

TRANSCRIPT

On Your Terms



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Episode #: 176

How I See Coaches' Scope of Practice After Being a Lawyer for 11 Years

Sam Vander Wielen:

Hey there, welcome back to On Your Terms. I'm your host, Sam Vander Wielen. And welcome back to the show if you've been listening already, and welcome if you're new here. So, as longtime listeners probably know, I'm hard at work on my book. I'm writing my first book and I turn in my chapters as I go along. The whole thing is due in January, so it's really going to be crunch time. More details coming soon, I promise, and I have episodes I can link down below where I've shared some book updates along the way.

But while I put my head down and I focus on writing my book this month, editing the chapters I've already gotten back from the publisher, we'll be revisiting some of your frequent asked questions, your favorite FAQs here about legal and business questions here on On Your Terms throughout November. So, whether you missed them the first time around or you just need a refresher, because you're like me and you like to hear things a couple of times in order to get it, we've curated a selection that's a must listen for any online business owner. I hope you enjoy. All right, let's jump into it.

Hey there and welcome back to another episode of Sam's Sidebar, where I tackle your essential questions about starting and growing a legally protected online business in ten minutes or less.

So, this week you'll hear all about what coaches can legally do. In other words, what they can legally talk about, work on with their clients, offer as services, talk about in terms of content, all that good stuff. So, this week's question comes from our listener, Leslie, who asked, "Hi, Sam. I have a question relating to suggesting health and nutrition advice as a health coach. I understand you can only provide specific meal plans if you're an RD, but how do you educate or recommend? What's the language you would use if you do want to talk about nutrition or meals? Can I give them

recipes as a suggestion or can I tell them what I would do or what I would normally eat is X, Y, or Z?" Okay. That is a great question, Leslie.

And before we hop in, I want to talk about the fact that this episode is for you, even if you're not in the health and wellness field. First and foremost, I want to clear up the nasty rumor that I do not only work with health and wellness people. I have health and wellness coaches, of course, of all varieties, but I also work with everybody from career coaches and life coaches and money coaches, business coaches, all kinds of things, as well as professionals like RDs and nutritionists, doctors, nurses, all kinds of people. And we work with course creators, and bloggers, food bloggers, all kinds of things. So, I just wanted to throw that out there but also because scope of practice is for you if you do anything in the coaching industry, if you talk about life, health, money, dating, business, accounting, legal, anything, you have to know about scope. So, okay, with that, let's dive in.

Let's talk about what scope of practice is and why it matters for your business. Scope of practice is just the kind of fancy legal term for what you can legally do, say, and teach in your business based on two different things. One, your state's laws or all the different states' laws and regulations, and two, what type or level of education, license, qualification, or certification you have for what you're talking about in your business.

So, if you're a coach or you want to be, you can only do what a coach can do. So, even if you have people sign legal agreements saying that they know, for example, that you're not their doctor, their lawyer, their therapist, their accountant, their nutritionist, you still can't do things that only those professionals can do. So, I think sometimes people get confused because they're like, "Well, I told them I'm a health coach and then I had them sign a contract that says I'm not their doctor, so then I went and read their labs, and so isn't that fine?" No, no, no. We have to do as we say and say as we do and all that good stuff.

So, what then can coaches do? So, if you know me at all, you know that I always focus more on what we can do and how can we actually grow our

businesses within the legal confines of doing so safely. So, the simplest answer about what a coach can do is that a coach can legally educate, empower, encourage – in other words, be a coach – and share resources. I like to think of a coach as somebody who holds a flashlight in front of their client and maybe even holds their hand and guides them to illuminate their path in front of them to navigate it together. And so, that the coach is there to support the person as things might pop up along the path. But the coach isn't telling the client where to walk or what path to take.

So, coaches can't diagnose, treat, cure, or offer to prevent things when it comes to health and wellness. When it comes to other stuff other than health and wellness, like legal, accounting, business stuff, therapy, we have to be really, really careful that we're not doing things that hovering professions above us can do and only they can do.

When it comes to health and wellness people, too, we can't create custom plans or tell people what to do. And that goes way beyond health even because we can't offer to cure somebody's financial situation with an investment plan if you're not a financial planner, if you're not a certified financial planner, or we can't offer to cure their debt with following our system or our way of budgeting. So, this goes beyond health and wellness. It does mean for those of you in health and wellness that you can't create meal plans specifically since that's what Leslie asked about because that's telling people what to eat. We can't tell people where to invest their money because that would be advice. We can't sell them a supplement because that's telling them that they need it. You would be basically diagnosing that they need it and then offering some sort of cure or healing treatment through offering up a supplement.

So, I'll put my health coaching hat back on for a sec. In case you didn't know, I had my own health coaching business when I left the law for about a year. And I'll tell you how I did it or how I would do it now. So, let's say somebody came to me and they've been diagnosed by their physician or a medical professional with diabetes, and they've been told now to follow a low carb plan. But the doctor kind of forgot to mention what a carb was and our client doesn't know either. So, as their coach, I can help them to better understand what foods fall under carb, what foods are protein,

what's fat. And I can help them to make choices that are in alignment with the diagnosis and the kind of care plan, the low carb plan, this example, that are following that doctor's recommendation.

Now, by the way, as an aside, I'm not saying I support or don't support this low carb or any of this stuff. I was just trying to come up with an example.

But I would also help them to maybe come up with a grocery list, teach them some shopping trips. I would teach them probably meal prep tips about how they could better prepare their food during the week so that they could be prepared because maybe a lot of low carb options take more time.

Or I would teach them about cauliflower rice as an awesome swap for regular rice, something like that.

The truth is that people are so so confused and overwhelmed about their businesses, their health, their careers, their love lives, everything, that they need your help. They need you. So, sure, you might not be able to give them a meal plan or a financial advice, but your ideal client, that's probably not what they need, to be honest. They really need you to help them to self-actualize. They need to be empowered with the information that they need to succeed so that they don't need you by their side for the rest of their lives, because they're going to need to make these kinds of choices when they're out and about or in their real life.

So, in terms of what you would need to have in place to legally cover yourself, even if you're staying within your scope of practice, well, you would have to have a properly formed business, probably an LLC if that's the best choice for you. A solid legal contract with all of your customers and clients that yes, of course, it would have language in there saying that you're not their doctor or you're not their lawyer or whatever, that would be very important. And then, now that you've listened to this, you know that you also have to do that. We would also get you business insurance that would cover your financial expenses in your business if you were ever to be sued. And you would learn your scope to make sure you're staying within your scope of practice on your website, in your social posts, and emails.

If you want to dive even deeper into this topic of scope of practice, really figure out what your scope of practice is and how to stay within it, I recommend going back and listening to Episode 2 and Episode 69 of my podcast, On Your Terms, because I dove really deep. So, you're going to want to start with 2, that was the first part, and the second part was Episode 69. I also teach you all of this inside of the Ultimate Bundle. I've got entire trainings dedicated to scope of practice inside the Bundle. And I give you all of those contracts and policies that you need to cover you too.

Thank you so much for joining me on this episode of Sam's Sidebar. Check out the show notes below for related blog posts, resources, and episodes of On Your Terms. I post every single Monday and Thursday. And thank you so much. If you have a question that you want me to answer any future Sam's Sidebar episode, submit it using the link in the show notes. Thanks so much. I'll see you next week.

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