



STANDARDS AND GUIDELINES FOR PROFESSIONAL PRACTICE CONFLICT OF INTEREST

Introduction

A conflict of interest occurs when a Registered Dietitian (RD) has a personal interest that may improperly influence his or her professional judgment. An RD is in a conflict of interest when they consider their own (or someone else's) interests ahead of or instead of the interests of their client¹.

Standards & Guidelines for Conflict of Interest can be used for a number of purposes including:

1. To fulfill the College's regulatory mandate of public protection;
2. To inform the public, employers, other health care providers and RDs about the minimum expectations that RDs must meet in their dietetic practice in relation to conflict of interest situations;
3. To provide performance assessment criteria regarding conflict of interest for the College's Quality Assurance Program;
4. To help guide the College's decision-making in matters related to actual or potential conflict of interest professional conduct; and
5. To support compliance with the required behaviours and performance expectations of RDs surrounding conflict of interest when practicing the dietetic profession in Ontario.

¹ Clients are members of the public who form an RD-client professional relationship. In clinical situations clients are also called patients. Clients can also be public members in population and public health nutrition; administration; community and home care nutrition; education and research; sales, marketing and retail; business and industry; on-line and media; and other practice environments.

I. STANDARD STATEMENT

RDs will avoid conflicts of interest that are not manageable by safeguards.

A registered dietitian demonstrates the standard by avoiding the following situations (this list is not intended to be exhaustive):

- 1. Accepting a financial incentive or other benefit for referring a client to any other person, service or program.**
- 2. Offering or giving a financial incentive or other benefit for receiving a client referral.**
- 3. Entering into any arrangements,² such as a lease or referral agreement in which the RD or a related person receives a benefit that corresponds to the number of referrals made, the amount of fees charged by the RD, the profits made or the volume of services provided.**
- 4. Pressuring clients to participate in research that directly benefits the RD (including status, financial incentive or other benefit).**

Clients can participate in research. What is a conflict of interest is RDs pressuring clients to participate in research that directly benefits the RD (including financial incentive or other benefit), which has the potential to distort the RDs' judgment in not only ensuring the design and conduct of research is ethical, but also ensuring safe, competent ethical dietetic practice. RDs must follow relevant codes, rules, and policies relating to research ethics. In many circumstances, ethics approval for the conduct of research involving clients as participants is needed.

- 5. Selecting a foodservice supplier on the basis that the supplier offered a gift or other personal benefit (e.g., paying for an RD to attend a conference).**
- 6. For RDs who are supervising interns and students, receiving compensation directly from the learner, where the supervision involves providing an assessment or evaluation of the learner's competence.**
- 7. Allowing motivation of the financial incentive or other benefit to influence professional judgement when selling products to clients.**

It is acceptable to recommend and sell supplements and other nutrition products to clients. The conflict is being motivated by financial incentive or other benefit to sell products that are not based solely on client need and client-centred principles of practice. Products selected for sale should only be recommended as part of the nutrition care plan where use is supported by best practice guidelines and scientific evidence. It is professional misconduct to recommend vitamins, minerals or nutritional supplements for improper use (Dietetic Act, Ontario Regulation 680/93, Professional Misconduct, 1991).

² This restriction pertains to volume-related agreements and would not apply in situation where RDs need to pay standard expenses to cover rent and administrative duties.

II. STANDARD STATEMENT

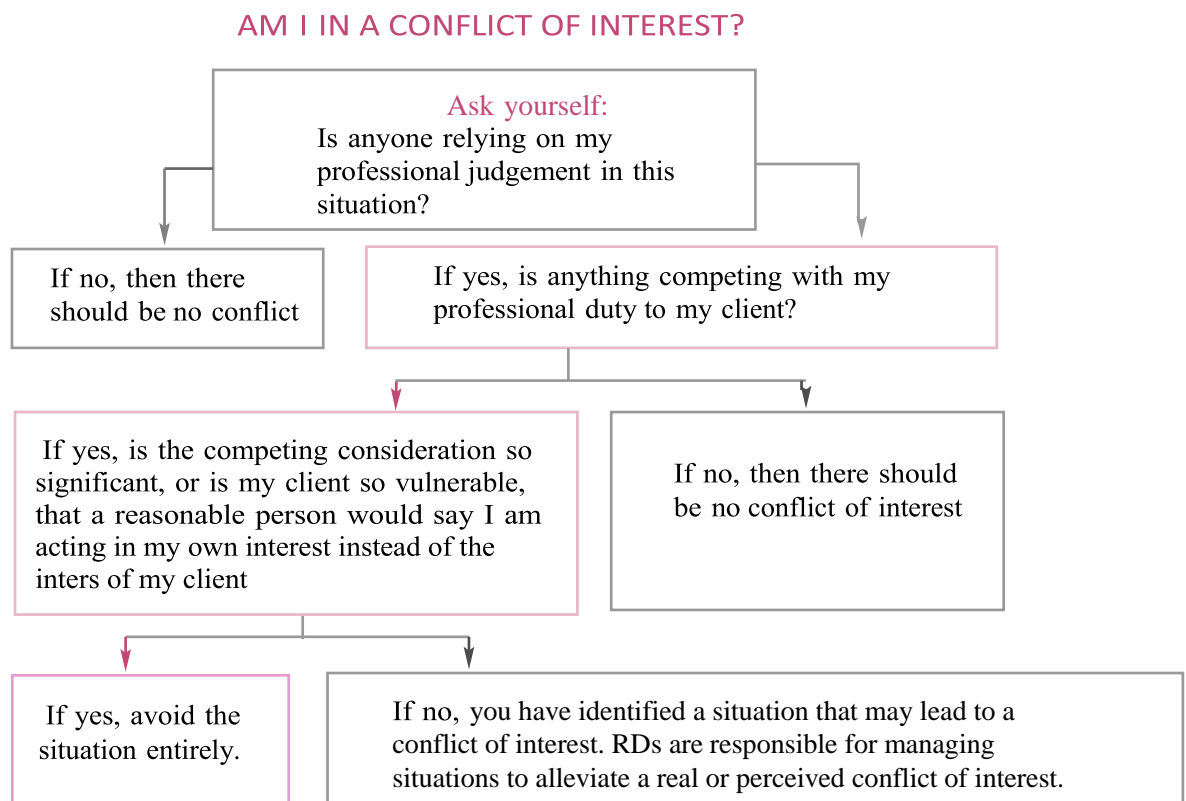
RDs are responsible for identifying situations that are, or may lead to, conflicts of interest. A registered dietitian demonstrates the standard by ensuring the following:

1. Identify real, potential or perceived conflict of interest.

Critically analyzing actions and habits is an effective way for RDs to learn and grow in their practice. In the delivery of dietetic services, and in order to meet the best interests of the client, an RD will identify all potential or perceived conflict of interest. Using professional judgement and knowledge, the RD identifies potential and perceived competing interests, as well as their own self-interest. RDs are responsible for recognizing, as well as anticipating situations of conflict of interest. RD can identify a conflict of interest using the following 'Am I in a Conflict of Interest' Framework (Figure 1):

- a. **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).

'Am I in a Conflict of Interest' Framework (Figure 1)



- b. **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.
- c. **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.
- d. **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.

III. STANDARD STATEMENT

RDs are responsible for managing situations to help alleviate a real or perceived conflict of interest. A registered dietitian demonstrates the standard by ensuring the following:

1. **Manage situations.**

In circumstances where conflict of interest cannot be avoided or such action may not be in the best interest of the client, RDs are expected to effectively manage the conflict while demonstrating care and professional integrity. Managing a conflict of interest is important because it encompasses the principles that support the values of honesty, fairness, accountability and transparency. Engaging in reflective practice and critical thinking can help to identify measures to manage situations that may lead to conflict of interest.

2. **Apply the DORM Principle.**

In most cases, conflict of interest scenarios can be effectively managed through 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.

IV. STANDARD STATEMENT

RDs are responsible for maintaining professional RD-Client relationships when avoiding or managing a real or perceived conflict of interest.

A registered dietitian demonstrates the standard by ensuring the following:

1. Maintaining professional RD-Client relationship:

- a. Ensuring one's practice is managed to prevent conflict of interest also maintains principles of good practice; client centeredness, recognition of the dignity and worth of each person and their diversity and individuality.
- b. RDs are in a position of authority and thus have a duty to meet the best interest of their clients who rely on them. RDs have access to personal and sensitive information and often work with people who may be vulnerable in different ways. Because of this, RDs have a professional responsibility to uphold fundamental values of respect and trust.
- c. Where RDs do not have direct professional client/patient relationships, they may still have a professional duty to other clients such as the students and interns affected by their decisions, their employers or to the general public. The fiduciary³ duty of RDs includes acting in their clients' best interests to provide ethical, safe dietetic services.
- d. RDs are permitted to practice dietetics in a way that enables them to earn an income from their professional knowledge, education and experience. However, certain kinds of businesses and business relationships or arrangements are inherently inconsistent with RDs' professional obligations to their clients and are therefore inappropriate. In other cases, the relationship or arrangement is only acceptable if appropriate safeguards are put in place.

V. STANDARD STATEMENT

RDs document any potential, real or perceived conflict of interest and how it was managed.

A registered dietitian demonstrates the standard by ensuring the following:

Whether providing services to individuals, groups, organizations, populations, or the public at large, documentation helps provide a clear picture of the needs or goals of the client. Documentation also provides a clear picture of the RD's actions based on professional judgment and critical thinking.

Where possible, RDs should document the details of any conflict of interest situation and how it was managed to best serve the client and protect the RD-client relationship.

Exercise professional judgment to determine the most appropriate documentation.

³ Fiduciary: A legal duty of loyalty and faithfulness towards another.

References

1. Steinecke, R and CDO, Jurisprudence Handbook for Dietitians in Ontario. (2014) Online Version, chapter 9: p. 101-111. Available from: <http://www.collegeofdietitians.org/Resources/Ethics/Conflict-of-Interest/Conflict-of-Interest-Jurisprudence-Handbook-Chapte.aspx>
2. *Dietetics Act*. (1991). Professional Misconduct Regulation.
http://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_91d26_e.htm
3. CDO Website Resources:
 - a. 2009 article - [Conflict Of Interest and RD Practice](#);
 - b. 2010 article - [Promoting Brand Name Products](#);
 - c. 2012 article - [Should RD Sell Products to End Users](#);
 - d. 2015 article - [Conflict of Interest in Dietetic Practice How to Handle Competing Interests](#)
 - e. 2015 Annual workshop on Conflict of Interest and Dietetic Practice – Addressed scenarios from the 2015 environmental scan.
 - f. 2016 e-learning module - [Conflict of Interest and Dietetic Practice: Guiding Principles](#)

College documents and publications contain practice parameters, standards and guidelines which should be considered by all Registered Dietitians (RDs) practising in Ontario. Standards and other College publications are developed in consultation with the profession and describe current professional expectations. It is important to note that these College publications may be used by the College or other bodies in determining whether appropriate standards of practice and professional responsibilities have been maintained.