connect with the viewers. It also needs to portray your desired image and be professionally done. In this day and age, any ad on broadcast needs to be shot in high definition. Have you ever been watching NBC in HD, only to see a local business’ ad come on in standard definition? This usually creates the opposite effect that was intended, and less response than expected. You must develop the appropriate creative to elicit the desired response. This of course runs into the final question -What should my ad say? Before addressing that, how do you truly track response?

Once you have chosen the right medium and are happy with the creative direction, you should implement tracking measures that will allow you to judge the effectiveness of the campaign. This can easily be done with a unique phone number and URL (website address) inserted into the advertisement. Unique phone numbers capture incoming calls and store the information online, so you can easily see how many people responded directly to your message. In most cases, you can even listen to the calls to learn more about the type of caller and what happened on that call.

If response levels are lower than expected, you can make adjustments to the placement*, message, etc., to increase activity and ensure the marketing plan is working effectively. If response is coming in as expected, you can use the response data to determine how much ROI you received from this specific aspect of the marketing plan.

Tip # 6 - Purchasing air time as rotators, although sometimes cheaper, may not always be effective due to placement. Oftentimes, it is beneficial for your ads to run during your office hours. It may cost more, but your highly trained staff will have more opportunities to field calls and convert prospects into patients.

So, what should your ad say? Effective advertising has an effective message. In dental advertising, you need to turn “dental speak” into benefits that a prospective patient can understand. For example, CEREC means nothing to the average dental patient. However, by stating that you have technology that can provide a crown in one visit, you just provided a major benefit that is easily understood by your target audience. Also keep in mind that dentistry is a part of healthcare and as a result, dental advertising is heavily regulated by the State Dental Boards. You should research these laws and have a clear understanding of each state’s regulations, which ensures your creative is legal and delivers the right message to the right audience.

The bottom line is that if you are considering advertising your practice, and in this day and age you definitely should be, there are a lot of options for you to choose from. There is also more competition, fewer fee-for-service patients, and probably fewer marketing dollars for you to invest. Think about it. An accountant prepares your taxes. A mechanic fixes your car. Who does your advertising? After all, professional advertisers have spent their whole lives learning the intricacies of the field; how the various mediums work, what type of response they should produce, when to make adjustments, etc., and can help you and your team understand what to expect before your plan even begins.

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find out what was going on." This translates to quicker and less costly resolutions.

Once the complaint is expressed, you are sitting on a double-edged sword.

Even though 49 of 50 states are "at-will," meaning you or your employee can terminate employment for any reason, there are limitations. For example, if someone complains that your associate dentist sexually harassed them, or you aren't paying overtime properly, or are not complying with OSHA regulations, or you won't give them extended maternity leave, any employment action taken against them can be considered discriminatory retaliation and is not lawful. To make matters worse, even if you weren't the one doing the allegedly unlawful activity (discriminating, harassing, etc.), if one of your supervisors or someone with power with power was doing it, you can be held vicariously liable, or legally responsible for their acts even if you didn't know about it. This again highlights the need to train and support your team leaders and administrators with well-written policies and hold them accountable for following them.

The good news (yes, there is some!) is that there is an available legal defense that arises out of the way you respond to the complaint and whether you have and follow a proper reporting procedure in your employee handbook. Taking prompt and reasonable action to respond to the initial complaint can often defeat the claim all together, eliminate punitive damages, and/ or significantly reduce damages. In fact, if you are able to resolve the issue early on, you can often avoid litigation all together. On the flip side, if you ignore the complaint, demote or terminate the employee who complained (even for some other reason you feel is justified), or fail to document your response correctly, you can bet your attorney is going to be sending you a very nice "Thank You For Your Business" gift basket at the end of the year.

The first step, and you dentists know this one, is prevention.

Preventative measures are the first step to establishing your effort to exercise "reasonable care." This means having a complete anti-harassment policy and reporting procedure that is professionally drafted and distributed to all employees, with a signed acknowledgment of receipt by every employee. This is your magic bullet defense! The courts are consistently finding for defendant employers where an employee unreasonably fails to take advantage of preventative and corrective opportunities provided by the employer.

Let me say this again: you must have a solid and thorough policy for employees to report problems in order to avail yourself of this valuable defense.

As a nationwide provider of professionally drafted handbooks specialized for dental offices, we can help you with this part. But we're not just talking sales pitch here - this is truly the first and most important step, and an easy one to take, even if you think you would never have a problem like this. Your policy should inform employees of their right to raise and how to raise issues of harassment, discrimination, mispayment of wages, or any legitimate concern. (Hint: if your policy doesn't provide an alternate person to report problems to other than their direct supervisor, it might make your policy "unreasonable" and not effective.) It should also have a clear explanation of prohibited conduct, and an assurance that the employer will provide a prompt, thorough and impartial investigation of any reported misconduct, and must include anti-retaliation language. So, you need to review your policies if you have them, or get us to review what you have and make sure you've got this step covered.

Continued in the next issue.