Physician - Professional Marketing Program Manual
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Physician - Professional Marketing Program

This is a program I designed for a firm that specialized in physicians. However, it would work well for anyone specializing with virtually any high income professional that runs their own practice such as:

♦ Physicians
♦ Dentists
♦ Chiropractors

This system works unbelievably well in bringing highly qualified, high income professionals to you. I know of no other system that is both as successful and proven as this one in working in this niche market.

You will never…ever…find a system that works as well as this one but….

There are two caveats to this system:

1. While I did discover two issues that would be of great interest to highly paid professionals in private practice along with the resources describing those issues, I am not an expert in this niche. You should not use this system unless you already have expertise working with these folks.

2. You need to already have one happy client in this niche. The marketing program revolves around them allowing you to use their name.

The System

The system is made up of four parts. I provide three of them for you, you must create the fourth, because of your expertise and my lack thereof.

Step 1 - Find a Friend

This system leverages peer group “Consensus”—a major principle of influence.

That's fancy talk for, "If it's good enough for one of my colleagues…it's good enough for me."

So the first thing you need to do is go through your client base and look for a client that fits the niche and loves you. You then need to sit down with him or her and see if they are willing to help you find clients just like them. You should show them what it is that you would like to send out to their colleagues and see if they are willing.
Niche I am going to target:

______________________________________________________________________

Names of clients that fit my niche:

Name ___________________ Phone Number ___________________
______________________________________________________________________

Name ___________________ Phone Number ___________________
______________________________________________________________________

Name ___________________ Phone Number ___________________
______________________________________________________________________

Name ___________________ Phone Number ___________________
______________________________________________________________________

**Step 2 - Find a List of the Niche Market You’re Aiming At**

Sometimes your friend will know where to find a directory or resource, but many will feel uncomfortable giving this to you. So if necessary, go to a list service to buy a list for your niche market.

Listed below are a few of list companies that specialize in physicians lists (as of the time I wrote this manual). You could also do an internet search for “mailing list for physicians.”


[www.Healthcaredataexperts.com](http://www.Healthcaredataexperts.com)

[www.firstmark.com](http://www.firstmark.com)

**Step 3 - Send Your First Correspondence to the List**

There are three different pieces that you can send. For best results, they should be sent in the sequence order below or you can choose to just send them one piece. If you should decide to send the cards out in sequence, for the best results you should send them every two weeks. That is often enough for them to remember the previous card but not so much as to be bothersome.
A1 *Note from Physician Friend Attached to A2 Letter of Introduction*—This is a formal introduction and will capture people that know your friend. *(See Appendices)*

A3 *Supreme Court Postcard*—Grabs their attention because these are the types of things they worry about every day. *(See Appendices page)*

A4 *Alien Postcard*—This card is humorous and is best sent at the end to finally get the Physician receiving it to say, “All right, all right. Who is this guy and why is he so special?” *(See Appendices)*

All of the templates, instructions and explanations for these three pieces are explained in detail in the Appendices section.

What Book?

Remember I said that you would have to provide one thing? That thing is your 3-point (or 5-, 7-, 10-, whatever point) guidebook that the letters and postcards in step #3 make reference to. This is the checklist that you will be providing to those from your mailing list that call into your office. I have worked with several advisors using this system successfully, and all but two had already put together their own “branded” guidebook for physicians or dentists.

The guidebook that you are offering as a gift does not need to be a 350-page book. It could be in the form of a pamphlet. Or you could purchase and mail one of the books mentioned in the resources section below if you choose not to write a guidebook yourself.
Every advisor I talked to had a slightly different take on how they provided value to physicians or dentists. They had special techniques, issues or products that they felt really set them apart from other advisors when it came to physicians and dentists. It is these special techniques, issues or products that they referred to in their guidebook or pamphlet.

**Get Started**

If you wish to specialize in this niche you can create an extremely profitable business. You just need to get that first client and treat them like gold so that they will be willing to allow you to send these pieces with their signature.

**Resources**

**Website:**

www.AssetProtectionBook.com

The above website is by far the largest and most comprehensive creditor-debtor and asset protection resource available anywhere. This website hosts thousands of pages of articles, cases, statutes, analysis and many other resources to assist planners.

**Books You Can Give Instead of Writing Your Own:**

1. *Asset Protection Concepts and Strategies for Protecting Your Wealth* by Jay Adkisson and Christopher Riser

2. *Adkisson’s Captive Insurance Companies: An Introduction to Captives, Closely-Held Insurance Companies, and Risk Retention Groups* by Jay Adkisson
A1 - Note From Physician Friend and A2 Letter of Introduction

The templates for these letters are as followed: “A1 Note From Friend Attachment” and “A2 Introduction Letter.” These are meant to be mailed to your niche list together and is the first in the series of three pieces to be mailed.

You will need to have your physician/professional sign the A1 Note From Friend Attachment. You can then make copies of this letter with their signature and mail it with the “A2 Introduction Letter” that is printed on your company letterhead.
A3 - Supreme Court Postcard

This postcard is to be mailed out two weeks after you mailed the A1 Note From Physician Friend and A2 Introduction Letter. The postcard can be prepared by your office. You will need to have your physician/professional friend sign the postcards. The postcard template is “A3 Supreme Court Postcard Template”. The directions to print the postcards, the verbiage and explanation are below.

Directions to Print In House:

Size of the Postcard: The size of the finished postcard will be 5.5'x 8.5' inches.

Postage: Because of the size, it requires a regular first-class stamp.

Paper: Needs to be printed on at least a #67 cover-stock. It is meant to look official so plain white is best.

Printing: This is designed to be printed two postcards on one regular size 8.5'x 11' inche sheet of cardstock, back to back. You will then need to cut this in half to end up with the two postcards.

Handwriting: It is best if the bottom back portion of the postcard is handwritten, as in the example on page 6. If this is not possible, you can type one of the two messages below and have your physician/professional friend just sign them.

Optional: You can also either bring the print file or the verbiage below to your local printer to do the printing for you.

Card Verbiage:

Front of Card

2004 Supreme Court Ruling affects all physician’s assets (Case No. 02–458. Argued January 13, 2004, Raymond B. Yates MD vs. Hendon)

If you are a physician, to adequately protect your retirement and pension plan, it must follow:

♦ 29 U. S. C. §1001(b)
♦ Title I, 29 U. S. C. §1001 et seq
♦ Title II, codified in 26 U. S. C., amended various Internal Revenue Code (IRC)
♦ Title III, 29 U. S. C. §1201 et seq

A recent survey of physicians retirement and pension plans showed that more than half were non-compliant.
The 2004 Supreme Court ruling highlights the special problems physician retirement plans face.

These statutes affect physicians in particular due to the heightened litigation risks you incur. Retirement plans not specifically put together for physicians by a specialist often miss the special requirements necessary to protect your retirement plans.

A3 - Supreme Court Postcard Continued

Bottom-Left Back of Card (two options to choose from): Handwritten/Typed & Signed Note

#1 <<Name>>,

This stuff means diddle to me. That’s why I trusted <<Advisor Name>> at <<Advisor Firm Name>> to fix my retirement plan. Call his office at <<xxx-xxxx>> and they’ll send you his <<number>>-point retirement plan checklist. No charge. It’s important.

<<Advisors' Physician Friend >>

#2 <<Name>>,

We have enough problems without this. Call my guy, <<Advisor Name>> at <<Advisor Firm Name>> and get his <<number>>-point checklist. Easy to see if you have a problem or not. I’d do it today. Call his office at <<xxx-xxxx>>. It doesn’t cost a cent.

<<Advisors' Physician Friend >>

Card Explanation:

RAYMOND B. YATES, M.D., P.C. PROFIT SHARINGPLAN V. HENDON
(RAYMOND B. YATES, M.D., P.C. PROFIT SHARINGPLAN V. HENDON)
Argued January 13, 2004–Decided March 2, 2004

U.S. Supreme Court 02-458. Raymond B. Yates, M.D., P.C., Profit Sharing Plan v. Hendon

"Held: The working owner of a business (here, the sole shareholder and president of a professional corporation) may qualify as a “participant” in a pension plan covered by
ERISA. If the plan covers one or more employees other than the business owner and his or her spouse, the working owner may participate on equal terms with other plan participants. Such a working owner, in common with other employees, qualifies for the protections ERISA affords plan participants and is governed by the rights and remedies ERISA specifies. Pp. 8—20."

ERISAclaim.com Comments:

Supreme Court clarifies the definition of ERISA plan, even one employee, that's an ERISA plan; A plan sponsor, employer or sole shareholder is a participant/employee of an ERISA plan, entitled to rights and protections in welfare and pension plans afforded by ERISA; An employer in an ERISA plan may not sue an insurance company and/or ERISA plan for bad faith and punitive damages in ERISA benefits disputes arguing that an employer is not an employee of an ERISA plan, not subject to ERISA preemption, as reported recently in many states and jurisdictions.

Source: http://erisaclaim.com/Suprem_Court.htm

A4 - Alien Postcard (ERISA Anti-Alienation Provision)

This postcard is to be mailed out two weeks after you mailed the “A3 Supreme Court Postcard.” The postcard can be prepared by your office, you will need to have your physician/professional friend sign the postcards. The postcard template was included with your subscription "A4 Erisa Anti-Alienation Postcard Template". The directions to print the postcards, the verbiage and explanation are below.

Directions to Print In House:

Size of the Postcard: The size of the finished postcard will be 5.5’x 8.5’ inches.
Postage: Because of the size, it requires a regular first class stamp.
Paper: Needs to be printed on at least a #67 cover-stock. It is meant to look official so plain white is best.
Printing: This is designed to be printed two postcards on one regular size 8.5’ X 11’ inch sheet of cardstock, back to back. You will then need to cut this in half to end up with the two postcards.
Handwriting: It is best of the bottom back portion of the postcard is handwritten, as in the example on page 6. If this is not possible, you can type one of the two messages below and have your physician/professional friend just sign them.

Optional: You can also either bring the print file or the verbiage below to your local printer to do the printing for you.
Card Verbiage:

Front of Card
(Front Picture of an alien or space)

Top-Left Back of Card: Pre-Printed Message

There are several unique IRS and IRC retirement and pension plan provisions that apply specifically to physicians and their unique asset protection needs. Unfortunately, a recent survey of physician retirement plans found that over half were lacking them—causing the plan to be open to creditors.

<<Advisor's Firm Name>> offers a free <<number>> point checklist that tells you if your plan is in the clear or not. Call <<xxx-xxxx>> any time to receive it.

Note Bottom-Left Back of Card: Handwritten/Typed & Signed

<<Name>>,

I've worked with <<Advisor's Name at Advisor's Firm Name>> and <<he/she>> is very good. Do you, me and them a favor and get the checklist. Best scenario—your plan is fine. Worst scenario—it isn’t and you get it fixed. Get the checklist.

<<Advisor's Physician Friend>>

A4 - Alien Postcard Continued  (ERISA Anti-Alienation Provision)

Card Explanation:

The ERISA Blog
AN ERISA LAW COMMENTARY BY B. JANELL GRENIER, ESQ.
October 16, 2004

IRS ACQUIESCES IN A NINTH CIRCUIT BANKRUPTCY CASE

The IRS has announced [pdf] that it is acquiescing in the Ninth Circuit case of U.S. v. Snyder, 343 F3d 1171 (9th Cir. 2003) (via Findlaw.com). Not only is the case significant as it relates to tax liens, ERISA plans, and bankruptcy, but the case also illustrates how the term "flip-flopping" is not just reserved for politicians.

The case involved the following facts:

The debtor was a vested participant in an ERISA-qualified pension plan and the plan contained the usual anti-alienation provision. The debtor's interest in the defined benefit pension plan was about $200,000, with pay-out to begin when the debtor reached normal retirement at age 60, early retirement at age 55 through 59, total disability, or death. The debtor was 49 years old and had unpaid tax liabilities for the years 1983-1986, 1989-1995, and 1997. The IRS had made assessments and had duly recorded notices of federal tax liens for the taxes due in each of those years, except 1997. Federal tax liens had therefore attached by operation of law to the debtor's interest in his pension plan.
The debtor filed a Chapter 13 bankruptcy petition listing the IRS as an unsecured creditor in the amount of $158,228. The IRS filed a proof of claim for roughly that amount, but claimed $145,664 as secured by virtue of its liens on debtor’s interest in the plan. The debtor objected to the secured portion of the IRS’s claim, arguing that his interest in the plan was excluded from the bankruptcy estate pursuant to 11 U.S.C. § 541(c)(2), and that the IRS liens on that interest therefore could not secure the IRS’s claim in bankruptcy. The bankruptcy court overruled the debtor’s objection and allowed the IRS’s claim as secured. The district court affirmed. Both courts held that the debtor’s interest in the plan became property of the bankruptcy estate for the limited purpose of securing the IRS’s claim.

On appeal, the Ninth Circuit reversed. In reaching its decision, the court noted the IRS’s inconsistent positions on the issue, pointing out that in some instances the IRS was motivated in its inconsistencies by the result it sought to obtain. The court stated as follows:

During the past decade, the IRS has taken inconsistent positions on the question before us. In In re Lyons, 148 B.R.88 (Bankr. D.C. 1992), a bankruptcy court held that an IRS claim secured by a federal tax lien on the debtor’s pension was secured in bankruptcy, even though that pension otherwise qualified for exclusion from the bankruptcy estate pursuant to § 541(c)(2). In 1996, in reaction to Lyons, the IRS issued a litigation bulletin, in which it took the opposite position from the position it takes today:

The Lyons approach is not consistent with section 506(a) of the Bankruptcy Code. Under section 506(a), a creditor’s rights in property are dependent on the bankruptcy estate’s interest in property; the determination of the estate’s interest is separate from and must precede the determination of the creditor’s interest. If the estate has no interest in the property at issue, as was the case in both the Patterson and Lyons situations, it is not possible for the claim of any creditor, including the [IRS], to be secured by that property under section 506(a). Therefore, Lyons is inconsistent with the statute, in that the Lyons analysis essentially gives one particular creditor (the [IRS]) an interest in property where the estate has no interest in that property. Accordingly, Lyons [is] viewed as legally unsound, I.R.S. Litig. Bulletin No. 431, 1996 WL 33105615 (Aug. 1996).

In 1998, in In re Persky, 1998 WL 695311 (E.D. Penn. Oct. 5, 1998), the IRS in litigation took the same position it took in the litigation bulletin in 1996. It was to the IRS’s advantage in Persky to increase the amount of the Perskys’ total unsecured debt so as to defeat their eligibility for Chapter 13 relief under 11 U.S.C. § 109(e). The IRS therefore argued that its lien on the debtors’ spendthrift trust was not a lien on property in which the estate had an interest under § 541(c)(2), and thus did not operate to secure the IRS’s claim in bankruptcy pursuant to § 506(a). See also Amy Madigan, Note, Using Unfiled Dischargeable Tax Liens to Attach to ERISA Qualified Pension Plan Interests After Patterson v. Shumate, 14 Bankr. Dev. J. 461, 490-93 (1998) (describing an unpublished case in which the IRS argued that an ERISA-qualified pension plan was excluded from the bankruptcy estate pursuant to § 541(c)(2), where exclusion was to the IRS’s advantage because it would permit the attachment of an unfiled dischargeable tax lien on the debtor’s pension plan).

Two years after Persky, the IRS took the opposite position. In April 2000, the Assistant Chief Counsel for the IRS wrote:

Not following Lyons leads to results that are straightforward: ERISA-qualified plans and similar interests are excluded from the bankruptcy estate with respect to the [IRS] and all other creditors. Because they are not property of the estate, they cannot be used in determining the value of the [IRS’s] secured claim. On the other hand, to the extent that the [IRS] has a lien that survives the bankruptcy, it can pursue collection outside bankruptcy. However, given the statutory framework of sections 541 and 506 and the Supreme Court’s reasoning in Patterson . . . , upon reconsideration we now believe that the holding in Lyons is correct. The wording of each section, on its face, supports the court’s reasoning. In addition, there is nothing in the legislative history that would call for a different result. I.R.S. Chief Couns. Advis. 200041029, 2000 WL 33120271 (Apr. 11, 2000).

Courts had split on the issue as well and the Snyder opinion gives a good run-down of all of the differing case law which had developed on the issue. In the end, the court adopts the view espoused in the group of cases which had aligned with the IRS's position in its 1996 Litigation Bulletin, stating as follows:

We agree with the position taken in the first group of cases described above. That is, we agree with the position the IRS took in its 1996 litigation bulletin and in Persky, and disagree with the position it took in 2000.

The court goes on to state in dicta that, although exclusion of the debtor's interest in the plan from the bankruptcy estate precludes the IRS from
attaining secured status in the bankruptcy proceeding, the IRS’s liens against the debtor's interest continue to exist, but outside of bankruptcy. This means that the IRS will be able to reach the assets in the plan upon the debtor's retirement, when the debtor is entitled to payments from the plan. Since the life-span of a tax lien is only ten years from the date of assessment, potentially the lien might expire before the IRS is able to collect.

By the way, for those who aren't familiar with the IRS's "Action on Decision" procedure under which the Acquiescence was issued, the Tax Bulletin explains the procedure as follows:

It is the policy of the Internal Revenue Service to announce at an early date whether it will follow the holdings in certain cases. An Action on Decision is the document making such an announcement. An Action on Decision will be issued at the discretion of the Service only on unappealed issues decided adverse to the government. Generally, an Action on Decision is issued where its guidance would be helpful to Service personnel working with the same or similar issues. Unlike a Treasury Regulation or a Revenue Ruling, an Action on Decision is not an affirmative statement of Service position. It is not intended to serve as public guidance and may not be cited as precedent.

The Bulletin goes on to state that, prior to 1991, the Service published acquiescence or nonacquiescence only in certain regular Tax Court opinions and that the Service has expanded its acquiescence program to include other civil tax cases where guidance is determined to be helpful. The Bulletin explains that the "Service now may acquiesce or nonacquiesce in the holdings of memorandum Tax Court opinions, as well as those of the United States District Courts, Claims Court, and Circuit Courts of Appeal."

What does this actually mean when the Service acquiesces with respect to an opinion? According to the Bulletin: Both “acquiescence” and “acquiescence in result only” mean that the Service accepts the holding of the court in a case and that the Service will follow it in disposing of cases with the same controlling facts.

Please note: All links to the Bankruptcy Code are via the Cornell Law School’s Legal Information Institute. The site is a terrific resource for lawyers and others and is requesting donations from those who feel so inclined.

Posted by B. Janell Grenier at 09:07 AM

Source: http://www.benefitscounsel.com/erisablog