

An Introduction to the "Code of Ethics for the Profession of Dietetics"

Wolf J. Rinke, PhD, RD, CSP

**ELECTRONIC SELF-STUDY PROGRAM
FOR OUR CUSTOMERS ONLY**

*In order to receive a Certificate of Completion for this program you must have
purchased a CPE program from us within the last 2 years.*

**Please follow instructions on page iii to receive your
Certificate of Completion**

A self-directed, accredited learning program approved for
2 continuing professional education units



WOLF RINKE ASSOCIATES, INC.

13621 Gilbride Lane • Clarksville, MD 21029 • Tel (410) 531-9280
www.easyCPEcredits.com

An Introduction to the Code of Ethics for the Profession of Dietetics

Wolf J. Rinke, PhD, RD, CSP

A self-directed, accredited learning program approved for two continuing professional education units (CPEUs).

©2013 Wolf Rinke Associates, Inc.

No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, scanning, or otherwise, without the prior written permission of the Publisher.

The information contained in this CPE program is not intended to serve as replacement for professional advice. Any use of the information in this CPE program is at the reader's discretion. The author and the publisher specifically disclaim any and all liability arising directly or indirectly from the use or application of any information contained in this CPE program. A health care and/or legal professional should be consulted regarding your specific situation.

Acknowledgments

Special thanks to the following individuals for their careful review of this program.

Harold J. Holler, RD, LDN

Vice President, Governance and Practice
Academy of Nutrition and Dietetics (formerly the American Dietetic Association)
Chicago, IL

*** * ***

Sara Long Roth, PhD, RD

Professor, Human Nutrition & Dietetics
Dept. of Animal Science, Food & Nutrition
Southern Illinois University
Carbondale, IL

*** * ***

Mary (Suzy) Weems, PhD, RD, CSSD, LD

Professor and Chair, Family & Consumer Sciences
Baylor University
Waco, TX
and

Member of the Academy of Nutrition and Dietetics Ethics Committee
Chicago, IL

Special thanks are extended to the Commission on Dietetic Registration (CDR) for granting Wolf Rinke Associates, Inc. permission to use the Academy of Nutrition and Dietetics/CDR Code of Ethics for the Profession of Dietetics for educational purposes.

Introduction

Welcome to *An Introduction to the Code of Ethics for the Profession of Dietetics*, a self-directed, accredited learning program.

Dietetics practitioners are faced with ethical situations and dilemmas virtually every day. Because settings for practice vary, the issues faced are very diverse. This mini-course is designed to introduce you to the Academy of Nutrition and Dietetics (the Academy, formerly the American Dietetic Association) Commission on Dietetic Registration (CDR) Code of Ethics for the Profession of Dietetics (the Code of Ethics) so that you can apply these principles to your own situations.

The term *dietetics practitioner* is used in this learning program to refer to RDs and DTRs.

This learning program is a level 2 Continuing Professional Education (CPE) program approved for two continuing professional education units (CPEUs). That means that the reader has general knowledge of the literature and professional practice in the area covered. The focus of the program is to enhance knowledge and application. To get the most benefit from this program, we suggest you adhere to the following three steps:

Step 1: Review the objectives for the learning program.

Step 2: Study the Code of Ethics.

Step 3: Assess what you have learned by answering the self-assessment questions and compare your answers to the answer key at the end of this program. Once you scored at least 80% correct go to our website <http://www.easycpecredits.com> to submit your Continuing Professional Education Reporting Form. Click on the link "Submit CPE Reporting Form" and type **99** in the "Course Registration Number" field. Fill out the rest of the information on this form and click the submit button at the bottom of the form...it's that simple. You will get an immediate confirmation that we received your form and your certificate will be emailed to you within 2-5 days to the email you provided on the reporting form.

To ensure that our emails are delivered to your inbox (instead of your junk/spam folders), please add cpesupport@wolfrinke.com to your Address Book or Safe List of allowed email senders. Also, be sure to allow attachments from this email address.

Act Ethically!

Wolf J. Rinke, PhD, RD, CSP

Goal and Objectives

GOAL:

To provide you with a better understanding of the Code of Ethics so that you can apply these principles to your own situations.

OBJECTIVES:

As a result of completing this self-directed, accredited learning program, you will be better able to:

- identify ethical issues and standards in dietetics,
- compare and contrast ethical issues,
- recall critical principles in the Code of Ethics,
- apply the Code of Ethics.

American Dietetic Association/Commission on Dietetic Registration Code of Ethics for the Profession of Dietetics and Process for Consideration of Ethics Issues

PREAMBLE

The American Dietetic Association (ADA) and its credentialing agency, the Commission on Dietetic Registration (CDR), believe it is in the best interest of the profession and the public it serves to have a Code of Ethics in place that provides guidance to dietetics practitioners in their professional practice and conduct. Dietetics practitioners have voluntarily adopted this Code of Ethics to reflect the values (Figure) and ethical principles guiding the dietetics profession and to set forth commitments and obligations of the dietetics practitioner to the *public, clients, the profession, colleagues, and other professionals*. The current Code of Ethics was approved on June 2, 2009, by the ADA Board of Directors, House of Delegates, and the Commission on Dietetic Registration.

APPLICATION

The Code of Ethics applies to the following practitioners:

- (a) In its entirety to members of ADA who are Registered Dietitians (RDs) or Dietetic Technicians, Registered (DTRs);
- (b) Except for sections dealing solely with the credential, to all members of ADA who are not RDs or DTRs; and
- (c) Except for aspects dealing solely with membership, to all RDs and DTRs who are not members of ADA.

All individuals to whom the Code applies are referred to as "dietetics practitioners," and all such individuals who are RDs and DTRs shall be known as "credentialed practitioners." By accepting membership in ADA and/or accept-

ing and maintaining CDR credentials, all members of ADA and credentialed dietetics practitioners agree to abide by the Code.

PRINCIPLES

Fundamental Principles

1. **The dietetics practitioner conducts himself/herself with honesty, integrity, and fairness.**
2. **The dietetics practitioner supports and promotes high standards of professional practice. The dietetics practitioner accepts the obligation to protect clients, the public, and the profession by upholding the Code of Ethics for the Profession of Dietetics and by reporting perceived violations of the Code through the processes established by ADA and its credentialing agency, CDR.**

Responsibilities to the Public

3. **The dietetics practitioner considers the health, safety, and welfare of the public at all times.**
The dietetics practitioner will report inappropriate behavior or treatment of a client by another dietetics practitioner or other professionals.
4. **The dietetics practitioner complies with all laws and regulations applicable or related to the profession or to the practitioner's ethical obligations as described in this Code.**
 - a. The dietetics practitioner must not be convicted of a crime under the laws of the United States, whether a felony or a misdemeanor, an essential element of which is dishonesty.

- b. The dietetics practitioner must not be disciplined by a state for conduct that would violate one or more of these principles.
 - c. The dietetics practitioner must not commit an act of misfeasance or malfeasance that is directly related to the practice of the profession as determined by a court of competent jurisdiction, a licensing board, or an agency of a governmental body.
5. **The dietetics practitioner provides professional services with objectivity and with respect for the unique needs and values of individuals.**
 - a. The dietetics practitioner does not, in professional practice, discriminate against others on the basis of race, ethnicity, creed, religion, disability, gender, age, gender identity, sexual orientation, national origin, economic status, or any other legally protected category.
 - b. The dietetics practitioner provides services in a manner that is sensitive to cultural differences.
 - c. The dietetics practitioner does not engage in sexual harassment in connection with professional practice.
 6. **The dietetics practitioner does not engage in false or misleading practices or communications.**
 - a. The dietetics practitioner does not engage in false or deceptive advertising of his or her services.
 - b. The dietetics practitioner promotes or endorses specific goods or products only in a manner that is not false and misleading.
 - c. The dietetics practitioner provides accurate and truthful information in communicating with the public.

0002-8223/09/10908-0018\$36.00/0
doi: 10.1016/j.jada.2009.06.002

ADA values	Principles
Customer Focus: Meets the needs and exceeds expectations of internal and external customers	#5, #9
Integrity: Acts ethically with accountability for life-long learning and commitment to excellence	#1, #2, #4, #5, #6, #7, #10, #11, #12, #13, #17, #18
Innovation: Embraces change with creativity and strategic thinking	
Social Responsibility: Makes decisions with consideration for inclusivity as well as environmental, economic, and social implications	#3, #8, #9, #11, #13, #14, #15, #16, #17, #18, #19

Figure. Alignment of American Dietetic Association (ADA) Values to the Principles of the Code of Ethics for the Profession of Dietetics.

7. The dietetics practitioner withdraws from professional practice when unable to fulfill his or her professional duties and responsibilities to clients and others.

- a. The dietetics practitioner withdraws from practice when he/she has engaged in abuse of a substance such that it could affect his or her practice.
- b. The dietetics practitioner ceases practice when he or she has been adjudged by a court to be mentally incompetent.
- c. The dietetics practitioner will not engage in practice when he or she has a condition that substantially impairs his or her ability to provide effective service to others.

Responsibilities to Clients

- 8. **The dietetics practitioner recognizes and exercises professional judgment within the limits of his or her qualifications and collaborates with others, seeks counsel, or makes referrals as appropriate.**
- 9. **The dietetics practitioner treats clients and patients with respect and consideration.**
 - a. The dietetics practitioner provides sufficient information to enable clients and others to make their own informed decisions.
 - b. The dietetics practitioner respects the client's right to make decisions regarding the recommended plan of care, including consent, modification, or refusal.
- 10. **The dietetics practitioner protects confidential information**

and makes full disclosure about any limitations on his or her ability to guarantee full confidentiality.

- 11. **The dietetics practitioner, in dealing with and providing services to clients and others, complies with the same principles set forth above in "Responsibilities to the Public" (Principles #3-7).**

Responsibilities to the Profession

- 12. **The dietetics practitioner practices dietetics based on evidence-based principles and current information.**
- 13. **The dietetics practitioner presents reliable and substantiated information and interprets controversial information without personal bias, recognizing that legitimate differences of opinion exist.**
- 14. **The dietetics practitioner assumes a life-long responsibility and accountability for personal competence in practice, consistent with accepted professional standards, continually striving to increase professional knowledge and skills and to apply them in practice.**
- 15. **The dietetics practitioner is alert to the occurrence of a real or potential conflict of interest and takes appropriate action whenever a conflict arises.**
 - a. The dietetics practitioner makes full disclosure of any real or perceived conflict of interest.
 - b. When a conflict of interest cannot be resolved by disclosure,

the dietetics practitioner takes such other action as may be necessary to eliminate the conflict, including recusal from an office, position, or practice situation.

- 16. **The dietetics practitioner permits the use of his or her name for the purpose of certifying that dietetics services have been rendered only if he or she has provided or supervised the provision of those services.**
- 17. **The dietetics practitioner accurately presents professional qualifications and credentials.**
 - a. The dietetics practitioner, in seeking, maintaining, and using credentials provided by CDR, provides accurate information and complies with all requirements imposed by CDR. The dietetics practitioner uses CDR-awarded credentials ("RD" or "Registered Dietitian"; "DTR" or "Dietetic Technician, Registered"; "CS" or "Certified Specialist"; and "FADA" or "Fellow of the American Dietetic Association") only when the credential is current and authorized by CDR.
 - b. The dietetics practitioner does not aid any other person in violating any CDR requirements, or in representing himself or herself as CDR-credentialed when he or she is not.
- 18. **The dietetics practitioner does not invite, accept, or offer gifts, monetary incentives, or other considerations that affect or reasonably give an appearance of affecting his/her professional judgment.**

Clarification of Principle:

- a. Whether a gift, incentive, or other item of consideration shall be viewed to affect, or give the appearance of affecting, a dietetics practitioner's professional judgment is dependent on all factors relating to the transaction, including the amount or value of the consideration, the likelihood that the practitioner's judgment will or is intended to be affected, the position held by the practitioner, and whether the consideration is offered or generally available to persons other than the practitioner.
- b. It shall not be a violation of this principle for a dietetics

practitioner to accept compensation as a consultant or employee or as part of a research grant or corporate sponsorship program, provided the relationship is openly disclosed and the practitioner acts with integrity in performing the services or responsibilities.

- c. This principle shall not preclude a dietetics practitioner from accepting gifts of nominal value, attendance at educational programs, meals in connection with educational exchanges of information, free samples of products, or similar items, as long as such items are not offered in exchange for or with the expectation of, and do not result in, conduct or services that are contrary to the practitioner's professional judgment.
- d. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the dietetics practitioner's ability to carry out professional responsibilities with integrity, impartiality, and competence is impaired.

Responsibilities to Colleagues and Other Professionals

19. The dietetics practitioner demonstrates respect for the values, rights, knowledge, and skills of colleagues and other professionals.

- a. The dietetics practitioner does not engage in dishonest, misleading, or inappropriate business practices that demonstrate a disregard for the rights or interests of others.
- b. The dietetics practitioner provides objective evaluations of performance for employees and coworkers, candidates for employment, students, professional association memberships, awards, or scholarships, making all reasonable efforts to avoid bias in the professional evaluation of others.

PROCESS FOR CONSIDERATION OF ETHICS ISSUES

In accordance with ADA's Code of Ethics, a process has been established

for consideration of ethics issues. This process defines the procedure for review of and response to ethics complaints, including hearings, disciplinary action, and appeals. The process was approved on June 2, 2009, by the ADA Board of Directors, the House of Delegates, and the Commission on Dietetic Registration.

Committee

A three (3)-person committee, comprised of members of ADA and/or CDR-credentialed practitioners, will be appointed to handle all ethics matters. One person will be appointed each year by the president-elect of ADA, the chairperson of CDR, or the speaker-elect of the House of Delegates (based on the expired term). Terms of office will be for three (3) years. Terms will be staggered to allow for continuity. The chairship will rotate among the three (3) committee members. The chairship will be awarded to the person moving into the third year of the three (3)-year term of office.

The Committee will have authority to consult with subject experts as necessary to conduct its business. The Committee may perform such other educational activities as might be necessary to assist members and credentialed practitioners to understand the Code of Ethics.

Ethics Opinions

The Committee may issue opinions on ethics issues under the Code of Ethics on its own initiative or in response to a member's or credentialed practitioner's request. These opinions will be available to members and credentialed practitioners to guide their conduct, and will also be available to the public. Situations may be factual or hypothetical, but no names will be disclosed.

Ethics Cases

Preamble. The enforcement procedures are intended to permit a fair resolution of disputes on ethical practices in a manner that protects the rights of individuals while promoting understanding and ethical practice. The Ethics Committee has the authority and flexibility to determine the best way to resolve a dispute, including educational means where appropriate.

1. Complaint

A complaint that a member or credentialed practitioner has allegedly violated the Code of Ethics for the Profession of Dietetics must be submitted in writing on the appropriate form to the Ethics Committee.

The complaint must be made within one (1) year of the date that the complainant (person making complaint) first became aware of the alleged violation or within one (1) year from the issuance of a final decision in an administrative, licensure board, or judicial action involving the facts asserted in the complaint.

The complainant need not be a member of ADA nor a practitioner credentialed by CDR.

The complaint must contain details on the activities complained of; the basis for complainant's knowledge of these activities; names, addresses, and telephone numbers of all persons involved or who might have knowledge of the activities; and whether the complaint has been submitted to a court, an administrative body, or a state licensure board. The complaint must also cite the section(s) of the Code of Ethics for the Profession of Dietetics allegedly violated.

The complaint must be signed and sworn to by the complainant(s).

2. Preliminary Review of Complaint

The chair of the Ethics Committee, legal counsel for ADA, and appropriate staff will review the complaint to determine whether all the required information has been submitted by the complainant and whether an ethics question is involved.

If a complaint is made regarding an alleged violation of the Code of Ethics for the Profession of Dietetics and a similar complaint is already under consideration regarding the same individual by a state licensure board of examiners, an administrative body, or a court of law, the Ethics Committee will not process the complaint until a final decision has been issued.

3. Response

If the preliminary review determines that the process should proceed, the ADA staff or chair of

the Ethics Committee will notify the respondent (person against whom the complaint is made) that a complaint has been made.

The notice will be sent from the staff via certified mail, return-receipt requested. The respondent will be sent a copy of the complaint, the Code of Ethics for the Profession of Dietetics, the Review Process, and the Response to Complaint form.

The respondent will have thirty (30) days from receipt of the notification in which to submit a response. The response must be signed and sworn to by the respondent(s).

If the Ethics Committee does not receive a response, the chair of the Ethics Committee or his or her designee will contact the respondent by telephone. If contact with the respondent is still not made, a written notice will be sent. Failure to reach the respondent will not prevent the Committee from proceeding with the investigation.

The response submitted to the Ethics Committee by the respondent, may, upon request by the complainant, be provided to the complainant following the decision of the Committee.

4. *Ethics Committee Review*

The chair of the Ethics Committee will add the complaint and response to the Committee's agenda, after consultation with legal counsel and appropriate staff. The complaint and the response will be reviewed by the Ethics Committee.

The Committee has broad discretion to determine how to proceed, including, but not limited to, dismissing the complaint, requesting further information from the parties, resolving the case through educational activities, holding a hearing as specified hereafter, or in any other way deemed advisable. The Committee may use experts to assist it in reviewing the complaint and response and determining further action.

At the appropriate time, the Ethics Committee will notify the complainant and the respondent of its decision, which may include the Committee's preliminary opinion with a request that the respondent take certain actions, including, but

not limited to, successful completion of continuing professional education in designated areas, or supervised practice based on the terms to be set forth by the Committee.

The Ethics Committee may also recommend appropriate remedial action to the parties, which if undertaken, would resolve the matter.

The Ethics Committee may recommend, in its discretion, that a hearing be held subject to the other provisions of these procedures.

5. *Licensure Board Action or Final Judicial or Administrative Action*

When the Ethics Committee is informed by a state licensure body that a person subject to the Code of Ethics for the Profession of Dietetics has had his or her license suspended or revoked for reasons covered by the Code, the Committee may take appropriate disciplinary action without a formal hearing.

When a person has been finally adjudged or has admitted to committing a misdemeanor or felony as specified in Principle 4 of the Code, the Committee may take appropriate disciplinary action without a formal hearing.

6. *Hearings*

A. *General*

Hearings shall be held as determined by the Ethics Committee under the following guidelines.

Hearing dates will be established by the chairman of the Ethics Committee. All hearings will be held in Chicago, IL.

The Ethics Committee will notify the respondent and the complainant by certified mail, return-receipt requested, of the date, time, and place of the hearing.

The respondent may request a copy of the file on the case and will be allowed at least one postponement, provided the request for postponement is received by ADA at least fourteen (14) days before the hearing date.

B. *Conduct of Hearings*

The chair of the Ethics Committee will conduct a hearing

with appropriate staff and legal counsel present. Individuals who have no conflict of interest will be appointed.

In the event that any Ethics Committee member cannot serve on the hearing panel for any reason, a replacement will be appointed by the representative of the original body that made the appointment, either the ADA president, the CDR chairperson, or the speaker of the House of Delegates as appropriate.

The parties shall have the right to appear, to present witnesses and evidence, to cross-examine the opposing party and adverse witnesses, and to have legal counsel present. Legal counsel for the parties may advise their clients, but may only participate in the hearings with the permission of the chair.

The hearing is the sole opportunity for the participants to present their positions.

Three members of the Ethics Committee shall constitute a quorum. Affirmative vote of two thirds (2/3) of the members voting will be required to reach a decision.

A transcript will be prepared and will be available to the parties at cost.

C. *Costs*

ADA will bear the costs for the Ethics Committee, legal counsel, staff, and any other parties called by ADA. ADA will bear the travel costs and one (1) night's hotel expenses for the complainant and respondent and one person that each chooses to bring, provided that such person is necessary to the conduct of the hearing as determined by the chair of the Ethics Committee. The Ethics Committee shall issue regulations to govern the payment of these expenses, which shall be incorporated and made part of these procedures.

The respondent and the complainant will be responsible for all costs and fees incurred in their preparation for and attendance at the hear-

ing, except expenses for travel and hotel as stated above.

D. Decision

The Ethics Committee will render a written decision specifying the reasons therefore and citing the provision(s) of the Code of Ethics for the Profession of Dietetics that may have been violated. The Committee will decide that:

- 1) the respondent is acquitted;
- 2) educational opportunities are pursued;
- 3) the respondent is censured, placed on probation, suspended, or expelled from ADA; and/or
- 4) the credential of the respondent is suspended or revoked by the CDR of the ADA.

The decision of the Ethics Committee will be sent to the respondent and the complainant as soon as practicable after the hearing.

7. *Request by Complainant for Review of Respondent's Response*

The Ethics Committee will, except where the response contains information that the Committee determines for good reasons should not be shared, grant the request of a complainant to review the response received from the respondent in an ethics case, provided the request is made within thirty (30) days of notification of the final action of the Ethics Committee. The complainant will be required to maintain confidentiality of the documentation and to refrain from sharing it with any other third parties or individuals. The complainant will have twenty (20) days to advise the Ethics Committee as to any comments, concerns, or issues with regard to the respondent's response, but the Committee shall have no obligation to take further action. The respondent will be notified of the Committee's action to release the response to the complainant.

A. The materials describing the ethics complaint process, including those materials provided to the complainants and respondents, shall be amended to disclose the fact that a respondent's response may be

made available to the complainant.

- B. Any request to review the respondent's response must be submitted in writing (electronic or mail) no later than thirty (30) days after final action by the Committee.
- C. ADA staff will notify the Ethics Committee of the request and will provide a timeline for addressing it.
- D. Within five (5) business days of the request being received, the Committee will advise the respondent that the complainant has made the request and is being given access to the response. The requested documentation will be sent to the complainant via express mail to ensure delivery.
- E. The complainant will be required to commit in writing to maintain the confidentiality of the documentation by signing a statement to this effect.
- F. Any comments, concerns, or issues with the respondent's response must be communicated to ADA staff within twenty (20) days in writing (electronic or mail). ADA staff will add the complainant's comments, concerns, or issues onto the agenda of the next Ethics Committee conference call or meeting. The Committee will determine whether further action is necessary and shall communicate its determination to the complainant.
- G. The complainant will return the documents after review via UPS at the expense of ADA within twenty-five (25) days.

8. *Definitions of Disciplinary Action*

Censure: A written reprimand expressing disapproval of conduct. It carries no loss of membership or registration status, but may result in removal from office at the national, state, and district levels and from committee membership.

Time frame: Not applicable to the disciplinary action.

Probation: A directive to allow for correction of behavior specified in Principle 7 of the Code of Ethics for the Profession of Dietetics. It may include mandatory

participation in remedial programs (eg, education, professional counseling, and peer assistance). Failure to successfully complete these programs may result in other disciplinary action being taken. It carries no loss of membership or registration status, but may result in removal from office at the national, state, and district levels and from committee membership.

Time frame: Specified time to be decided on a case-by-case basis.

Suspension: Temporary loss of membership and all membership benefits and privileges for a specified time with the exception of retention of coverage under health and disability insurance. ADA group malpractice insurance will not be available and will not be renewed during the suspension period.

Time frame: Specified time to be decided on a case-by-case basis.

Suspension of Registration: Temporary loss of credential and all benefits and privileges for a specified period of time. It may include mandatory participation in remedial programs (eg, education, professional counseling, and peer assistance).

At the end of the specified suspension period, membership and registration benefits and privileges are automatically restored.

Time frame: Specified time to be decided on a case-by-case basis.

Expulsion: Removal from membership and a loss of all benefits and privileges.

Time frame: May apply for reinstatement after a five (5)-year period has elapsed or sooner if the basis for the expulsion has been removed, with payment of a reinstatement fee. The individual must meet membership requirements in effect at the time of the application for reinstatement.

Revocation of Credential: Loss of registration status and removal from registry; loss of all benefits and privileges. Upon revocation, the former credentialed practitioner shall return the registration identification card to CDR.

Time frame: Specified time for reapplication to be decided on a case-by-case basis, but, at minimum, current recertification re-

quirements would need to be met. A credential will not be issued until CDR determines that the reasons for revocation have been removed.

9. Appeals

A. General

Only the respondent may appeal an adverse decision to ADA. During the appeals process, the membership and registration status of the respondent remains unchanged.

The ADA president, the chairperson of CDR, and the speaker of the House of Delegates shall each appoint one person to hear the appeal. These individuals shall constitute the Appeals Committee for that particular case. Individuals who have no conflict of interest will be appointed.

B. Recourse to the Appeals Committee

To request a hearing before the Appeals Committee, the respondent/appellant shall notify the appropriate staff at ADA headquarters, by certified mail, return-receipt requested, that the respondent wishes to appeal the decision. This notification must be received within thirty (30) calendar days after receipt of the letter advising the respondent/appellant of the Ethics Committee's decision.

C. Contents

The appeal must be in writing and contain, at a minimum, the following information:

1. The decision being appealed.
2. The date of the decision.
3. Why the individual feels the decision is wrong or was improperly rendered (See E, "Scope of Review").
4. The redress sought by the individual.
5. The appeal will be signed and sworn to.

If the appeal does not contain the information listed above, it will be returned to the individual who will be given ten (10) calendar days to resubmit. Failure to furnish the required information

within ten (10) calendar days will result in the appeal being waived.

D. Procedures

Upon receipt of this notification, appropriate staff shall promptly notify the chair of the Appeals Committee that the respondent/appellant is appealing a decision made by the Ethics Committee.

The Appeals Committee chair shall acknowledge the appeal and request a copy of the relevant written information on the case from appropriate staff.

1. Location and participants
 - a. All appeals hearings will be held in Chicago, IL.
 - b. The complainant/appellee, the respondent/appellant, and the chair of the Ethics Committee will have the opportunity to participate in the appeals hearing.
 - c. The parties may have legal counsel present, who may advise their clients, but may only participate in the hearings with the permission of the chair.
 - d. Attendance at the hearing will be limited to persons determined by the chair to have a direct connection with the appeal and appropriate staff and legal counsel.
2. Conduct of the hearing

The three (3) parties involved in the appeal will be given the opportunity to state why the decision and/or disciplinary action of the Ethics Committee should be upheld, modified, or reversed.

E. Scope of Review

The Appeals Committee will only determine whether the Ethics Committee committed procedural error that affected its decision, whether the Ethics Committee's decision was contrary to the weight of the evidence presented to it, or whether there is new and substantial evidence that would likely have affected the Ethics Committee's decision that was

unavailable to the parties at the time of the Ethics Committee's hearing for reasons beyond their control.

In reviewing the decision of the Ethics Committee, the Appeals Committee shall consider only the transcript of the hearing and the evidence presented to the Ethics Committee.

F. Record of Hearing

A transcript will be prepared and will be maintained in the case file.

G. Decision of Appeals Committee

1. The Appeals Committee shall prepare a written decision stating the reasons therefore. The decision shall be to affirm, modify, or reject the decision and/or disciplinary action of the Ethics Committee or to remand the case to the Ethics Committee with instructions for further proceedings.
2. Decisions of the Appeals Committee will be final.

H. Costs

ADA will bear the costs for the Appeals Committee, staff, and legal counsel, and any parties called by ADA. ADA will bear the travel and one night's hotel expenses for the respondent/appellant, the complainant/appellee, and the chair of the Ethics Committee. The Ethics Committee shall issue regulations to govern the payment of these expenses, which shall be incorporated and made part of this procedure.

The respondent/appellant and the complainant/appellee will be responsible for all costs and fees incurred in their preparation for and attendance at the hearing, except expenses for travel and hotel as stated above.

10. Notification of Adverse Action

If the respondent is disciplined by the Ethics Committee and does not appeal the decision, the chair of the Ethics Committee will notify the appropriate ADA organizational units, CDR, the affiliate dietetic association, appropriate licensure boards, and governmental and private bodies within thirty (30) days after notification of the final decision.

In the event the respondent ap-

peals a decision to discipline him or her and the Ethics Committee decision is affirmed or modified, similar notification will be made by the chair of the Ethics Committee.

In response to an inquiry about registration status, the Office on Dietetic Credentialing will state only whether a person is currently registered.

11. *Record Keeping*

A. Records will be kept for a period of time after the disposition of the case in accordance with ADA's record retention policy.

B. Information will be provided only upon written request and affirmative response from ADA's legal counsel.

12. *Confidentiality Procedures*

The following procedures have been developed to protect the confidentiality of both the complainant and the respondent in the investigation of a complaint of an alleged violation of the Code of Ethics for the Profession of Dietetics:

A. The need for confidentiality will be stressed in initial communications with all parties.

B. Committee members will refrain from discussing the complaint and hearing outside of official committee business pertaining to the complaint and hearing.

C. If the hearing on a complaint carries over to the next Committee, the complaint will be heard by the original Committee to hear the complaint.

D. Communication with ADA witnesses will be the responsibility of the Committee chair or staff liaison.

E. Witnesses who testify on behalf of ADA will be informed of the confidentiality requirements and agree to abide by them.

F. The Committee chair will stress the importance of confi-

dentiality at the time of the hearing.

G. To ensure confidentiality, the only record of the hearing will be the official transcript and accompanying materials, which will be kept at ADA offices. All other materials that were mailed or distributed to committee members should be returned to ADA staff, along with any notes taken by Committee members.

H. The transcript will be available if there is an appeal of the Ethics Committee's decision and only to the parties, Ethics Committee members, Appeals Committee members, ADA legal counsel, and staff directly involved with the appeal.

Recognition is given to the members of the Code of Ethics Task Force for their contributions: Marianne Smith Edge, MS, RD, LD, FADA, Chair; Alice Beth J. Fornari, EdD, RD; Cheryl A Bittle, PhD, RD, LD; Doris Derelian, PhD, JD, RD, FADA; Jana Kicklighter, PhD, RD, LD; Leonard Pringle, DTR; Harold Holler, RD, LDN, ADA Staff; Chris Reidy, RD, CDR Staff; J. Craig Busey, JD, former ADA Legal Counsel.

Self-Assessment Instrument

Note: It is assumed that you have read the Code of Ethics for the Profession of Dietetics and are now ready to find out how much you learned.

Instructions: Read each statement, and select the **one best answer** to the question or the **one best option** that completes the statement.

1. In its entirety the Code of Ethics applies to:
 - a. Any healthcare professional
 - b. All RDs who are members of the Academy
 - c. Members of the Academy who are RDs or DTRs
 - d. Only RDs and DTRs who are in clinical practice

2. One of the fundamental principles of the Code of Ethics is that all dietetic practitioners conduct themselves with honesty, integrity and:
 - a. Professional judgment
 - b. Fairness
 - c. High standards
 - d. Impartiality

3. The Code of Ethics is aligned with the Academy's (formerly ADA's):
 - a. Goals
 - b. Objectives
 - c. Values
 - d. Strategic long term plan

4. You have purchasing responsibilities at your hospital. Today you have been invited to lunch at your favorite white table cloth restaurant by a very good friend who works for a major food distributor. He tells you that he would like to acquaint you with several new exciting products. He closes his invitation with: "And be sure to bring your appetite because lunch is on me." To comply with the Code of Ethics you should:
 - a. Tell your friend that you can't go to lunch with him.
 - b. Accept the lunch but tell your friend that it will not impact your purchase decisions.
 - c. Agree to go to lunch with your friend provided it is understood that you will pay for your own lunch.
 - d. Enjoy the lunch; it's not every day that someone offers to take you to lunch at your favorite restaurant

Case #1 Please use the following information to answer questions 5-7.

You are a member of your state dietetic association nominating committee. Today, the committee is in the process of selecting candidates for the upcoming ballot. The candidates for Member at Large include two highly qualified individuals for one slot on the ballot, and one is a very good friend of yours. Although your friend is not as qualified as

An Introduction to the Code of Ethics for the Profession of Dietetics

the other person, you know that she really wants the position and you encourage the nominating committee to place her name on the ballot.

5. Which Principle of the code of ethics, if any, has been violated?
 - a. Principle 5: The dietetics practitioner provides professional services with objectivity and with respect for the unique needs and values of individuals.
 - b. Principle 6: The dietetics practitioner does not engage in false or misleading practices or communications.
 - c. Principle 15: The dietetics practitioner is alert to the occurrence of a real or potential conflict of interest and takes appropriate action whenever a conflict arises.
 - d. None of these principles has been violated.

6. How would you best handle this situation?
 - a. Recuse yourself from the discussion and decision regarding this office.
 - b. Withdraw from the nominating committee.
 - c. Provide evidence to the nominating committee why your friend's name should be on the ballot.
 - d. There is nothing for you to do since no violation has occurred.

7. What ground rules could the nominating committee chair establish to avoid this type of situation?
 - a. No rules are needed; there's not a problem.
 - b. Ask members of the nominating committee to withdraw from discussion and decisions regarding personal friends whose names may appear on the ballot.
 - c. Let members of the nominating committee join only in the discussion about candidates but not the decision whether or not their names will appear on the ballot.
 - d. Suggest that members of the nominating committee discuss the nominees outside of the formal meeting.

Case #2 Please use the following information to answer questions 8 and 9.

Kim, a good friend of yours who is an RD, has a habit of constantly "bashing" other RDs. Listening to Kim makes it seem that she is the only one that knows what she is doing, and most other RDs are quacks.

8. Which Principle of the code of ethics, if any, has been violated?
 - a. Principle 3: The dietetics practitioner considers the health, safety and welfare of the public at all times.
 - b. Principle 5: The dietetics practitioner provides professional services with objectivity and with respect for the unique needs and values of individuals.
 - c. Principle 19: The dietetics practitioner demonstrates respect for the values, rights, knowledge, and skills of colleagues and other professionals.
 - d. None of the principles has been violated.

An Introduction to the Code of Ethics for the Profession of Dietetics

9. How would you best handle this situation?
 - a. Tell her to stop complaining about her colleagues because you find it very annoying.
 - b. Let her know that what she is doing is against the Code of Ethics.
 - c. Alert her that what she is doing is offensive to you.
 - d. There is nothing for you to do since no violation has occurred.

10. You are in the process of hiring a new RD. In reviewing resumes you come across Sally's resume. Even though you are not an RD yet, you know Sally fairly well because you went to the same University. You notice that she uses the RD credential in her resume which surprises you because you seem to recall that Sally recently told you that she has not been able to pass the RD exam. You do some checking and find out that Sally has *not* passed the RD exam. At this point you decide to:
 - a. Ignore it since you are not an RD.
 - b. Tell a colleague who is an RD to file a complaint with CDR.
 - c. Submit a written complaint to the Ethics Committee.
 - d. Report it to a friend who is on the Ethics Committee.

Congratulations! You have almost completed this self-directed learning program. But before you take a well-deserved break; be sure to score yourself by comparing your answers to those listed in the answer key. If you scored at least 80% (8 answers) correct, you have passed and are ready to transfer your answers to the CPE REPORTING FORM. If you scored less than 80% (8) correct, reread The Code of Ethics until you get at least 80% correct.

Once you scored at least 80% correct go to our website <http://www.easycpecredits.com> to submit your Continuing Professional Education Reporting Form. Click on the link **Submit CPE Reporting Form** and type **99** in the "Course Registration Number" field. Fill out the rest of the information on this form and click the submit button at the bottom of the form...it's that simple. You will get an immediate confirmation that we received your form and your certificate will be emailed to you within 2-5 days to the email you provided on the reporting form.

To ensure that our emails are delivered to your inbox (instead of your junk/spam folders), please add cpesupport@wolfrinke.com to your Address Book or Safe List of allowed email senders. Also, be sure to allow attachments from this email address.

Answer Key

1. **C**
2. **B**
3. **C**
4. **C**
5. **C**
6. **A**
7. **B**
8. **C**
9. **B**
10. **C**

Explanations to Self-Assessment Questions

Note: Page numbers refer to the Code of Ethics, as published in the August 2009 issue of JADA (Vol. 109, #8).

1. **c. Members of the Academy who are Rds or DTRs.**

The Code of Ethics applies to the following practitioners:

- (a) In its entirety to members of ADA who are Registered Dietitians (RDs) or Dietetic Technicians, Registered (DTRs)
- (b) Except for sections dealing solely with the credential, to all members of ADA who are not RDs or DTRs; and
- (c) Except for aspects dealing solely with membership, to all RDs and DTRs who are not members of ADA. Page 1461.

2. **b. Fairness**

Principle #1 of the Code of Ethics states: The dietetic practitioner conducts himself/herself with honesty, integrity, and fairness. Page 1461.

3. **c. Values**

The Figure on p. 1462 delineates which principles of the Code of Ethics are aligned with which “ADA values.” Page 1462.

4. **c. Agree to go to lunch with your friend provided it is understood that you will pay for your own lunch.**

Principle 18 of the Code of Ethics states: “The dietetic practitioner does not invite, accept, or offer gifts, monetary incentives or other considerations that affect or reasonably give an appearance of affecting his/her professional judgment.” Page 1462.

5. **c. Principle 15: The dietetics practitioner is alert to the occurrence of a real or potential conflict of interest and takes appropriate action whenever a conflict arises.**

Page 1462.

6. **a. Recuse yourself from the discussion and decision regarding this office.**

“When a conflict of interest cannot be resolved by disclosure, the dietetics practitioner takes such other action as may be necessary to eliminate the conflict, including recusal from an office, position, or practice situation.” Page. 1462.

7. **b. Ask members of the nominating committee to withdraw from discussion and decisions regarding personal friends whose names may appear on the ballot.**

See the explanation for item #6 above. Page 1462.

An Introduction to the Code of Ethics for the Profession of Dietetics

8. c. Principle 19: The dietetics practitioner demonstrates respect for the values, rights, knowledge, and skills of colleagues and other professionals.

Page 1463.

9. b. Let her know that what she is doing is against the Code of Ethics

p. 1463.

10. c. Submit a written complaint to the Ethics Committee.

“A complaint that a member or credentialed practitioner has allegedly violated the Code of Ethics must be submitted in writing on the appropriate form to the Ethics Committee.”

“The complainant need not be a member of ADA nor a practitioner credentialed by CDR.” Page 1463.

About the Author

Wolf J. Rinke, PhD, RD, CSP is the president and founder of Wolf Rinke Associates, Inc., an accredited provider of quality pre-approved home-study CPE courses for nutrition professionals available at www.easyCPEcredits.com. Another division (www.WolfRinke.com) has been *custom* designing and delivering stimulating keynote presentations, interactive problem solving *funshops*, and highly effective consulting, coaching, and educational services since 1988. Rinke specializes in building peak-performance teams and organizations, and providing one-on-one executive coaching that leads to *dramatic improvements in performance and productivity*.

Dr. Rinke is a . . .

- Highly effective management consultant and executive coach with more than 30 years of hands-on management and leadership experience.
- Certified speaking professional (CSP*) who is internationally known for his ability to energize, entertain, and empower. (*CSP—a credential earned by fewer than 10% of professional speakers worldwide).
- Widely published author of numerous CPE programs and bestselling books such as *MAKE It a Winning Life: Success Strategies for Life, Love, and Business*; *Winning Management: 6 Fail-Safe Strategies for Building High-Performance Organizations*; and *Don't Oil the Squeaky Wheel and 19 Other Contrarian Ways to Improve Your Leadership Effectiveness*.
- Noted management, leadership, and personal development expert, ranked by *Executive Excellence* magazine among “the top 100 minds” in the field of personal and leadership development along with Tom Peters, Oprah Winfrey, Stephen Covey and others.
- Media personality featured on CNN and more than 300 other TV and radio shows.
- Highly decorated, retired lieutenant colonel of the US Army Medical Specialist Corps.
- Former adjunct associate professor of management at Johns Hopkins and U. of Maryland.

Some of the organizations that have benefited from Dr. Rinke's services include:

Am Red Cross • ARAMARK • Baxter • bil-jax • BCE Emergis (**Canada**) • Bristol-Myers Squibb • Centre for Leadership-Ontario (**Canada**) • Cigna • Delta Air Lines • Dept of Health & Human Svcs • Dole • Dong Energy (**Denmark**) • Duke Power • EAC (**Singapore**) • Giant TMC (**Malaysia**) • Institute for Management Studies • ISS A/S (**Denmark**) • Lykes Pasco • Manor Care • Marriott • Maryland Bankers Assn. • MBNA Bank • Merck • Michelin • Mississippi Power Co • Motorola • NCR • NCI • Natl Assn of Manufacturers • Natl Dairy Council • Natl Health Corp • Natl Restaurant Assn • Natl Speakers Assn • NORTEL • Office of Personnel Mgt • Ontario Hospital Assn (**Canada**) • Perez Companc (**Argentina**) • Pierce Leahy • Rockwool (**Denmark**) • SAP AG (**US & Germany**) • Sargento Foods • Select Service Partner A/S (**Denmark**) • Seneca Foods • ServiceMaster • Sinar Mas Group (**Indonesia**) • Sodexho • Sysco • Texas Instruments • Toms Gruppen A/S (**Denmark**) • UCB Pharma • US Air Force • US Army • US Foodservice • US Navy • Veterans Admin • Warner Bros. • Wyeth-Ayerst Laboratories plus numerous other companies, organizations and associations throughout North America, Europe, and the Pacific Rim.

Several of his popular CPE programs available at www.easyCPEcredits.com include:

- *Beat the Blues: How to Manage Stress and Balance Your Life*
- *Time Management: How to Stretch the Time Rubber Band*
- *Win-Win Negotiation: Fail-Safe Strategies to Help You Get More of What You Want*
- *Knock 'em Alive Presentation Skills: How to Make and Effective Presentation for 1 to 1,000*
- *Winning Management: 6 Fail-Safe Strategies for Building High-Performance Organizations*
- *How to Motivate Employees to Achieve Peak Performance*
- *How to Maximize Professional Potential and Increase Your Earning Power in Nutrition and Dietetics*
- *Manage Electronic and Traditional Meetings and Correspondence More Effectively*
- *Don't Oil the Squeaky Wheel and 19 Other Ways to Improve Your Leadership Effectiveness*
- *Delegation and Coaching: High Impact Strategies for Doing More with Less*
- *Leadership: Helping Others to Succeed*
- *Motivational Strategies to Boost Team Performance*
- *Develop a Positive Attitude: Live a Healthier and More Productive Life*

ABOUT WOLF RINKE ASSOCIATES, INC.

Wolf Rinke Associates, Inc. has provided high-quality, affordable pre-approved continuing professional education home study courses and exceptionally high levels of customer service to nutrition professionals since 1990. We have many CPE courses on nutrition, management and professional development that are **easy to earn, easy to learn, inexpensive and fun.**

In addition, Wolf Rinke Associates, Inc. is a human resources development and management consulting company dedicated to “helping organizations and individuals maximize their potential.”

We are committed to making your life easy!

For pre-approved CPEUs that are easy to earn, easy to learn, inexpensive and fun go to www.easyCPEcredits.com.

A FREE Monthly eNewsletter for YOU our Valued Customer

Dr. Rinke’s eNewsletter “*Read and Grow Rich*” is written specifically for savvy Nutrition Professionals like *YOU!* Every month you will receive high-impact, easy-to-apply strategies that will enable you to increase your personal and professional effectiveness.

Subscribe now at www.easyCPEcredits.com--you’ll be glad you did!