

# Conflict of Interest & RD Practice



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Above all, RDs need to be careful that their actions do not result in — or appear to result in — a personal benefit that may affect professional judgment. The College's Practice Advisory Service strives to support RDs in all areas of dietetic practice. If you have any questions or concerns about conflict of interest or any other practice issues, please feel free to contact us. Knowing your questions and concerns will assist the College in preparing future education material.

**Please contact Deborah if you have any questions about a potential conflict of interest situation:**

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There is an inherent imbalance of knowledge and power in any professional-client relationship, the client depending on the professional. Clients need to maintain confidence and trust in the information and services they are receiving from professionals such as RDs. Conflicts of interest can potentially undermine the fundamental principles of client-centred care and client trust. Consequently, RDs need to ensure that their conflicting interests do not adversely impact the professional-client relationship. RDs are responsible for avoiding and managing conflicts of interest for the benefit of their clients.

## WHAT IS CONFLICT OF INTEREST

A conflict of interest occurs when RDs have personal interests that may improperly influence their professional judgment<sup>1</sup>. RDs are in a conflict of interest when they consider their own (or someone else's) interests rather than the interests of their clients. An action that is perceived as a conflict of interest may be just as damaging to the RD-client relationship as a real conflict of interest.

## IDENTIFYING A CONFLICT OF INTEREST

### 1. The Personal Interest Test - Am I receiving any personal benefit?

The RD has a personal interest when he/she receives any personal benefit from an action or decision made with respect to clients. Benefits can include, but are not limited to, gifts, advantages, discounts, status, rebate, credit and preferential treatment. The interest may be monetary or of a moral nature, and could be direct (to the RD) or indirect (to someone associated with the RD such as a family member or close friend).

| Benefit to Client | Benefit to RD | Conflict of Interest   |
|-------------------|---------------|--|
| Y                 | N             | NO   |
| N                 | Y             | YES  |
| Y                 | Y             | Potential, real or perceived conflict of interest — danger that RD is motivated by personal interests(s) and is overestimating the benefits to <b>clients</b> to justify a decision. |

### 2. The Professional Judgment Test - Will this action compromise my objectivity?

RDs must always consider whether personal interests are or have the potential to influence their professional objectivity for or against an action, or a decision about a program, product and/or treatment recommendation.

1. Steinecke and CDO. *The Jurisprudence Handbook for Dietitians in Ontario*, Toronto: 2008. Chapter 9, "Conflicts of Interest", p. 103.

### 3. The Improper Influence Test - Am I changing my actions so that I can have the benefit?

A personal interest can improperly influence an RD. It must be something substantial enough that the RD wants the benefit or wants to avoid the loss that accompanies the interest.

### 4. Reasonable Person Test - What would a reasonable person think?

Always consider what a colleague or neutral observer would think of the situation. Could a reasonable person conclude that the RD is making a decision that was influenced by personal gain? Whether or not an RD's professional judgment is actually compromised does not matter. The fact that a reasonable person might perceive a conflict of interest is enough. Often a perceived or potential conflict of interest can be as significant as a real conflict of interest.

### 5. Is this a conflict of interest or an ethical issue?

To determine whether a situation involves an ethical issue, the College's *Code of Ethics Interpretive Guide* may be a useful resource. This document is available on the College website under [Resources > Practice Standards & Resources > Professional Standards and Ethics](#). In addition, you can call the College. Understanding and communicating ethical beliefs and values helps to prevent conflicts and also helps RDs to work through ethical situations.

## CONFLICTS OF INTEREST TO BE AVOIDED

### Selling Products to Clients

RDs who work in private practice settings are paid by clients for the delivery of dietetic services directly. This is not considered a conflict of interest as this remuneration is in return for the receipt of dietetic services. The service benefits the client.

However, any profit beyond the delivery of dietetic services (e.g., sale of goods) may be considered a conflict of interest as the RD could be seen as influencing clients for personal benefit. It is therefore not acceptable for RDs to use their professional influence to sell products to clients in their work place.

### Endorsements

Endorsements occur when RDs use their credentials to lend credibility to a commercial product, product line, or service. The endorsement of a product line or service to clients without providing information about other options can potentially mislead or compromise client or public trust.

The College frequently receives inquiries about potential conflicts arising from RDs who work in the food industry. Registered Dietitians in this sector provide product information to the public and nutrition professionals such as other RDs. Where RDs are endorsing or recommending products aimed towards the public, a conflict of interest may exist. In this case, transparency is critical. Indicating that a particular product is one such example that is part of a healthy diet or provides certain beneficial nutrients may help manage the actual or perceived conflict of interest.

### Avoid These Conflicts of Interest

According to the *Professional Misconduct Regulation*, it is professional misconduct for RDs to practice in conflict of interest. In most cases, conflict of interest scenarios can be effectively managed through the DORM Principle. However, there are certain situations that RDs should avoid entirely:

- Accepting a gift, rebate, credit or other benefit for referring a client to any other service or program
- Offering, making or conferring a rebate, gift, credit or other benefit for receiving a client referral from another professional
- Pressuring/bullying clients to participate in research that directly benefits the RD (including monetary benefit or status)
- Selecting a foodservice supplier on the basis that the supplier offered a substantial gift, or other personal benefit to an RD (i.e., paying for an RD to attend an overseas conference)
- Entering into any lease or use of premises or equipment arrangements under which the amount payable by or to an RD or related person corresponds to the amount of fees charged by the RD, or to the volume of clients seen by the RD.

## MANAGING CONFLICT OF INTERESTS SYSTEMATICALLY

Conflicts may arise in any work setting. Some of these conflicts should be avoided, others can be managed. Using a systematic approach to work through conflict of interest situations is helpful. Two approaches are suggested below: the *Conflict of Interest Framework* will help you identify potential conflicts of interest and the *DORM Principle* will help you manage them.

### The DORM Principle

In circumstances where an RD may be permitted to practice while in a conflict of interest, the College advises that RDs be as transparent as possible. Certain situations can be managed using the safeguards outlined in the **DORM Principle**:

**Disclosure:** at the earliest opportunity, RDs should disclose the nature of the conflict to the client;

**Options:** inform the client of his/her alternatives and assist in arranging for alternatives where requested;

**Reassurance:** reassure clients that choosing another product or service will not affect the quality of the professional services to them;

**Modification:** making small modifications can remove or greatly reduce the potential for conflict of interest.

## SCENARIOS

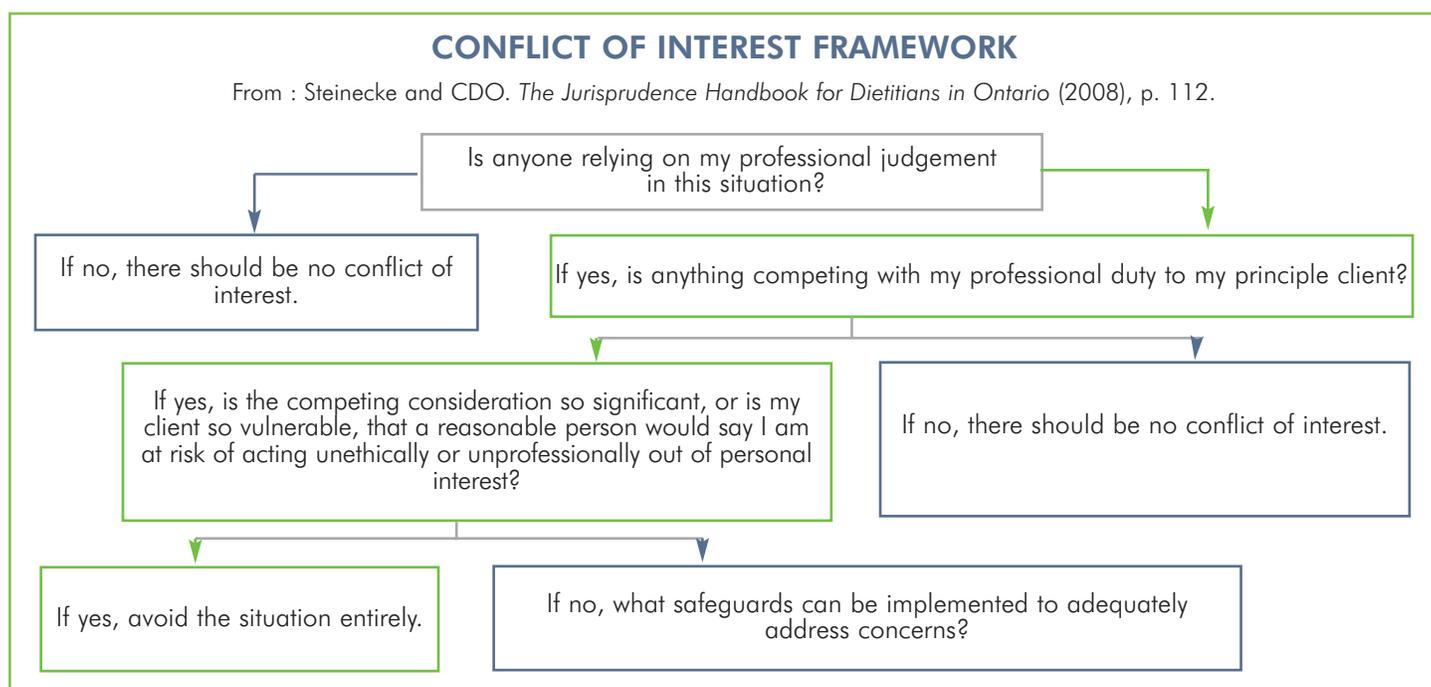
The following scenarios exemplify the use of the *Conflict of Interest Framework* to determine whether or not the RD would be in a conflict and if the conflict can be managed using the *DORM Principle*.

### Scenario 1 Referrals

Angie is an RD who works in a family health team (FHT). She also works as a part-time consulting RD in a grocery store nutrition program which provides group and one-on-one education sessions in label reading, tours and practical advice for selecting healthy food. Angie contacted the College with concerns as to whether she would be in a conflict of interest to refer FHT clients to the grocery store nutrition program.

Using the *Conflict of Interest Framework*, the first step is to determine if anyone is relying on Angie's professional judgment. In this case, the answer is "yes", since FHT clients would be relying on Angie's professional judgment for referral to the grocery store nutrition program. The second step in the framework would be to determine if there is anything that may interfere with Angie's professional judgment to act within the best interests of her clients.

Before we address this second step, we'll need to determine



the pay structure that Angie receives for her consulting services within the grocery store program. Does Angie obtain payment for each client that attends the grocery store nutrition program, or does she get paid by an hourly or flat rate? If Angie is paid per client, then she may be in a conflict of interest due to the personal financial benefit of referring her FHT clients to the grocery store nutrition program. However, if Angie is paid by an hourly or flat rate, there would be no direct personal benefit or financial interest for her to refer her FHT clients to the grocery store nutrition program.

Assuming Angie is paid per client, the best course is to avoid the Conflict of interest by not referring client to herself at the grocery store. However, the conflict of interest can be managed using the *DORM Principle*. Angie should:

- disclose to her clients that she works part-time for the grocery store nutrition program and would personally benefit from the referral;
- when applicable, provide other options for similar grocery store nutrition programs to her clients;
- reassure her clients that they are not obligated to attend the grocery store nutrition program and that the quality of Angie's professional services would not be compromised if clients chose not to attend the program;
- where possible, make small modifications. For example, Angie could refer clients to another RD who works in the grocery store nutrition program. This modification ensures that clients benefit from the grocery store nutrition program without Angie receiving a direct financial benefit.

Even if there is no direct financial benefit to Angie, there may be an indirect benefit by boosting attendance in the program. It is important to note that Angie may actually be doing her clients a disservice by not advising them of the grocery store tours, especially if the program would be of benefit to them. Using *DORM*, Angie can effectively manage the conflict of interest to ensure that she is acting in the best interests of her clients.

## Scenario 2 Corporate Sponsorship

Alan is an RD who has been invited to speak at a heart health symposium. The topic of his presentation will be on his PhD research, omega-3 fatty acid intake and heart disease prevention. The symposium is sponsored by a pharmaceutical company which makes nutrition supplements, including a few products which contain omega-3 fatty acids. Would Alan be in a conflict of interest to speak at this event?

Answering the first question of the *Conflict of Interest Framework*, the attendees of the conference would be relying on his professional judgment about the benefits of omega-3 fatty acids. The second step in the framework asks whether there is anything that competes with an RD's professional judgment to act in the best interests of his clients. The competing interest would be that Alan was endorsing, or appearing to endorse, the pharmaceutical company's omega-3 fatty acid-containing products in return for the personal benefit of having the opportunity to present his research findings on omega-3 fatty acid intake and heart disease prevention. Alan must avoid being pressured by the sponsor to slant his presentation or to use his professional status to implicitly or explicitly endorse the sponsor's omega-3 fatty acids supplements.

Alan can manage this situation by using the *DORM Principle*. He can:

- disclose his position to the attendees by including a disclaimer in his presentation his research and presentation have in no way been influenced by the sponsor.
- provide options by including many examples of omega-3 brands in his presentation (and not favouring any), or by avoiding reference to any omega-3 brands, thus leaving all options open.

The College has heard some concerns from RD's regarding corporate sponsorship of education events for dietitians and other professionals. Without this funding, many educational events organized for professionals might not occur. Provided RDs manage any real or perceived conflict of interest using the *DORM Principle*, corporate sponsorship

supports education which enhance the skills, knowledge and competence of the dietetic profession, and thus benefits the public.

### Scenario 3 Selling Vitamin & Mineral Supplements

Julia is a private practice RD. She has worked with a supplement company to develop a line of vitamin & mineral supplements and now receives a percentage of the sales from every supplement bottle sold. Julia strongly believes that these products are the best vitamin & supplement products on the market, since the formulations are based on scientific evidence along with her 20+ years of experience as an RD. Is Julia in a conflict of interest if she recommends these vitamin & mineral supplements to her clients?

In this scenario, the College would most likely advise Julia to avoid selling her products directly to her clients in her private practice. Despite the fact that Julia feels these supplements are superior products, the financial benefit that she receives from the sale of these supplements cannot be ignored as it may be competing with her professional judgment to act in the best interests of her clients.

Julia's clients are relying on her nutrition expertise. While she may see selling these supplements in her private practice as a convenient option for clients, Julia may be overstating the benefits to clients in attempt to justify her personal financial benefit. Julia may be perceived as exercising undue influence on her clients because of the inherent power imbalance in the RD-client relationship: Some clients may feel compelled or pressured into purchasing these products; others would not want to disappoint Julia; or other still may be so vulnerable that they might not have the courage to say, "no".

If Julia decided to manage this situation using the *DORM Principle*, she would need to:

- disclose to her clients that she receives a personal financial benefit from the sale of each product.
- reassure clients that the quality of their care would not be compromised if they did not purchase the products.
- provide options for similar vitamin & mineral products and inform clients of other places where these supplements are sold.

Even with these precautions, clients might still be placed in a vulnerable position and the conflict of interest could compromise trust in Julia's professional judgment as an RD.

### IF IN DOUBT, CALL THE COLLEGE

Above all, RDs need to be careful that their actions do not result in, or appear to result in, a personal benefit that may affect professional judgment. The College's Practice Advisory Service strives to support RDs in all areas of dietetic practice. If you have any questions or concerns about conflict of interest or any other practice issues, please feel free to contact us. Knowing your questions and concerns will assist the College in preparing future education material.

## Need to know

### HOW TO AVOID A CONFLICT OF INTEREST

1. Using the *Conflict of Interest Framework* and *DORM*, consider the potential conflict of interest carefully.
2. Avoid all situations with high potential for conflict of interest.
3. Ask yourself how comfortable you would feel if anyone, in particular your peers, found out about your interest in a particular matter?
4. Identify and disclose any real or potential conflict of interest to clients and/or employers.
5. Propose solutions and offer the client alternatives where possible.
6. Call the College when you need clarification as to whether you are in a conflict of interest.

### DOCUMENTATION

It is important to document any real, potential, or perceived conflict of interest and how it was managed. If the conflict of interest was managed via the *DORM Principle* or otherwise, clear documentation of the disclosure, options, reassurance and modification (as applicable) should be included.