

Integrating Ethics: Resources for Integrative and Alternative Health Care

Selling To Your Clients
Linda Diane Feldt

Your doctor suggests you take a certain brand of drug for an injury, and later you discover she has a financial interest in the company that manufactures that drug. Your lawyer in a personal injury case suggests you seek treatment with a certain physical therapist, and you discover he owns a share of the clinic where that PT practices. Your neighbor comes home with over one hundred dollars worth of vitamins that the nutritionist at the health food store recommended for the symptoms she described.

Conflicts of interest?

Apparently so. Yet, when massage therapists, herbalists and other alternative practitioners become distributors, direct level marketers, and promoters of products many of us give little thought to the ethical implications of recommending and selling these products to our clients, and even involving them in a "downline" or multi-level marketing relationship.

A practitioner was involved in vitamin and herb sales. While pregnant with her second child, she became the sole provider for her family. Using crude muscle testing as proof of their need (she had minimal training) she frequently recommended expensive supplements to her clients and then sold to them at greater than 100% mark-up. With her family's well being at stake, the objectivity of her muscle testing and her judgment were at risk both consciously and unconsciously. She had placed herself in a very precarious position.

Is it legal?

In most cases, it is. These are mostly interactions between consenting adults. But it isn't always that simple. You may be a member of a professional association that has restrictions on sales to clients. If you are observing a problem, suggesting a solution involving herbs, supplements or what could be considered medical devices, and then directly providing that suggested remedy, there may be federal and state laws that could apply. Interpretation varies, as does enforcement. As you increase the number of levels in which you are involved, you may also increase the scrutiny to make sure you aren't practicing medicine. In most states the practice of medicine is restricted to certain licensed approved providers. It is your responsibility to find out what laws may apply to your situation, but keep in mind this is also an emerging concern, and many of the gray areas and boundaries are still being defined by active litigation.

Does it benefit the client?

If a product is recommended, it should be based on what is best for the client. You have a responsibility to know about the supplements and other products you might recommend. That's part of being a good practitioner. You will most likely use the products you are familiar with, or that you have personal familiarity and experience with.

The first ethical concern is, are you able to objectively determine if this is indeed a good product for your client if you are also profiting from their use? Selling a product or supplement based on your personal financial or other benefit is wrong. It is making a recommendation for your own best interests, before considering those of your client. Your clients should be able to trust you to act in their best interests.

Does transparency change things?

There are many reasons to become involved in being a distributor for a product. It may be something you believe in, have experience with, and want to make available to others. However, there is often a financial interest as well, and in some cases this interest is substantial. Alternative practitioners are no different from other health care providers and others in the service industry. If you have a financial interest in a product or service you are suggesting to a client, the ethical course of action is to disclose that interest or to remove yourself from the position of making the recommendation. Different circumstances affect what is the proper course of action. In many cases, ethical dilemmas are not black and white. It is important to develop a thought process leading to conscious ethical behavior.

Involving a client in multi-level or distributorship arrangements is stepping into the arena of dual relationships. Money is tricky. There is a great likelihood of resentments, confusion in roles, overt and covert power struggles and other sticky situations when you engage in financial investments or money-making opportunities with clients. The client/practitioner relationship is the first and most important relationship. As the practitioner, it is your ethical responsibility to shepherd this relationship in ways that will promote and care for your client's health, and to respect the responsibility and trust they have placed with you. Going into business together - however good your intentions, however careful you may be - is distracting to that relationship and risks distorting and diluting your healing work together.

Many of these products come with glitzy campaigns, high-pressure sales tactics, promises of financial windfalls, impressive endorsements and other attractive enticements. It is similar to the tactics of drug sales representatives that doctors are exposed to. How can you effectively evaluate these products in the midst of all the glamour and hype? What resources do you have available to determine effectiveness? How does the product compare to less expensive examples? What do you know about the economic, political, and ecological impact of this product? Would your involvement in this company be distracting from your work with your clients?

Your client comes to you as a health care professional, not as a retailer of goods.

It is possible for the trust you've established in that relationship to include what you sell as well. By selling products, you are endorsing those things and using your client's trust as part of the sales pitch. Many health care providers are very good at what they do, but not as good at choosing what or how they sell. Clients may lose faith and confidence in their practitioner because they thought they were being taken advantage of, or they didn't like the product they were sold. If they learned later they could have gotten it cheaper, felt pressured to buy something, or even had the perception that there was something funny or fishy about the add-on products, they are less likely to return and also less likely to respect the health care provider and the work she or he did.

In summary:

- Disclose to your clients your financial interests in services, devices, or products that you may recommend.
- Avoid having financial interests that may threaten your objectivity in making recommendations for clients.
- Avoid engaging in financial relationships with clients, other than the usual pay for service.
- Learn how to objectively evaluate products and the ways they are sold.

If you do decide to sell products as part of your practice, the following are some ideas to minimize the conflict of interest.

- Consider selling the product at cost, and pass the savings on to your clients.
- Disclose to the client in advance that you also are in the business of selling herbs or supplements that may be a part of your recommendations.
- If you normally end up suggesting an array of supplements or products, include that information when you initially talk about your fee. Provide an estimate of the additional cost that might be involved.
- Suggest other options for purchasing the products or other brands. Is this available from other stores or practitioners?
- Build in a waiting period so that the client is not pressured or making decisions under the influence of the treatment they have received. You could suggest they consider the purchase and let you know in a few days.
- Acknowledge and disclose the conflict of interest that is inherent in being both the advisor for and the seller of a product. Disclosing your profit from the sale makes the transaction even more transparent.
- Provide information on why you've decided to risk a conflict of interest. Is it because the product is particularly high in quality? Do you want to provide a less expensive alternative? Is the product hard to find? Is this an important part of your income? That information may help your clients understand the context in which they are being your customer – something that isn't clear once you remove the expectations we have grown to accept in a normal store-shopper experience.

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