

changes required, consent must be obtained from the client's substitute decision-maker who is authorized to give or refuse consent to a treatment on the client's behalf. Section 4, ss1, of the HCCA describes capacity as follows:

A person is capable with respect to a treatment, admission to a care facility or a personal assistance service if the person is able to understand the information that is relevant to making a decision about the treatment, admission or personal assistance service, as the case may be, and able to appreciate the reasonably foreseeable consequences of a decision or lack of decision.

### Who obtains consent?

If a plan of treatment is proposed by a team, any member of the team may obtain the consent for treatment on behalf of the team. In consideration of the elements of consent, the professional who is obtaining consent must be able to describe the treatment, provide relevant information about the treatment and its alternatives and answer questions from the client or the substitute decision-maker. The professional who is recommending or ordering the treatment is often in the best position to obtain consent.

### For more information about consent to treatment see:

CDO Guidelines: *Health Care Consent Act (HCCA)*, (n.d.) Available at [www.cdo.on.ca](http://www.cdo.on.ca) > Resource Room > Publications > Guidelines

CDO Code of Ethics Interpretive Guide, at [www.cdo.on.ca](http://www.cdo.on.ca) > Resource Room > Publications-> Professional Practice.

R. Steinecke & CDO: "Consent to Treatment". *Jurisprudence Handbook for RDs in Ontario*, Chapter 5, pp. 51-63.

R. Steinecke. "The Circle of Care & Consent to Treatment." *résumé*, Winter 2005, p. 9.

### Legislation

Links to the legislation listed below are available at [www.cdo.on.ca](http://www.cdo.on.ca) > Resource Room > Legislation.

Dietetics Act, 1991, Amended to O. Reg. 302/01, Professional Misconduct.

Ontario's Health Care Consent Act, addresses consent to treatment, admission to care facilities and personal assistance services.

Personal Health Information Protection Act deals with consent for the collection, use and disclosure of health information.

Substitute Decisions Act focuses on the transfer of decision making through Power of Attorney for property and personal care.

## Dietitian a protected professional title

We wish to thank the Registered Dietitians who have brought to our attention individuals and organizations inappropriately using the dietitian title in Ontario. Here is a sampling of the RD protection cases at issue this year.

### The Yellow Pages Group

Last year we reported on our work with the *Yellow Pages Group* in *résumé*, Winter 2006. As promised, the College is continuing its work with the *Yellow Pages Group* to ensure that only Registered Dietitians are listed under the headings of *dietitian* or *Registered Dietitian*. Last September, the College conducted an electronic search of [www.YellowPages.ca](http://www.YellowPages.ca) and found that there were still many inappropriate listings appearing under the dietitian headings. As a result of this search, letters of warning about the misuse of the title were sent to individuals inappropriately listed. Results were surprising:

**1.** One person resigned from the clinic where she worked part-time and retired from her work as a dietitian as a result of receiving the letter. She had not realized that she needed a *Certificate of Registration* from the College to practice. She thought that being a member of *Dietitians of Canada* was sufficient. A Registered Dietitian will now be hired to fill this position.

**2.** During our investigation, we discovered that the hard copy of the directory does not mirror the online [YellowPages.ca](http://YellowPages.ca). On the internet, the Yellow Pages search engine clusters the search categories related to health and nutrition such as dietitian, registered dietitian, nutritionist, registered nutritionist, weight loss, kinesiology, health and wellness centres, fitness centres, health foods, etc. For example, when someone asks to be classified under the nutritionist heading, the search engine may automatically link them to a dietitian heading (also under the incorrect spelling of dietician). As a result, listings appear under various headings online that are not requested by clients in hard copy.

Many of the individuals who received the College letter did not realize that their listing appeared both in

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the hard copy and the internet versions of the *Yellow Pages Directory*. They were surprised to hear that their name appeared under the dietitian headings on the internet because they had not asked to be listed as a dietitian and were not listed as such in the hard copy of the directory.

As each person is responsible for their advertising, the College has urged individuals who were inappropriately listed without their knowledge to launch

**Ideally, there should not be any heading in the Yellow Pages Directory with the spelling 'dietician', as this is incorrect.**

**The correct spelling is dietitian. We will work to rectify this error.**

a complaint with their Yellow Pages representative and to request that their name be removed from that heading. One inappropriately listed company took this action and, as a result, inappropriate listings appearing online under the heading "dietician Ontario" have dropped

from 29 to 3. We are confident that this number will soon drop to "0".

## **Nutritionist Advertising as an RD**

The College received a complaint from a member stating that a nutritionist was advertising in the hard copy of the *Yellow Pages Directory* under the heading Registered Dietitian. There are only two people listed under the heading for dietitians in that area. When the RD asked her clients how they had come to know of her own services, some reported that they had found her name in the Yellow Pages and had chosen her over the other dietitian because she was closer to their home. The member concluded that other potential clients may have chosen services by the nutritionist who was inappropriately listed as a dietitian and may have been misled that this individual was a qualified Registered Dietitian.

The College wrote the nutritionist a letter, asking her to cease advertising as an RD. This individual has responded and will have her name removed from the dietitian heading in both the internet version and in the next edition of the *Yellow Pages Directory* which will be published in Summer 2007. The College will follow-up to ensure that this is done. Failing this, legal action will be considered.

## **Gym Advertising the Services of an RD**

The College received a complaint from an RD against a gym claiming to have the services of a dietitian on site when, in fact, the person working there was not a dietitian. A photo of the billboard advertising the services of an RD accompanied the complaint. Following a College investigation, it was indeed found that a person working on site was holding himself out to be a dietitian without being qualified to do so. A letter was sent to this person and to the owners of the gym, asking them to stop advertising the services of a dietitian unless they hired a qualified Registered Dietitian to work on site. As a result, the advertising was removed and this person has now ceased to hold himself out as a dietitian.

### **HOW CAN YOU HELP?**

● We feel that the *Yellow Pages Group* would react more quickly to letters received from their customers. We are urging RDs to write a letter to the corporation and to their local Yellow Pages representative, stating that non-RDs are appearing in the Yellow Pages under the headings *Dietitian* and *Registered Dietitian*, titles reserved only for Registered Dietitians in Ontario. The College can provide a contact name and a template letter, if you need one.

● A basic listing in the Yellow Pages Directory is free and will appear in both the hard copy and internet versions of the Yellow Pages Directory. If you work in private practice, the College urges you to make sure that your name is listed under the heading *Dietitian*. We also suggest that you use your Registered Dietitian designation. Our purpose is to build respect and recognition for the RD title in Ontario in advertising directories such as the Yellow Pages.

● As a regulatory body, the College is responsible to ensure that only members of the *College of Dietitians of Ontario* use the *dietitian* title. It would be very difficult to do this work without your help. Please continue to let us know when you think a person in your neighborhood may be using your professional title inappropriately.

#### **Please contact:**

Monique Poirier  
Executive Office & Communications Coordinator  
poirierm@cdo.on.ca