

Chapter 11

Conflicts of Interest

CHAPTER OVERVIEW

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Defining Conflict of Interest

The term “conflict of interest” refers to a real or perceived “situation in which a person has a private or personal interest sufficient to appear to influence the objective exercise of their official duties as, say, a public official, an employee, or a professional.”⁷⁶ In other words, a conflict of interest occurs when one has an obligation to promote one interest, but promotes a competing interest instead, or has an obligation to promote two competing interests. Most conflicts of interest arise when a person stands to profit personally by promoting a competing interest. However, a conflict of interest can also occur when the interests of friends, relatives or other business associates are promoted.

In the provision of professional services, Registered Dietitians and Registered Nutritionists must use discretion when performing their assigned responsibilities, exercising professional

KEY PRACTICE POINT

A conflict of interest occurs when one has an obligation to promote one interest, but promotes a competing interest instead; most conflicts of interest occur when a person stands to profit personally by promoting the competing interest.

⁷⁶ Chris MacDonald, Michael McDonald, and Wayne Norman. “Charitable Conflicts of Interest”, *Journal of Business Ethics* 39:1-2, 67-74, August 2002, p.68.

judgment when deciding to take certain actions. There is a potential conflict of interest whenever the following conditions exist (1):

- An employee or their close friend(s), relative(s) or associate(s) has a strong personal interest in a particular situation which is promoted,
- An employee promotes a strong personal interest in a particular situation when involved in decision making or influencing others authorized to make decisions on behalf of an organization,
- An employee's interest or perceived interest may cause the employee to exercise their decision-making power to further their personal interest rather than that of the organization (or client), to the detriment of the organization (or client).

It is the expectation of the public, other professionals, employers and government that regulated professionals, including Registered Dietitians and Registered Nutritionists will provide competent, safe, ethical services. Professionals who maintain high standards in their practice and are conscious of their professional conduct build trust and confidence in their profession. A conflict of interest situation can undermine that trust and confidence.

The obligations of Registered Dietitians and Registered Nutritionists related to conflicts of interest are reflected in Section 3.8 of the College of Dietitians of Alberta (the College) *Code of Ethics* which states the following:

“3.8 Conflict of Interest

- (1) The dietitian avoids real or perceived conflict of interest in which their professional integrity, professional independence or the provision of professional services could be influenced or compromised.
- (2) When the dietitian identifies a conflict of interest the dietitian must resolve the conflict by fully acknowledging the conflict, ensuring that it is understood and accepted by all parties or discontinue professional services.”⁷⁷

Professional obligations are also noted in the *Standards of Practice*:

“Standard 7. Conflict of Interest

Standard

Registered Dietitians will avoid real or perceived conflicts of interest in which professional integrity, professional independence or the provision of professional services could be compromised. Conflicts of interest which cannot be avoided must be disclosed and managed.

Indicators

To demonstrate this standard, Registered Dietitians will:

⁷⁷ College of Dietitians of Alberta. *Code of Ethics*; 2007.

- a) Recognize any situations in which a conflict of interest could have an impact on their professional judgment.
- b) Avoid any conflict of interest in which professional services could be compromised.
- c) When a conflict of interest cannot be avoided, disclose to the appropriate authority (e.g., manager, team leader), manage the situation, and/or discontinue professional services.
- d) Document any conflict of interest, the efforts to manage it, and the outcome(s).
- e) Provide options for the provision of services and/or products when a conflict of interest exists.
- f) Refrain from accepting personal incentives from service and/or product sponsors when the Registered Dietitian stands to profit personally and/or financially.
- g) Refrain from offering incentives to clients that places the Registered Dietitian's personal gain above their professional responsibilities.”

Identifying Potential Conflicts of Interest

Conflicts of interest may occur in a variety of circumstances and forms. Identifying a potential conflict of interest is one of the most important steps towards managing the situation. Conflicts of interest typically exist when an individual puts their own interest above the interests of their clients and employers. Some of the more common conflict of interest situations are the result of inappropriate practices related to the following:

- A practitioner uses their position or professional influence to coerce a client or other individual to make a decision that is in the best interest of the practitioner rather than that of the client or other individual,
- A practitioner recommends that a client purchase a product or service from a company or supplier that will result in financial gain for that practitioner,
- A practitioner who serves on a board or committee influences that board or committee to make a decision that will result in financial gain for that practitioner,
- A practitioner accepts a personal gift or benefit from a supplier for agreeing to promote, endorse or purchase a product,
- A practitioner is responsible for hiring, supervising and / or determining promotions and pay raises of relatives / close friends.

Professionals, including Registered Dietitians and Registered Nutritionists are generally respected and held in high regard by others; in a professional relationship, clients are generally vulnerable and will typically hold the advice of a professional in high regard. To

minimize the risk of a potential conflict of interest, Registered Dietitians and Registered Nutritionists must conduct themselves carefully in all of their professional practice activities.

There is limited legislation available to direct the practice of health care professionals in relation to conflicts of interest; by and large, conflicts of interest are ethical issues. The *Code of Ethics* of the College is a document that is extremely useful in helping Registered Dietitians and Registered Nutritionists identify conflict of interest situations. The obligations of Registered Dietitians and Registered Nutritionists in relation to “Advertising / Promotion and Endorsements”, “Financial and Business Arrangements” and “Products and Services” are stated in the *Code of Ethics* of the College, and read as follows:

KEY PRACTICE POINT

The *Code of Ethics* of the College is a document that is extremely useful in helping Registered Dietitians and Registered Nutritionists identify conflict of interest situations.

“3.7 Advertising / Promotion and Endorsements

- (1) The dietitian does not engage in any form of advertising / promotion or endorsement of products and services that:
 - a) takes advantage of or exploits vulnerable individuals;
 - b) makes statements or claims that are false, misleading, inaccurate or unverifiable;
 - c) creates an unjustified expectation about the results that can be achieved;
 - d) compares the quality of services or fees to those of another individual.
- (2) The dietitian does not allow their name or professional titles and initials to be used in connection with any product or service that:
 - a) provides an endorsement that has not been given;
 - b) has not been evaluated by the dietitian;
 - c) misrepresents the product or service;
 - d) misrepresents the association of the dietitian with the product or service;
 - e) affects the credibility of the dietitian or the profession.
- (3) The dietitian must keep a copy of any advertising / promotion or endorsement for a period of one year following the date in which it last appears. The dietitian must provide a copy to the College on request.

3.9 Financial and Business Arrangements

- (1) The dietitian does not accept or offer fees, compensation, gifts or other benefits for making or receiving referrals for professional services.

- (2) The dietitian does not accept contracts, consulting fees, funding including research funding, fees, compensation, gifts or other benefits that compromise professional integrity, professional independence or influence the provision of professional services.

3.10 Products and Services

- (1) The dietitian does not recommend, promote, advertise, distribute, endorse or sell products or services in the provision of professional services where the efficacy or safety of products or services:
- a) is not supported by evidence-based research;
 - b) has not been tested or verified by credible sources.
- (2) The dietitian does not recommend, promote, advertise, distribute, endorse or sell products or services in which the dietitian, or individuals connected to the dietitian, have a financial or other interest unless the dietitian at the same time:
- a) fully discloses the financial or other interest;
 - b) informs the client they have the option of using alternative products or services;
 - c) assures the client that choosing alternative products or services will not affect the quality of professional services provided by the dietitian.
- (3) The dietitian does not use professional titles and initials or make any reference to being a member of the dietetic profession or the College, or having dietetic education and training with respect to any products or services that do not relate to the provision of dietetic professional services.⁷⁸

Professional obligations related to the promotion and advertising of products are also addressed in the *Standards of Practice*, Standard 13. Promotion/Advertising:

To demonstrate this standard, Registered Dietitians will:

- d). Adhere to the CDA Code of Ethics and refrain from using advertising that directly or indirectly:
- iv. endorses, promotes or recommends exclusive use of a product/brand used/sold as a component of professional services, unless supported by evidence.

⁷⁸ College of Dietitians of Alberta. *Code of Ethics*; 2007.

Managing Conflicts of Interest

Registered Dietitians and Registered Nutritionists have a professional obligation to avoid real or perceived conflict of interest situations in which their professional integrity, professional independence or the provision of professional services could be influenced or compromised (2). In managing these situations, it is important to recognize that not all conflict of interest situations are prohibited. However, each conflict of interest situation does require some sort of action (3).

KEY PRACTICE POINT

Conflicts of interest may be managed through safeguards which include disclosure, recusal, exclusion, or removal. However, some conflict of interest situations are best managed by being avoided entirely.

Whenever a professional identifies that they are in a potential conflict of interest, they must determine whether the situation can be managed through safeguards that involve openness and transparency or should be avoided entirely (4). Strategies for which potential conflicts of interest may be managed include disclosure, recusal, exclusion, or removal. Each of these concepts is explained below.

Disclosure

Disclosure is one of the primary safeguards in managing any potential conflict of interest. As long as an agent (employee, officer, board members, etc.) discloses the nature of a conflict of interest and the potential benefits that they stand to gain, the organization, client or other party is in a position where they are free to either reject the agent and find someone who has no such conflict, or to accept the agent with the understanding that the agent will serve the organization, client or other party fairly, despite the conflict of interest. Disclosure that occurs at the beginning of a relationship can help prevent suspicion and the perception of dishonesty that could arise if the conflict were to become apparent at a later time. In some situations, disclosure may not be sufficient to manage or resolve a conflict of interest. However, failing to disclose a conflict of interest will usually exacerbate the situation and almost always be considered a breach of the *Code of Ethics* of the College (1, 3, 5).

When disclosure of a potential conflict of interest is made, the agent is advised to provide the organization, client or other party with options for acquiring similar products or services from another source, thereby allowing the organization, client or other party to make an informed choice. It is also important to reassure the organization, client or other party that should they choose to select products or services from the options provided, the quality of the professional services provided by the agent will not be affected. For example, in the case of selling a product for profit, disclosure would involve informing the client that the product is being sold for a profit and that the client is free to check other suppliers (6).

Some organizations have a disclosure policy to help manage and prevent potential conflicts of interest. In order to be effective, a disclosure policy must clearly identify the types of situations that may constitute a conflict of interest, requirements for ongoing disclosure (often in the form of an annual statement and requirements to provide disclosure when circumstances change, thereby creating a conflict of interest situation) and obligations to make any disclosures public to the applicable decision makers (1).

Recusal, Exclusion, or Removal

In some circumstances, a conflict of interest is not an ongoing matter, but rather relates to a particular decision that needs to be made by an organization, client or other party. In such situations, many organizations will consider it appropriate for any agent (employee, officer, board member, etc.) in a conflict of interest situation to recuse themselves by withdrawing from participation in that particular situation.

While recusal is an acceptable strategy for managing a conflict of interest that is temporary or infrequent, it is not effective for situations that are ongoing. In such circumstances, the organization, client or other party must find a way to end the conflict by either changing the nature of the agent's employment (i.e. moving them to another department where the conflict will no longer exist) or by removing the agent from the employment relationship (1).

Conflict of Interest Situations That Should Be Avoided Entirely

With some conflicts of interest, safeguards are insufficient to effectively manage the situation. Such situations should be avoided entirely; consider the following examples:

Conflicts Involving Acceptance of Gifts or Other Benefits

Accepting a gift or other benefit from a client or supplier of products /services may or may not create a conflict of interest situation. Depending upon the policy of an organization, accepting smaller gifts such as a pen, mug, box of chocolates, lunch, concert, theater or sporting event tickets, etc. may be permissible while accepting larger gifts such as vacation packages are not. It should be recognized that no amount of disclosure to the organization, clients or other parties will provide an objective level of confidence and trust in a Registered Dietitian or Registered Nutritionist who accepts a tropical vacation from a supplier whose products they recommend. Accepting such large gifts or benefits should be avoided entirely (4).

If the policy of an organization allows gifts or other benefits to be accepted, Registered Dietitians and Registered Nutritionists must consider whether or not others may perceive that acceptance of a gift or other benefit will have an improper influence on their professional judgment. In determining whether or not to accept a gift or other benefit, the following should be considered (4,6):

- The cost or value of the gift or benefit
- The frequency in which gifts or benefits are provided by the supplier
- Who actually uses or consumes the gift or benefit
- The existing policies of the organization

- The employer’s knowledge and approval of receiving the gift or benefit
- Practices that are generally accepted in the profession

As previously discussed, the professional obligations of Registered Dietitians and Registered Nutritionists in relation to accepting gifts or other benefits are stated in the *Code of Ethics* of the College. Registered Dietitians and Registered Nutritionists are also responsible to be aware of and practice in accordance with the policies established by their employers in relation to accepting gifts or other benefits.

If gifts or other benefits are accepted, it is important to carefully consider the possible consequences of accepting the gift or other benefit and any possible harm that may result. Registered Dietitians and Registered Nutritionists should ensure that their ability to conduct business in a fair and objective manner is not compromised. Clients / suppliers who provide gifts or other benefits should be made aware that the gifts or other benefits that they provide will be shared equally among all employees. When possible, gifts or other benefits that are accepted should be reciprocated i.e. if a client or supplier buys coffee or lunch one time, the practitioner or organization should buy the next time.

The following “gift checklist” included in a presentation provided on behalf of the Organization for Economic Co-operation and Development provides a series of questions to ask that are helpful in avoiding conflicts of interest related to accepting gifts or other benefits (7).

Genuine: Is the gift genuine, given in appreciation for something that you have done and not sought out or encouraged by you?

Independent: If you accepted the gift, would a reasonable person have any doubts that you would be able to be independent in doing your job in the future when the person who gave the gift is involved or affected?

Free: If you accepted the gift, would you feel free of any obligations to do something in return for the person giving the gift, or their family / friends / associates?

Transparent: Are you able to declare the gift and its source transparently to your organization, its clients, to your colleagues, to the media and to the public?

Conflicts Involving Clients

In the case of *McInerney v. MacDonald*, the Supreme Court of Canada recognized the physician-patient relationship as a fiduciary or trust relationship, requiring a high

duty of care by the physician, and an obligation for physicians to act in accordance with the best interests of the patient and to avoid promoting their own interests (8,9).

It is reasonable to expect that the same type of relationships exist between clients and other health care professionals, including Registered Dietitians and Registered Nutritionists.

Clients are generally more vulnerable and less able to protect themselves than the practitioners who provide services for them. Registered Dietitians and Registered Nutritionists must entirely avoid any practices that would take advantage of or exploit their clients. Examples of such practices include but are not limited to the following:

- A practitioner receives a commission or bonus for each client that they refer to a health club
- A practitioner sends a client to their relative's or friend's store or online business to purchase nutrition supplements or other products
- A practitioner with strong religious or moral values related to consuming certain foods instructs a client to adapt their diet based on the values of the practitioner
- A practitioner asks a client to donate or lend them money for their business, to conduct a research project or to support a particular charity

Conflicts Involving Donations or Funding

Some Registered Dietitians and Registered Nutritionists are in positions where they must solicit donations or funding in order to conduct a research project, operate their business, etc. Any such dealings must be handled with honesty and fairness. Examples of conflicts of interest surrounding solicitation of donations / funding that should be avoided entirely include but are not limited to the following:

- A practitioner receives funding from a food company to research the benefits of a new food product that they have manufactured; the practitioner alters the findings of the research study to ensure continuous funding for the project
- A practitioner receives funding to attend a national conference from a company in exchange for agreeing to promote and endorse the products of that company

Conflicts Involving Use of Items Belonging to Others

Registered Dietitians and Registered Nutritionists are obligated to conduct themselves with honesty in their practice. Section 3.5 of the *Code of Ethics* of the College states the following:

“3.5 Honesty

- (1) The dietitian acts with honesty in their professional relationships and in the provision of professional services.”⁷⁹

The potential for a conflict of interest situation exists when practitioners do not act with honesty. Registered Dietitians and Registered Nutritionists should be aware of and practice in compliance with the policies of their employers when using resources of the organization for personal use. Examples of conflicts of interest that should be avoided entirely when using items belonging to others include but are not limited to the following:

- A practitioner uses the photocopy machine, fax machine, etc. of their employer / client for personal use,
- A practitioner surfs the Internet or otherwise uses the Internet for personal use during work time,
- A practitioner develops and delivers a presentation for an outside organization during work time.

Conflicts Involving Research

A real or perceived conflict of interest in a research setting can compromise the integrity and effectiveness of a study by undermining the trust between researchers, research participants, research sponsors, research institutions and the general public. A conflict of interest situation may arise when professional judgment concerning the primary interest (i.e. the welfare of the research participants, the validity of the research, etc.) becomes unduly influenced by a secondary interest (i.e. financial gain, career advancement of the researcher through publication of study results in reputable journals, peer recognition, satisfying research sponsors, etc.) (10). As previously discussed, all practitioners including Registered Dietitians and Registered Nutritionists have an ethical obligation to practice with honesty and in the best interests of their clients rather than promoting their own personal interest. Examples of conflicts of interest surrounding research that should be avoided entirely include but are not limited to the following:

- A research practitioner receives a substantial recruitment fee from a pharmaceutical company to research the benefits of a particular nutrient

⁷⁹ College of Dietitians of Alberta. *Code of Ethics*; 2007.

supplement; the research practitioner is offered further monies for retaining participants in the study

Managing conflicts of interest can be challenging in that the circumstances of every situation are different and must be managed accordingly. In order to gain a better understanding of how conflicts of interest can be identified and managed most effectively, consider the following case examples.

Case Example 1: A Registered Dietitian / Registered Nutritionist (RD) has contracts with several junior hockey teams for which she provides information on diet and nutrition for athletic performance. Several of the team players have asked her about nutritional supplements, vitamins, minerals, protein drinks etc. The RD knows that many professional athletes use and endorse these products and she is aware that some of the team members are purchasing nutritional supplements through the local health food store. After reading the ingredient listing on the products, she comes to the conclusion that there is probably nothing in the supplements that will harm the players. She hedges her answers and avoids providing an outright endorsement that using the nutritional supplements will make the team members better hockey players.

Knowing of the RD's involvement with the hockey teams, a representative of a nutritional supplement company makes arrangements to meet with the RD. The RD is offered an exclusive contract with the company if she will, as a RD, endorse the nutritional supplements as being beneficial for athletes. In exchange for her endorsement, she will receive a bonus for signing on with the company, a free trip to a Mexican resort including use of the company condo, as well as a commission for every supplement sold.

Based on the *Code of Ethics* of the College, the RD is placing herself in a potential conflict of interest situation as described below:

- The practitioner would be exploiting vulnerable individuals (hockey players who will hold her expertise in high regard and trust her recommendations)
- The practitioner would be creating an unjustified expectation about the benefits of the product for athletes
- The practitioner would be endorsing a product that is not supported by scientific evidence
- The practitioner would be accepting compensation, benefits, gifts, etc. in exchange for her endorsement

Overall, Registered Dietitians and Registered Nutritionists must use caution when promoting nutrition related products. If a Registered Dietitian or Registered Nutritionist uses their position or expertise to promote a product to a client /

consumer when they have a competing interest, there is a conflict of interest. In this case example, the real or perceived conflict of interest is in whether the interests of the Registered Dietitian or Registered Nutritionist lie with the company (and ultimately herself) or with the client / consumer.

The goal of the company that is hiring the Registered Dietitian or Registered Nutritionist is to generate a profit through sales of the product that the dietetic professional is being asked to promote. As previously discussed, professionals are held in high regard by others and clients / consumers will typically hold the advice of a professional in high regard. In the above case example, the company is buying the respect and trust that clients / consumers have for the nutrition expertise and opinion of the Registered Dietitian or Registered Nutritionist.

Any time that a Registered Dietitian or Registered Nutritionist is involved in advertising, promoting or endorsing a product or service, they must ensure that they are acting in the best interests of their clients / consumers and that the basis for their actions is evidence based. The conflict of interest in this case example would be best managed by the Registered Dietitian or Registered Nutritionist through avoidance of the situation entirely and by refusing to accept the contract offered by the company.

It should be noted that some Registered Dietitians and Registered Nutritionists are employed as representatives by companies who produce and / or distribute various types of products. Practitioners employed in such settings must ensure that any nutrition information provided in relation to the products represented is evidence based. When dealing with the public, such practitioners are advised to identify themselves as a representative of the company they are employed by, and avoid creating any perception that they are making a clinical recommendation to anyone (3).

Case Example 2: A Registered Dietitian / Registered Nutritionist (RD) who works in a large active treatment health care facility is on a committee responsible for establishing purchasing contracts with suppliers. Each year, products and pricing are reviewed after which the committee determines which companies will be granted contracts. The committee is currently reviewing information to determine which company will be contracted to supply all of the cleaning and sanitation products used by the facility. The husband of the RD is the regional sales manager for one of the companies under consideration by the committee. The RD is well aware that if she is able to sway the decision of the committee in favor of her husband's company, his income will sky rocket for the next year.

- Based on the *Code of Ethics* of the College, the RD is placing herself in a potential conflict of interest situation by influencing the committee to sway their decision, the practitioner would experience personal financial gain.

Any time that a Registered Dietitian or Registered Nutritionist provides recommendations or makes decisions on behalf of their employer, they must ensure

that they are acting in the best interests of their employer. If a Registered Dietitian or Registered Nutritionist uses their position to influence or sway a decision in such a way that they will personally benefit, there is a conflict of interest. In this case example, the real or perceived conflict of interest is in whether the interests of the Registered Dietitian or Registered Nutritionist lie with her employer or herself. The conflict of interest in this case example would be best managed by the Registered Dietitian or Registered Nutritionist through disclosure or recusal.

Case Example 3: A Registered Dietitian / Registered Nutritionist (RD) works in the community in a school lunch program for elementary school age students. In addition to ensuring that the children receive a nutritious lunch each day, the RD also incorporates nutrition education into the program, with the hopes that the students will learn to make healthy food choices.

The school lunch program is a non-profit program. One aspect of the RD's responsibilities involves soliciting funds and donations from suppliers to help operate the program. Currently, the RD is soliciting funds and donations for the upcoming kick off for the annual Nutrition Month campaign. One of the companies that is keen to participate is the Crispo Potato Chip Company; they are particularly eager to see their products associated with the name of an RD. The company is willing to provide a generous cheque to the school lunch program and a free bag of potato chips to each of the children.

Based on the *Code of Ethics* of the College, the RD is placing herself in a potential conflict of interest situation as described below:

- The practitioner would be sending a mixed message in terms of what constitutes healthy eating by allowing her name and professional title to be used in association with the products produced by the company
- The practitioner is at risk of affecting her credibility and that of the dietetic profession

Registered Dietitians and Registered Nutritionists must always consider the best interests of their clients when making decisions on their behalf. In this case example, the real or perceived conflict of interest is more difficult to identify in that the competing interests are somewhat indirect. The practitioner must determine what is in the best interests of the students (for whom the practitioner is responsible to provide nutrition education) and of the school lunch program (which relies on funding and donations in order to operate). The nutrition education messages that have been delivered to the children could be compromised by accepting the donation of the potato chips.

Overall, Registered Dietitians and Registered Nutritionists are advised to exercise caution when allowing their name and professional title to be used in association

with a product or service. They should ensure that their actions will not result in sending mixed messages to their clients or affect the credibility of the practitioner and the dietetic profession. Furthermore, to promote fair business practices, Registered Dietitians and Registered Nutritionists are advised to avoid promoting specific brand names of products and services.

The conflict of interest in this case example would be best managed through avoidance of the current situation. The Registered Dietitian or Registered Nutritionist would be advised not to risk sending mixed messages to her clients (the children) or to compromise her credibility or that of the profession by allowing her name and professional title to be used in association with the products sold by the company. If at all possible, the Registered Dietitian or Registered Nutritionist should attempt to negotiate a reasonable solution such as to have the company provide a “healthier” version of their product (i.e. a potato chip that is lower in sodium and fat). The practitioner could then provide the appropriate nutrition education on label reading and choosing healthier products.

Chapter Summary

A conflict of interest occurs when one has an obligation to promote one interest, but promotes a competing interest instead, or has an obligation to promote two competing interests. Most conflicts of interest arise when a person stands to profit personally by promoting the competing interest; a conflict of interest can also occur when the interests of friends, relatives or other business associates are promoted. Conflicts of interest may occur in a variety of circumstances and forms. Identifying a potential conflict of interest is one of the most important steps towards managing the situation. Professionals, including Registered Dietitians and Registered Nutritionists are generally respected and held in high regard by others; in a professional relationship, clients are generally always vulnerable and will typically hold the advice of a professional in high regard. To minimize the risk of a potential conflict of interest, Registered Dietitians and Registered Nutritionists must conduct themselves carefully in all of their professional practice activities. Registered Dietitians and Registered Nutritionists have a professional obligation to avoid real or perceived conflict of interest situations in which their professional integrity, professional independence or the provision of professional services could be influenced or compromised. The *Code of Ethics* of the College is a document that is extremely useful in helping Registered Dietitians and Registered Nutritionists identify and manage conflict of interest situations. Some conflicts of interest may be managed through safeguards which include disclosure, recusal, exclusion, or removal. However, some conflicts of interest are best managed by being avoided entirely.

Case Scenario 11.1

ZZ is a Registered Dietitian who works in an out-patient clinic at a hospital on a part time basis. Most of the clients that he sees in his practice have been referred for weight loss. ZZ uses a client centered approach as he assists clients in determining their nutrition goals and developing their nutrition care plans. Over time however, he has noted that many of the clients have not experienced long term success with their weight loss.

A few months back, ZZ started a private practice to supplement his income. Recently, he has become aware of a new meal replacement product that is being promoted for weight loss. After studying the product, ZZ is impressed and decides to become a distributor of the product.

At the hospital, clients are expressing their dissatisfaction with the wait times to see the Registered Dietitian and the lack of success that they are having with their weight loss. ZZ suggests that they come to see him in his private practice where he can also sell them a weight loss product "that really works".

Case Scenario 11.1 Questions

1. What are the concerns in the way in which ZZ is conducting his practice?
2. Based on the *Code of Ethics* of the College, is ZZ placing himself in a potential conflict of interest situation? If so, identify the specific sections of the *Code of Ethics* that he is at risk of contravening.
3. If ZZ were a friend of yours, what advice would you give him?

Case Scenario 11.2

Ever since TT could remember, their family has been “food focused”. TT’s father was a food broker, purchasing and subsequently selling food in his business. Their mother stayed at home, preparing food from scratch, ensuring that ingredients were fresh and appetizing. As the eldest of five children, TT had a nurturing role to play in caring for their younger siblings. Infants in the family were bottle fed infant formula, obtained through dad’s business. Often the baby and a bottle would be handed to TT while Mom was busy with other tasks.

Coming from such a food focused family, it was no surprise that TT became a Registered Dietitian. At university, they were exposed to information and debate regarding the relative merits of breast feeding versus formula feeding on infant development and the bonding experiences between mother and infant. After graduating, TT was hired by Community Services, to be part of a mobile health team traveling to remote communities in northern Alberta, providing education sessions and one-on-one nutrition counseling to individuals and groups.

TT found this job was a real eye-opener. Never had they seen people living in homes that were run-down, without the benefits of running water, electricity, gas heating or reliable phone service. At one home, there was a young adolescent charged with the care of an infant who was obviously hungry. After seeing this, TT returned to this home with a box of infant formula provided through their dad’s brokerage business. Being mindful that finances were a problem, TT made arrangements with the family to provide the formula at a reduced cost. The formula was concentrated and needed to be mixed with water prior to being fed to the baby.

Soon it became known in the community that inexpensive infant formula was available when the mobile clinic came to visit. TT took orders from community families and filled them through the brokerage warehouse, giving their dad the money. Over time, TT no longer provided breast feeding information to expectant mothers, nor did they speak about the importance of quality and balancing fresh food with the packaged food they made available through the brokerage firm. TT left a catalogue describing all the food available through the brokerage firm with a few of the families in each community and would collect their orders when the mobile health unit came to visit.

Some community members noticed that more infants than usual seemed to be ill with intestinal problems, diarrhea etc. but as illness and morbidity rates were high in these isolated communities, little attention was paid to these comments. It was later determined that the community’s water supply was contaminated with animal wastes. Although TT knew that families were using this water to make the infant formula and that this may be contributing to the infants’ illnesses, they rationalized that living conditions were such that there could be many causes for the infants’ poor health. TT did not inform the families, or the community at large of the possible connection between the contaminated water and the making of the infant formula that they were distributing throughout the community.

Case Scenario 11.2 Questions

1. What are the concerns in the way in which TT is conducting their practice?
2. Based on the *Code of Ethics* of the College, is TT placing themselves in a potential conflict of interest situation? If so, identify the specific sections of the *Code of Ethics* that they are at risk of contravening.
3. If TT were a friend of yours, what advice would you give them?

Case Scenario 11.3

CC has been a dietitian for seventeen years in a busy, acute care hospital in a large city. Over the years, she has seen and had to adapt to numerous changes. Many services have been contracted out to external providers through a request for proposal and a subsequent bidding process. The contract for provision of foodservice recently went out to tender with a new external provider being chosen. Food arrives at the hospital via the contractor's trucks, in pre-measured containers that are then re-heated at the hospital and placed on patient trays by dietary aides. Initially, CC was concerned about the freshness and the quality of the food patients would be receiving from the external foodservice contractor. However, she has come to realize that there are significant cost savings when food is not prepared "in-house".

There is no longer a "dietary and foodservices" department at the hospital. With program-based management in place, the dietitians employed at the hospital are assigned to "programs" according to the patients they see, i.e. cardiology, diabetes, internal medicine, dysphagia, etc. The dietitians meet once a month to discuss issues of concern from a practice perspective. CC chairs these meetings and as the "practice lead" is responsible for addressing concerns raised by the dietitians and dietary aides.

Recently, the dietitians have been complaining that the food provided by the external foodservices company is not fresh, nor is it prepared in a healthy manner, i.e. the food is very salty, vegetables are "swimming" in oil, food is deep fried rather than steamed or boiled, etc. At the last practice meeting, CC stated that she would bring the concerns of the dietitians to her brother-in-law who is a partner in the foodservice company.

Upon hearing this, one of the dietitians questioned whether or not CC knew that her brother-in-law's company was bidding on the foodservice contract. CC replied that she knew. In fact, she had informed her brother-in-law that the contract was coming up for tender and that if he was interested in obtaining any information additional to that provided in the Request for Proposals, she would access it for him. She also added that after the company was informed that their bid was successful, they all went for dinner to celebrate.

Case Scenario 11.3 Questions

1. What are the concerns in the way in which CC is conducting her practice?
2. Based on the *Code of Ethics* of the College, is CC placing herself in a potential conflict of interest situation? If so, identify the specific sections of the *Code of Ethics* that she is at risk of contravening.
3. If CC were a friend of yours, what advice would you give her?

Chapter Quiz

1. All of the following statements are true **except** for the following:
 - a) A conflict of interest occurs when one has an obligation to promote one interest, but promotes a competing interest instead.
 - b) Most conflicts of interest occur when a person promotes the best interest of their clients.
 - c) A conflict of interest may be real or perceived.
 - d) Conflicts of interest are generally ethical issues.

2. Strategies for dealing with potential conflicts of interest include:
 - a) disclosure
 - b) recusal or exclusion
 - c) avoidance of the conflict of interest entirely
 - d) All of the above
 - e) Answers a and b only

3. The _____ is a document that is extremely useful in helping Registered Dietitians and Registered Nutritionists identify conflict of interest situations.
 - a) *Code of Ethics*
 - b) *Integrated Competencies for Dietetic Education and Practice*
 - c) *Health Professions Act*
 - d) *Registered Dietitian and Registered Nutritionist Profession Regulation*

4. All of the following statements describe a conflict of interest situation **except** for the following:
 - a) A Registered Dietitian recommends that a client take a nutrition supplement. She refers the client to her father's pharmacy where the client should be able to get a "good deal".
 - b) A Registered Dietitian endorses and promotes a specific brand of high fiber cereal to their clients after receiving sponsorship from the manufacturer of the cereal to attend an international fiber symposium.
 - c) A company that supplies coffee to a foodservice operation provides a travel mug to each employee of the operation as part of their launch of a new line of coffees. The policies of the organization state that small gifts such as the mugs may be accepted.
 - d) A Registered Dietitian who represents a large foodservice equipment supplier is also a member of the Board of Directors for a non-profit organization that provides meals for seniors. The Board of Directors is in the process of determining which company to contract for kitchen equipment upgrades, one of which is the company that the Registered Dietitian is employed with. The Registered Dietitian considers recusing himself from the decision-making process, but instead decides to participate so that he can help the organization get a "good price".

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