

President's Corner

*Lisa Morse, Questar Data Systems, Inc.
Chapter President*

Education... the running theme throughout this issue of *The Verbatim*, and a rather broad topic to be sure. It is an integral part of our Chapter's mission to "... serve as a resource for information and expertise through continuing education of its members..."

The beginning of a new year always prompts me to reflect back on the day-to-day journey of the previous 12 months. As I thought about the expansive topic of "education" and reflected on my own learnings from the past year, I was encouraged by the number of things I had gained a broader understanding of simply through my participation in this Chapter and its many educational offerings.

For instance, at the risk of exposing my own ignorance, here are just a few things I learned along the way at some of this past year's MRA events:

- ◆ Internet search engines can only get to about 20% of the content on the Web. There are some pretty amazing web sites enabling us to get to the "invisible web." Putting my hands on some very useful information about client companies and competitors didn't have to be as time consuming as I've found it to be in the past. (May Event; Presentation by Sam Richter, J.J. Hill Reference Library)
- ◆ There are some very creative ways being used to gather sound quantitative data and, at the same time, hold a couple of focus groups at very affordable price tags while helping a local civic, athletic, educational or religious group raise funds. (August Event; Presentation by Harold Cook of Cook Research & Consulting.)
- ◆ HIPAA (Health Insurance Portability and Accountability Act) really is a complex beast. However, when we as market researchers understand our responsibilities as "business associates" to the health insurance companies and providers, avoiding mistakes that we can be penalized for is not that difficult after all. (November Event; Presentation by Tom Schroeder, Faegre & Benson)

2004 Upcoming Events

February / March 2004 MRA Chapter Events. The Programming Committee is busily working out the details. Over the next few weeks, you'll hear more about our next chapter event.

(Watch your mailbox for details)

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Every Day In Market Research Is An Education

By Linda Daniel, Harris Interactive

There are several reasons I love market research. One of the biggest is that I have the perfect outlet for my overly-developed sense of curiosity. I'm constantly amazed at the number of things I learn as part of the job. I can't imagine being in the position of most of my clients, where each day revolves around just their own industry.

With only a very little exaggeration, here is a typical (?) day for me.....

- 6:30 am (yea, mornings!) Get to office and start reading emails.
- 7:30 am Read RFP for a project related to a new slogan for an internationally known fast food giant. Contribute to proposal for determining success of new slogan.
- 9:30 am Client meeting to begin designing telecommunications industry report. Discuss analysis plan, chart displays, use of call-out boxes, segmentation, and expected length of report (too long).
- 10:30 am Monitor telephone interviews, in French, on petrochemical companies used by French industries. (Who said college French and chemistry classes were a waste?)
- 12:30 pm Write executive summary on report for software client. The full report covers 19 products.
- 4:30 pm Discuss status of recruiting with a focus group facility.
- 5:00 pm Review discussion guide for focus groups. Topic is new credit product.
- 7:00 pm View focus group. New credit product is not a big hit. Client needs to regroup. Tomorrow's recap will need lots of coffee and tissues.

OK, so that day isn't exactly typical...but sometimes it comes very close. Do I learn enough about any one industry to be able to replace my client? No. Do I learn enough about lots of industries to be able to go to lunch with various clients and not sound like an idiot when talking about their products? Yes....or the clients don't stay clients for long. This is the perfect job for a data/knowledge junkie. And the best part? Someone actually PAYS me to be this nosey and keep up my education!

2003/2004 MRA MN/Upper Midwest Chapter Board Members

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President's Corner

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There is no shortage of opportunity to learn and experience something new at MRA events — whether it is through informal conversation that leads to a sudden “Aha!”, or sitting in a formal presentation. Make it this year’s resolution to see what new insights you can acquire by taking part in our chapter activities. I look forward to seeing you at the next chapter event.

Board Elections – 2004

By Bob McGarry, President-Elect

MN/Upper Midwest MRA Board Elections are just around the corner. The Board you elect works to ensure that the Chapter is best meeting the needs of members and the research community.

Guided by our Chapter’s mission, Board members determine the goals and strategies for the Chapter, and serve as liaisons to one of the standing committees.

In filling positions on the Board, we look for individuals possessing good communication and task management skills, the ability to delegate and lead others, and the ability to think strategically and plan for the future.

The President-Elect chairs the Nominating Committee, which puts together the slate of candidates for the election and oversees the election process. This year, the committee is comprised of the following individuals:

- ◆ Bob McGarry (ISG), President-Elect
- ◆ Lisa Morse (Questar), President
- ◆ Dave Koch (Adapt), Past President
- ◆ Beth Fischer (TCI Group), Programming Committee Member

Members are welcome to submit nominations to any member of the Nominating Committee by February 13. Our Bylaws require a “...petition signed by at least fifteen percent of the members who are in good standing at the time of the nominations,” which equates to signatures from approximately 20 members.

Please remember to vote when you receive your ballots in March!

Chapter Mission

To create value by serving as a resource for information and expertise through continuing education of members on research design, implementation, project management and research applications. We will provide industry leadership through the promotion of professionalism and quality, and serve as a voice for research in business, government and public environments.

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Research Efforts Can Help Fund Education

By Rosemary Sundin, President, Orman Guidance Research, Inc.

Much has been written about the dramatic decline in respondent cooperation. Although the marketing research industry is exempt from the “National Do Not Call List” legislation, it’s terribly difficult to educate a skeptical, telemarketing-weary populace (in three seconds before they hang up on us) that their participation is important, and that we’re not violating any laws with a phone call that attempts to qualify them to receive \$50 for being in a focus group or interview. As an industry, we need to address how we can better position marketing research opportunities so that respondents realize some greater outcome than a \$50 envelope. The result could give them a good feeling and provide a positive ripple effect for the entire industry of marketing research.

Orman Guidance Research is developing a relationship-recruiting model aimed at increased respondent satisfaction and improved research outcomes. If successful, the program could help address a growing financial predicament that is on the minds of the vast majority of respondents we seek to interview.

We call the program Re•Fund•Ed: Research Efforts Fund Education. Simply put, the respondent participates in marketing research and their school receives a steady stream of stipends. With enough participation, these funds will help reduce the number of tiresome catalog fundraisers schools are resigned to conduct. Re•Fund•Ed offers a method for marketing researchers to engage a significantly larger pool of cooperating households. By working with the schools and setting goals, Re•Fund•Ed represents another way for corporate America to more quickly and economically reach out to their target audiences.

Re•Fund•Ed is still a fledgling, but we have accomplished a great deal of work to implement the program. We conducted significant research on the issue of budget shortfalls in the school system and have a comprehensive PowerPoint presentation – complete with figures relating to what we’re *already paying out in stipends* – to pique the schools’ interest. We developed communication to promote the method to our clients. We have a participation-tracking draft adminis-

trative model to ensure the market representation that clients demand. We presented the idea to several school officials and clients and – just last week – received our first project using the Re•Fund•Ed model. In short, initial enthusiasm for Re•Fund•Ed is exciting.

We just might be on to something!

Practical Marketing Research

Presented by The Burke Institute

Thursday, April 8th, 2004

Brought to you by the MN Chapter of the American Marketing Association
Co-sponsored by Katun Corporation & The Research Edge

This seminar is designed for professionals who use the findings of market research—product managers, marketing managers, etc.,—and for market research professionals. The seminar will answer questions including:

- ◆ How do you plan actionable, decision-oriented marketing research and what research techniques do you use for various situations?
- ◆ What do you need to know to implement quantitative research studies, including determining sample size and margin of error?
- ◆ What are common errors in questionnaire construction?
- ◆ How do you analyze market research data and use cross tabs and significance tests, and other techniques?
- ◆ How do you present information and communicate to decision makers?

Price:

AMA/MRA Member (before March 11)	\$495
AMA/MRA Member (after March 11)	\$595
Guest (before March 11)	\$595
Guest (after March 11)	\$695

Registration Deadline: March 25, 2004.

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Restoring Accountability—It's All About Respect

By Diane Senffner, Research International, w/excerpts from MSN Business

You have a big job to do. Your new staff is known for missing deadlines, its fluctuating level of quality and the amount of general complaining from its staff members. There's also been a good amount of turnover in staff and leadership. It's your mission to turn them around, but how do you do it? Effective managers know that true authority and allegiance are earned. It's all about respect—giving it and getting it in return. The following steps will help earn the respect of staff and ensure your ongoing success:

Set the tone

You need to set boundaries. Let employees know what is acceptable and what is not. Establish a system of rewards and consequences—and remember, setting rewards without setting consequences is a mistake. There must be some kind of consequence for not doing the work. Good leaders give staff *reasons* to be accountable. A common misconception among managers is that professionals will be resentful of boundaries. The opposite is true. People like boundaries and will respect you more if you have them—providing they are fair and still allow a degree of autonomy. In fact, a reward for excellent work can be allowing them to work with a greater degree of autonomy. If you expect a certain level of work, a certain quality, your best employees will appreciate your high standards and will flourish in the quality environment, especially if you reward them for their efforts.

On the other hand, if you ignore incidents of poor quality or allow employees to continue to do lackluster work without consequence, you run the risk of alienating your top performers. They may become disenfranchised and feel that poor quality is acceptable to you. This is big turn-off to high achievers. They often lose respect for management and bolt as soon as a new opportunity comes along. How to address the stragglers? Let them know specifically how they need to change their work habits. Describe behavioral shifts needed rather than personality characteristics that need to change. "I need to review all reports before they are circulated" is more effective than "You're always sidestepping me and it has to

stop." Ensure they know the rewards/consequences for their actions. Don't allow chronic complaining. Insist that every complaint comes with a proposed solution. This helps to foster an environment of accountability and personal ownership. After you set the tone, engage them in the process, show you respect them....

Ask Staff What is Working Well and What Isn't

A group generally knows what is and isn't working and welcomes a chance to propose ideas. Don't be a one-size-fits-all manager. Ask your team members individually how they like to be 'managed.' Some people like close contact and frequent check-ins, while others feel suffocated. This will allow individuals to feel respected and heard. Take time to get staff buy-in on new ideas and changes. Imposing new plans or policies in a top-down fashion will guarantee resistance. Clearly communicate directives you have been given by top management and ask staff for suggestions about how the department can achieve them. Be their champion. People need to see how they will benefit from your supervision. Focus on what you can offer as an advocate, troubleshooter and intermediary with other departments. Help to work out issues, find solutions and help them to take responsibility if they were wrong.

A Case Study in Accountability

I used to work with a very fair, engaging leader who expected a high degree of quality from his staff. He was extremely well liked and respected, adored by employees for his willingness to involve them in the business, and for his ability to listen and take action. But he was no pushover; he was an enforcer of accountability and everybody knew the rules. For instance, when he first landed as general manager at a lackluster hotel property, he asked managers why performance reviews had not been done. They explained to him they'd been busy. He told them in a quiet, firm, matter-of-fact tone that "busy" was not an excuse, that employees deserved reviews. He went on to say he expected the reviews on his desk by Monday morning. All reviews were on his desk by Monday, save one manager. That manager was told that he would never again miss a deadline set by

November Event Recap

HIPAA and How it Affects Marketing Research by Tom Schroeder, Faegre & Benson, LLP

Summarized by Kyle Lundby and Colleen Rasinowich, Data Recognition Corporation

In his presentation on November 20th, Tom Schroeder of Faegre & Benson discussed HIPAA (Health Insurance and Portability and Accountability Act) and its impact on our field. Although he warned us that HIPAA is a relatively complex topic, my reaction is that he did a great job of walking the audience through its intricacies in a way that was fairly easy to follow. Perhaps it was a sugar-induced psychosis from the super-sized slices of cake, but my second reaction was surprise — I found Tom’s discussion of HIPAA to be amusing and entertaining. However, I also found the discussion of this important topic to be very informative and timely. Below are a few of the points that I walked away with.

Purpose of HIPAA: If you find HIPAA to be confusing, you are not alone. A lot of that confusion has to do with the fact that there have been multiple and sometimes conflicting messages, particularly around the issue of patient consent. It is slightly ironic, then, that HIPAA was supposed to simplify communication among providers.

Who it impacts: An important question among many market researchers is how HIPAA impacts their practice. According to Tom, you are not directly regulated by HIPAA unless you are a “covered entity.” You are potentially a covered entity if you are one of the following: 1) a health care provider (e.g., a doctor), 2) a health plan (e.g., BCBS, or an employer health plan) or 3) a health care clearinghouse. However, even if you fit into one of these three categories, you will not be subject to HIPAA unless you engage in “covered transactions” (certain payment and administrative transactions that take place electronically).

Confused yet? Just wait, there’s more (fortunately, we have experts like Tom to help sort these things out).

When you can disclose: Assuming that you are a covered entity, HIPAA prevents you from using or disclosing any health information for purposes other than treatment, payment or certain defined health care operations unless one or more conditions are met, such as providing notice to the patient (e.g. for fundraising) or obtaining his/her written authorization (e.g. for

marketing). What is health information? It is any information in any form that, 1) is created by a plan provider, an insurer, or an employer, 2) relates to past, present, future health care payment, and 3) identifies any individual. When information is transmitted, senders should make “reasonable efforts” to limit information to what is absolutely necessary (although there are exceptions, such as for treatment purposes or disclosures required by law).

HIPAA violations: To keep everyone honest, there are some fairly formidable penalties for covered entities that violate HIPAA, including financial damages and jail time. The good news is that *non*-covered entities are not subject to these penalties—they can only be sued for their breaches of their business associate agreements. And, as Tom pointed out, HIPAA violations are not big news yet (the government currently relies on patients to report violations and will not go looking for them), but may be in the future because they have the potential to be tried as class-action cases under the Federal False Claims/Whistleblower Acts.

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Restoring (continued)

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the G.M. He never did. This G.M. is revered for the level of quality he expects. Quality personnel want to work for him because they know his expectations. People who do not perform to those standards know not to apply. That’s how leaders build accountability. That’s how leaders build a quality organization. It takes backbone, a system of rewards and consequences and a participative management style to be successful, but it can be done. It’s how leaders build respect. Accountability is not as elusive or complicated as it sounds; often it’s the difference between good and great.

Teaching Marketing Research: Project by Project

By Tim Huberty

NOTE: Tim Huberty taught “Applied Marketing Research” to MBA students at the College of Business of the University of St. Thomas from 1988 – 2003. This past fall, he again taught a similar course at Bethel College. Contact him at tim@hubertyresearch.com.

There’s really only one way to “teach” marketing research. It’s by *doing* marketing research.

That’s the way I learned it. Prior to my first job in marketing research, I had never taken a marketing research course. (I have three divinity degrees!) For 13 of the 15 years I taught at St. Thomas, I had students doing marketing research projects for “real world clients.” For two years, however, I used the traditional lecture format, eschewing the project. At the end of those two years, I surveyed students from the past four years about whether or not it was more valuable to have a client project. An overwhelming 93% preferred the client project. Amazingly, the number was even higher – 95% — among the students who had *not* done the client project.

There are a multitude of advantages for conducting a project for a client. And they have “real world” application written all over them. First of all, the student learns to work with a team of other students. And they learn to deal with a client with “real world” problems, problems which she confronts every day. The students learn how to write a proposal. (“*Why does it take so long to do this?*” “*Is it important to include duplicating costs in the budget?*”) They learn the intricacies of writing a questionnaire. (“*Why can’t we just ask a yes-no question?*” “*Why do the demographics go at the end?*”) They learn first hand the problems of data collection. (“*The client didn’t give us any names or numbers. Now what do we do?*” “*They keep hanging up on me! What do I do?*”) They learn all about coding and data analysis. (“*Why do we have to code those open ended questions?*” “*How do I determine if it’s statistically significant?*”) And, they learn about presenting the information and writing a final report. (“*Why is it more important to attend the presentation?*” “*I don’t know, Sir. Let me get back to you on that one.*”)



There are, of course, downsides. For one thing, having students work on a project is very, very time consuming for the instructor. You just can’t “turn ‘em loose.” The students’ enthusiasm must be harnessed and carefully directed. It is absolutely necessary that the instructor have several meetings with each individual group outside of class time. Also, the instructor has to read drafts of *everything!* For example, like a “real world” project, expect a minimum of five versions of the questionnaire to be hammered out. Obviously, there’s a major, major time commitment involved! Also, the client often tends to overestimate the students’ *marketing* abilities. Once the students come in with the information, the client wants them then to solve the problems that have been identified. (“*Your next step should be to contact the professor who teaches Marketing Management and have a student team write a marketing plan for you.*”)

But in the end, for the instructor, it is well worth all the time and effort. He can’t help beaming when his “kids” are presenting the information to an enraptured client, a client who believes that the information he is receiving is going to solve every single problem in the world.

BRAIN FREEZE PUZZLE

See how well you can really multitask:

1. Raise your right hand. Pointing your finger in the air, trace three imaginary squares while counting to 12 (one number per corner).
2. Lower your right hand and raise your left. With your left hand, trace four triangles in the air, again counting to 12.
3. Raise both hands. With your right, trace squares and with your left, trace triangles. Remember to count to 12.
4. Repeat until you achieve success. If your brain freezes, take a break!

* Source: Cranium

October Event Recap

What Drives Customer Satisfaction? Focusing on the Links that Matter Most

by Stephanie Kendall & Tom McGoldrick, Gantz Wiley Research

Summarized by Kyle Lundby, Data Recognition Corporation

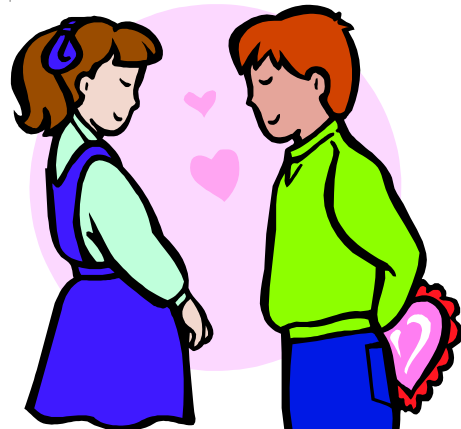
In their presentation on October 23rd, Stephanie and Tom attempted to answer the question, *What drives customer satisfaction?*, by reviewing some of their findings from various linkage studies. If you are unfamiliar with linkage research, it is simply the practice of determining statistical associations (a.k.a. linkages) among organizational metrics. Historically, linkage researchers have focused their attention on employee opinions, customer opinions, and financial data. Using various modeling techniques, these studies have typically shown that employee attitudes influence customer attitudes, which then influence important outcomes, such as retention (i.e., customer loyalty) and profitability.

Stephanie and Tom opened with a discussion of why we should invest time, energy and resources to improve customer satisfaction. The simple answer is that satisfied customers act differently. Research has shown that they are more likely (than dissatisfied customers) to recommend a particular product or service to friends, family, and/or co-workers. In essence, satisfied customers become spokespersons for the organization. They also tend to be loyal, and as Stephanie and Tom pointed out, customer loyalty tracks well with profitability. And while it can be challenging to uncover the complex statistical relationships (i.e., you need to consider a variety of contextual factors, including switching costs, time-lag, and segment differences), the potential financial and practical benefits are impressive.

While it is clear that there are a number of tangible benefits to improving customer satisfaction and loyalty, where to focus attention in order to influence these outcomes is still up for debate. To help shed some light on this issue, Stephanie and Tom next reviewed some recent linkage research. Specifically, they reviewed the results of a study conducted with a business product company considered a brand-leader in it's market. Attitudinal data (overall quality, value, image, intent to recommend, intent to repurchase) were collected from customers and compared to (lagging) behavioral indicators (lifetime revenue, life to date orders, time as a customer). Interestingly, there was no significant relationship be-

tween intended behavior (intent to repurchase, intent to recommend) and actual behavior (although this may not come as a surprise to anyone who has dieted or attempted to quit smoking). What they did find was that "Image" was significantly related to several outcomes, including lifetime revenue, life to date orders, and time as a customer.

So, what should we take away from this research? In general, linkage researchers have clearly shown that employee and customer attitudes lead to a variety of outcomes. Linkage research allows us to predict which of those attitudes are most important, which then allows us to be more targeted in our interventions. While intent was not a good predictor of behavior in this study, we need to keep in mind that a number of factors can intervene and weaken the intent-behavior link. Finally, "image" emerged as a key driver of actual outcomes. This is also consistent with recent work by Karl Speak (on Branding) and Benjamin Schneider (on Customer Delight).



"To think is easy. To act is hard.
But the hardest thing in the
world is to act in accordance
with your thinking."
Goethe

Quick Tips from the Experts: Writing High-Impact Email

By Ben Shank, writing consultant

Continued from Fall Issue of *THE VERBATIM*

Reader-Focused Openers

Readers always take in openers. So, having the main point of the message appear in the opener is essential. Writers should think of the main point statement as the overview of what the email message covers. Ahead, the reader should find no surprises – only details.

However, a main point statement alone often short-changes today's email readers. Before getting to the main point, writers need to include a background statement. In a few words, writers can set up the context for the new information they want to convey.

Background

- ◆ Give your readers a memory jog.
- ◆ Let your readers know you are on their wavelength.

Example: Thank you for sending us Mr. Smith's address as part of processing your waiver request.

Main Point.

- ◆ Provide your readers with the key idea(s).
- ◆ Use their language.
- ◆ When possible, include a benefit to the reader.

Example: In order to issue the waiver that you requested, we also need your full account number at XYZ.

Four High-Impact Design Techniques

1. Use a variety of paragraphs, lists, and subheadings.
2. Avoids lists and paragraphs longer than 3-4 lines.
3. Balance text with white space.
4. Emphasize key information and headings with a careful use of highlighting techniques.

- ◆ Capitalization (safe)
- ◆ Underline
- ◆ Italics
- ◆ Boldface
- ◆ Color



Reader-Focused Closers

The most critical part in email closers is stating the next steps. At the last moment, writers can remind readers of what needs to happen – and when.

At the end of longer emails, readers appreciate a quick wrap-up of what the email covered. This summary helps to solidify the main message in the readers' memory.

Action

Detail clearly what comes next.

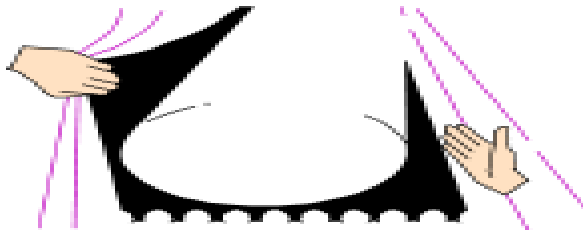
Example: I will call you next Wednesday, January 23, to discuss the next steps to meeting your company's needs in 2003.

Ben Shank has *taught* writing and written professionally since 1975. As a newspaper writer and editor, he has written and edited company newsletters. Shank has also published his own poetry and short fiction. His background includes an undergraduate degree in communications, graduate training in industrial relations and ethics, and a master's degree in psychology. In addition to his strong writing background, Shank also maintains a private psychology practice in Minneapolis.

This is an excerpt from ACUMEN, a free email newsletter from The Management Center – University of St. Thomas. If you wish to subscribe, email Christine Johnston at cmwolf@stthomas.edu

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Spotlight

The Verbatim will “**SPOTLIGHT**” a different Board or Committee Chair’s Company in each issue.

SPOTLIGHT on



Ann Potter & Associates

Ann Potter and Associates is a Minneapolis-based information consulting firm providing customized research for strategic planning and product development across a variety of industries. For the past 17 years, the firm has worked directly with end users—from startup basements to Fortune 500 boardrooms. The firm has also acted as a “behind the scenes” subcontractor for numerous marketing consulting groups.

Ann Potter & Associates offers its clients high quality online research and in-depth interviewing skills, backed by a solid background in market research, competitive intelligence and industry analysis. The firm’s projects typically fall into one of four categories:

- ◆ Market Profiles, Size, Potential, Sales Support
- ◆ Industry Profiles, Players, Trends
- ◆ Competitive Intelligence, Company Profiles
- ◆ Trend Tracking

Ann Potter herself is a true business research generalist who uses both secondary and small-scale primary research skillsets to help clients make smarter decisions. *“Our function is to make clients thrilled, in terms of the information and insights we can bring. And my role really varies. Sometimes I’m an active team player with the client from the get-go; sometimes I’m sent off to put together my own team; and sometimes I’m the lonely ‘hunter and gatherer’...it all depends on the client,” she says.*

Projects typically cover Upper Midwest industries such as: construction, financial services, food/agriculture, healthcare, and medical devices. Yet the firm does a substantial amount of global work, which has included fieldwork in such relatively remote locales as: China, West Africa and Nepal.

Ann Potter & Associates has a history of involvement with the: Association of Independent Information Professionals (AIP), the Special Libraries Association (SLA), the Society of Competitive Intelligence Professionals (SCIP), and most recently, the Market Research Association (MRA). Ann Potter is the current Secretary of the MRA’s local MN/UMW Chapter.

Ann Potter & Associates is located on the western edge of downtown Minneapolis and overlooks beautiful Loring Park, at 1614 Harmon Place in Minneapolis.

Practical Marketing Research (continued)

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Registration is limited to the first 30 people. Due to the unique nature of this program, payment is required in advance. No refunds will be given after March 25th.

Date: Thursday, April 8th, 2004

Location: Katun Corporation, 10951 Bush Lake Road, Minneapolis, MN, Phone: 952-941-9505

Time: 8:30 a.m. – 5:00 p.m.

Go to <http://www.mnama.org/> for information on how to register.

November Event Recap (continued)

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HIPAA's impact on market researchers: *If you are still confused, here is a bit of good news for you and me.*

Covered entities (e.g., health care providers) can feel relatively comfortable providing patient information to “business associates” (e.g., market researchers) provided that they receive “satisfactory assurances” that the information will be appropriately safeguarded. These assurances are provided in the form of a “business associate agreement.” Should any problems occur, the covered entity is only liable if they were aware of some breach of the agreement on the part of the business associate and failed to take any reasonable steps to intervene. Since most independent market researchers will not be “covered entities” themselves under HIPAA, their greatest burden under the new law will be having to sign and adhere to these business associate agreements. That, in turn, means that market researchers should carefully review any business associates proposed to them, to determine at a minimum: (1) whether the agreement is really necessary (e.g., is the client really a “covered entity?” Some clients may have incorrectly assumed that they are.); (2) does the agreement impose additional burdens upon the market researcher that are not required by the HIPAA regulations? (e.g., non-competes, non-solicitation clauses, indemnification, unduly short timeframes for furnishing data to the covered entity); (3) does the agreement specify a termination date, or does it conceivably bind the researcher in perpetuity (not a good thing!); and (4) does

the agreement adequately describe the researcher’s permitted uses and re-disclosures of health information, or in the alternative, does it reference another agreement between the parties that does? All in all, market researchers would do well to develop their *own* business associate agreements for offering to their covered entity customers. This will save you the time and expense of conducting a legal review of someone else’s (potentially overreaching) agreement, and can be represented to the customer as another aspect of your good and professional customer service.

So, what have we learned about HIPAA? This is a complex policy and market researchers are only beginning to understand its impact on their practice. For market researchers, the good news is that HIPAA may have little impact on us personally. However, we still have an obligation to be informed and to understand where and when it applies to us and our practice. The bad news is that there can be serious penalties for those who violate HIPAA rules. Therefore, the best advice is to be aware of, and monitor information that comes out about HIPAA, and to seek professional guidance for specific questions. Finally, if you are in need of a lawyer who can make an entire room laugh about a very complex and serious subject, then we have the person for you.

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