

Code of Ethics for the Profession of Dietetics

The American Dietetic Association and its Commission on Dietetic Registration have adopted a voluntary, enforceable code of ethics. This code, entitled the Code of Ethics for the Profession of Dietetics, challenges all members, registered dietitians, and dietetic technicians, registered, to uphold ethical principles. The enforcement process for the Code of Ethics establishes a fair system to deal with complaints about members and credentialed practitioners from peers or the public.

The first code of ethics was adopted by the House of Delegates in October 1982; enforcement began in 1985. The code applied to members of The American Dietetic Association only. A second code was adopted by the House of Delegates in October 1987 and applied to all members and Commission on Dietetic Registration credentialed practitioners. A third revision of the code was adopted by the House of Delegates on October 18, 1998, and enforced as of June 1, 1999, for all members and Commission on Dietetic Registration credentialed practitioners.

The Ethics Committee is responsible for reviewing, promoting, and enforcing the Code. The Committee also educates members, credentialed practitioners, students, and the public about the ethical principles contained in the Code. Support of the Code of Ethics by members and credentialed practitioners is vital to guiding the profession's actions and to strengthening its credibility.

PREAMBLE

The American Dietetic Association and its credentialing agency, the Commission on Dietetic Registration, 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 a Code of Ethics to reflect the values and ethical principles guiding the dietetics profession and to outline commitments and obligations of the dietetics practitioner to client, society, self, and the profession.

The Ethics Code applies in its entirety to members of The American Dietetic Association who are Registered Dietitians (RDs) or Dietetics Technicians, Registered (DTRs). Except for sections solely dealing with the credential, the Code applies to all members of The American Dietetic Association who are not RDs or DTRs. Except for aspects solely dealing with membership, the Code applies to all RDs and DTRs who are not members of The American Dietetic Association. All of the aforementioned are referred to in the Code as "dietetics practitioners." By accepting membership in The American Dietetic

Association and/or accepting and maintaining Commission on Dietetic Registration credentials, members of The American Dietetic Association and Commission on Dietetic Registration credentialed dietetics practitioners agree to abide by the Code.

PRINCIPLES

1. The dietetics practitioner conducts himself/herself with honesty, integrity, and fairness.
2. The dietetics practitioner practices dietetics based on scientific principles and current information.
3. The dietetics practitioner presents substantiated information and interprets controversial information without personal bias, recognizing that legitimate differences of opinion exist.
4. The dietetics practitioner assumes responsibility and accountability for personal competence in practice, continually striving to increase professional knowledge and skills and to apply them in practice.
5. The dietetics practitioner recognizes and exercises professional judgment within the limits of his/her qualifications and collaborates with others, seeks counsel, or makes referrals as appropriate.
6. The dietetics practitioner provides sufficient information to enable clients and others to make their own informed decisions.
7. The dietetics practitioner protects confidential information and makes full disclosure about any limitations on his/her ability to guarantee full confidentiality.
8. The dietetics practitioner provides professional services with objectivity and with respect for the unique needs and values of individuals.
9. The dietetics practitioner provides professional services in a manner that is sensitive to cultural differences and does not discriminate against others on the basis of race, ethnicity, creed, religion, disability, sex, age, sexual orientation, or national origin.
10. The dietetics practitioner does not engage in sexual harassment in connection with professional practice.
11. The dietetics practitioner provides objective evaluations of performance for employees and coworkers, candidates for employment, students, professional association memberships, awards, or scholarships. The dietetics practitioner makes all reasonable effort to avoid bias in any kind of professional evaluation of others.
12. The dietetics practitioner is alert to situations that might cause a conflict of interest or have the appearance of a conflict. The dietetics practitioner provides full disclosure when a real or potential conflict of interest arises.

13. The dietetics practitioner who wishes to inform the public and colleagues of his/her services does so by using factual information. The dietetics practitioner does not advertise in a false or misleading manner.
14. The dietetics practitioner promotes or endorses products in a manner that is neither false nor misleading.
15. The dietetics practitioner permits the use of his/her name for the purpose of certifying that dietetics services have been rendered only if he/she has provided or supervised the provision of those services.
16. The dietetics practitioner accurately presents professional qualifications and credentials.
 - a. The dietetics practitioner uses Commission on Dietetic Registration awarded credentials ("RD" or "Registered Dietitian"; "DTR" or "Dietetic Technician, Registered"; "CSP" or "Certified Specialist in Pediatric Nutrition"; "CSR" or "Certified Specialist in Renal Nutrition"; and "FADA" or "Fellow of the American Dietetic Association") only when the credential is current and authorized by the Commission on Dietetic Registration. The dietetics practitioner provides accurate information and complies with all requirements of the Commission on Dietetic Registration program in which he/she is seeking initial or continued credentials from the Commission on Dietetic Registration.
 - b. The dietetics practitioner is subject to disciplinary action for aiding another person in violating any Commission on Dietetic Registration requirements or aiding another person in representing himself/herself as Commission on Dietetic Registration credentialed when he/she is not.
17. The dietetics practitioner withdraws from professional practice under the following circumstances:
 - a. The dietetics practitioner has engaged in any substance abuse that could affect his/her practice;
 - b. The dietetics practitioner has been adjudged by a court to be mentally incompetent;
 - c. The dietetics practitioner has an emotional or mental disability that affects his/her practice in a manner that could harm the client or others.
18. The dietetics practitioner complies with all applicable laws and regulations concerning the profession and is subject to disciplinary action under the following circumstances:
 - a. The dietetics practitioner has been convicted of a crime under the laws of the United States which is a felony or a misdemeanor, an essential element of which is dishonesty, and which is related to the practice of the profession.
 - b. The dietetics practitioner has been disciplined by a state, and at least one of the grounds for the discipline is the same or substantially equivalent to these principles.
 - c. The dietetics practitioner has committed an act of misfeasance or malfeasance which 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.
19. 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 alleged violations of the Code through the defined review process of The American Dietetic Association and its credentialing agency, the Commission on Dietetic Registration.

CONSIDERATION OF ETHICS ISSUES

Committee

A 3-person committee, comprised of members of The American Dietetic Association and/or Commission on Dietetic Registration credentialed practitioners, will be appointed to handle all ethics matters. One person will be appointed each by the President of The American Dietetic Association, the Chairperson of the Commission on Dietetic Registration, and the Speaker of the House of Delegates. Terms of office will be for 3 years. Initial terms will be staggered to allow for continuity. The American Dietetic Association President's initial appointment will serve for 3 years; the Chairperson of the Commission on Dietetic Registration's initial appointment will serve for 2 years; and the Speaker of the House of Delegates' initial appointment will serve for 1 year. Thereafter, each appointee will serve for 3 years. The chairmanship will rotate among the 3 Committee members. The American Dietetic Association President's appointment will serve first as chair followed in sequence by the Commission on Dietetic Registration Chairperson's and the HOD Speaker's appointments.

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 individuals to understand the Code of Ethics.

Ethics Opinions

The Committee may issue opinions on ethics issues under the Code 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 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 1 year of the date that the complainant (person making complaint) first became aware of the alleged violation or within 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 The American Dietetic Association or a practitioner credentialed by the Commission on Dietetic Registration.

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 The American Dietetic Association, and appropriate staff will review the complaint to determine if 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 persons making the preliminary review determine that the process should proceed, the 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 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/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.

4. *Ethics Committee Review*

If the chair of the Ethics Committee deems it appropriate, after consultation with legal counsel and appropriate staff, he/she will submit the complaint and the response to the Ethics Committee for review.

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 on 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/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 18 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.

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 The American Dietetic Association 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 American Dietetic Association President, the Commission on Dietetic Registration 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 ($\frac{2}{3}$) 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*

The American Dietetic Association will bear the costs for the Ethics Committee, legal counsel, staff, and any other parties called by The American Dietetic Association. The American Dietetic Association will bear the travel and one 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 hearing, except expenses for travel and hotel as stated above.

D. *Decision*

The Ethics Committee will render a written decision specifying the reasons therefor 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 be acquitted;
- 2) Educational opportunities be pursued;

- 3) The respondent be censured, placed on probation, suspended, or expelled from The American Dietetic Association; and/or
- 4) The credential of the respondent be suspended or revoked by the Commission on Dietetic Registration of The American Dietetic Association.

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

7. *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.

Probation: A directive to allow for correction of behavior specified in Principle 17 of the Code of Ethics for the Profession of Dietetics. It may include mandatory participation in remedial programs (eg, education, professional counseling, 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. The American Dietetic Association 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, 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 5-year period has elapsed or sooner if the basis for the expulsion has been removed, with payment of a reinstatement fee. Must meet membership requirements in effect at the time of 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 the Commission on Dietetic Registration. Time frame—Specified time for reapplication to be decided on a case-by-case basis, but, at a minimum, current recertification requirements would need to be met. A credential will not be issued until the Commission on Dietetic Registration determines that the reasons for revocation have been removed.

8. *Appeals*

A. *General*

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

The American Dietetic Association President, the Chairperson of the Commission on Dietetic Registration

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 The American Dietetic Association 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 comply with the following:

- 1) The appeal must be in writing and contain, at a minimum, the following information:
 - a) The decision being appealed
 - b) The date of the decision
 - c) Why the individual feels the decision is wrong or was improperly rendered (See 8, E, "Scope of Review," below)
 - d) The redress sought by the individual
 - e) 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.
- 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 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 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*

The American Dietetic Association will bear the costs for the Appeals Committee, staff and legal counsel, and any parties called by The American Dietetic Association. The American Dietetic Association 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.

9. *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 American Dietetic Association organizational units, Commission on Dietetic Registration, 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 appeals a decision to discipline him/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.

10. *Recordkeeping*

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

B. Information will be provided only upon written request and affirmative response from The American Dietetic Association's legal counsel.

11. *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 American Dietetic Association witnesses will be the responsibility of the Committee chair or staff liaison.

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

F. The Committee chair will stress the importance of confidentiality 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 The American Dietetic Association offices. All other materials that were mailed or distributed to committee members should be returned to The American Dietetic Association 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, The American Dietetic Association legal counsel, and staff directly involved with the appeal.