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American Dietetic Association members are always looking for the latest in professional development tools and career enhancement tips, and ADA strives to meet members’ needs through a variety of strategies. In April 2007, the *Journal of the American Dietetic Association* published our first reprint supplement of Practice Application articles, a collection that included tips on job hunting, interviewing, resume preparation, salary and compensation negotiation, and contract review.

Member response was positive, and member surveys indicate that the majority of you continue to request materials on career development skills. In the ever-changing landscape of food and nutrition and today’s competitive job market, it’s important to gain every possible advantage. With that in mind, ADA’s Member Value Committee compiled a list of supplement topics of potential member interest and is pleased to present this current issue of Practice Application articles, this time focusing on more advanced knowledge and skills.

Collected in this issue are “Ask the Attorney” articles by ADA’s general counsel, J. Craig Busey, JD, on many of the legal ins and outs of the dietetics profession, including professional wills, copyrights, trademarks, and patents; columns on how to maximize Web site traffic and media exposure for your practice; advice on starting a private practice and implementing a business plan; and, finally, one the most powerful career enhancement tools available to food and nutrition professionals, a summary of the results of the *Compensation & Benefits Survey of the Dietetics Profession 2007*, which provides information on the relationship between compensation and factors such as experience, education, and job responsibilities.

With the information in these articles collected in one convenient issue, ADA members have the edge they need to succeed in a variety of practice areas.

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Copyrights, Trademarks, and Patents, Oh My!

Early in Dorothy’s journey to the Emerald City in The Wizard of Oz with Toto, Tin Man, and Scarecrow, before confronting the Cowardly Lion, the entourage became increasingly concerned about what dangers they might encounter on the way, finally lapsing into the repeated chant of “Lions, and tigers, and bears, oh my!” Similarly, newcomers to the perils of business may often find themselves contemplating the dangers of copyrights, trademarks, and patents, which to the uninitiated may seem just as forbidding as the anticipated wildlife along the Yellow Brick Road.

Okay, please pardon my lapse into the reveries of a questionable (and perhaps overly cute) analogy, but I wanted to make a point: most of us have some passing knowledge of copyrights, trademarks, and patents, but few have a working understanding of what they really are, and many may be cautious (or overly zealous) about their applicability. Indeed, there are many misconceptions about the subject matter covered by each of these mechanisms and about the scope of protection that they offer.

AN OVERVIEW

As you probably know, copyrights, trademarks, and patents are generally characterized, in what might be viewed as highfalutin nomenclature, as “intellectual property.” This term undoubtedly arose to distinguish these subject matters, which do constitute valuable property of their owners but cannot be held or touched, from tangible property such as real estate or personal possessions. It has, however, been increasingly recognized over the course of time that intellectual property has significant commercial value in the nature of licensing fees, good will, or protectible interests.†

While the protection of intellectual property rights has been made the subject of legislation in most countries, including the United States, there is a natural tension between that protection and the encouragement and support of innovation and a free exchange of ideas. The exclusivity that is inherent in the government-granted rights to the expression of an idea (in the case of copyrights), to a phrase or logo (trademark), or to an invention or process (patent) by its very nature acts to preclude others from creating works, marks, or devices that infringe upon those rights. Ironically, the ability to obtain the exclusive rights and to protect the fruits of one’s labor or creativity encourages one to produce things that are protected, but may at the same time discourage another from using those protected elements to create additional things of value to society.

Consequently, the intellectual property rights that one may obtain, while often extremely valuable, have also been construed by the courts to be extremely limited. A copyright, for example, will protect the expression of the ideas contained in an original work from copying by a third party, but it may not protect the ideas themselves from being appropriated into subsequent works and theories. Similarly, a patent will protect a specific original invention or device from appropriation, but it will not preclude a second inventor from “designing around” the invention to create a similar device, perhaps even one that performs the same function, by changing certain elements or components from the original invention.

So, where does that leave us? In looking at the specific function of copyrights, trademarks, and patents, it is helpful to gain an understanding of the exact scope of the rights obtained. One who attempts to overreach, by claiming rights against another in excess of those actually granted, will not be well-received by the courts or other tribunals involved in the process. One who does so will likely expend substantial amounts of time and money without any return, but may also end up paying the party against whom the rights were asserted or even losing some or all of the rights in the property that he or she had worked so hard to obtain.

THE SUBJECT MATTER

The initial question, of course, is what subject matter is subject to protection under the laws relating to copyrights, trademarks, or patents. Just as importantly, what subject matter is not subject to protection? It may be extremely surprising to some that, as suggested above, one generally cannot obtain exclusive rights in an idea or a concept, no matter what vehicle is employed. Similarly, one cannot, for the most part, obtain exclusive rights in a phrase or name that he or she coins to describe the idea or concept.

An example may be helpful. When Albert Einstein developed and announced the Theory of Relativity, it was widely regarded as a tremendous scientific advancement and a highly original idea. Einstein could not, however, have obtained exclusive rights in the theory, precluded others from using it or discussing it, or even secured rights in the term “Theory of Relativity” itself. Einstein could write
about his theory, and obtain a copyright on his expression of the theory in books or articles, but the theory itself was fair game for the scientific community. As proprietary as we may be as a species, we cannot copyright, or trademark, or patent an idea itself, apart from its singular expression or its incorporation into a device or invention.

A copyright, as noted above, protects the expression or formulation of an idea, whether in the form of a book, an article, a photograph, a drawing, a musical composition, or other types of creative works. Another author cannot copy that expression or formulation, which would be the misappropriation of authorship of the creative work. That party can, however, read the original work, consider and evaluate it, discuss it with others, and ultimately restate, describe, or even enhance the idea in a completely new work, without engaging in infringement. The protection of copyright is strictly limited to the particular expression of an idea, but not the idea itself.

The concept of trademarks is similarly limited. A trademark is a mark, logo, symbol, or phrase that identifies the source of goods. It is placed on the goods themselves to identify their source. Examples of valuable marks are Coca-Cola, Mustang, or Canon. Similarly, a service mark is used to identify the source of services, such as McDonalds for fast food services, Allstate for insurance services, or H&R Block for tax consulting. As with copyrights, trademarks are limited in scope. They cannot, for example, be generic or merely descriptive, since the law recognizes that a trademark owner cannot preempt commonly used terminology within a certain field. Moreover, a mark will usually only be protected against uses that create a real likelihood of confusion. Consequently, unless a mark has achieved enormous strength and recognition, an identical mark may actually be used by two or more entities in different, noncompetitive areas without the occurrence of any infringement.

One additional point that follows from the foregoing discussion: The title of a book or article cannot be a trademark, since it is simply the name of a work, nor can a term coined to denote a concept or theory, such as “Intelligent Cuisine,” since it does not denote the source of services. Such a term might arguably become vested with some rights, though not specifically as a trademark, if it were to achieve widespread recognition and acceptance as being owned or authored by a particular source (eg, the Atkins Diet), but that would be unusual. (The Theory of Relativity, for example, is well known and understood to be Einstein’s theory, but Einstein would have had no right to stop someone else from using the term.) The strength and value of a trademark, or any similar proprietary name, is determined by the way it is used and recognized in the marketplace. Even a legitimate trademark can be divested of its status if it becomes generic by virtue of its usage. For example, “elevator” was originally a trademark that became generic on account of its accepted usage by the public.

Finally, although a patent comes as close as any device to permitting protection of an idea, that is not quite what a patent does. While an inventor can patent a particular invention, he cannot patent the idea behind it. One might patent a particular kind of mousetrap, for example, but he cannot patent the idea of a mousetrap. Moreover, a competing inventor might even be able to study the patented mousetrap and find a way to design a better mousetrap that departs from the basic patented device. A patent may be obtained on a device, mechanism, or a process, but the patent will be infringed only if that particular device, mechanism, or process is adopted and used by someone else. Moreover, a patent may be issued only if the particular device or process is novel and nonobvious.

THE PROTECTION

With these basic concepts of intellectual property at hand, it is now fair to ask how one obtains proprietary rights in copyright, trademarks, and patents, and what those rights actually are. Both the nature of the rights and the means of acquiring them differ depending upon the type of intellectual property involved.

For copyrights, there was a time in the not-so-distant past that the publication of a work without a formal copyright notice resulted in a possible waiver of the copyright rights. Now, however, the law provides that a copyright attaches to a work as of the date of creation, and the affixation of the copyright notice and the subsequent registration of the work in the US Copyright Office, while not strictly necessary to preserve the rights, are means of enhancing the protection and ensuring the right to maintain an infringement action and to recover damages. A copyright in a work will exist for the life of the author plus 50 years (unlike the shorter period of 28 years, plus one reissuance, which once applied).

A trademark is somewhat different, but similar in the fact that registration is not required to establish rights or value. Rights in a trademark, for the most part, arise with the use of the mark, and its value increases with recognition in the marketplace. Even if a mark is not registered with the state or the federal government, its owner may be able to prohibit the use of an infringing mark if that use creates a likelihood of confusion or deception. As in the case of a copyright, however, the registration of the mark will provide its owners with additional rights and remedies when it comes to the enforcement of the rights against an infringer. In part, this is because the entity providing the registration will evaluate the mark to see if it is eligible for registration, and the mark’s validity will therefore be confirmed by the process. Moreover, although its registration must be renewed from time to time, a trademark will survive as long as it is used and recognized, unlike copyrights and patents.

As compared with copyrights and trademarks, patents are a pure creature of statute and have a relatively limited life span. Like copyrights, they are purely federal in nature, with no state equivalent. As suggested earlier, patents are a narrow exception to the law favoring the free exchange of ideas, and they exist solely to reward an inventor for his
efforts and to encourage innovation. If an invention is disclosed publicly more than 1 year before the inventor applies for the patent, the patent rights may be lost. Once the patent issues, it will survive for 20 years in its initial term, and a patentee will be able to stop anyone from making or using an infringing device or process. Even more perhaps than the trademark registration process, the process involved in obtaining a patent is one of scrutiny by the US Patent and Trademark Office. To obtain a patent, one must cite any authority in the marketplace that relates to the invention and must show that the device or process at issue is novel, unique, and nonobvious when viewed in the light of that history.

**BASIC UNDERSTANDING**

And that, in the smallest of nutshells, is the shortest of short courses about the law of intellectual property. It will be no surprise that this is not intended to be an exhaustive discussion of this area, nor to be utilized or regarded as legal advice. At best, this is a superficial summary of some of the general aspects of copyrights, trademarks, and patents that may be of help and interest to a health care professional. There are many intricacies of intellectual property law that are not addressed here, and many fine distinctions and nuances in the items that we have raised, and anyone who becomes involved in any element of intellectual property should consult with an attorney. Nevertheless, all of us are likely to have some contact with copyrights, trademarks, and patents during the course of our professional lives, and it is helpful to have some basic understanding of how these matters are regarded.
Professional Wills: What’s that All About?

This article is reprinted from the November 2005 issue of the Journal (2005;105:1707-1712).

Occasions when a lawyer is truly perplexed are not uncommon; however, they are not something that the lawyer usually publicizes. As lawyers, like most professionals, we feel that we should be viewed with a certain measure of reverence and awe (admittedly a self-delusional perception), and confessing to instances of sheer lack of knowledge in various instances is not viewed as the optimum means of maintaining that charade. We prefer to further the public misconception that each and every lawyer is an expert in all things legal.

On one particular recent occasion, however, I was placed in the situation of being totally unable to maintain the pretense. I was confronted with an issue with which I not only had no real familiarity, but not even a glint of recognition. In most cases, I have at least heard of the legal subject matter about which a question arises, and I have sufficient experience to be able to know how to approach and resolve the issues. In this particular case, however, I was at a total and absolute loss.

The question was, “Can you tell me whether I need a professional will?”

My first thought was that the member was asking whether she needed a will that was prepared by a professional, such as a lawyer, as opposed to an unprofessional will, but it soon became apparent that this was not the case. The caller, a resident of California, had heard that something called a “professional will” was required, or was at least beneficial, for professionals in the course of their practice.

I closed the conversation by promising to look into the issue and get back to the member. Then I did some research.

WHAT IS A PROFESSIONAL WILL?

Having now done the research, I am pleased to report that I have become infinitely more knowledgeable about what a professional will is, and what it is intended to do. I cannot profess to know everything about its legal implications, since it did not arise as a creature of the law, and its origin was very recent. It does, as I will describe, have a very significant and beneficial function. And it may, depending upon the nature of the practice of a particular professional, be something that the professional may definitely want to have.

Basically, a professional will is a roadmap of what should be done with the practice of a professional who dies or becomes incapacitated. It is not a document that that disposes of tangible property or that specifies the medical treatment that should be used or withdrawn in case of incapacitation, and its classification as “a will” is perhaps questionable in the legal sense. It is, rather, a document with a very specific purpose: designating and instructing a specified individual or group of individuals as to what must be done to terminate or continue the professional’s practice in a manner that fully provides for the needs of the patients or clients who might be affected. It must be, as will be noted below, sufficiently detailed to provide for the performance of those tasks that are necessary to protect the professional’s clients and patients from adverse consequences resulting from the death of the professional, and also to wind up the practice and its business operations in a clean and effective manner.

The concept of the professional will seems to have originated in the profession of psychology, and specifically with the San Diego Psychological Association. When several members of the San Diego Psychological Association died suddenly or unexpectedly a few years ago, the remaining members noted that the deaths left the decedents’ colleagues and families with the unexpected responsibility of notifying the patients and wrapping up the details of the practice, a duty for which they were totally unprepared. Moreover, some necessary information was missing or difficult to locate, and many of the records were incomplete or illegible. The San Diego Psychological Association, therefore, convened a task force on the retirement, death, and incapacitation of psychologists, which ultimately developed a template for a professional will (1).

In fact, it is in the field of psychology, or in the more specialized area of marriage and family therapy, where the greatest discussion of the professional will has occurred (2-4). While some others, such as lawyers and business people, have also written about the need to prepare for contingency of death or incapacitation, it is interesting that this primary emphasis comes from the psychologists, psychotherapists, and family therapists. It is, however, perfectly understandable, as will be discussed below.

IS A PROFESSIONAL WILL REALLY A WILL?

Before delving into the need and purpose for a professional will, let me make one point that merits consideration. Although the instrument under discussion has been titled “professional will,” it should not be assumed that it is a true will or testament with the same legal effect as that by which a decedent conveys his or her property at death. A will, as that term is recognized in the law, is a creature of statute, and it can only do what the laws of the state authorize it to do. In most states, if not all, a will is expressly defined as an instrument by which a decedent conveys his or her property or becomes incapacitated. It is, rather, a document with a very specific purpose: designating and instructing a specified individual or group of individuals as to what must be done to terminate or continue the professional’s practice in a manner that fully provides for the needs of the patients or clients who might be affected. It must be, as will be noted below, sufficiently detailed to provide for the performance of those tasks that are necessary to protect the professional’s clients and patients from adverse consequences resulting from the death of the professional, and also to wind up the practice and its business operations in a clean and effective manner.

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even play a musical instrument, that provision would be unenforceable except to the extent that it might be imposed as a condition for the conveyance of property.

Similarly, the traditional definition of a will did not allow an individual to preclude the use of life-support systems or mechanisms when the individual became ill or incapacitated. It was only when that issue obtained widespread recognition that the legislatures of the various states passed statutes authorizing individuals to achieve this purpose through a "living will," "durable power of attorney," or "medical directive." Whether a living will is truly a will is no longer a relevant inquiry, since it is authorized by that name or others in so many states.

A professional will, on the other hand, is generally intended for a purpose other than the bequest of real or personal property, and it may not necessarily be recognized as a legally enforceable document. It may, of course, include provisions dealing with the disposition of such property in the context of the professional’s practice, and in such cases it may to that extent have the same effect as an actual will. The other provisions, however, as will be discussed below, may not be subject to enforcement by a court of law, and the person drafting the will should recognize the distinction. As will be noted, the effectiveness of a professional will may be much more dependent upon the willingness of the persons who are asked to carry out its mandates than upon its status as a legally enforceable document.

This does not mean, however, that the document is without merit or legitimate purpose, but only that one must understand the true nature of the instrument. Moreover, although the term itself may be a little questionable, we will continue to utilize the name professional will, as that term has been developed by others, when discussing this creature.

WHO NEEDS A PROFESSIONAL WILL?
Following along with this nomenclature, the name itself would suggest that any “professional” should have a professional will, and it is difficult to argue to the contrary. A closer consideration of the various kinds of practice represented by the wide range of endeavors, and of the many types of individual circumstances that surround each such practice, however, leads to the answer most often favored by legal practitioners: “It depends.”

Practical Considerations
This answer is not to be facetious, but factual. While each and every professional should certainly give thought to what will happen if he or she should die unexpectedly, the consequences of the death of a sole practitioner will be very different from those of a member of a multiple-person partnership. The consequences to the patient who is relying heavily on his or her frequent visits to a psychiatrist for mental health support and stability may be very different, without intending to slight any particular area of practice, from the effect on the patient who visits his or her dermatologist every 6 months. The specific and immediate need for a game plan to be followed upon a professional’s death may differ substantially from situation to situation.

The effectiveness of a professional will may be much more dependent upon the willingness of the persons who are asked to carry out its mandates than upon its status as a legally enforceable document.

The important task for each professional, therefore, is to give studied foresight to what would happen if he or she were to die tomorrow, or next week. If one works in a clinic, for a hospital, or in a firm or partnership, the protection of the patients or clients, the appropriate winding up of the business affairs of the practice, and the maintenance and transfer of all the relevant records, may be covered as a matter of course. Even in those cases, of course, there may be details that are likely to be overlooked, and those are the very details that the practitioner should anticipate in preparing for an unfortunate contingency. As unpleasant as it is, each practitioner should engage in the mental exercise of imagining what would happen if he or she were suddenly no longer there.

That process should also include appropriate consideration of the particular impact that the practitioner’s sudden absence will have on his or her patients or clients. Does the nature of the practice require an immediate transition of the patient and the patient’s records to another practitioner, or can such a transition be done over time without the need for immediate attention? All these are legitimate inquiries.

In retrospect, it is easy to see why the concept of the professional will arose in the context of the practice of psychology and therapy. One can imagine that the sudden loss of a therapist could cause traumatic damage to a sensitive patient. A failure to advise the patient of the loss and to provide for an immediate transition to someone who could quickly gain the trust of the patient could be disastrous. Not every area of practice may be fraught with such dramatic risks, and some, indeed, may have little risk at all. Practitioners in each area, nevertheless, should give serious thought to these issues.

Ethical Issues
It goes without saying that every professional who provides services of any kind owes an ethical obligation to protect the interests of his or her clients or patients. That is the very essence of being a professional. Indeed, those ethical duties are an integral part of going through the process suggested in the foregoing section. The well-being of each client or patient is the essence of that inquiry.

Still, it is worth noting that these ethical obligations have been imposed more formally in some areas of practice than in others. The American Psychological Association’s Ethical Principles of Psychologists and Code of Conduct contains the following provisions (5):
**BUSINESS OF DIETETICS: ASK THE ATTORNEY**

3.12 Interruption of Psychological Services

Unless otherwise covered by contract, psychologists make reasonable efforts to plan for facilitating services in the event that psychological services are interrupted by factors such as the psychologist’s illness, death, unavailability, relocation or retirement or by the client/patient’s relocation or financial limitations.

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6.02 Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work

(c) Psychologists make plans in advance to facilitate the appropriate transfer and to protect the confidentiality of record and data in the event of psychologists’ withdrawal from positions or practice.

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10.09 Interruption of Therapy

When entering into employment or contractual relationships, psychologists make reasonable efforts to provide for orderly and appropriate resolution of responsibility for client/patient care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the client/patient.

Similarly, in May 2002, the California Association of Marriage and Family Therapists adopted a Revised Code of Ethical Standards for Marriage and Family Therapists, which includes this provision (6):

“One.3 Marriage and family therapists are aware of their professional and clinical responsibilities to provide consistent care to patients and do not abandon or neglect patients. Marriage and family therapists, therefore, maintain practices and procedures that assure undisrupted care. Such practices and procedures may include, but are not limited to, providing contact information and specified in case of emergency, or therapist absence, conducting appropriate terminations, and providing for a professional will.”

Finally, the American Bar Association Committee on Ethics and Professional Responsibility issued Formal Opinion 92-369, providing in part (7):

“Lawyers should make arrangements for their client files to be maintained in the event of their death. Such a plan should at a minimum include the designation of another lawyer who would have the authority to look over the sole practitioner’s files and make determinations as to which files needed immediate attention, and provide for notification to the sole practitioner’s clients of their lawyer’s death.”

The Code of Ethics for the Profession of Dietetics contains no similar specific reference. It does, however, contain some applicable general statements, including the following paragraph (8):

“19. The dietetics practitioner supports and promotes high standards of professional practice. The dietetics practitioner accepts the obligation to protect clients, the public, and the profession by upholding the Code of Ethics for the Profession of Dietetics.”

Moreover, it makes sense from an ethical perspective that the practitioner, whether physician, therapist, or dietitian, has an affirmative duty to protect the interests and well-being of his or her patients and clients. It is difficult to imagine, in fact, that such a duty, depending on the nature and circumstances of the practice, does not include ensuring that the patient or client records, and their privacy, be maintained and that the patient or client be assisted in continuing whatever treatment or services, after the practitioner’s death or incapacitation.

**Legal Implications**

Of course, where ethical duties are created, those duties often take on a legal aspect as well. The breach of any duty owed by a practitioner to patients or clients is likely to have legal consequences if any damage or injury results from the breach. If, for example, the patient of a therapist should experience a traumatic reaction to the death of the therapist, which could have been minimized or avoided by the implementation of a professional will, a claim by the patient or the patient’s family could theoretically be brought against the therapist’s estate.

This issue ties in closely, it will be seen, to the practical considerations discussed above. The nature of the practice and the services rendered, along with the relationship between the practitioner and the patient or client, will largely determine the legal risks from not having a professional will. In circumstances where the resulting harm from a failure to have such an instrument is unlikely to be substantial, the legal risk, like the practical risk, will be correspondingly small.

A distinct element of this consideration, however, should be separately discussed, and that is the maintenance and treatment of the patient or client records upon the death of the practitioner. Whether or not the practitioner determines the need for a more elaborate professional will, especially in a health care setting, he or she may need to make provision for what will be done with the records. The recent trends recognizing and protecting the rights of clients or patients to the privacy of their records strongly suggest that a practitioner cannot leave to chance how those records may be handled.

In some states, in fact, specific statutes may require that patient records be maintained for a defined period after the end of the practitioner-patient relationship. Even where the law is not as specific, it might be irresponsible to assume that the privacy of the records will be maintained if the practitioner has failed to designate particular individuals or processes to deal with the records. Where the patient or client decides to take on a new practitioner, it is important that directions are left as to how the transfer of the records to the new practitioner should be facilitated.

All of these issues are important, and they may all be addressed with appropriate foresight by the prudent practitioner.

**WHAT SHOULD BE INCLUDED IN A PROFESSIONAL WILL?**

If we determine that a particular practitioner in a particular practice, whether dietetics or neurosurgery, is indeed an appropriate candidate for a professional will, what should be included in the document? In other words, how do we make one? What should it say?

At the very basic level, the professional will should set forth everything that the practitioner determines ought to be done upon his or her death or incapacitation, and it should designate the persons who should be doing those things. Since the professional will may not be regarded as a legal will and testament, however, the primary concern should be de-
voted to the substance of the document more than to its form. The true challenge for the practitioner is to anticipate all the issues and problems that may result from his or her death and to provide for them. While some of the details may not be essential, it is important that the major and necessary tasks should be enumerated.

One must remember that just saying something should be done does not mean necessarily that it will be done. Because a court may not be willing to take jurisdiction and enforce the provisions of a professional will, which does not, as we noted, provide for the disposition of property, the practitioner should, while living, solicit the agreement of one or more colleagues to accomplish those tasks.

In fact, the notification and inclusion of the practitioner’s colleagues who will be relied upon to implement the terms of the will is probably the most important step in the process. At least one commentator designates those individuals as the Emergency Response Team and provides a detailed checklist of what information should be provided to the Emergency Response Team (3).

It is essential that the forward-thinking professional decide whom he or she can trust to do what is necessary to fulfill the professional’s responsibilities to the clients or patients. Moreover, the best practice is for the professional, when assembling the plan, to contact those individuals and secure their commitment to act in accordance with the professional’s instructions in the event of his or her death.

One should also give thought to how many persons should be named. It is possible that one responsible individual can do everything that is required, but it may still be preferable to designate more than one person. If one person becomes unavailable to perform, the others could then step in as necessary. In addition, the nature of the tasks may require more than one person, since some may be purely administrative while others necessitate professional expertise.

With respect to the individuals designated to perform these functions, one additional point should be made. The executor of a decedent’s personal will is usually entitled to compensation from the estate. This is not necessarily the case with members of the team who will be acting upon the death of the practitioner. The practitioner should give thought as to whether these individuals should be compensated from the practitioner’s assets. If so, it is not clear that the professional will is a viable vehicle for achieving this purpose. Even though the professional will may contain a provision for such compensation, it may or may not be enforceable, and the prudent practitioner should therefore provide for such compensation in his or her personal will that will be administered by the executor and the court.

This brings us to the nature of the tasks that will need to be performed upon the death of the practitioner. At the very least, someone should be designated to preserve the records of the clients or patients. In the case of health care records, many states have statutory requirements as to how long those records must be maintained, and one should not leave the chance whether the records might be inadvertently discarded. The preservation of the records is a basic obligation owed to the patients or clients.

It is also essential that someone contact the patients or clients in the event of the death of the professional who is treating or serving them. This means that one of the Emergency Response Team must have access to a client list that is current at the time of the professional’s death, and it would be helpful to provide that person with a form letter to be sent to all those on the list. In the notification, it would be prudent to provide the clients or patients with the names of some practitioners whom the decedent would recommend to continue the treatment or service. It is, naturally, within the sole discretion of the client or patient to choose the new practitioner, but a list of recommended alternatives might be appreciated.

Similarly, the professional will might also provide for a trusted and designated practitioner to conduct an immediate review of the files to identify those cases in which immediate resumption of treatment may be called for. There may be cases, for example, in which a lengthy postponement of treatment might create substantial risks for a patient, and an expert practitioner could easily provide transitional treatment or counsel the patient in order to minimize those risks. While some might argue that allowing a nontreating professional to review the records could create issues of a possible breach of privacy, it is more likely that such a practice would be regarded as prudent for the protection of the patient and as similar to seeking consultation in an appropriate manner from a fellow practitioner.

Finally, there are the basic practical aspects to be considered. A means should be devised to provide the appropriate Emergency Response Team members with keys to those premises to which they will need access, including a safe deposit box or other storage facility containing the documentation for communicating with the patients or clients. Someone should have access as well to the practitioner’s financial and collections records, which will need to be shared with the executor of the decedent’s estate. And there should be instructions to contact the practitioner’s attorney and named executor to ensure that the performance of the professional will is not inconsistent with the provisions of the personal will.

All this may sound like a lot to do, and it probably is. If so, Ann Steiner provides the short form of achieving these purposes: first, choose three colleagues to cover your practice in your absence; second, fill out a series of form letters (e.g., to an executor and attorney, to the colleagues whom you designate, and to your clients or patients and any other person who should be advised of your death); and third, write out how your primary designees can find the client information that is essential to their doing what you have instructed them to do (3).

SOMETHING TO CONSIDER

Basically, a professional will, whether it qualifies as a will at all, is worthy of serious consideration. In essence, it is a succession plan to ensure that a professional practitioner continues to satisfy his or her professional responsibilities, especially to clients or patients, even after death. What it does, even though it may not be recognized as an enforceable legal document, is to call our attention to those things that must be done to fulfill those responsibilities and to cause us to do some planning as to how those things may be facilitated.

In other words, one need not be consumed by the formalities of a professional will, at least until it is recog-
nized as a legal document in one or more states. What should occupy the practitioner, however, is devoting appropriate forethought to making sure that his or her affairs are in order in case of an unexpected emergency. It does not take much imagination to envision the problems that can arise if proper planning is not done. The creation of a professional will, or similar plan, is an excellent way of forcing us to engage in that planning.

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Becoming a Media-Savvy Registered Dietitian

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In an ideal world, being the best at what you do would be enough to keep clients coming. The reality is that almost every successful enterprise also requires building and maintaining relationships. The dietetics profession is no exception.

Actually, working with the media can make your job easier. One small effort on your part could resonate in hundreds, thousands, or even millions of eyes and ears, allowing you to have a larger impact. It also gets you seen. “I connected with a Washington Post columnist and he wrote a series of stories about losing weight. He mentioned my name throughout,” says Katherine Tallmadge, MA, RD, an ADA spokesperson and columnist and he wrote a series of stories about losing weight. He mentioned my name throughout,” says Katherine Tallmadge, MA, RD, and author of Diet Simple: 192 Mental Tricks, Substitutions, Habits & Inspirations. Tallmadge applied to become an American Dietetic Association (ADA) media spokesperson and was invited to join the program in 2002.

Media-savvy registered dietitians (RDs) say the biggest misconception is that some special esoteric knowledge is needed for the media to embrace you. “Sometimes you see people in the media a lot and you think, ‘I’m not going to try to get involved because there are so many people doing it regularly,’ but we always need more people,” says Cynthia Sass, MPH, MA, RD, an ADA spokesperson and adjunct professor at the University of South Florida, Tampa. “Dietetics is very hot right now. We need more professionals doing this type of work to speak about it.”

Making a media presence also helps guarantee that the right message is being conveyed in print and broadcast. “When you do see people talking about nutrition, they aren’t always registered dietitians,” Sass says. “We need to establish ourselves as the experts. Don’t hesitate to get involved.”

BE AVAILABLE

The first step toward building a positive media relationship is letting journalists and producers know who you are. “Start building a relationship. Look at local papers and TV and find out who covers nutrition. You can almost find anyone’s e-mail online,” says Lona Sandon, MEd, RD, an ADA spokesperson since 2003 and assistant professor of Clinical Nutrition at the University of Texas Southwestern Medical Center, Dallas. Contact reporters when they run an article or program that you like. “Tell them you love a story and, along with that, briefly recommend another topic they may be interested in,” she says. “They are looking for ideas all the time, and if you catch them at the right time they’ll run with it.”

BE CLEAR

Tallmadge says that her positive relationship with the media comes from a healthy view of reporters. She says she has called them with story ideas, recommended sources, and even invited a few to dinner. “It’s about getting to know reporters, seeing them as partners interested in getting the best, most reliable information out there.”

BE READY

Keep in mind that journalism is a deadline-oriented profession—most reporters need the information yesterday. Fast, intelligent replies to interview requests are necessary to establish yourself as an expert.

Tallmadge once spent 2 solid days over Thanksgiving helping a reporter identify the calories in holiday foods and the exercise necessary to burn them. This unplanned research eventually ran in Newsweek and was read by its several million subscribers.

Last week Channel 5 in Dallas called me at 4:45 [PM] for the 10 o’clock news, saying they were going to be there in 15 minutes. That’s when I usually wrap up my day and go to the gym!” Sandon says. “But I knew that if I turned them down, they’d never come down again. So you have to get them their info and look good while doing it.”

It is also important to put the general good, via helping the reporter, over personal acclaim. “I could be interviewed for hours on something and not be quoted,” Tallmadge says. She once interviewed some RDs for a series of Washington Post pieces, but at the last minute their quotes were taken out by the editor. The RDs scolded her for it. She says they were missing the point. “It’s about the relationship—not [about] being quoted in every piece you’ve interviewed for.”

Media-savvy RDs take time out to learn the hot topic of the moment.

Tallmadge says that her positive relationship with the media comes from a healthy view of reporters. She says she has called them with story ideas, recommended sources, and even invited a few to dinner. “It’s about getting to know reporters, seeing them as partners interested in getting the best, most reliable information out there.”

BE CLEAR

The general public is going to be more familiar with the latest diet fad than the new MyPyramid. Concepts need to be made easy to understand and act upon. RDs can learn this from the media.

Sandon once pitched a local TV news segment on the causes of childhood obesity. The producer was interested, but asked her to identify three foods parents should not feed their children and three foods they should. Sandon knew that ADA’s healthful eating messages are based on the Association’s positions, including that all foods can fit into a healthful diet. She was able to be flexible, but admits that it is hard sometimes despite both parties having the same goal. “The
media also has an agenda to educate the public, but they don’t do it the same way dietitians want to do it. We want to come in and give all the information. The media is going to present it short and sweet,” Sandon says.

“You can teach people about behavior change in your practice. A lot of times we’re doing the same in the media, though it may be hundreds of people instead of one-on-one,” Sass says. “People who are saying, ‘Am I going to be good at this?’ are probably going to be more [media-savvy than they think]. [It’s] something to keep in mind.”

BE RELEVANT
Perhaps the most important thing is to learn what’s being discussed around the water cooler. Media-savvy RDs take time out to learn the hot topic of the moment.

While ADA spokespeople dedicate up to 10 hours a week to media relations, setting aside just an hour or two to do research could make a difference to any ADA member. “Spend time at the local bookstore looking at books and finding out what people are talking about,” Sandon says. Being aware of the latest trends not only makes you a better RD, but it also allows you to quickly discuss media topics if the opportunity presents itself.

When you decide to become more present in the media, it is a matter of straddling two worlds: the scientific and the public.

“Someone this morning asked me about this new ultrametabolism book. I never heard of it, so I went to the bookstore this morning to find out about it,” Sandon says. “It’s not the clinical stuff, but it’s the popular stuff.”

EVERY MEMBER IS A SPOKESPERSON
Established in 1982, ADA’s national Spokesperson program currently consists of 30 RDs from the country’s largest media markets and who serve 3-year terms. The number of spokespeople varies per market. For instance, New York City has four spokespeople. Spokespeople must be RDs and ADA members, have previous experience working with the media, and meet other qualifications. Travel is light, but spokespeople must have schedules that allow them to be available for media interviews. “I’ve always worked with the media, but not as much as before becoming an ADA spokesperson,” Sass says. She has done 10 to 20 interviews a month since joining the program in 2001.

In addition, every affiliate association has openings for one or more state media representatives and public relations chairs. (For members who live in and work in large cities, these positions often serve as stepping stones to ADA’s national spokesperson program.) Getting involved with your local affiliate, dietetic practice groups, or place of work are great ways to start building relationships with the media and to support your organizations.

“I think the most difficult thing is the fact that you are representing more than 65,000 people!” Sass says. “You’re not really speaking for yourself, but [for] those people and your association. It’s a wonderful opportunity.”

For more information on working with the news media, download ADA’s public relations handbook at: http://www.eatright.org/cps/rde/xchg/ada/hs.xsl/media_408_ENU_HTML.htm. To learn more about ADA’s spokesperson program, contact ADA’s Public Relations Team at 800/877-1600, ext. 4806 or 4802, or e-mail media@eatright.org.

MEDIA-SAVVY TIPS

● Volunteer for local public relations positions to learn the ropes.
● Get a mentor to help you polish your public persona and interview skills.
● Visit local bookstores to stay on top of the latest diet books or hot magazine topics.
● Make yourself readily available for a quick interview.
● Write letters to the editor to get journalists familiar with your name.
● Establish a Web site with current contact information, particularly an e-mail address.
● Make sure your explanations are plain enough for the general public to understand.
● Set aside an hour or two a week for media relations (eg, updating Web site, emailing reporters).
● If it is beyond your knowledge, recommend other RDs for an inter-
When Do You Need a Lawyer?

In this era of frequently filed lawsuits and asserted legal rights, the question often besetting a layperson is, “When should I consult a lawyer?” Lawyers, as we know, can be expensive, and it is not realistic for most of us to keep a lawyer on retainer or make a call to a lawyer every time we have a question that might be legal in nature. Nevertheless, there are clearly times when an individual needs to have legal assistance. When are they?

Being a lawyer (and being willing to confess to that fact), I should be tempted to say that one always needs a lawyer. That view would ingratiate me to my colleagues and be true to my profession. And it would, in large part, be accurate; a lawyer will often bring a reasoned view, add a valued perspective, and provide a benefit. Still, it is an unrealistic view, and not one that I am proposing to advocate here.

I recognize, as well, that lawyers have a bad reputation. In many ways, it is well-deserved. There are enough bad lawyers, or unethical lawyers, or lawyers whose motivation is to make money at the expense of others, to give the profession a bad name. Moreover, some lawyers see their role as obstructionists, rather than facilitators, and they serve largely to compli-
cate transactions and lawsuits and to increase the costs associated with them. On account of such practitioners, the reputation has developed and become a part of the fabric of American society, as, of course, have the numerous, numerous jokes about lawyers.

That having been said, it must also be noted that lawyers—good lawyers, of course (and that’s not an oxymoron)—do serve an essential function. Utilized properly, they are protectors of rights and liberties and counselors who minimize or eliminate potential problems and issues through planning and draftsmanship. In addition, they can be effective advocates in negotiating transactions and in asserting legal rights and privileges. Notwithstanding the many jokes about lawyers, it can be greatly to your advantage to retain one.

So, when should you retain a lawyer? The broad answer is that one might wish to consult a lawyer whenever personal or financial rights or interests are put at risk. This sounds easy, but what does it mean? It is easy to see that rights or interests are at risk when an individual is charged with a crime or sued in a court of law, but it is not quite as easy at the stage when one is entering into a transaction that is not anticipated at the outset to create any disputes or claims. Moreover, the extent of the risk involved may determine whether legal counsel is appropriate. Where the risk is minimal, the cost of a lawyer may not be justified.

Weighed against this principle, there are clearly a number of situations or transactions when one might seriously consider seeking professional legal counsel. These include the following:

1. Buying, selling, or leasing real estate
2. Starting a business
3. Divorce or adoption
4. Being arrested or charged with a crime
5. Suing or being sued
6. Estate planning
7. Complex financial transactions or tax issues
8. Contractual relationships with substantial impact.

While some or all of these may seem to be self-evident, it might be worthwhile to examine why each of these matters involves legal issues for which counsel might be required.

1. BUYING, SELLING, OR LEASING REAL ESTATE

Is a lawyer required for the purchase, sale, or lease of real estate? The answer is probably, but it depends. It may depend upon the sophistication and experience of the parties to the transaction, the amounts involved, and the nature of the property at issue. A lawyer can always add value in the case of real estate transaction, but there is no requirement that the parties be represented by counsel. The parties in each instance must determine whether they are comfortable in proceeding without an attorney and the extent of the risk involved.

One might wish to consult a lawyer whenever personal or financial rights or interests are put at risk.

Why is a lawyer a good idea? In the case of a sale of property, there are many issues of law. It is essential that a good and valid title to the property is being conveyed, that the title is free from liens or encumbrances, and that the contract of sale conforms to the legal requirements of the state and municipality where the property is located. If financing is involved, as in the case of a mortgage, the parties may be undertaking obligations and...
risks in which they will be participating over a long period of time.

In addition, the contracts in a real estate transaction, whether the sales contract or the financing agreement, are often highly formalistic and riddled with legal terminology that has been developed over a long period of time. There may be language that has special meaning that is not familiar to the layperson. Some of the duties undertaken by the parties are usual and customary, but some may not be. Moreover, the form contracts used by some sellers of real estate may have provisions that are extremely favorable to the seller, and burdensome to the purchaser, and it may be much easier for a lawyer to identify the pitfalls and problems to negotiate alternative language.

This is also true in the context of lease arrangements. Lease agreements, not surprisingly, are drafted by the lessor, or property owner, and they are as a result favorable to the lessor and detrimental to the lessee. The lessee, if unsophisticated, may be assuming duties that he or she does not realize. It is also true, of course, that the lessee may be unable to remedy these provisions even if he or she recognizes the problem, but it may be easier for a lawyer to propose ways in which the issue may be addressed that are not apparent to the layperson.

Finally, the decision to retain a lawyer may be influenced by whether the transaction is personal or commercial. In the case of a personal lease, for instance, many of us will not utilize counsel because of the expense and because the relative bargaining strengths of the parties may mean that the lawyer can have little effect. The lessor usually has the advantage of having attractive and unique property that the lessee is eager to occupy, thereby making the lessee much more willing to enter into a lease that is less advantageous than would be preferred. Where the lease is for commercial property, however, it is common for both parties to have legal counsel to work out the various intricacies of the relationship.

2. STARTING A BUSINESS

Although many of us engage in a number of real estate transactions in our lives, the prospect of starting a business is often a one-time occurrence. Consequently, the issues that surround starting a business are something with which most of us have little familiarity. While starting up may seem only to entail setting up an office and printing business cards, there are some additional questions with which a lawyer may be able to help.

First of all, one must select the form of entity in which the business is to operate. A business may be a sole proprietorship, partnership, corporation, or even one of several other forms. Each form may impose different personal liability on the operator, may require the creation or filing of different kinds of documentation with the local governmental bodies, or may be governed by different state or federal tax treatment. One may do research as to the implications of each, but a lawyer can probably address those issues in an efficient and thorough manner.

This is especially the case because the risk of improper formulation of a business, or failure to comply with the formal requirements of the state or municipality, may be substantial. Penalties may be assessed or sanctions imposed. All in all, the number of technicalities involved in starting a business strongly argue in favor of a lawyer’s participation.

3. DIVORCE OR ADOPTION

It almost goes without saying that a lawyer’s assistance in these areas is strongly recommended. The risks of inadequate compliance with the formalities of divorce or adoption are self-apparent. One would not, for example, wish ever to become involved in a situation in which a divorce or adoption was not legitimately consummated. Moreover, the negotiations and interactions that accompany a divorce, in terms of property settlements or custody arrangements, are often best conducted by attorneys acting on behalf of the parties, so as to minimize the conflicts and emotional tension that often result in that context.

4. BEING ARRESTED OR CHARGED WITH A CRIME

This is perhaps the scariest of the scenarios, and the one for which the selection of an attorney is a virtual certain choice. Here, the personal risk is the greatest, whether it’s a potential fine, imprisonment, or loss of a driver’s license. It’s also the arena in which everyone but a criminal attorney feels the most ignorant and vulnerable. The defendant will often feel totally helpless and, even if innocent, victimized by the system. A lawyer is usually a must.

And what do you get by having an attorney? First, you get someone who is familiar with the process, the language, the rules, and the rights of the defendant. Second, you will have an advocate who knows and deals with the prosecutors and the judges on a regular basis. With a good attorney, the defendant will thus have built-in credibility with the persons who participate in the prosecution.

5. SUING OR BEING SUED

As in the case of a criminal action, a person participating in a lawsuit, either voluntarily or unwillingly, is often well-advised to retain counsel. A good trial lawyer will be able to evaluate your lawsuit and then handle it to your best advantage. He or she will have a working knowledge of the court system, the rules of discovery (under which information and testimony is disclosed by one party to the other), and the procedural aspects of litigation. Such a lawyer will be able to formulate the strategy of your case and pursue it on your behalf, presumably to your advantage.

There are cases, however, that might not require a lawyer. If a defendant wishes simply to dispose of a case quickly by making payment to the claimant, that can be done without counsel. Similarly, there are cases in which a party may prosecute or defend a case on his or her own. This is called proceeding pro se, or “for one’s self,” and it is best undertaken in simple cases with uncomplicated facts. In some jurisdictions, cases brought in Small Claims Court, a court which will not entertain cases claiming more than a specified amount (usually $5,000 or $10,000) must be handled pro se, and attorneys will not be permitted except to represent corporate entities.

As a related matter, an individual may also wish to retain a lawyer if he or she becomes involved in an accident which results in substantial per-
sonal injury or property damage. Such an accident is almost certain to result in one or more lawsuits, and it is most advisable that a party to the accident retain counsel soon after the accident in order to receive good advice in preparation for asserting or defending a claim. Where the parties to the accident are insured for that event, it is likely that the insurer will have the right to retain counsel, either for the defense of the claim or to assert a claim on behalf of its insured. One should always, in such cases, consult with the insurer as soon as possible in order to understand the nature of the coverage in this regard.

6. ESTATE PLANNING

Another matter for which you may wish to retain an attorney is the preparation of your will or estate planning documents. We all wish to be assured that our assets will be distributed at our death in accordance with our instructions, and a competently drafted set of documents is essential. The need for an attorney increases proportionately with the size of the estate and the complexity of the bequests, but even the simplest of wills can benefit from the participation of a good lawyer. The various state or federal laws relating to estates and taxation are constantly in flux, and a lawyer who practices in this area will have a working knowledge of how those laws will affect your bequests. Where the law changes in the future, the attorney will be able to advise you as to whether the revisions to the law will necessitate changes to your will and related documents.

Although it is often, if not usually, preferable to obtain legal counsel to draft your wills, there are ways in which the use of a lawyer can be circumvented. Several vendors offer publications on how to draft a will or to avoid probate, and these forms usually incorporate the elements necessary for a legally acceptable will. Such a form may be fully adequate where the estate and the bequests are fairly straightforward. Utilizing such an instrument does, however, potentially increase the risk that the assets of the estate might be adversely affected by the complexities of the tax laws or other unaccounted-for legal niceties. The publications containing these materials will often provide a disclaimer that they are not intended as legal advice, and the one who makes use of those materials should always be aware that they cannot do everything that a lawyer could do. In such cases, therefore, the individual must always be willing to assume the risks that accompany the use of the form documents.

7. COMPLEX FINANCIAL TRANSACTIONS OR TAX ISSUES

A lawyer may be appropriate to render advice with respect to money matters, such as complex financial transactions or difficult tax issues, in which the level of financial risk may be so significant as to justify the involvement of counsel. By definition, a complex financial transaction will involve issues for which the advice of counsel will be appropriate. Similarly, complex tax issues will ordinarily require the expertise of either a lawyer or an accounting professional who works with those issues and remains abreast of the positions taken by the Internal Revenue Service.

In other words, a lawyer’s participation may be appropriate, or even necessary, when the issues are beyond the knowledge of the average individual and the level of risk is substantial.

8. CONTRACTUAL RELATIONSHIPS WITH SUBSTANTIAL IMPACT

Finally, you should consider seeking the advice of a lawyer when entering into a contractual relationship that may have a substantial personal or financial impact. We have qualified the discussion in this way because there are clearly contracts that all of us enter into every day that do not necessitate legal consultation: purchase contracts, credit card agreements, magazine subscriptions, and many more. Although the provisions in these contracts should be scrutinized, and undoubtedly in many cases contain language that imposes burdens on the individual, we are all pretty comfortable with the risks that accompany these contracts. It certainly does not make sense to pass each and every contract by your lawyer.

Where the contract is other than routine, however, it might make sense for a lawyer to look it over on your behalf. If the contract is one under which you will be required to perform services, or take on a long-term obligation, you should at least consider whether legal assistance would be appropriate. A factor, of course, is the number of similar contracts to which you have been a party, and the consequent level of comfort that you have with the particular issues. One approach, especially if you elect not to engage a lawyer, is to view the contract in terms of what will occur if all does not go as contemplated.

It should be apparent that these subject matters are not exhaustive, and that there are undoubtedly various other scenarios where retention of counsel is advisable. Many of those scenarios, as with some of those listed above, are a matter of common sense. Your practical judgment will often be the best guide, as you should always be sensitive to situations that simply do not seem right or that seem more complicated than is appropriate to the situation. A lawyer is not the answer in every case, but you should also not be so averse to lawyers that you become engaged in relationships or transactions that become highly problematic or damaging.
Drawing Attention to Your Web Site

You’ve decided to create a Web site (eg, blog, online resume, professional networking profile) to showcase your knowledge of dietetics and nutrition and launch yourself onto the World Wide Web, the blogosphere, and/or the online networking scene.

But how do you get noticed? How do you draw readers, subscribers, or contacts?

Here are some tips on how to draw attention to your Web site.

GENERATING THE RIGHT CONTENT

When choosing a topic or focus for your Web site or blog, remember to target your audience, be unique, create content that can’t be duplicated, and interact with your audience (1).

Being unique and targeting your audience go hand in hand. You want to choose a topic that is not being done by many others. There are a lot of Web sites and blogs about nutrition, but if you specialize and be more specific you are likely to draw more traffic. Find that niche and be relevant. For example, instead of a Web site or blog about nutrition, focus on something that interests you in your field or you are an expert on, such as nutrition for older individuals with diabetes.

Create original content. Many blogs just cut and paste or link to content found on other sites and then add a little commentary. But if you can research and compile original content, it will go a long way in solidifying your readership. Also, post content as often as possible. Keep the readers coming back regularly and keep the search engines indexing your site, which will generate more search engine hits.

Finally, interact with your audience. Allow comments to your posts when relevant. You’ll get a good idea of what your audience thinks about the content you are providing and they can give you additional ideas for future content.

HERDING TRAFFIC

You’ve got outstanding content, but only a few readers. You want to be able to type your site’s name into a search engine and see it in the results. You want traffic.

Here are several ways to help get your Web site or blog noticed.

- **Register with search engines:** All the major search engines (eg, Google, Yahoo!, MSN) allow you to register your Web site with their service, which will help search engines find and direct readers to your content.
- **Trade links:** Find a complementary Web site to your own or site of a colleague or business association and provide links to each other’s Web sites. The more links exchanged or traded, the more traffic your sites will generate. Also, if you have content that may be of interest to other Web sites, send them a link to that specific content and maybe they will post that link to their Web site.
- **Ping your Web site:** Services like Ping-O-Matic (http://pingomatic.com) inform search engines that you have updated your content.
- **Provide Web address on offline material and in correspondence:** Remember to include your Web address on business cards, letterheads, e-mail signatures, etc.

From One Food and Nutrition Professional to Another

According to Dawn Jackson-Blatner, RD, ADA spokesperson, member of several dietetic practice groups, and owner of www.dawnjacksonblatner.com, “If you’ve got it, flaunt it... everywhere!” Jackson-Blatner offers five tips for getting the word out about your Web site.

1. **Get the most of your membership.** ADA members can post contact info (Web sites and blog information) on ADA’s National Nutrition Network. Check out the brochure at www.eatright.org/ada/files/NNN_brochure.pdf.
2. **Presentations** (law firms, gyms, preschool parents, Parent Teacher Association events, “the sky is the limit”). “Share your nutrition knowledge during the presentation and tell the audience to go to your Web site/blog THREE times (at the beginning, somewhere in the middle, and at the end of the presentation).”
3. **Become an author:** “Write articles (Journal or ADA Times articles, dietetic practice group newsletter articles, your employer’s newsletter, etc) and provide your name and contact information at the end of the article.”
4. **Top of mind.** “Have an option on your Web site or blog for interested visitors to sign up for a newsletter you send out every month or so. Sending even a small newsletter helps keep your Web site/blog on their mind. Don’t be afraid to ask your mailing list to forward the newsletter to others!”
5. **Socialize to publicize.** “Tell your friends, family, patients, hairdressers, manicurists, coworkers, your spouse’s coworkers, kids’ teachers (anyone you have contact with) about your Web site/blog. Try to 1) verbally tell them about it, and 2) physically give them a contact (business) card with the Web site/blog info written out. You never know who they will tell or share the info with.”

Getting noticed and competing with other Web sites is a tough game. But if you’re persistent and keep offering quality, unique content, you’ll start generating buzz and lots of traffic in no time.

**Reference**

Getting Started in Private Practice: A Checklist to Your Entrepreneurial Path

Plan or update your Professional Development Portfolio Learning Plan to include educational sessions that will help you complete unfinished activities on your checklist. Make it a habit to submit your continuing professional education (CPE) hours online to the Commission on Dietetic Registration Web site (www.cdrnet.org) as soon as each program is completed. (Check out the new format for submitting Journal CPE hours online on page 79 of this issue.)

Obtain letters of recommendation from employers and professional colleagues, patients or clients, business leaders, educators, and community leaders whenever you have completed a consulting job, taught a program, provided a community service, or otherwise made the world a better place. Tracking these individuals down to obtain references when needed is a difficult and time-consuming task. Regularly contact these individuals to touch base and to update their contact information (1).

- Maintain your professional credentials with up-to-date Professional Development Portfolio.
- Become licensed or certified in your state, if applicable.
- Regularly update your curriculum vitae/resume.
- Maintain a current listing of professional meetings attended.
- Maintain an ongoing file of letters of recommendation.
- Regularly update your list of professional references.
- Regularly update your list of personal references.

2. LEARN AND CONNECT

Join an affiliate (state) association, dietetic practice groups (DPGs), and specialty groups. Take advantage of valuable member benefits and resources including the Journal, various newsletters, and other American Dietetic Association (ADA) and DPG publications; the Evidence Analysis Library; networking, mentoring, and continuing education opportunities; discounts on professional resources; and business trend updates (2).

Excellent reading resources are available in the business section of the library and book stores to help you learn what it takes to start and manage a business. You can also access professional materials and continuing education program listings at the NE Web site (www.nedpg.org).

US Small Business Administration (www.sba.gov) offices are located in many states and cities (3). These facilities offer excellent low-cost classes and materials covering every aspect of starting and operating a small business. Experienced consultants may be available to answer questions, point you to business services available locally—including business loan programs—and provide feedback regarding your business plan, strategies, and materials.

SCORE (Service Corps of Retired Executives [www.score.org]) offers a free business consultation by a seasoned local professional. This is a wonderful opportunity to practice pitching your business idea and to receive helpful feedback regarding your readiness to leap.

Become connected to your local business community prior to applying for a business loan and opening your business to clients. Join the Chamber of Commerce and attend their functions. Perform community service and network through Rotary or Kiwanis Clubs. Connect with women in a spectrum of professional areas through Women in Business organizations. Perfect your presentation skills with Toastmasters. These contacts will pay off in business referrals and will lay the groundwork for long-lasting professional and personal relationships. You’ll be pleasantly surprised to find that successful

This article was written by Mary Gross, MS, RD, president of Nutritional Perspectives in Durham, NC, and director of the Private Practice Specialty Group of the Nutrition Entrepre- neurs DPG, and Cathie Ostrowski, MS, RD, president of Personalized Nutrition, Inc, Apex, NC. doi: 10.1016/j.jada.2008.03.039
business owners really want to help newcomers succeed.

- Become an ADA, affiliate, and DPG member.
- Sign up for ADA, DPG, and affiliate listservs.
- Attend programs about the business of dietetics. Read books and articles on entrepreneurship.
- Register and attend US Small Business Administration classes.
- Pitch your business to a SCORE counselor.
- Make time for networking on a monthly basis.
- Be involved in trade associations.
- Join and participate in your local Chamber of Commerce.
- Be a leader in something you enjoy.

3. FIND AND FEED YOUR FOCUS
Do you want to find a job, or do you want to develop your career? There is a big difference between the two. A job is simply making a place for you to go each day and work. You fill your time and make money. A career is your course or progress throughout life. It is not unusual for entrepreneurs to take on way too much in the early stages of business, then to feel overwhelmed and overworked because they are in fact juggling a number of jobs.

Begin your entrepreneurial endeavor by creating a vision of your dream business. Imagine every aspect of your daily work. Picture your clients. What will they want and need from you? When will they consult with you? Where will they consult with you? Why will they select your business over others? A business vision is the critical distinction between a job and a career.

Will your vision translate into a viable business? Take an honest look at the business environment for clues regarding your likelihood of success. Identify the trends in your field related to your idea. Is your service or product at the beginning, middle, or end of its trend life cycle? Look for evidence that consumers feel the need for your services or products. Are existing businesses meeting consumer needs and wants, or is there a market for additional services or different types of services?

Taking the time for this in-depth analysis will help you to identify fatal flaws or potential trouble spots in your vision. An additional advantage is that you will be jump-starting your business planning process by identifying niche markets that may give you a competitive edge (4). Niche marketing is the process of finding and serving a group of customers whose needs are not being served by mainstream providers. Many business niches evolve over time as the entrepreneur develops experience and insight. However, pinpointing specialty areas early in the life of your business can maximize resource allocation and profits.

- Create a vision of your dream business.
- Assess the current business environment.
- Pinpoint your unique niche.

4. CREATE YOUR ROADMAP
Once your vision is in place, every business decision should move you closer to achieving this vision. Planning is essential to business success. Your start-up business plan is the roadmap which will guide you to your destination. The business plan includes an executive summary, description of your company along with mission and vision statements, product or service, a description of your target market strategy, implementation milestones, management team, an assessment of your competition, and financial projections for the first year including a calculation of working capital needed. Go to the US Small Business Administration Web site (www.sba.gov/smallbusinessplanner/index.html) for a comprehensive guide to writing a business plan (5).

Use your business plan to establish internal work plans. A strategic plan focuses on high-level options and priorities. An operations plan will include concrete goals, responsibilities, and a timeline for accomplishing tasks. (Check out the upcoming February 2008 issue of the Journal for an article on creating strategic plans and ADA’s strategic planning tool for members.)

- Create your business plan.
- Establish internal work plans.

5. ESTABLISH YOUR PROFESSIONAL SUPPORT SYSTEMS
As the old saying goes, “Time Is Money.” Effective business owners learn this lesson sooner rather than later. No one person has the time to be an expert in every aspect of business. Even a small business owner needs a knowledgeable team to succeed.

An accountant will assist you in establishing effective accounting procedures and payroll systems, and will be invaluable in ensuring that you file your business taxes accurately while gaining available tax advantages.

A corporate attorney will help you determine and establish the most appropriate business structure, develop basic contracts if consulting, and provide overall legal assistance as needed.

A marketing consultant can assist and guide you in naming your business; creating a marketing plan; developing brochures, business cards, and stationery; developing your Web site; and establishing your clientele.

An information technology consultant will help you with the technical aspects of setting up, maximizing use of, and maintaining your computer systems.

Health plans can benefit your business by marketing your services, referring clients, and paying for your services, thereby enabling more clients to utilize your business.

- Consult with an accountant.
- Consult your banker for help with financing your business.
- Consult with a corporate attorney.
- Consult with a marketing specialist.
- Consult an information technology specialist.
- Become credentialed and contracted with health plans, if desired.

6. ESTABLISH BUSINESS BASICS
As an entrepreneur, you must make a profit from running your own business. You must first cover your costs, including equipment purchase and expenses; business expenses (travel, continuing education, business meals); fixed costs (rent, phone, insurance, Internet service, marketing, employee costs); variable costs (file folders, printing, and

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educational materials for each client); and employee wages and related expenses (6). In determining your desired annual income, consider benefits usually paid by employers, vacation and sick time, holidays, and personal time off. Be realistic about the amount of unpaid time spent in activities such as marketing, phone calls, responding to e-mail, and communicating with physicians and therapists. Consider that an economic downturn has the potential to affect your business.

Setting fees is an art as well as a science. The market value for your services will depend on such considerations as the need for your services, the availability of similar services, rates charged by others in your locale, the convenience of your location and hours, and the ability of your target clientele to pay. Your perceived value may be higher based on factors such as marketing effectiveness, personal style, advanced expertise, reputation, education, experience, and credentials. Formulas are available to simplify the process of determining both counseling and consulting fees (6,7). Be sure to set your fees high enough to ensure a profit.

You may choose to become an in-network provider with selected health plans. Provider status will enable you to bill and receive payment directly from each health plan for medical nutrition therapy services provided to your clients. Contact individual health plans to request information and an application to become a provider. A typical application process involves completing the application to become credentialed, negotiating and signing a contract, and then registering to submit billing forms online.

Medical nutrition therapy coverage is a complex topic because payment details are unique to specific policies of each health plan and may differ by region or state. There is wide variability in diagnoses covered and payment rates. While contacting individual health plans can be time-consuming and detail-oriented, don’t give up as this effort may be important to your business success. The Private Practice subgroup of the NE DPG supports members seeking insurance reimbursement (www.nedpg.org/mem. ben.html). Helpful information is available in the archives of the NE listserv.

When you are ready to select your office location, consider your options carefully. You may plan to work with clients in your home office, or you might prefer to purchase, rent, or lease a building, suite, or room. Food and nutrition professionals often share space with other medical and allied health professionals, provide sports nutrition consults in gyms, or counsel in physicians’ offices. Countless variations are possible in establishing agreements for space sharing and collaborative provision of services. Be creative and assertive to ensure that arrangements of this nature fit your vision and meet your needs, financially and otherwise. Check with City Hall to learn if you can obtain a privilege license to work at your desired location. If you plan to work from your home office, you will also need to comply with covenants established by your home owners’ association, if applicable.

Professional liability insurance, a necessity for food and nutrition professionals in private practice, is available at very reasonable rates. Compare rates and services when selecting your insurer. Health plans require specified levels of insurance in the credentialing and contracting process.

Business checking and savings accounts must be separate from your personal bank accounts. Clients expect businesses to accept charge payments as well as checks. Shop around for best rates in selecting a credit card processing service; many are available online, and your bank may also offer this service.

Selecting the people who will work in your business is of critical importance. Consider your personal style and seek people who complement and balance your style, strengths, and weaknesses. Hiring the right people simplifies the management process (8). Employees or subcontractors may include other food and nutrition professionals, business manager, billing service, administrative assistant, answering service, cleaning service, grounds and maintenance personnel, security, and support staff.

Basic business policies and procedures should be in place before the first client walks in your door. You may wish to post pertinent policies online for your clients, including payment and refund policies, cancellation procedures, and missed appointment policy. HIPAA, which stands for the American Health Insurance Portability and Accountability Act of 1996, is a set of rules to be followed by all health care providers. You must address HIPAA requirements and notify clients of your privacy procedures (9).

☐ Estimate business expenses.
☐ Identify the market pricing for similar services in your area.
☐ Assess your income potential and set your fees.
☐ Identify the insurance reimbursement rates in your area and/or complete the application process to become a provider with health plans.
☐ Obtain office space and set up office infrastructure (eg, phones, computers, Internet, work spaces).
☐ Apply for a merchant privilege license at City Hall.
☐ Obtain professional liability insurance.
☐ Establish business checking and savings accounts.
☐ Select credit card service to process client payments.
☐ Hire employees or subcontract work.
☐ Write basic business policies and procedures.

7. LAUNCH YOUR MARKETING PROGRAM

How will your clients learn about your business? Your marketing program is the key that will bring clients to your door. Work with a professional marketing consultant to develop a comprehensive plan.

Generate consumer-friendly messages about your services for effective communication. Learn by listening to consumers themselves to understand their knowledge, beliefs, and values. Ask consumers to provide feedback in informal conversations or in focus groups.

Create your marketing materials. Start with business cards, brochures, and stationery. Develop advertising materials for telephone directories and place the ads. Advertise online through health-related organizations and specialty Web sites. Contact local physicians and allied health professionals to educate them about your services and request referrals.

Track direct benefits of each marketing effort. Ask clients how they
learned about your services. Thank each referral source by making a phone call, sending an e-mail, or sending a hand-written note.

Work with your marketing consultant to prepare press releases and targeted PowerPoint presentations for various audiences.

☐ Create consumer-friendly messages and test them.
☐ Create your business brochure, cards, and stationery.
☐ Prepare advertising materials.
☐ Place ads in directories and online.
☐ Establish relationships with local health practitioners.
☐ Prepare press releases.
☐ Prepare business presentations.

8. BUILD ON YOUR SUCCESS
Succeeding in business is an ongoing process. Always be on the lookout for ways to improve your business. Pay close attention to what clients are saying and respond. The executive client who grumbles about your e-mail response time may seem annoying, but is alerting you to a concern that may be shared by others.

Actively gather and evaluate specific types of data to pick up on things such as variability, seasonal trends, and changes in client purchasing habits. Quality-assurance techniques include such activities as conducting client satisfaction surveys, reviewing clinical outcome data, and evaluating appointment utilization and no-show rate; evaluating marketing effectiveness; and reviewing accounting data.

Keep track of global trends and opportunities as these are constantly shifting. Scan news reports daily to understand issues and concerns in your field. Begin to shift your services and products as consumer interests evolve. Stay ahead of the curve by anticipating changing needs and expectations of your target market.

☐ Develop and implement a quality-assurance program.
☐ Continually evaluate and improve.
☐ Adjust services in response to shifts in client expectations.

9. ENJOY THE BENEFITS
Your business is up and running successfully at this point. As clients succeed, they spread the word to their family, friends, and health care providers. Your referral base is gradually expanding, and your business is becoming more profitable. You are realizing your dream. Pace yourself and take time to balance all aspects of your life.

☐ See clients succeed.
☐ Realize abundant client referrals.
☐ Realize profit.
☐ Move toward self-actualization.

ADDITIONAL RESOURCES FOR ASPIRING ENTREPRENEURS

References

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Business Plan 2.0: Putting Technology to Work

This article is reprinted from the February 2008 issue of the Journal (2008; 108:212-214).

In today’s marketplace, creating a solid business plan can range from a one-page, business plan-“lite” strategy to a more robust plan that might include items such as a business concept “summary,” a vision statement, key milestones, market analysis, competitive analysis, and a plan for implementing strategy. Building a business plan that works best for you—regardless of whether you are setting up a counseling service in an outpatient clinic, establishing a private practice, or coordinating multi-site food service operations—involves some business plan “basics” (defining your service, setting goals, establishing a financial plan), but it should also include a relatively new component to business plan strategies—a technology plan (1).

Jean R. Caton, MS, RD, MBA, a business and lifestyle coach and speaker, and Linda S. Eck Mills, MBA, RD, FADA, a professional speaker, author, and educator, both active members of ADA’s Nutrition Entrepreneurs Dietetic Practice Group, offer keen insights and practical, take-away advice for food and nutrition professionals looking to develop a new business plan strategy.

BUSINESS PLAN BASICS
Describe your overall business plan philosophy.

Jean Caton: The business plan is a tool. I encourage my clients not to be paralyzed by the planning, because excessive planning—striving for perfection—sometimes hampers launching the business. I have some clients who are true entrepreneurs and are really excited about launching their business and want to open their doors with little or no business planning. As a business coach I believe somewhere in the middle is the best place for most—I call it business planning ‘lite.’ I don’t feel comfortable when clients want to disregard a formal business plan model, but for some people a simple, one-page plan is sufficient. Lengthy and detailed plans are very suitable for those seeking venture capital, angel investors, or other funding to support the business launch.

A simple, one page plan includes the following:

- Purpose: Why am I in business? Why do I want to be an entrepreneur?
- Vision: What do I see for the future of my business?
- Mission: What do I need to do to achieve the vision—my vision of my business?

All business plans, even the one-page plans, should also include detailed marketing, business, and financial goals. In addition to the business plan, a comprehensive marketing plan is essential.

Linda Eck Mills: Basically, a business plan becomes the answer to a long series of questions starting with: ‘How is my business deliberately different from others, how am I unique?’ Or simply ask yourself, ‘What business am I in?’ A photographer does not sell pictures, he sells the memories. What are we selling? Food and nutrition professionals should come up with one word that describes what their business really sells. For example, it could be ‘awareness,’ or ‘health’ for a clinical dietitian or it could be ‘convenience’ for an employee dining program that offers meals to go. We are not selling nutrition—who wants to buy nutrition! But many people want to buy ‘health,’ ‘awareness,’ or ‘convenience’.

A business plan is a written document that is not carved in stone; it is an evolving document that changes as the individual progresses with the business venture. A typical business plan features the following elements:

- Business Description (What is the name of the business? What is the reason for the existence of the business?)
- Products and Services (What do you sell? How are your products and services priced and what methods are used to determine your prices?)
- Marketing Analysis and Strategy (What target markets will you serve—and what is the size of those markets? Who are your direct and indirect competitors? How will you advertise and promote the business?)
- Management and Operations (What business skills are needed and who are the key people who will assist in managing the business?)
- Financial Projections (Based on your expenses and marketing strategy, what is your high, medium, and low projected sales level and break-even point?)

How important is a SWOT analysis (an evaluation of the strengths, weaknesses, opportunities and threats) to developing a successful business plan?

JC: A SWOT analysis is very relevant to developing a business plan. I also suggest my clients do a personal SWOT before they do a business SWOT analysis. It’s important for them to acknowledge their strengths and weaknesses (or areas of growth as I like to call them). After they do a personal SWOT, it is sometimes even more clear that going into business is right for them—or sometimes it is clear that it is not.

LEM: No business plan is complete without SWOT analysis. Strengths and weakness components of a marketing plan reflect an evaluation of the business’s internal situation. Opportunities and threats reflect the external environment that the business faces. Strengths and opportunities are items that can be leveraged to gain a competitive advantage. Businesses need to compensate for weak-
businesses until they can minimize or eliminate them. If possible, threats need to be anticipated so strategies can be developed to minimize their impact.

**What are the key things to consider when developing the financial projections in your business plan?**

**J.C.:** If you look at a traditional client counseling business model, often you will see that people are considering the price of their services but not the potential profitability of their business. In other words, they don’t fully recognize that what they are creating revenue and profit around is their time. Many counselors underestimate their time; i.e., don’t charge enough! One of the potential pitfalls in creating your financial projections, then, is not recognizing value. Food and nutrition professionals must shift their thinking about the value of ‘helping clients’ and ‘being paid well for the help you give.’... We have to take into account much more than the face-to-face counseling time when we establish fees. Nutrition counseling takes a lot of support before and after the actual meeting. We also have to charge overhead. Solo entrepreneurs don’t always give a lot of recognition to their business overhead.

**LEM:** The bottom line is your hourly rate needs to be significantly more when you are self-employed than when you are an employee of a company. It is important to determine how many revenue-generating or billable hours you will have. If you work 2,080 hours per year, only 1,040 to 1,560 hours—typically 50% to 75%—of your working hours are actually billable hours. Using the ‘three times’ rule is a quick way to determine your hourly rate. Take your desired annual income and multiply by three and divide by the number of billable hours per year. This may seem like a lot of money per hour, but don’t forget that as an entrepreneur you need to cover the cost of business expenses—salary, taxes, benefits, business and office expenses.

Another way to calculate the total income required is to add your direct costs, overhead, and desired profit. Direct costs are expenses incurred for billable hours—such as materials and payroll. Overhead is expenses you have regardless of the amount of billable hours you have—such as office, Web page, professional memberships. Your hourly rate is then determined by dividing your total income required by the total billable hours.

**WHY A TECHNOLOGY PLAN?**

“Business plan should not only explain what an entrepreneur will be doing, it also needs to explain how they expect to do it,” observes Nadine Fisher, MS, RD, the Nutrition Entrepreneurs Internet and Business Technology Chair. Fisher says that every business, no matter how small, relies on technology to stay organized, informed, and competitive. “When writing your technology plan, it is important to first consider what you will use technology for. You should ask yourself, ‘What tasks require, or would benefit from, technology?’ Marketing, presentations, communications, accounting—these are areas that typically benefit from a well-thought-out technology plan.”

Technology-based marketing initiatives are particularly key for food and nutrition professionals who wish to stay competitive in today’s market, and that often means addressing the need for a Web site within the technology plan. “Unless Web design is your particular area of interest, I often think it is best to leave this to the professionals,” says Fisher. “I don’t try to build my own house or fix my own car because those aren’t my skill sets. Look at the Web sites of your colleagues and ask around for recommendations.”

“I strongly agree. I think it’s important to include in your business plan a technology goal that includes contracting with a developer to build your Web site,” says Caton. “Time is money, and you could be out marketing to attract customers. When selecting a Web developer to work with, I recommend asking for recommendations from other people you know who have nice Web sites, or look at the site itself, locate the developer name, and contact them directly. You should know what you want from your Web site before contacting a Web developer. You should know if you need Flash [Adobe Systems Inc, San Jose, CA], for example, because if you don’t, that certainly isn’t going to be something that you’ll want to pay for.”

Planning for a Web developer as part of your overall business plan can be one of the most challenging aspects of this entire process. Mills agrees that asking for recommendations, especially from other entrepreneurs, is a smart way to begin planning for this kind of investment.

“When looking for a Web designer, it’s important to make sure this individual can provide you with the image and features you want. Hiring a friend who does basic Web sites doesn’t work when you need a ‘shopping cart’ on your site.”

**SECURITY CONSIDERATIONS**

Security is of particular importance to health-care professionals, notes Fisher, even when it comes to something as basic as utilizing a screensaver that automatically locks your computer when not in use. “We need to be able to keep critical information and services, as well as our own protocols, secure and out of the hands of other people who might be interested in tapping into those systems.”

When writing a technology plan, Fisher says it is important to consider the following security-related questions:

- What are the consequences if you lose—or someone steals—your laptop or personal digital assistant? (It is important to have this equipment password-protected and to have the password-protection login enabled to routinely request an updated password).
- How easy will it be for someone to access confidential or personal files from your mobile equipment—and do you have a plan for safeguarding this information?
- Do you have a technology disaster plan in case records are lost due to fire, inclement weather, or some other natural disaster?

“When considering where to store your backed-up data you might want to choose an online storage solution in addition to an external hard drive that you keep in your office,” advises Fisher. “Online solutions that are stored on servers in another geographic location can be beneficial if you live in an area that has threatening weather—like hurricanes, flood, earthquakes, etc. That way, if your physical environment including hard drives and servers in your office are destroyed, a copy can remain safe in a different geographic location preferably in another state.”
BUSINESS PLANNING SOFTWARE AND ADDITIONAL BUSINESS PLANNING RESOURCES

The blending of technology with business plan basics are perhaps most readily apparent in business planning software. “Business planning software is commonly used,” observes Fisher. “It is not unusual to use a template for a business plan and I think there are some good, basic templates available on sites such as inc.com and entrpreneur.com. QuickBook software is also widely used by many small business owners and provides solutions to check writing and tax records. Business planning software may benefit new entrepreneurs by providing solutions for a variety of business related issues that a new entrepreneur may overlook.”

“I tell clients to look at a few of the templates that are out there, and pick the one that best meets their needs,” says Mills, who suggests approaching small business development centers when researching business planning templates. “Often the small business development centers have classes on writing a business plan that can help shorten your learning curve and help you customize the plan. This prevents having a plan that’s too generic.”

For food and nutrition professionals who need help writing a business plan, some of the sources Mills suggests are:

- Service Core of Retired Executives (SCORE) (www.score.org): This group provides free business counseling on a number of topics through their local groups around the country.
- Small Business Association (www.sba.gov): This association offers free information on writing and implementing business plans for small business entrepreneurs.

“Don’t be afraid to go outside the dietetics community for assistance,” says Mills. “The networking may be a plus to your bottom line.”

All business plans—from the basic one-page plan to the more complex business plan model—provide direction for what the entrepreneur is going to do and how they plan to do it. Developing a technology section within that plan is crucial for food and nutrition professionals who want their new business to be competitive and up-to-date. Once the overall plan is in place, it is important to use this tool to grow and manage the business. Be prepared to update your plan to reflect new realities such as heightened competition, budget setbacks, and, of course, the emergence of new technologies (2).

References

Compensation & Benefits Survey 2007: Above-Average Pay Gains Seen for Registered Dietitians

PRACTITIONER PROFILE
Dietetics Employment Defined
As in both prior administrations (2005 [1] and 2002 [2]), the survey sought to measure compensation for dietetics-related employment, which was purposely conceived broadly:

A dietetics-related position is considered to be any position that requires or makes use of your education, training, and/or experience in dietetics or nutrition, including situations outside of “traditional” dietetics practice.

By way of example, respondents were referred to an enclosure naming and briefly describing 59 core dietetics positions. These positions included not only “traditional” dietetics jobs such as Clinical Dietitian, Outpatient Dietitian, or Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Nutritionist, but also jobs in such areas as consulting, sales, and communications.

Based on this definition of dietetics-related employment, slightly more than one in six food and nutrition professionals (18%) reported they are not currently employed or self-employed in a dietetics-related position. Among the small group of professionals not currently registered as RDs or DTRs, that figure jumps to 27% (Table 1).

About the Survey
Over the years, ADA has received many requests from members for objective, reliable information about industry norms on pay and benefit levels for the dietetics profession. ADA responded to members’ needs in 2002 by commissioning the Dietetics Compensation & Benefits Survey, the most comprehensive survey of its type in the profession up to that point. Continuing to serve the profession, ADA and CDR have underwritten subsequent administrations of the survey in 2005 and now again in 2007, building on the strengths of the initial effort and improving it with several refinements.

The 2007 survey was conducted across a probability sample drawn from the population of all domestic Active and Active-Eligible ADA members (N=52,391) plus domestic nonmembers maintaining current registration as an RD or DTR (N=27,006). To preserve confidentiality, an outside research firm was contracted to collect data via mail survey from May 31 through July 23, 2007.

The 2007 survey carries forward a key feature of the prior efforts, presenting results not only at the level of registration (RD, DTR), but also in terms of the specific jobs (including nontraditional jobs) food and nutrition professionals hold. A key question asked respondents to identify the one position (from a set of 59 core positions) that most closely matched their actual employment. These data represent the specific jobs that account for an estimated 95% of dietetics employment.

From the mailed sample of 30,000, a total of 11,861 usable responses was received—a 40% response rate. The margin of error for all practitioners is ±0.9%; for practicing RDs, ±1.0%; for practicing DTRs, ±2.3%. The strong response rate, plus the fact that more than one in seven professionals is represented in the tabulated sample, again provides an exhaustive investigative compensation in the dietetics profession.

The balance of the results discussed here reflect the 9,698 sample members who indicated they are currently employed or self-employed.
in a dietetics-related position (“practitioners”). Those who were employed or self-employed in more than one such position were asked to respond only for what they considered to be their primary dietetics-related position.

Who Are Dietetics Practitioners?
Ninety-seven percent of practitioners are female. The median age is 46 years; 19% are 55 or older, while 26% are under 35. Three percent indicated Hispanic heritage, and 10% indicated a race other than white (5% Asian/Native Hawaiian/Pacific Islander, 3% Black/African American, and 2% other). Racial diversity has increased modestly since the 2002 survey.

Virtually all RDs hold at least a bachelor’s degree, with 45% holding master’s degrees and 3% doctoral degrees. Among DTRs, 27% hold a bachelor’s degree or higher.

Seventy-seven percent of practicing RDs are members of ADA, compared to only 48% of practicing DTRs.

The typical (median) RD reports 16 years of work experience in dietetics/nutrition (excluding time taken off to

<p>| Table 2. Practice areas of practicing registered dietitians (n=8,364) and practicing dietetic technicians, registered (n=1,170), based on primary position selected, from Compensation &amp; Benefits Survey of the Dietetics Profession 2007 |</p>
<table>
<thead>
<tr>
<th>Registered dietitians (%)</th>
<th>Dietetic technicians, registered (%)</th>
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<tbody>
<tr>
<td>Clinical nutrition—acute care/inpatient</td>
<td>30</td>
</tr>
<tr>
<td>Clinical nutrition—ambulatory care</td>
<td>15</td>
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<tr>
<td>Clinical nutrition—long-term care</td>
<td>10</td>
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<tr>
<td>Community</td>
<td>11</td>
</tr>
<tr>
<td>Food and nutrition management</td>
<td>12</td>
</tr>
<tr>
<td>Consultation and business</td>
<td>11</td>
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<tr>
<td>Education and research</td>
<td>6</td>
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<p>| Table 3. Highest incidence positions among practicing registered dietitians (n=8,364), from Compensation &amp; Benefits Survey of the Dietetics Profession 2007 |</p>
<table>
<thead>
<tr>
<th>Registered dietitians (%)</th>
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<tbody>
<tr>
<td>Clinical dietitian</td>
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<tr>
<td>Clinical dietitian, specialist—renal</td>
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<tr>
<td>Nutrition support dietitian</td>
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<tr>
<td>Outpatient dietitian, general</td>
</tr>
<tr>
<td>Outpatient dietitian, specialist—diabetes</td>
</tr>
<tr>
<td>Outpatient dietitian, specialist—renal</td>
</tr>
<tr>
<td>Clinical dietitian, long-term care</td>
</tr>
<tr>
<td>WIC nutritionist</td>
</tr>
<tr>
<td>Public health nutritionist</td>
</tr>
<tr>
<td>Director of food and nutrition services</td>
</tr>
<tr>
<td>Clinical nutrition manager</td>
</tr>
<tr>
<td>Private practice dietitian—patient/client nutrition care</td>
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<p>| Table 4. Highest incidence positions among practicing dietetic technicians, registered (n=1,170), from Compensation &amp; Benefits Survey of the Dietetics Profession 2007 |</p>
<table>
<thead>
<tr>
<th>Dietetic technicians, registered (%)</th>
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<tbody>
<tr>
<td>Dietetic technician, clinical</td>
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<tr>
<td>Clinical dietitian, long-term care</td>
</tr>
<tr>
<td>Dietetic technician, long-term care</td>
</tr>
<tr>
<td>WIC nutritionist</td>
</tr>
<tr>
<td>Director of food and nutrition services</td>
</tr>
<tr>
<td>Dietetic technician, foodservice management</td>
</tr>
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*WIC—Special Supplemental Nutrition Program for Women, Infants, and Children.
return to school, raise a family, or work in other areas); the median for DTRs is slightly lower, at 15 years. Forty-one percent of all practitioners have 20 or more years of work experience in dietetics/nutrition, whereas 14% have less than 5 years.

Where Do They Work?

Nine percent of practitioners are self-employed, 31% work for a for-profit firm, 40% for a nonprofit, and 18% for government. Self-employment is more common among RDs than DTRs (10% vs 2%, respectively), while a greater proportion of DTRs are found in the nonprofit sector (38% of RDs, 48% of DTRs). These figures have changed little since 2002 (Figure 1).

The most common employment setting for both RDs and DTRs is a hospital (33% and 39%, respectively). Thirty-two percent of DTRs work in an extended-care or long-term care facility, compared to only 11% of RDs. Twelve percent of RDs work in a clinic or ambulatory care center, compared to only 1% of DTRs. Nine percent of both groups work in a community or public health program (Figure 2).

The typical (median) practitioner works in an organization employing 683 people at all locations, virtually identical to the result seen in 2005. RDs tend to work in larger organizations than DTRs (medians 743 and 454, respectively) (Figure 3).

What Jobs Do Practitioners Hold?

Respondents were asked to review a list of 59 core position titles and brief descriptions and to identify the one description that most closely matched their primary position, even if the job title differed from their own.

Ninety-five percent of responding practitioners found a match; thus, the compensation data reported here represent the vast majority of dietetics employment situations.

The 59 positions are grouped into seven distinct practice areas, with acute care/inpatient the most prevalent, and education/research the least (Table 2).

Among RDs, the most commonly held positions are found primarily in clinical and outpatient settings (Table 3).

Among DTRs, long-term care and foodservice settings are more prevalent (Table 4).

What Responsibilities Do Practitioners Have?

Six percent of RDs and 1% of DTRs indicated they are owners of or partners in their practice, while 2% of RDs and virtually no DTRs reported an executive level of responsibility. Twenty percent of practitioners overall are directors or managers, and another 20% are supervisors or coordinators (results similar between RDs and DTRs) (Figure 4). Responsibility levels have changed little since the 2002 survey.

Forty-three percent of RDs and 47% of DTRs reported they directly or indirectly supervise employees, both marginally down from 2005. For those supervising, the median number supervised is eight for RDs and 14 for DTRs (Figure 5).

Twenty-four percent of RDs and 21% of DTRs reported managing a budget, again marginally less than 2 years ago. Median budget size is $313,000 for RDs and $240,000 for DTRs, with 10% of RDs and 6% of DTRs managing budgets of $500,000 or more (Figure 6).

RD Compensation

A significant fraction of RDs work part-time and/or only part of the year. As defined in this survey, 71% of RDs are employed full-time (35 hours or more per week for 48 weeks or more per year), up somewhat from 68% in 2002.

Because the prevalence of part-time employment can make salary comparisons difficult, compensation is reported in two ways: in terms of hourly wage, and in terms of total cash compensation (which includes not only salary but also earnings from...
overtime pay, on-call pay, commissions, bonuses, incentive pay, profit sharing or distributions, and cash retirement benefits received—frequently important compensation components for consultants, executives, and those in sales positions). Hourly wage is assessed for all answering respondents; total cash compensation is examined only for those working full time for at least 1 year in the position.

Median Wages Up 7.1% Over 2 Years
Among all RDs in all positions, the median hourly wage as of April 1, 2007, was $25.48 per hour. If annualized (×40 hours/week×52 weeks/year), this equates to a full-time salary of $53,000 per year, up from $49,500 in 2005. Median 2007 total cash compensation for RDs employed in the position full time for at least one year was $53,300 (up from $50,000).

These results are higher than the most current Bureau of Labor Statistics (BLS) median wage estimate for Dietitians and Nutritionists of $22.59 per hour (3). Two factors help account for the discrepancy: these survey data are current as of April 1, 2007, and are thus nearly a year more current than the BLS estimate; and BLS does not restrict its estimate to RDs.

At $25.48, the median wage for all RDs is up 7.1% from its value of $23.80 in the 2005 survey, representing an annualized increase of 3.5% (Figure 7). This increase exceeds the 3.1% annual change in the Consumer Price Index between April 2005 and April 2007 (4).

As in prior years, the wide range of RD compensation continues to be of interest: RDs in the top 10% continue to earn more than twice as much per hour as those in the bottom 10% (Table 5).

Helping to account for that range, a number of factors show strong associations with compensation levels for RDs. The following series of exhibits demonstrates the relationship between hourly wage and education, experience, and other factors. Note that all factors are based on respondent self-reports and are thus subject to some variation in how terms were understood.

Qualifications Matter
Education beyond the bachelor’s degree continues to be associated with wage gains, with the 2007 difference between the median wage of RDs with a bachelor’s degree and that of RDs with a master’s degree at $2.88 per hour, up from a differential of $2.30 in 2002. Earning a PhD is associated with even more notable gains; median earnings for those with a doctorate (at $37.50) are more than

<table>
<thead>
<tr>
<th>No.</th>
<th>Percentiles</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>25th</td>
</tr>
<tr>
<td>All RDs</td>
<td>$21.15</td>
</tr>
<tr>
<td>Doctoral degree</td>
<td>$29.38</td>
</tr>
<tr>
<td>Master’s degree</td>
<td>$22.29</td>
</tr>
<tr>
<td>Bachelor’s degree</td>
<td>$20.19</td>
</tr>
</tbody>
</table>

Figure 8. Registered dietitian (RD) hourly wage by education level (highest degree earned). Bars are delimited by the 25th and 75th percentiles; horizontal line marks the median (50th percentile). From Compensation & Benefits Survey of the Dietetics Profession 2007.
teens dollars per hour above RDs with only a bachelor’s degree (Figure 8).

Having one or more specialty certifications (eg, certified diabetes educator [CDE], certified nutrition support dietitian [CNSD], and the various Certified Specialist credentials offered by the CDR) is associated with an increased median wage, adding $1.92 per hour median wage over those with no such certifications.

ADA Membership
As in both 2002 and 2005, results again show a small positive association between ADA membership and RD compensation; typical members earn $1.03 per hour more than non-members (Figure 9).

Experience and Responsibility Count, Too
As might be expected, years of dietetics experience is strongly associated with compensation; those with 20 or more years of experience earn a me-
Median wage more than $8 per hour above those in the under-5-year bracket. Median wage increased $0.96 since 2005 for those in the lowest bracket, but $2.41 for those in the highest (Figure 10).

To achieve wage gains, it is important that experience reflect increasing responsibility: practitioners must avoid the syndrome described by one employer whose employee “had 10 years of experience, but it was the same year 10 times.”

### Figure 11. Registered dietitian (RD) hourly wage by number directly and/or indirectly supervised. Bars are delimited by the 25th and 75th percentiles; horizontal line marks the median (50th percentile). From *Compensation & Benefits Survey of the Dietetics Profession 2007*.

<table>
<thead>
<tr>
<th>No.</th>
<th>25th</th>
<th>50th</th>
<th>75th</th>
</tr>
</thead>
<tbody>
<tr>
<td>All RDs</td>
<td>$21.15</td>
<td>$25.48</td>
<td>$31.25</td>
</tr>
<tr>
<td>100+</td>
<td>$31.09</td>
<td>$38.05</td>
<td>$45.07</td>
</tr>
<tr>
<td>50-99</td>
<td>$27.34</td>
<td>$33.80</td>
<td>$39.90</td>
</tr>
<tr>
<td>10-49</td>
<td>$23.08</td>
<td>$27.59</td>
<td>$33.14</td>
</tr>
<tr>
<td>1-9</td>
<td>$21.63</td>
<td>$25.75</td>
<td>$31.25</td>
</tr>
<tr>
<td>0</td>
<td>$20.19</td>
<td>$24.04</td>
<td>$28.85</td>
</tr>
</tbody>
</table>

### Figure 12. Registered dietitian (RD) hourly wage by budget responsibility. Bars are delimited by the 25th and 75th percentiles; horizontal line marks the median (50th percentile). From *Compensation & Benefits Survey of the Dietetics Profession 2007*.

<table>
<thead>
<tr>
<th>No.</th>
<th>25th</th>
<th>50th</th>
<th>75th</th>
</tr>
</thead>
<tbody>
<tr>
<td>All RDs</td>
<td>$21.15</td>
<td>$25.48</td>
<td>$31.25</td>
</tr>
<tr>
<td>$1,000K+</td>
<td>$29.81</td>
<td>$35.85</td>
<td>$42.55</td>
</tr>
<tr>
<td>$500K-$999K</td>
<td>$26.59</td>
<td>$31.25</td>
<td>$36.83</td>
</tr>
<tr>
<td>$100K-$499K</td>
<td>$23.56</td>
<td>$27.88</td>
<td>$34.57</td>
</tr>
<tr>
<td>$100K</td>
<td>$21.15</td>
<td>$25.96</td>
<td>$32.21</td>
</tr>
<tr>
<td>Does not apply</td>
<td>$20.66</td>
<td>$24.36</td>
<td>$29.00</td>
</tr>
</tbody>
</table>
Attaining and increasing supervisory responsibility can be one component in increasing responsibility, and it is strongly associated with wage gains: those reporting direct and/or indirect supervision of 100 or more employees have a median wage nearly 50% greater than the typical RD (Figure 11).
Percentage gains in median wage since 2005 were again lowest for the nonsupervisory cohort; since 2002, this group has failed to keep pace with inflation. Recalling that more than half of RDs have no supervisory responsibility, this appears to represent an area of opportunity for RDs.

Budget responsibility also correlates strongly with wages, with gains increasing as budget size increases: those responsible for budgets of $1 million or more earn a median wage nearly 50% greater than those with no budget responsibility. One fourth of those managing the biggest budgets earn an annualized wage of over $88,000 ($42.55 per hour) (Figure 12).

While 43% of all practicing RDs have some supervisory responsibility, only a quarter (24%) manage budgets. Acquiring budget responsibility represents another possible growth opportunity for RDs.

Where You Work Makes a Difference

RD wages tend to be highest in the practice areas of food and nutrition management, consultation and business, and education and research. Wages tend to be lower in the areas of acute care/inpatient, ambulatory care (outpatient), and community. Median wages outpaced inflation in all reported practice areas from 2005 to 2007, led by consultation and business (+11.6%). The largest percentage gains in median wage since 2002 have been seen for education and research (+21.4%), acute care/inpatient (+18.0%), and food and nutrition management (+17.4%) (Figure 13).

2007 RD wages by sector distribute much as in 2002 and 2005: those employed in government do somewhat better than average, while those who are self-employed post significantly higher median wages than others ($30.00 per hour in 2007) and even greater upside potential (75th percentile of $40.06 in 2007) (Figure 14).

Specific work settings for which median hourly wages are highest include consultation or contract services to organizations ($28.85), school foodservice ($30.05), food manufacturers/distributors/retailers ($28.85), pharmaceutical or nutrition products companies ($33.65), and college or university faculty ($32.69).

Figure 15. Registered dietitian (RD) hourly wage by location (selected Census Divisions). Bars are delimited by the 25th and 75th percentiles; horizontal line marks the median (50th percentile). From Compensation & Benefits Survey of the Dietetics Profession 2007.

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RD compensation continues to vary somewhat by employment location. In terms of the nine standard Census Divisions, RDs in the central part of the United States (from the Dakotas to Texas in the west, to Ohio through Alabama in the east) earn median wages somewhat below the overall average, while those in New England (Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine) and especially the Pacific states (Alaska, Hawaii, Washington, Oregon, California) again post above-average median wages (Figure 15).

High wage locations continue to be led by California, which includes five of the top eight cities for RD compensation in the United States.
Eighty-one percent of DTRs are employed full-time for at least one year is higher than observed among RDs. Among all DTRs in all positions, the practice areas of food and nutrition management and consultation and business hold the greatest promise for DTRs, with median wages of $20.19 for both categories, nearly twice as much per hour as those in the bottom 10% (Table 6).

As in prior years, the wide range of DTR compensation continues to be of interest: DTRs in the top 10% earn nearly twice as much per hour as those in the bottom 10% (Figure 16).

Major factors associated with DTR compensation levels are the same as for RDs: education, experience, responsibility, and location. As in prior years, the practice areas of food and nutrition management and consultation and business hold the greatest promise for DTRs, with median wages of $20.19 for both categories, over $3.00 more per hour than the median wages of those in the inpatient, long-term care, or community areas. Median wage has also grown fastest since 2002 for those in the food and nutrition management area.

DTRs do least well, on average, in the West South Central and Mountain states; median wages are highest in the Pacific and South Atlantic states.

### LEADERS AND LAGGARDS

A great strength of these compensation surveys is that they present wage data not only for RDs and DTRs as a whole, but also in terms of the specific jobs (including nontraditional jobs) dietetics professionals hold. Results for 2007 show that the most rewarding nonacademic jobs typically held by RDs evidence median wages $4 to $13 per hour greater than the overall average (Table 7).

Top-paying positions held by DTRs are found in foodservice (Table 8). Since 2005, several positions’ median wages have increased by substantially more than the 2-year inflation rate of 6.2%, including Sales Representatives, Research Dietitians, Private Practice Dietitians, Public Health Nutritionists, Instructors/Lecturers, Clinical Dietitians (Specialists in Diabetes), Dietetic Technicians/Clinical, Outpatient Dietitians (General), and Dietetic Technicians/Long-Term Care.

Positions not keeping pace with inflation since 2005 include WIC Nutritionists, Dietetic Technicians/Foodservice Management, Pediatric/Neonatal Dietitians, and Executive-level Professionals (Figure 17).

Positions which have gained at least 20% in median wage since 2005 include Research Dietitians, Public Health Nutritionists, Instructors/Lecturers, Clinical Dietitians/Diabetes Diet Tech, Clinical, Diet Tech, Foodservice Management, Pediatric/Neonatal Dietitians, Dietetic Technicians/Foodservice Management, Pediatric/Neonatal Dietitians, and Executive-level Professionals.

---

Table 6. Dietetic technician, registered, compensation at selected percentiles: hourly wage (n=1,057), and total cash compensation for full-time employees in position at least 1 year (n=834), from Compensation & Benefits Survey of the Dietetics Profession 2007

<table>
<thead>
<tr>
<th>Percentile</th>
<th>Hourly wage</th>
<th>Total cash</th>
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</thead>
<tbody>
<tr>
<td>10th</td>
<td>$12.79</td>
<td>$27,000</td>
</tr>
<tr>
<td>25th</td>
<td>$14.87</td>
<td>$31,200</td>
</tr>
<tr>
<td>50th</td>
<td>$17.31</td>
<td>$36,400</td>
</tr>
<tr>
<td>75th</td>
<td>$20.19</td>
<td>$42,500</td>
</tr>
<tr>
<td>90th</td>
<td>$24.04</td>
<td>$51,000</td>
</tr>
</tbody>
</table>

Table 7. Highest-paying positions held by registered dietitians, from Compensation & Benefits Survey of the Dietetics Profession 2007

<table>
<thead>
<tr>
<th>Position</th>
<th>No.</th>
<th>Median wage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public relations and/or marketing professional</td>
<td>28</td>
<td>$38.46</td>
</tr>
<tr>
<td>Executive-level professional</td>
<td>117</td>
<td>$37.95</td>
</tr>
<tr>
<td>Director of nutrition</td>
<td>56</td>
<td>$37.59</td>
</tr>
<tr>
<td>Research &amp; development nutritionist</td>
<td>38</td>
<td>$36.25</td>
</tr>
<tr>
<td>Director of clinical nutrition</td>
<td>102</td>
<td>$32.45</td>
</tr>
<tr>
<td>Director of food and nutrition services</td>
<td>343</td>
<td>$31.73</td>
</tr>
<tr>
<td>Sales representative</td>
<td>123</td>
<td>$31.25</td>
</tr>
<tr>
<td>Manager of nutrition communications</td>
<td>21</td>
<td>$29.76</td>
</tr>
<tr>
<td>School foodservice director</td>
<td>95</td>
<td>$29.67</td>
</tr>
</tbody>
</table>

Table 8. Highest-paying positions held by dietetic technicians, registered, from Compensation & Benefits Survey of the Dietetics Profession 2007

<table>
<thead>
<tr>
<th>Position</th>
<th>No.</th>
<th>Median wage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director of food and nutrition services</td>
<td>58</td>
<td>$21.63</td>
</tr>
<tr>
<td>Dietetic technician, foodservice management</td>
<td>97</td>
<td>$18.27</td>
</tr>
</tbody>
</table>

Figure 17. Percent change in median hourly wage 2005-2007 for selected dietetics positions, from Compensation & Benefits Survey of the Dietetics Profession 2007.
2002—or five-plus points better than inflation—including Research Dietitian, Instructor/Lecturer, Clinical Dietitian/Diabetes, Director of Food and Nutrition Services, Sales Representative, and Assistant Foodservice Director.

**BENEFITS**

Although many are employed part-time, dietetics practitioners as a group are offered considerable fringe benefits through their work. Eighty percent receive paid vacation or personal time off, 72% paid holidays, and 70% paid sick days. Eighty percent have access to some sort of medical coverage, which is comparable to a reference group of US white collar workers in private industry, where 77% have access to medical coverage (6). Seventy-five percent of dietetics practitioners have access to dental coverage and 63% vision coverage, well above the reference group values of 53% and 32%, respectively. Sixty-seven percent of dietetics practitioners are offered a prescription drug benefit.

Sixty-nine percent can receive life insurance, and 61% some form of disability insurance, again above the norms for white-collar workers. Sixty-five percent reported access to defined contribution retirement programs (such as 401[k] plans), identical to the reference group, and 42% are offered a defined benefit (pension) retirement program, compared to only 23% of the reference group.

Fifty-four percent are offered funding for professional development (eg, conferences, seminars), down three points from 2005, while 26% can have their professional society dues paid, up four points. Thirty-eight percent are eligible to receive assistance with college tuition. Forty-four percent have access to an employee assistance or wellness program. Thirty-two percent work with comp time or flex time. Thirty-five percent have access to a fitness benefit such as a discounted health club membership or an on-site facility, up six points since 2002. Twenty-four percent are eligible for extended and/or paid maternity leave, and 11% have on-site child care or a child-care allowance, values which have changed little since previous surveys.

Benefit levels are most influenced by employment status—self-employed vs not; full-time vs part-time. Those working in hospitals, schools, or government agencies tend to enjoy a richer array of benefits than those employed in other areas, particularly extended care.

**CONCLUSION**

In underwriting the Compensation & Benefits Survey of the Dietetics Profession 2007, ADA and CDR have provided a comprehensive and current resource to help dietetics professionals better manage their responsibilities and their careers. This survey provides valuable perspectives on how specific dietetics jobs are compensated, shows how a variety of factors relate to compensation levels, and identifies important trends.

ADA and CDR plan to periodically update the survey, and actively seek suggestions for its improvement. With the help and participation of dietetics professionals, future surveys will continue to serve as an invaluable asset to the profession.

**EDITOR’S NOTE**

The Compensation & Benefits Survey of the Dietetics Profession 2007 continues to provide the most comprehensive and authoritative source of information on compensation in the profession. It should prove to be an asset to professionals and their employees in all major dietetics practice settings, as well as provide reference material for self-employed dietetics professionals.

The book-length report of survey results, including detailed tabular data for RDs and DTRs, results for over 40 dietetics positions, results for dozens of metropolitan areas, and two Salary Calculation Worksheets, is available through the ADA Member Service Center: 1-800-877-1600, ext. 5000 (request item #356808). Price is $20 for ADA members, $250 for nonmembers.

**References**