

ACADEMY/CDR ETHICS COMPLAINT FORM

COMPLAINT OF ALLEGED VIOLATION OF THE
ACADEMY/CDR CODE OF ETHICS FOR THE NUTRITION
AND DIETETICS PROFESSION



Please return this completed form in an envelope marked **Confidential** to:

Carrie Kiley, MBA
Senior Director, Governance & Member
Group Engagement
Academy of Nutrition and Dietetics
120 South Riverside Plaza, Suite 2190
Chicago, IL 60606-6995

This form must be completed to file a complaint under the Academy of Nutrition and Dietetics (Academy)/Commission on Dietetic Registration (CDR) Code of Ethics for the Nutrition and Dietetics Profession (Code).

To ensure public protection and maintain the credibility of CDR certificants and Academy members, the Commission and the Academy have adopted a fair and equitable process to allow individuals to bring forth issues or complaints concerning the conduct of a CDR certificant and/or an Academy member to the Commission and the Academy.

The ethics complaint procedures are intended to permit a fair resolution of Code of Ethics complaints in a manner that protects the rights of individuals while promoting understanding and ethical practice. The Ethics Committee (Committee) has the authority and flexibility to determine the best way to address violations of the Code of Ethics, including educational means where appropriate.

Preliminary Review

Upon receipt of the complaint, a preliminary review is performed. The chair of the Ethics Committee, legal counsel for the Academy of Nutrition and Dietetics, and appropriate staff will review the complaint and all submitted materials to determine if all the required information has been submitted by the Complainant and whether an ethics issue is involved. This preliminary review may, or may not, result in a Complaint proceeding under the Code of Ethics.

In the Ethics Committee's experience, many of the matters submitted as possible Code of Ethics matters are not ethics matters. Instead, the matters presented are personal, business, or employment disputes or legal matters that are not within the scope of the Code of Ethics.

If the preliminary review determines that the process should proceed, the Academy staff or chair of the Ethics Committee shall notify the Respondent (person against whom the complaint is made) that a complaint has been made and provide the Respondent with a copy of the complaint and all submitted materials.

The Ethics Committee drafted the below questions to assist you in thinking through whether an ethics complaint is appropriate based on your knowledge of the Academy/CDR Code of Ethics and the facts and circumstances of the potential ethics matter as you know them.

Before you complete the form, please consider the following information and questions which will guide your decision on how to proceed.

Is this a legal issue? Yes ☐ No ☐

Many state and federal laws apply to our profession. If a state or federal law has been violated, the issue could result in action by the Ethics Committee. However, not every violation of the law is a breach of the Academy/CDR Code of Ethics for the Nutrition and Dietetics Profession.

Is this a business issue? Yes ☐ No ☐

An issue may be a business issue, but not an ethical issue, if it arises from a business dispute or breach of a contractual obligation, or a failure to provide products or services of an expected quality. Examples include billing or contract disputes, scheduling problems or other dissatisfaction with services provided. You should not attempt to use the Code to resolve business or personal disputes.

Is this an employment issue? Yes ☐ No ☐

Employment issues can be addressed by an employer's policy or policies or can be resolved in the workplace via the appropriate structure to provide oversight (i.e., Human Resources) or through federal and state laws that protect employees. An employment issue may not be an ethical issue, such as a disagreement with a supervisor or other employee about how to conduct business. Additional examples of an employment issue include: disagreement about time or hours worked; misleading statements to supervisors, co-workers, customers, or vendors; and misusing an employer's assets. You should not use the Code to resolve employment or personal disputes.

Has this complaint been referred to any of the following or are there plans to do so?

a. A court of law:	☐ YES ☐ NO
If "yes," is a decision pending?*	☐ YES ☐ NO
Please provide details:	
b. A state board of examiners (licensing board) of medical professionals, nutrition/dietetics, or other administrative body?	☐ YES ☐ NO
If "yes," is a decision pending?*	☐ YES ☐ NO
Please provide details:	

*If a complaint is made regarding an alleged violation of the Code of Ethics for the Nutrition and Dietetics Profession 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.

If the answers to any of the questions above are "yes", please note that any complaint forms indicating that a decision is pending from a state licensure board of examiners, an administrative body, or a court of law will not be reviewed by the Ethics Committee and would need to be resubmitted.

PART I—INFORMATION ON INDIVIDUAL SUBMITTING A COMPLAINT. PLEASE COMPLETE ALL ITEMS.

1. NAME:	
2. ADDRESS:	
3. DAYTIME TELEPHONE NUMBER:	
4. EMAIL ADDRESS:	
5. UNDER WHICH STATUS ARE YOU FILING THIS COMPLAINT?	☐ CONSUMER ☐ NUTRITION & DIETETICS PRACTITIONER ☐ HEALTHCARE PROVIDER ☐ OTHER, SPECIFY
6. ARE YOU A MEMBER OF THE ACADEMY OF NUTRITION AND DIETETICS?	☐ YES ☐ NO
7. ARE YOU A CDR CREDENTIALLED PRACTITIONER?	☐ YES ☐ NO (If yes, specify RD/RDN, DTR/NDTR, or other CDR credentialed practitioner.)
8. LIST ALL PROFESSIONAL CREDENTIALS, INCLUDING LICENSURE, CERTIFICATIONS, SPECIALTIES, ETC.:	
9. PLACE OF EMPLOYMENT:	
10. POSITION/TITLE:	

PART II—NAME OF CDR CREDENTIALLED PRACTITIONER OR ACADEMY MEMBER WHO MAY HAVE COMMITTED A CODE OF ETHICS VIOLATION. PLEASE COMPLETE ALL ITEMS.

11. NAME:	
12. ADDRESS:	
1. PLACE OF EMPLOYMENT:	
2. EMPLOYER'S ADDRESS:	
3. DAYTIME TELEPHONE NUMBER:	

PART III—PLEASE COMPLETE ALL ITEMS. (REFER TO GLOSSARY OF TERMS ON LAST PAGE):

1. DESCRIBE ALLEGED ETHICS VIOLATION INCLUDING PLACE, DATE(S) AND SURROUNDING CIRCUMSTANCES. (where available, attach a list of the statement(s)/action(s) of respondent; list the objection(s) to the statement(s)/action(s) with substantiation).	
2. IDENTIFY PRINCIPLE(S) <u>and</u> STANDARD(S) OF THE CODE OF ETHICS YOU FEEL HAVE BEEN VIOLATED. CHECK ALL THAT APPLY.	<u>Principle 1:</u> ☐ Competence and professional development in practice (Non-maleficence) Standards: ☐ Practice using an evidence-based approach within areas of competence, continuously develop and enhance expertise, and recognize limitations. ☐ Demonstrate in depth scientific knowledge of food, human nutrition and behavior. ☐ Assess the validity and applicability of scientific evidence without personal bias. ☐ Interpret, apply, participate in and/or generate research to enhance practice, innovation, and discovery. ☐ Make evidence-based practice decisions, taking into account the unique values and circumstances of the patient/client and community, in combination with the practitioner's expertise and judgment. ☐ Recognize and exercise professional judgment within the limits of individual qualifications and collaborate with others, seek counsel, and make referrals as appropriate. ☐ Act in a caring and respectful manner, mindful of individual differences, cultural, and ethnic diversity. ☐ Practice within the limits of their scope and collaborate with the inter-professional team. <u>Principle 2:</u> ☐ Integrity in personal and organizational behaviors and practices (Autonomy) Standards: ☐ Disclose any conflicts of interest, including any financial interests in products or services that are recommended. Refrain from accepting gifts or services which potentially influence or which may give the appearance of influencing professional judgment. ☐ Comply with all applicable laws and regulations, including obtaining/maintaining a state license or

certification if engaged in practice governed by nutrition and dietetics statutes.

- ☐ Maintain and appropriately use credentials.
- ☐ Respect intellectual property rights, including citation and recognition of the ideas and work of others, regardless of the medium (e.g. written, oral, electronic).
- ☐ Provide accurate and truthful information in all communications.
- ☐ Report inappropriate behavior or treatment of a patient/client by another nutrition and dietetics practitioner or other professionals.
- ☐ Document, code and bill to most accurately reflect the character and extent of delivered services.
- ☐ Respect patient/client's autonomy. Safeguard patient/client confidentiality according to current regulations and laws.
- ☐ Implement appropriate measures to protect personal health information using appropriate techniques (e.g., encryption).

Principle 3:

☐ **Professionalism (Beneficence)**

Standards:

- ☐ Participate in and contribute to decisions that affect the well-being of patients/clients.
- ☐ Respect the values, rights, knowledge, and skills of colleagues and other professionals.
- ☐ Demonstrate respect, constructive dialogue, civility and professionalism in all communications, including social media.
- ☐ Refrain from communicating false, fraudulent, deceptive, misleading, disparaging or unfair statements or claims.
- ☐ Uphold professional boundaries and refrain from romantic relationships with any patients/clients, surrogates, supervisees, or students.
- ☐ Refrain from verbal/physical/emotional/sexual harassment.
- ☐ Provide objective evaluations of performance for employees, coworkers, and students and candidates for employment, professional association memberships, awards, or scholarships, making all reasonable efforts to avoid bias in the professional evaluation of others.
- ☐ Communicate at an appropriate level to promote health literacy.
- ☐ Contribute to the advancement and competence of others, including colleagues, students, and the public.

	<u>Principle 4:</u> ☐ Social responsibility for local, regional, national, global nutrition and well-being (Justice) Standards: ☐ Collaborate with others to reduce health disparities and protect human rights. ☐ Promote fairness and objectivity with fair and equitable treatment. ☐ Contribute time and expertise to activities that promote respect, integrity, and competence of the profession. ☐ Promote the unique role of nutrition and dietetics practitioners. ☐ Engage in service that benefits the community and to enhance the public's trust in the profession. ☐ Seek leadership opportunities in professional, community, and service organizations to enhance health and nutritional status while protecting the public.
3. ATTACH SUPPORTING DOCUMENTATION OF ALLEGED VIOLATION. (Do not include patients' protected health information.)	
4. LIST NAMES, ADDRESSES AND THE DAYTIME TELEPHONE NUMBERS OF PERSONS WHO HAVE KNOWLEDGE OF ALLEGED VIOLATION.	

I agree to cooperate fully with the Academy of Nutrition and Dietetics in its preliminary review of this matter. I swear/affirm that the information submitted in and with this form is true and correct to the best of my knowledge and belief. I further agree that I will keep this matter confidential.

Signature :	
Notary Public	
Subscribed and sworn to before me:	
Date:	
Signature of Notary Public:	

Glossary of Terms:

Autonomy: ensures a patient, client, or professional has the capacity and self-determination to engage in individual decision-making specific to personal health or practice.¹

Beneficence: encompasses taking positive steps to benefit others, which includes balancing benefit and risk.¹

Competence: a principle of professional practice, identifying the ability of the provider to administer safe and reliable services on a consistent basis.²

Conflict(s) of Interest(s): defined as a personal or financial interest or a duty to another party which may prevent a person from acting in the best interests of the intended beneficiary, including simultaneous membership on boards with potentially conflicting interests related to the profession, members or the public.²

Customer: any client, patient, resident, participant, student, consumer, individual/person, group, population, or organization to which the nutrition and dietetics practitioner provides service.³

Diversity: “The Academy values and respects the diverse viewpoints and individual differences of all people. The Academy’s mission and vision are most effectively realized through the promotion of a diverse membership that reflects cultural, ethnic, gender, racial, religious, sexual orientation, socioeconomic, geographical, political, educational, experiential and philosophical characteristics of the public it services. The Academy actively identifies and offers opportunities to individuals with varied skills, talents, abilities, ideas, disabilities, backgrounds and practice expertise.”⁴

Evidence-based Practice: Evidence-based practice is an approach to health care wherein health practitioners use the best evidence possible, i.e., the most appropriate information available, to make decisions for individuals, groups and populations. Evidence-based practice values, enhances and builds on clinical expertise, knowledge of disease mechanisms, and pathophysiology. It involves complex and conscientious decision-making based not only on the available evidence but also on client characteristics, situations, and preferences. It recognizes that health care is individualized and ever changing and involves uncertainties and probabilities. Evidence-based practice incorporates successful strategies that improve client outcomes and are derived from various sources of evidence including research, national guidelines, policies, consensus statements, systematic analysis of clinical experience, quality improvement data, specialized knowledge and skills of experts.²

Justice (social justice): supports fair, equitable, and appropriate treatment for individuals¹ and fair allocation of resources.

Non-Maleficence: is the intent to not inflict harm.¹

References:

1. Fornari A. Approaches to ethical decision-making. *J Acad Nutr Diet.* 2015;115(1):119-121.

2. Academy of Nutrition and Dietetics Definition of Terms List. June, 2017 (Approved by Definition of Terms Workgroup Quality Management Committee May 16, 2017). Accessed October 11, 2017.

<http://www.eatrightpro.org/~media/eatrightpro%20files/practice/scope%20standards%20of%20practice/academydefinitionoftermslist.ashx>

3. Academy of Nutrition and Dietetics: Revised 2017 Standards of Practice in Nutrition Care and Standards of Professional Performance for Registered Dietitian Nutritionists. *J Acad Nutr Diet.* 2018; 118: 132-140.

4. Academy of Nutrition and Dietetics “Diversity Philosophy Statement” (adopted by the House of Delegates and Board of Directors in 1995).