



Conflict of Interest in Dietetic Practice

How to Handle Competing Interests

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Trust is a key link in the relationship that a client forms with a dietitian. That trust can be broken when a client thinks that the dietitian has interests that take priority over their own nutrition care. The conflict of interest does not have to be real; it may only be the client’s perception. But once the client’s trust is broken, as in any relationship, it can be difficult to repair.

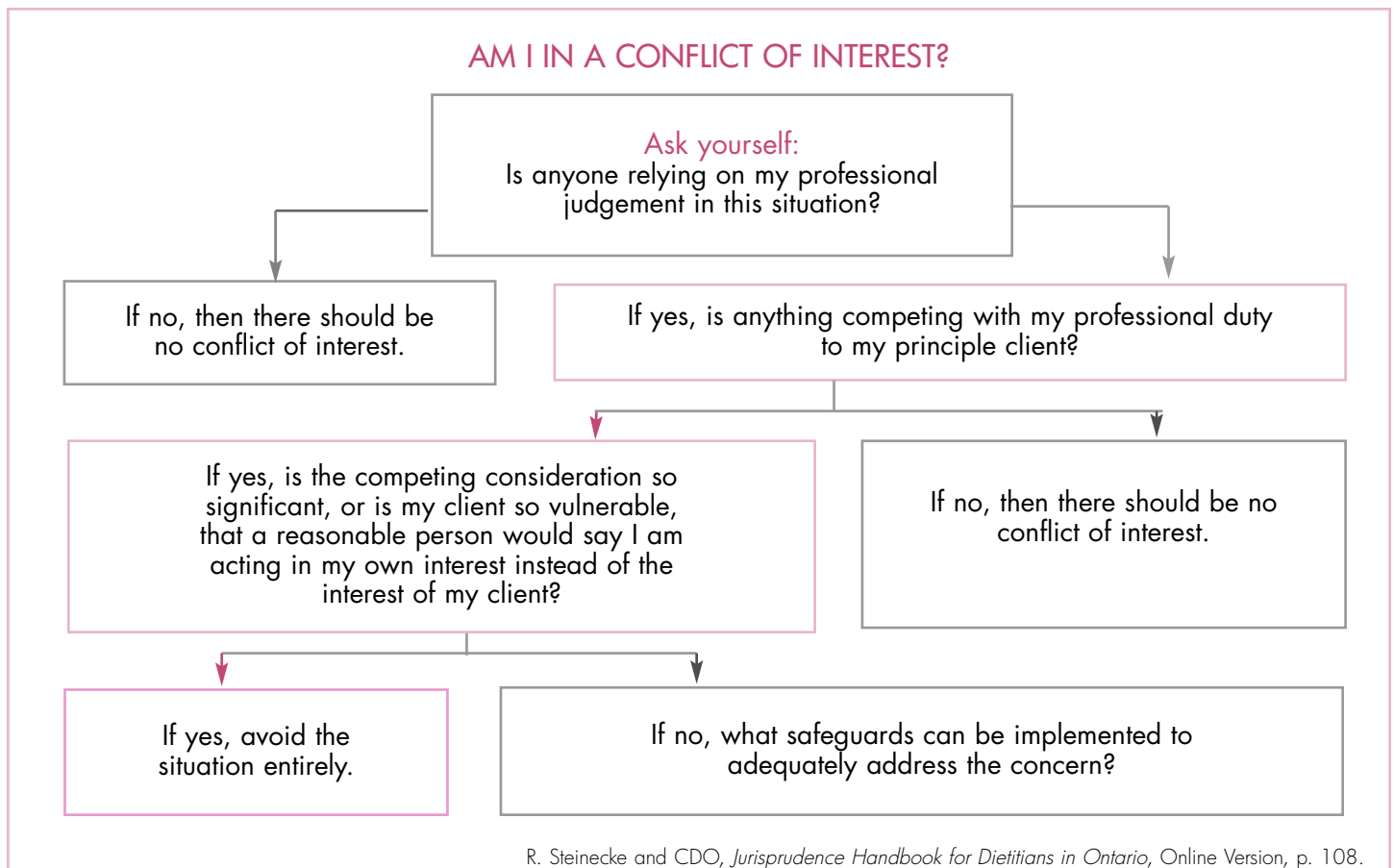
RECOGNIZING A CONFLICT OF INTEREST

A conflict of interest (COI) can occur when a dietitian has a personal interest or is perceived to have a personal interest that could improperly influence their professional judgment.¹

While some RDs may fail to see a competing interest, others may recognize it but decide that their actions are justified. Potential or perceived COI must be addressed to preserve the RD-client relationship. To address a conflict of interest, first learn to recognize it and understand its potential impact on clients. The *Conflict of Interest Framework* below can help you pinpoint a potential COI.

MANAGING OR AVOIDING A CONFLICT OF INTEREST

If you determine that a conflict exists or can be perceived to exist, evaluate whether it should be avoided or managed. Question whether the competing interests are necessary in the first place or whether alternative arrangements would



R. Steinecke and CDO, *Jurisprudence Handbook for Dietitians in Ontario*, Online Version, p. 108.

better serve your client. If you choose to provide dietetic service while having competing interests, then apply safeguards to managed them. The safeguards identified in the *DORM Principle* will help make personal interests more transparent to clients.²

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 you offer;

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

CONFLICTS OF INTEREST TO AVOID ENTIRELY

Many COI can be managed with the application of the DORM principles. Some conflicts are a clear breach of ethics and should always be avoided, such as:

- Receiving a benefit for referring a client to any other person or company;

SCENARIO 1: ENDORSEMENT OF PRODUCTS

An RD has been asked to review the nutrient content and ingredients of a new energy bar. The company would like the dietitian's positive endorsement to appear on the product's packaging and advertising materials. The RD wonders if this is something that dietitians can do.

The College does not currently prohibit RDs from endorsing specific brand name products. However, be aware that many colleges have prohibitions and restrictions regarding endorsements and recommendations of products.

Promoting nutrition and food related products can be a delicate matter for dietitians as you have a certain amount of respect because of your expertise. The developer of the energy bars hopes to make a profit from selling the products that you would be promoting, knowing that the public values your professional opinion about nutrition. The dietitian is

- Offering a benefit to another when you receive a referral of a client; or
- Engaging in an arrangement, like a lease, where the amount paid is based on the volume of services that RD generates.

A trusting dietitian-client relationship is the foundation from which RDs practice dietetics and, in part, the dietitian's professional integrity and ethics contribute to the strength of that foundation. Competing interests must be handled with care to maintain the trust that your clients have placed in your professional knowledge, skills and judgement.

A competing interest can be a COI or a boundary crossing. A boundary crossing is like a COI except that personal feelings are involved rather than financial benefits or gifts.³ The scenarios below present situations where competing interests may undermine the RD-client relationship. The scenarios were drawn from questions the College's Practice Advisory Service received from members.


R. Steinecke and CDO, *Jurisprudence Handbook for Dietitians in Ontario. (2014) Online Version, chapter 9:*

1. p. 101
2. p. 107
3. p. 111

responsible to ensure that the communication to the public is not false or misleading. There could be a potential or perceived conflict of interest, and a reasonable person may question whether your interest lies with the company that you are endorsing or with the public.

Competing Interests
Apply DORM Principle

Client's (the public) interest is that they want accurate, unbiased information from an expert.



RD's interest perceived as being paid for providing an endorsement.

SCENARIO 2: SELLING SUPPLEMENTS

An RD is working in private practice and has a line of supplements that she would like to sell to her clients that are athletes. Based on her evaluation of the supplements, she feels that they are superior products for athletic performance and muscle recovery. She also believes that RDs are perfectly placed to promote the safe, effective use of these products in the marketplace. She wonders if selling these products to clients is a conflict of interest.

Although the College does not currently prohibit RDs from selling products, other Colleges do. RDs need to proceed with a great deal of caution with this activity. Products selected for sale should only be recommended as part of the nutrition care plan where their 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*).

In this case, the financial gain of the RD is competing with the client's interest in buying products that they need. Dietitians hold greater power in the RD-client relationship as they have the nutrition knowledge that client's are searching for. No matter how well intentioned, the client may feel pressured to purchase the supplements. Attempts to manage

SCENARIO 3: SUPPLIER OFFERS TO PAY THE RD TO ATTEND A CONFERENCE

An RD works at a diabetic clinic. A company that supplies insulin pumps widely used in the clinic offers to pay for the RD's hotel fee and registration to attend a conference on diabetes management. Can the RD accept? If so, when or how should this arrangement be disclosed?

Receiving financial support for attending educational conferences from a commercial supplier can be a conflict of interest. The degree of conflict would depend on how much influence the RD has on purchasing the pumps or recommending them to clients. If the RD has no influence, then there may be no problem with accepting the offer. However, an outsider might still think that the company is influencing the RD to endorse the insulin pumps used in the clinic. This may be managed with the DORM principles by making a fully transparent disclosure about who is responsible for purchasing the pumps for the clinic.

this conflict with transparency and safeguards may still have the client questioning the RD's motives and there is a risk that their trust would be broken.

If the RD chooses to sell these products, as with any treatment, she must obtain informed consent. Clients must be informed of the rationale of using supplements for the treatment along with the evidence-based benefits of the products, any risks involved and alternative treatment options. Care must be taken not to misrepresent or overstate the merits of the products for sale or diminish the value of alternative choices. The RD needs to clearly state that she is receiving a financial benefit by selling the supplement. Alternatively, products could also be sold at cost to avoid a conflict of interest. In any case, in no way should the client feel that their service will be compromised if they choose other products.

Competing Interest

Apply DORM Principle

Client's interest is purchasing products they need at the best price.



RD's interest perceived as the financial benefit for the sale of products.

If the RD has some influence over the choice of pumps for the clinic or helps her clients choose their pumps, then she must seriously consider the subtle impact the funding for the conference may have on her decision-making. The perception of conflict of interest could easily break client trust. Not accepting the offer would likely be the best option to avoid this conflict of interest.

Competing Interest

Apply DORM Principle or Avoid

Client's interest is in having a cost-effective insulin pump that suits their needs best.



RD's interest perceived as having access to more funding to attend more conferences.

SCENARIO 4: A PAYMENT FOR REFERRALS

An RD working in a private weight management clinic was asked by the manager to screen clients for sleep apnea. The manager offers to pay the dietitian \$20 for every referral to the clinic's sleep apnea program. Is it appropriate for the RD to screen clients for sleep apnea while conducting her nutritional assessment and then refer them to the clinic's program?


Two professional practice issues arise from this scenario:

1) Accepting a benefit for a referral

Accepting a benefit for a referral is a clear conflict of interest that should always be avoided. A neutral observer could argue that accepting \$20 for a referral influences the RD's professional judgment and that referred clients may receive unnecessary assessments or treatment. Even if the RD refuses the incentive but continues to refer clients exclusively to the clinic's sleep program, a conflict of interest may still remain. It could be argued that the RD is receiving an indirect benefit as her employment may depend on the volume of business that she generates for the sleep apnea program.

2) The potential for misuse of personal health information unless an informed consent is received from the client.

Based on the *Personal Health Information Protection Act*, s.29, (2004), it is unacceptable for a dietitian to use personal health information for any purpose other than the one consented to by the client. In this case, the client is visiting the RD for weight management counselling and the collected health information should be used as part of the nutrition assessment. Screening for sleep apnea is outside this scope and the RD would need to obtain an explicit informed consent before performing the screening.



Competing Interests
Should be avoided entirely.

Client's interest is only in receiving services they want and need.

RD's interest perceived as being more motivated by receiving 20 dollars for every client referral than offering client-centred care.

SCENARIO 5: TREATING A FAMILY MEMBER

Treating a family member is not a conflict of interest. However, it may lead to a boundary crossing which is about personal feelings rather than a material gain. Boundary crossings occur where there are dual relationships — in this case, a personal relationship and a professional one. The general assumption is that the closer the relationship, the harder it is to maintain a separation between the personal and professional relationships when treating a family member. If the personal relationship crosses over the boundary into the professional realm of the dietitian, the RD-client relationship may be compromised and the quality of your dietetic services may suffer.

Ground Rules for Avoiding a Boundary Crossing

A boundary crossing may be avoided as long as the RD is aware of the issues involved with treating family members. The following questions will help guide you in making a professional client-centred decision when you are considering whether to treat a family member or not.

- How close is your relationship with this family member? Would your personal relationship unduly influence the professional one? Could the family member effectively engage in the RD-client relationship?
- How much personal, social and health information will you have access to? Is the family member comfortable with sharing sensitive confidential or personal information with you?
- What type of dietetic service is required? Helping with instructions on a diet sheet would probably not be an issue. However, maintaining appropriate boundaries might be challenging when treating a complex nutrition condition such as an eating disorder.
- How much influence would you have in accessing healthcare treatment or services for this family member? Can you do this impartially?
- Is there another RD available that could suitably provide this service?
- Can you set ground rules that both you and your family member would agree to? This would help keep the personal relationship separate from the professional one.