

WHAT DO I DO NOW?

WENDY LEWIS; MARA SHORR, BS, CAC XIV; JAY A. SHORR, BA, MBM-C, CAC XIV; AND ALLYSON AVILA, JD

Modern Aesthetics® magazine asked our practice management dream team to gaze into their crystal balls and share tips on how to best prepare for what's coming next.



EXIT STRATEGY

Have you ever been through so much turmoil as you have in this past year? Well, you are not alone and won't be

for the foreseeable future. With that in mind, have you given much thought to your retirement or exit strategy? I am sure you have thought about it, but if you are like most of us, you probably haven't done anything about it...yet.

Now is as good of a time as ever to financially secure what you have worked for all of your life and protect your loved ones in the event of any catastrophe. This includes, but is not limited to, securing proper investments, naming a health care surrogate, completing a will or living trust, and completing a business plan for when and how you would like to retire.

Make sure to:

- Craft your retirement plan or exit strategy one to three years out.
- Obtain professional guidance (accountant, attorney, financial advisor, consultant).
- Have personal and professionally crafted documents in place, including: 1.) Asset/business stock sale agreement, 2.) Life Insurance with properly designated beneficiaries, 3.) Living Will/Health care Surrogate/Revocable or Irrevocable Trust(s) to avoid probate.
- Name a trustee to your estate.

MARA SHORR, BS, CAC XIV

- Serves as a partner, as well as the Vice President of Marketing and Business Development for Shorr Solutions, assisting medical practices with the operational, financial, and administrative health of their business.
- Level II - XIV Certified Aesthetic Consultant and program advisor, utilizing knowledge and experience to help clients achieve their potential.
- marashorr@shorr solutions.com

JAY A. SHORR, BA, MBM-C, CAC XIV

- Founder and managing partner of Shorr Solutions and a professional motivational speaker, an advisor to the Certified Aesthetic Consultant program, and a certified medical business manager from Florida Atlantic University.
- More information on the practice management consulting company Shorr Solutions can be found at www.ShorrSolutions.com.



ADA COMPLIANCE IS NOW A WEBSITE MUST

Social media and website advertising can be both a curse and a blessing. A practice is able to reach numerous potential patients with simplicity and ease. Unfortunately, the con-

tent and manner in which the advertising is promoted opens the practice up to various liabilities.

Gordon & Rees has previously written about the content of the website itself and making sure that the advertising meets the guidelines established by the Federal Trade Commission and the local state medical board requirements.

But a new and upcoming form of liability for a practice/med spa relates to requirements that all websites be compliant with the Americans with Disabilities Act ("ADA"). The ADA requires that all websites be accessible to disabled persons. Disabled categories include, but are not limited to, vision difficulties and hearing disabilities. When the ADA was passed in the early 1990s, websites were just starting out, and so there were no precise regulations relating to how a website can pass muster. The US Justice System has since determined that ADA-compliant websites should meet the following criteria, at a minimum:

- A proper text equivalent for every non-text element is provided.
- All functionality of the content of the website be operable through keyboard interface requiring specific timings for individual keystrokes.
- If keyboard focus can be moved to a component of the page using a keyboard interface, then focus cannot be moved away from that component using only a keyboard interface.
- Navigation of the website must be consistent across the website. There must be a mechanism available to bypass blocks of content that are repeated on multiple web pages.

Plaintiff firms have begun to file lawsuits by the dozens by searching the web and finding any website that is not accessible for a disabled person using some of the above-mentioned criteria. Courts all over the country have upheld these suits, and unfortunately, many of these lawsuits are settled since most websites have not incorporated formats that make the website accessible. These lawsuits are often referred to as "surf by" lawsuits, and are on the rise because although the plaintiff is not allowed to recover compensation, the plaintiff's attorney is able to recover attorney fees for the cost of filing the lawsuit as well as statutory damages. Thus, there is nothing stopping the plaintiff's bar from filing the suits. If the website is not compliant, there is relatively no defense.

Gordon & Rees has successfully defended these claims throughout the country by demonstrating that the website is compliant and being aggressive in investigating the authenticity of the claim. It is imperative that you hire a vendor familiar with ADA requirements who is willing to defend you (i.e., pay any costs you may incur) if the website fails to meet compliance standards.

ALLYSON AVILA, JD

- Contract attorney and litigator for Gordon & Rees Scully Mansukani, a 50-state law firm.
 - aavila@grsm.com
-



PAY FOR PLAY

In my view, every aesthetics or medical practice needs a strong digital presence. This includes a modern, updated, and visually appealing website with all the bells and whistles in terms of optimization, updated educational content, and a reasonable Google ad strategy to keep your rankings high. Links to all active social channels should live at the top of the landing page. (My preference is top right but that is a personal choice.) Don't fall into the trap of placing anything important at the bottom of your home page, which is akin to the graveyard of a website.

Creating an effective homepage goes far beyond just designing something that looks good. It should be targeted to your specific audience(s) to give those visitors what they are looking for and enough information about your practice and services to make a decision to spend more time on the site and book an appointment. For example, one all too common occurrence is purchasing a new piece of capital equipment and failing to create a dedicated landing page to drive prospective patients to where they can learn more, and hopefully book.

Keep up with trends and new features on social media that change frequently. Instagram, for example, tends to announce tweaks to their platform often. We have grown frustrated with clients who don't understand why their fans

and followers are not growing fast enough when they have not set aside any budget for ads and promotions.

Facebook and Instagram are essentially ad platforms. Instagram operates like its own search engine, so SEO counts. Well-optimized pages will rank higher, which attracts more followers and drives engagement. Your channels may not be growing because "Zuck" doesn't want them to grow organically; their model is to charge you for the privilege of getting your content seen by more users. All digital marketing platforms are pay for play, so if you are serious about becoming an Insta star, it will require some external assistance from pros for video and photography plus an ad strategy. Buying followers is still rampant, especially on Instagram, but that strategy is frowned upon.

Another critical success factor for digital marketing is video content. Short-form video for social media is now essential and generates better engagement than still images. Think TikTok and now Reels. Long-form video, which is defined as minutes rather than seconds, works brilliantly for your website and YouTube channel.

Next up is to get your site ready for virtual search. It seems like the COVID-19 pandemic has pushed this further into the public domain. More people are using voice search and wifi-enabled marketing, so don't get left behind. Your desired patients are going to be searching for you by asking Siri (or Alexa or Cortana) to find "Botox near me." Make sure your site will come up strong with local searches.

Finally, customer retention is king. Segment your patient database, so you will be better positioned to market more effectively and save on costs to stretch your 2021 marketing budget. ■

WENDY LEWIS

- Founder/President of Wendy Lewis & Co. Ltd., a marketing communication and social media boutique in New York City.
- Founder/Editor-in-Chief of beautyinthebag.com.
- Author of 12 books including Aesthetic Clinic Marketing in the Digital Age.
- WL@wendylewisco.com