



Conflict of Interest and Sales Policy

Authority

Health Professions Act, sections 16(2)(g), 19(1)(l) and (s); *Cannabis Act*, Dietitians Regulation, Definitions and section 4, scope of practice; CHCPBC Bylaws, Schedule 11, 1.0-3.0, Marketing; Dietetic Code of Ethics standards 1, 2, 5; and Dietetic Standards of Practice 1, 4, 7, 8 and 17.

Background

This policy supports dietitians in every practice environment where they are employed and connect directly or indirectly with members of the public. The policy is meant to be interpreted in combination with Dietetic Bylaws, Marketing Standards and Social Media Guidelines. It is the College's aim that the Marketing Standards will help to mitigate much of the risk of conflict of interest by providing clear guidance on marketing and endorsement expectations, and that this policy provides more detail about the expectations of conflict-of-interest management stated in the Standard of Practice 8, including when selling products to the BC public.

“Research has found that transparency can help a patient and their families make informed choices when selecting a... health plan... or choosing among alternative treatments” (American College of Physicians. Healthcare Transparency). Transparency can facilitate the development of a trusting client-dietitian professional relationship, while benefiting members of the public by upholding safe standards of care and empowering informed, impartial client decision making.

Definitions

A conflict of interest occurs when a **dietitian's** personal, business, commercial, political, academic or financial interests, or the interests of the **dietitian's** family or friends, interfere with the **dietitian's** professional responsibilities or a client's best interests. A conflict of interest may exist whether or not a **dietitian** is actually influenced by the competing interest. The conflict of interest may affect **dietitians** in any practice setting. A conflict of interest can be actual, potential, or perceived and may or may not lead to negative clients' outcomes and service delivery. An actual conflict of interest is one that has already occurred or currently exists. A potential conflict of interest is one that could possibly develop in the future. A perceived conflict of interest occurs when others perceive that a conflict of interest may influence a **dietitian's** judgment. **Adapted with thanks from BC College of Nurses and Midwives' Practice Standard on Conflict of Interest.*

Conflict of interest in dietetic practice can diminish the confidence and trust of a client in his/her therapeutic relationship. It is therefore important for the registrants of CHCPBC to be honest and transparent with their clientele, so as to uphold the standards of the profession.

A **client** can be defined as “a patient or resident” and is extrapolated to all instances where there is a therapeutic relationship during the nutrition care process.

Dietetic practice, including business practice for dietitians who are self-employed, follow the Dietetic Code of Ethics and are consistent with Dietetic Standards of Practice.



Policy

1. Dietitians disclose and mitigate any potential, real, or perceived conflict of interest.

Dietitians must abide by Standard of Practice 8: “*A Dietitian identifies and manages any real, perceived or potential conflict of interest*”. Refer to the Dietetic Patient Relations Program Where’s the Line? and Chapter 4 of the Jurisprudence Guide for Dietitians.

- a. Dietitians should recognize situations where a conflict of interest could arise and have an impact on professional judgement. Dietitians can refer to the Decision Tool for New Aspects of Dietetic Practice and the Dietetic Code of Ethics for support in a conflict-of-interest situation. These could include professional relationships in practice, education, or research and may impact services, product endorsement/sales, and client referrals.
- b. Where a conflict of interest exists, and when it cannot be avoided:
 - Dietitians disclose to the client in advance any financial interest they, or a person related to the dietitian, may have in another practice, to which they may refer the client.
 - Dietitians disclose any industry relationships that exist between them and the product or product line being endorsed/recommended.
 - Dietitians disclose the conflict of interest to manager/employer, as applicable.
 - Dietitians avoid provision of dietetic services where conflict of interest cannot be managed. Appropriate referral should be made to another healthcare professional.
 - Per Standard of Practice 8.3, options for alternative products and services must be offered.
- c. Dietitians should understand and be able to communicate the difference between making a “recommendation” and “endorsing” a product or service for sale, as defined in Dietetic Marketing Standards (1e).
- d. When a dietitian is in a position to profit or gain from a personal incentive related to their practice and services (gift/donation), they should avoid accepting the incentive.
- e. Dietitians document discussions about conflict of interest in the client record, and per Dietetic Standards for Record Keeping, and also be prepared to provide information about conflict of interest when called upon by the Inquiry Committee, Discipline Committee or Board.

2. Dietitians practice objectively and provide evidence-based nutrition information.

Dietitians must abide by Dietetic Standard of Practice 13: “*A Dietitian seeks information and incorporates an evidence-informed approach to their practice*”.

- a. Assessment of a client’s nutritional needs and determining that a product sold, or a service recommended or endorsed to the client is based on current nutrition evidence and practice guidelines and are client-centered (take into consideration client’s financial means, personal and cultural preferences).
- b. No client or colleague testimonial, as defined in the Dietetic Marketing Standards, is permitted. For more information, CHCPBC has a Dietetic position statement on testimonials (includes before/after photos).
- c. Dietitians follow Social Media Guidelines in their online practices.



3. Dietitians practice transparently when providing services and in the provision of sales of dietetic products and services.

- a. Client-dietitian therapeutic relationship and subsequent dietetic service provision is not dependent on the sale or use of a certain product/service, whether recommended/endorsed by the dietitian or purchased by a client independently.
- b. Wherever possible, dietitians ensure the separation of sales from provision of nutrition services. Selling dietetic-related products/services should be separated from healthcare functions, such as counselling in the context of a therapeutic relationship.
- c. Dietitians must sell a product at fair market value. The cost may include reasonable handling, shipping and storage cost. Dietitians must adhere to the Dietetic Standards for Record Keeping while including documentation for the following for each sale:
 - Actual cost of product, including any rebate/ price reduction,
 - Name(s) of manufacturer and supplier of product,
 - Date the product was supplied to dietitian,
 - Expiry date of product if applicable,
 - Any additional costs incurred by the dietitian, including any formula/ calculation used by the dietitian to determine the total price of the product charged to the client.
- d. Dietitians must offer clients at least one alternative to a specific product or brand. (Dietetic Standard of Practice 8: “*A Dietitian identifies and manages any real, perceived or potential conflict of interest*”, specifically Indicator 3: “*Provide options for the sale of dietetic products*”; Marketing Standard 2f).
- e. Dietitians inform their clients in regard to a service and product, that clients have the right to:
 - Decide not to purchase.
 - Seek a second opinion.
 - Compare the cost, brand, and other service and product characteristics with alternative options.
 - Delay the purchase to a time convenient to the client without any additional requirements (e.g., asking the client to book another appointment to complete the purchase).

4. Dietitians separate their professional practice from personal lifestyle endeavours.

- a. Dietitians must use clear statement of title when practicing dietetics (Marketing Standard 3c)
- b. Dietitians must avoid use of title in a non-professional role or selling/recommending products/services that are unrelated to dietetic practice (when not practicing dietetics). Refer to the Social Media Guidelines for more detail.
 - Dietitians must separate physical places of business from personal endeavour/lifestyle-related practices, and refrain from referring (linking)



from personal to professional social media accounts, in a manner that compromises professional boundaries.

- Dietitians must separate online professional presence from online personal presence, and refrain from connecting the two, whether by link, hashtag, or by any other identifiable manner.

References:

- American College of Physicians. Healthcare Transparency. A Position Paper. 2010. https://www.acponline.org/acp_policy/policies/healthcare_transparency_2010.pdf.
- BC College of Nursing and Midwives. Conflict of Interest. Practice Standard. https://www.bccnm.ca/RN/PracticeStandards/Lists/GeneralResources/RN_PS_ConflictOfInterest.pdf.
- CHCPBC. Dietetic Bylaws. <https://chcpbc.org/about/#bylaws>.
- CHCPBC. Dietitians Resources. <https://chcpbc.org/for-professions/Dietitians/resources/>.
 - Dietetic Code of Ethics.
 - Decision Support Tool for New Aspects of Dietetic Practice.
 - Dietetic Conflict of Interest and Sales Q&A.
 - Dietetic Managing Risk in Dietetic Practice.
 - Dietetic Social Media Guidelines.
 - Dietetic Jurisprudence Guide.
 - Dietetic Marketing Standards.
 - Dietetic Patient Relations Guide. Professional Boundaries: Where's the Line?
 - Dietetic Standards of Practice.
 - Dietetic Standards of Record Keeping
- College of Dietitians of Ontario. Standards of Practice for Professional Practice. Conflict of Interest. <https://www.collegeofdietitians.org/Resources/Standards/Standards-and-Guidelines-COI.aspx>.
- College of Physicians and Surgeons of BC. Practice Standard: Conflict of Interest. <https://www.cpsbc.ca/files/pdf/PSG-Conflict-of-Interest.pdf>.
- Nova Scotia College of Dietitians and Nutritionists. Standards of Practice 2023. https://nscdn.ca/wp-content/uploads/2024/06/Standards_of_Practice_Updated_October_2023.pdf.