

## Draft Regulation

Professional Code  
(chapter C-26)

### Code of ethics of dietitians

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Code of ethics of dietitians, as adopted by the board of directors of the Ordre des diététistes-nutritionnistes du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The Regulation determines the general and special ethical duties that must be discharged by every member of the Ordre des diététistes-nutritionnistes du Québec towards the public, their clients and their profession, including the duty to discharge their professional obligations with integrity. The Regulation also contains provisions to prevent conflict of interest situations, forbid any act involving collusion, preserve professional secrecy, set out conditions and procedures applicable to the exercise of the rights of access to the client's record, and governing advertising by members of the Order.

The Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

Further information on the Regulation may be obtained by contacting Josée De La Durantaye, Director General and Secretary, Ordre des diététistes-nutritionnistes du Québec, 550, rue Sherbrooke Ouest, Tour Ouest, bureau 1855, Montréal (Québec) H3A 1B9; telephone: 514 393-3733 or 1 888 393-8528; email: secretaire@odnq.org.

Any person wishing to comment on the Regulation is requested to submit written comments within the 45-day period to Annie Lemieux, Secretary of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments may be forwarded by the Office to the Minister Responsible for Government Administration and Chair of the Conseil du trésor and may also be sent to the Ordre des diététistes-nutritionnistes du Québec and to interested persons, departments and bodies.

ANNIE LEMIEUX  
*Secretary, Office des professions du Québec*

## Code of ethics of dietitians

Professional Code  
(chapter C-26, s. 87).

### CHAPTER I GENERAL

**1.** This Code determines the duties and obligations of all dietitians.

**2.** Dietitians may not exempt themselves, even indirectly, from a duty or obligation set out in this Code.

### CHAPTER II DUTIES AND OBLIGATIONS TOWARDS PATIENTS, THE PUBLIC AND THE PROFESSION

#### DIVISION I GENERAL DUTIES

**3.** Dietitians must take reasonable steps to ensure that every person they employ or who collaborates with them in the practice of the profession, and every partnership, company or organization within which they practise, complies with the Professional Code (chapter C-26) and the regulations under it and with any other law or regulation governing the practice of the profession.

**4.** Dietitians must not, in the practice of the profession, commit acts which are contrary to a law or regulation or advise, recommend or induce any person to do so.

**5.** Dietitians have an overriding duty to protect and promote the health and well-being of the patients to whom they provide professional services both individually and collectively. They must in particular, for that purpose, promote measures that support education and information in their field of professional practice.

**6.** Dietitians must, in the practice of the profession, take into account all the consequences that their research, work and interventions may have on public health.

**7.** Dietitians must conduct themselves with dignity, courtesy, respect and integrity in their relations with others. They must, in particular,

(1) collaborate in the provision of professional services and seek to establish and maintain harmonious relations;

(2) give their opinion and recommendations as soon as possible after being consulted;

(3) refrain from denigrating others, abusing their trust, voluntarily misleading them, betraying their good faith or engaging in unfair practices;

(4) refrain from taking credit for work not performed by them;

(5) give fair, honest and substantiated opinions;

(6) avoid discriminating against, harassing, bullying or threatening others.

**8.** Dietitians may not do anything or behave in any way that is contrary to professional practice or generally recognized scientific information, or that is likely to compromise the honour, dignity or integrity of the profession or to break the link of trust between the public and the profession.

**9.** Dietitians must, in the practice of the profession, take into account their abilities and knowledge, their limitations and the means at their disposal.

**10.** Dietitians must not commit an act involving collusion, corruption, malfeasance, breach of trust or influence peddling or participate in the commission of any such act.

**11.** Dietitians must not, with respect to a patient's record or any report, register, receipt or other document connected with the practice of the profession,

(1) falsify a record, report, register, receipt or document, in particular by altering any notes already entered or by inserting any notes under a false signature;

(2) fabricate a false record, report, register, receipt or document;

(3) enter false information in a record, report, register, receipt or document; or

(4) amend a record, report, register, receipt or document or destroy it in whole or in part without justification.

**12.** Dietitians must use the title or initials reserved for dietitians in their practice of the profession.

**13.** When dietitians perform activities that are unrelated to the profession, in particular in connection with an employment, function or responsibility or the operation of an enterprise, they must ensure that such activities do not compromise their compliance with this Code, in particular as regards the honour, dignity and integrity of the profession, and comply with generally recognized professional standards and scientific information.

**14.** Practice in the field of naturopathy is incompatible with practice of the profession of dietitian.

**15.** Dietitians who work in another trade or profession must indicate clearly to their patients in which capacity they are providing professional services.

**16.** Dietitians may not evade or attempt to evade their professional liability. In particular, they are prohibited from

(1) accepting a waiver relieving them from all or some of their professional liability for a fault committed in the practice of the profession;

(2) accepting a waiver relieving the partnership, company or organization within which they perform professional activities from all or part of its liability for a fault committed by them;

(3) invoking the liability of the partnership, company or organization within which they perform professional activities against their patient.

**17.** Dietitians must ensure that the name of a partnership or company within which they practise does not derogate from the honour or dignity of the profession.

**18.** Dietitians may not reproduce the graphic symbol of the Order. However, they may use the logo designed by the Order specifically for dietitians.

Dietitians must ensure that a partnership or company within which they practise does not reproduce the graphic symbol of the Order.

## DIVISION II QUALITY OF THE PROFESSIONAL RELATIONSHIP

**19.** Dietitians must seek to establish a relationship of trust with their patient.

**20.** Dietitians must avoid any conduct that may harm their patient's physical or mental integrity.

**21.** Dietitians must respect their patient's privacy, in particular by refraining from collecting information on and exploring aspects of their patient's private life that have no connection with the practice of the profession.

**22.** Dietitians must refrain from intervening in their patient's personal affairs in areas that have no connection with the practice of the profession.

**23.** Dietitians must refrain from abusing the professional relationship they establish with their patient.

More specifically, they must, for the duration of their professional relationship, refrain from having sexual relations with their patient, or making sexual gestures or comments.

The duration of the professional relationship is established on the basis, in particular, of the nature of the professional services provided and their duration, the patient's vulnerability and the likelihood of the provision of professional services in the future.

**24.** Dietitians must, in the practice of the profession, be reasonably available and diligent.

**25.** Dietitians must inform their patient as soon as possible of any action taken while providing a professional service that may be prejudicial to the patient. They must note the action in the patient's record and take the necessary steps to limit the consequences of the action.

**26.** Dietitians may not, except for just and reasonable cause, refuse or cease to provide professional services. Just and reasonable cause includes

(1) an inability to establish or maintain a relationship of trust with the patient;

(2) a risk that the ongoing provision of professional services may, in the dietitian's view, cause the patient more harm than good;

(3) a situation of real or apparent conflict of interest or a context in which the dietitian's professional independence could be questioned;

(4) incitement by the patient or a person in the patient's close circle to perform an illegal, unjust or fraudulent act;

(5) abusive behaviour by the patient, which may include harassment, threats or aggressive or sexual actions;

(6) a failure by the patient to respect the agreed conditions for the provision of professional services, including the payment of fees, and the impossibility of negotiating a reasonable agreement with the patient to re-establish them;

(7) a decision by the dietitian to reduce or terminate his or her practice.

Before ceasing to provide professional services to a patient, dietitians must send the patient prior notice of their intention, and ensure that the cessation of services will not be prejudicial to the patient. Where applicable, they must offer to help the patient look for another dietitian. This paragraph does not apply in a situation referred to in one of subparagraphs 4 to 6 of the first paragraph.

**27.** Dietitians must, at all times, recognize the patient's right to consult another dietitian, a member of another professional order or any other competent person.

### DIVISION III CONSENT

**28.** Except in an emergency dietitians must, before beginning to provide professional services, obtain free and informed consent from their patient or from their patient's legal representative or, in the case of a child aged under 14, from the holder of parental authority or tutor.

**29.** Dietitians must ensure that the patient, the patient's legal representative, the holder of parental authority or the tutor receives a relevant explanation of the means by which professional services will be provided and the nature, aim and possible consequences of the assessment and nutritional treatment, including the feeding route. When several nutritional treatments are possible, dietitians must explain them to the patient. Dietitians must help the patient make an informed decision, and respect the decision made.

**30.** Dietitians must inform their patient and ensure that the patient understands that it is possible to refuse all or some of the professional services offered and to cease receiving them at any time. They must ensure that the patient understands the possible consequences of such a refusal or cessation. Where applicable, they must present alternative nutritional care options and respect the patient's decision.

**31.** For the duration of the professional services provided, dietitians must ensure that the patient's free and informed consent is ongoing. Dietitians must, at all times, recognize the patient's right to withdraw consent.

### DIVISION IV QUALITY OF PRACTICE

**32.** Dietitians must discharge their professional obligations with integrity and loyalty.

**33.** Dietitians must refrain from practising in conditions or states that compromise the quality of the professional services provided or the dignity of the profession.

**34.** Dietitians must practise their profession in accordance with professional standards and generally recognized scientific information. They must, in particular, enhance and update their knowledge and skills.

**35.** Dietitians must refrain from expressing an opinion, giving advice or making a decision without having full knowledge of the facts.

**36.** Dietitians must assess the nutritional state of the patient and ensure that they have all the necessary information before determining, extending or changing a nutritional treatment plan. They may not omit or exaggerate a need in their assessment of a patient's needs.

**37.** Dietitians who have assessed a patient's nutritional state and determined an intervention plan or nutritional treatment plan, including the appropriate feeding route, must take the necessary steps to monitor it, unless they have ensured that it will be monitored by another dietitian or authorized person.

**38.** If required in the patient's interest, dietitians must consult or refer the patient to another dietitian or a member of another professional order for treatment or monitoring.

**39.** Dietitians must refrain from conducting examinations, investigations or treatments that are insufficiently tested, except when taking part in a research project in accordance with section 63.

**40.** When using tools, measuring instruments, materials and tests, dietitians must interpret the data obtained with care and in accordance with professional standards and generally recognized scientific information. They must take into account the factors that may affect their validity and reliability, including their inherent limits, the patient's specific characteristics, and the context for the assessment.

**41.** Dietitians may not use products or methods that may have a harmful effect on health or dispense treatments that are insufficiently tested or do not comply with professional standards and generally recognized scientific information.

They may not consult, collaborate with, or refer a patient to a person who uses or promotes such products, methods or treatments.

**42.** When a patient wishes to rely on a treatment that is insufficiently tested, dietitians must inform the patient of the lack of scientific proof concerning the treatment, of the possible risks or consequences, and of the potential advantages of scientifically proven treatments, if any.

**43.** Dietitians must refrain from making false claims about their competence, the products or methods they use, or the extent and efficacy of their professional services or those generally provided by dietitians or, where applicable, by the persons collaborating with them.

## DIVISION V PROFESSIONAL SECRECY

**44.** Dietitians must respect the secrecy of all confidential information brought to their attention in the practice of the profession.

**45.** To preserve professional secrecy, dietitians

(1) must apply reasonable protection measures at all times, in particular when they, or other persons collaborating with them, use information technologies such as artificial intelligence;

(2) refrain from conducting indiscrete conversations, in particular on social media, concerning a patient or the professional services provided to a patient, from participating in such conversations, or from revealing the fact that a person has had recourse to their services, including by providing information that allows that person to be identified;

(3) take reasonable steps to ensure that every collaborator, every person under their supervision and every partnership, company or organization within which they practise respects professional secrecy;

(4) must not use information of a confidential nature to the detriment of a patient or with a view to gaining an undue advantage, directly or indirectly, for themselves or for others;

(5) limit the transmission of confidential information within an interdisciplinary team to the information that is useful, relevant and necessary to the achievement of the objectives defined;

(6) when intervening with a group, inform the members of the group of the possibility that an aspect of their private lives or of the private life of a third person may be revealed and that the members must respect the confidential nature of such information.

**46.** Dietitians who communicate information protected by professional secrecy in order to ensure the protection of a person in accordance with the third paragraph of section 60.4 of the Professional Code (chapter C-26) must

(1) communicate only the information needed for the purpose targeted by the communication;

(2) mention, when communicating the information,

(a) their name and their membership in the Ordre des diététistes-nutritionnistes du Québec;

(b) that the information to be communicated is protected by professional secrecy;

(c) the nature of the threat that it is necessary to prevent;

(d) the identity and, if possible, the contact information of the person or persons exposed to the threat, when the information is communicated to their representative or to the persons able to provide assistance;

(3) record the following information as soon as possible in the record of the patient concerned:

(a) the ground for the decision to communicate the information;

(b) the information communicated and the mode of communication used;

(c) the name and contact information of any person to whom the information has been communicated and the date and time of communication.

#### **DIVISION VI** ACCESS TO RECORDS AND RECTIFICATION

**47.** When dietitians practise in a setting governed by a law that provides specific rules about access by patients to their records and the rectification of their contents, they must help ensure compliance with those rules and facilitate their enforcement.

In other cases, they must comply with the provisions of sections 27 to 41 of the Act respecting the protection of personal information in the private sector (chapter P-39.1) and help patients exercise the rights set out in the Act. Those provisions are completed by the provisions of this Division.

**48.** Dietitians who refuse to agree to an application for access or rectification must enter the reasons for the refusal in the patient's record and file, in the record, a copy of the decision forwarded to the patient.

**49.** Dietitians must, as soon as possible and not later than 30 days after receiving it, respond to a written application from a patient requesting the return of any document entrusted to them by the patient.

**50.** Dietitians must, as soon as possible and not later than within 30 days, respond to a written application from their patient to transfer all or part of the patient's record to another dietitian or to a professional member of another professional order.

#### **DIVISION VII** INDEPENDENCE, IMPARTIALITY AND CONFLICT OF INTEREST

**51.** Dietitians must remain objective and subordinate their personal interest and that of their employer, their collaborators, the partnership, company or organization within which they practise or the third party paying their fees, to the interest of their patient.

**52.** Dietitians must safeguard their professional independence at all times, in particular

(1) by ignoring any intervention by a third person that could influence their professional judgment, the scientific content they publish, or the performance of their professional activities to the detriment of their patient, a group of individuals or a population group;

(2) by avoiding using their professional relationship to obtain benefits of any nature for themselves or a third person;

(3) by informing their patients or the public, as the case may be, of their ties to an enterprise working in a field connected with the professional services they provide for patients or with the information they provide to the public.

The information referred to in subparagraph 3 of the first paragraph must be communicated to patients and the public without ambiguity.

**53.** Dietitians must avoid placing themselves in a position of real or apparent conflict of interest. They must take appropriate steps to identify potential conflicts of interest and avoid any resulting situation of conflict of interest.

In particular, they are in a conflict of interest when the interests are such that they may tend to favour certain of them over those of their patient, or where their integrity and loyalty towards the patient may be affected.

**54.** As soon as they realize that they are in a conflict of interest, dietitians must refuse to act, refuse to take part in a decision or cease to act, except if they are able to resolve the conflict through safeguarding measures with the consent of their patient or patients.

When practising within a partnership or company, situations of conflict of interest must be assessed with respect to all the patients of the partnership or company.

**55.** To rule on any matter relating to a situation of conflict of interest or to assess the effectiveness of safeguarding measures, the following aspects must be taken into account:



- (1) compliance with the duties and professional obligations of dietitians;
- (2) protection of the public and the maintaining of public trust in the profession;
- (3) the nature of the professional services provided;
- (4) the nature of the situation of conflict of interest;
- (5) the nature of the interests involved.

**56.** Dietitians must, when they become aware of a situation of conflict of interest and take safeguarding measures, ensure that the following information and documents remain in the record:

- (1) the nature of the situation of conflict of interest identified;
- (2) the safeguarding measures applied and the way in which they are expected to remedy the conflict of interest;
- (3) the date and a description of the disclosure made to each patient concerned and the document confirming the consent obtained.

**57.** Dietitians must not urge a person insidiously, pressingly or repeatedly to retain their professional services or to participate in a research project.

**58.** Dietitians must avoid performing unwarranted professional acts or unnecessarily increasing the number of such unwarranted acts, and must refrain from performing acts that are inappropriate or disproportionate to the patient's needs.

**59.** Dietitians who provide professional services to a patient in the course of their practice within an organization must not incite the patient to become their private patient.

**60.** Dietitians who are authorized to prescribe may only write a prescription if it is clinically necessary. In addition, they must respect the patient's right to have the prescription filled at the place and by the person of the patient's choice.

**61.** Except for the remuneration to which they are entitled, dietitians must refrain from receiving, paying or offering to pay any benefit, rebate or commission relating to the practice of the profession except for customary tokens of appreciation and gifts of small value.

**62.** When dietitians provide services to several persons with divergent interests, they must state their obligation of impartiality and the specific actions they will take to provide professional services.

## DIVISION VIII RESEARCH

**63.** Dietitians who participate in any way in a research project involving persons must ensure that the project has been approved and is monitored by a recognized research ethics committee. They must refer to and comply with the methodology approved by the committee and ensure that the project complies with generally recognized standards in the fields of research ethics and scientific integrity.

**64.** Dietitians must ensure that a person participating in a research project or, where applicable, the person's legal representative,

- (1) has been informed about the objectives of the project and the manner in which it will be conducted, and about the advantages, risks or disadvantages connected with participation;

- (2) has been informed about the project's reliance on an insufficiently tested treatment or technique;

- (3) has given free and informed consent;

- (4) has been informed that the consent given may be withdrawn at any time;

- (5) has been informed about the measures taken to protect the confidentiality of the information collected for the project.

**65.** Where the carrying out of a research project may cause prejudice to persons or the community, dietitians who participate in the project must advise the research ethics committee or another appropriate authority.

**66.** After advising the research ethics committee or another appropriate authority, dietitians must cease all participation or collaboration in a research project if the disadvantages for the participants appear to outweigh the expected benefits.

## DIVISION IX FEES

**67.** Dietitians must charge and accept fair and reasonable fees. To determine their fees, they must consider, in particular,

- (1) their experience and expertise;

- (2) the time required to provide the professional services;

- (3) the nature and complexity of the professional services provided;

- (4) the competence or celerity needed to deliver professional services.

**68.** Dietitians must inform their patient in advance of the nature and approximate cost of their professional services, and the terms of payment.

Dietitians must produce an intelligible, detailed statement of fees setting out the terms of payment.

Dietitians must provide all the explanations necessary to understand the statement of fees.

**69.** Dietitians may, after first informing their patient,

(1) charge administrative fees for an appointment missed or cancelled by the patient according to predetermined and agreed-upon conditions, those fees not to exceed the amount of the lost fees;

(2) charge fees supplementary to those reimbursed by a third person.

**70.** Dietitians may share their fees only to the extent that such sharing corresponds to a distribution of the professional services provided and the responsibilities assumed and does not affect their professional independence.

**71.** Dietitians must not propose or agree to produce a false receipt for any person or to provide, in any way whatsoever, information that is false or unverified, in particular to obtain insurance coverage.

**72.** Dietitians who practise within a partnership, company or organization must ensure that the fees and costs for the professional services they provide are always indicated separately on any invoice or statement of fees that the partnership, company or organization sends to the patient.

**73.** Except for legal interest, dietitians may charge interest on overdue accounts only at the rate agreed on with the patient in writing. The rate agreed on must be reasonable.

#### **DIVISION X** **ADVERTISING AND PUBLIC STATEMENTS**

**74.** For the purposes of this Division, the term “advertising” includes any sponsored content produced by dietitians.

“Sponsored content” means the communication by a dietitian, in particular in the form of an article, blog post, educational tool, image or recipe, of content developed in return for remuneration, a grant or another recompense paid by an enterprise working directly or indirectly in the field of food or nutrition.

**75.** Dietitians may not make or allow to be distributed, by any means, advertising that is false, misleading, incomplete or likely to deceive or that contains information that is contrary to professional standards or generally recognized scientific information.

**76.** Dietitians may not use their professional title in advertising or a public statement that is not connected to the practice of the profession.

**77.** In advertising or a public statement, dietitians

(1) must demonstrate professionalism and not denigrate the profession, the Order or its members;

(2) must use clear language that ensures that the target audience receives suitable information, in particular when addressing persons with no particular knowledge of the subject;

(3) may not use, or allow to be used, any supporting testimony or testimonial concerning them that is false, misleading or intended to raise false hope;

(4) must refrain from giving a mercantile image of the profession, in particular by allowing their professional title to be used in association with a product or service with the goal of selling or promoting its sale by a third person;

(5) must declare the nature of any connection they have with an enterprise with which they have established an agreement concerning the product or service and ensure that the declaration is made unambiguously;

(6) may not associate their professional title, or allow it to be associated, with the promotion of the sale or use of a medication, natural health product, nutritional formula, medical product, laboratory test or any other product or method that is not scientifically recognized.

In addition to the above, in connection with sponsored content, dietitians must ensure that only educational information is presented that allows the public to make an informed choice, promotes access to nutritional care and promotes the health of individuals, communities and population groups.

**78.** Dietitians who act as representatives for a product or service may not act in a way that misleads the public or creates a false impression.

**79.** Dietitians must not falsely present a product as an integral part of a nutritional treatment or nutritional intervention.

**80.** Dietitians who state their professional fees in advertising must specify

(1) the nature and scope of the professional services included in the fees;

(2) the period during which the fees and professional services advertised are valid.

The information must be of a nature to inform members of the public with no particular knowledge about nutrition.

**81.** Dietitians are responsible for the content of the advertising or public statements concerning nutritional services made by a partnership, company or organization within which they practise, unless they establish that the advertising or declaration was made without their knowledge and consent and despite the specific steps they have taken to comply with the rules of this Code and, where applicable, the other laws and regulations referred to in section 3.

**82.** Dietitians must keep a copy of every advertisement for a period of one year following the date on which it was last published or broadcast. The copy must be given on request to the syndic, an inspector, the director of professional inspection or a member of the professional inspection committee.

**83.** Dietitians may not allow their professional title or their membership of the Order to be displayed on product packaging or containers.

#### DIVISION XI PROFESSIONAL COMMITMENT AND COLLABORATION

**84.** To the extent of their possibilities, qualifications and experience, dietitians must contribute to the development and quality of the professional by sharing their knowledge and experience, in particular by acting as placement supervisors, clinical instructors or mentors, participating in training activities and maintaining a dialogue with colleagues.

#### DIVISION XII RELATIONSHIP WITH THE ORDER

**85.** Dietitians must collaborate with Order in upholding its mandate to protect the public. For that purpose, they must, in particular,

(1) inform the Order, as soon as possible, that a person is appropriating the titles or initials reserved for dietitians, using a title, abbreviation or initials that lead to the belief that the person is a dietitian, or unlawfully pursuing activities reserved for dietitians;

(2) report to the syndic of the Order when they have reason to believe in the existence of a situation likely to affect the competence or integrity of another dietitian;

(3) report to the syndic of the Order when they have reason to believe that a dietitian has contravened the Professional Code (chapter C-26), a regulation under it, including this Code, or any other law or regulation governing the practice of the profession;

(4) report to the syndic of the Order when they have reason to believe that a partnership, company or organization within which dietitians practise is not ensuring appropriate conditions that allow them to comply with the Professional Code or a regulation under it, including this Code;

(5) respond promptly to any verbal or written request from the secretary of the Order, a syndic, a member of the review committee, the director of professional inspection, a member of the professional inspection committee, an inspector of the committee, an investigator or an expert;

(6) respect any agreement made with one of the persons referred to in paragraph 5.

**86.** To the extent possible, dietitians must accept a request from the Order to sit on its disciplinary council, review committee, professional inspection committee or council of arbitration of accounts, or to perform any other function needed to protect the public.

**87.** When they are served with a complaint or informed that an investigation is being held into their conduct or professional competency, or into that of persons who collaborate with them or perform activities within the same partnership, company or organization, dietitians may not contact the person with whom the complaint originated or any other person involved, without prior written permission from the syndic.

#### CHAPTER III FINAL PROVISIONS

**88.** This Code replaces the Code of ethics of dietitians (chapter C-26, r. 97).

**89.** This Code comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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