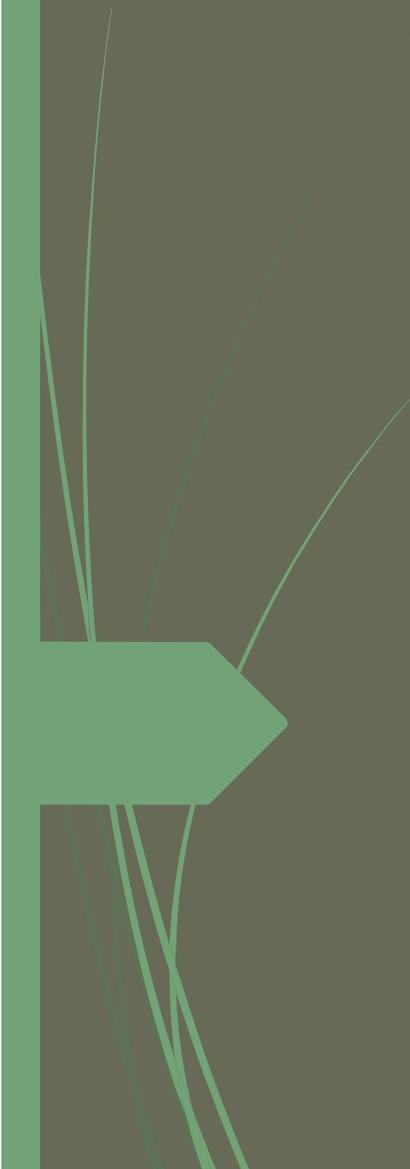




# Welcome

- We are recording this webinar:
  - You are in listen only mode
  - Please enter any questions you may have in the chat box
  - The recording will be posted on the [www.FPIND.org](http://www.FPIND.org) website



# Ethics in our Modern World with Social Media and More

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# Learning Objectives

At the end of this session, the participant will be able to:

- *Identify with and adhere to the code of ethics for the profession*
- *Demonstrate and apply leadership skills regarding ethical behavior*
- *Reflect, integrate and evaluate using critical thinking when faced with ethical problems, issues and challenges*

# Why do we care about ethics?

- Nearly all major health professions have a code of ethics Even attorneys require 3 ethics hours a year
- We were one of the first professional associations to formalize our Code of Ethics
- Separates us from the quacks
- Assures our members practice ethically
- Code provides guidance to dietetics practitioners in their professional practice and conduct.
- Gut check?





# Ethics General Information

- Ethics are standards of behavior you ought to live by
- Integrity is how consistent you are at following your ethical standards
- Ethics are influenced by: Your values, your understanding of the roles you play; and your understanding of the obligations and dilemmas of those roles
- Integrity is influenced by your skills, knowledge and your character



# Ethics Definitions

- Ethics vs. Morals
- Ethics and morals are NOT always the same
- Morals = personal views of values
  - Beliefs related to moral issues such as drinking, sex, gambling
  - Can reflect influence of religion, culture, family and friends
  - Ethics transcends cultural, religious and ethnic differences



# Personal vs Professional

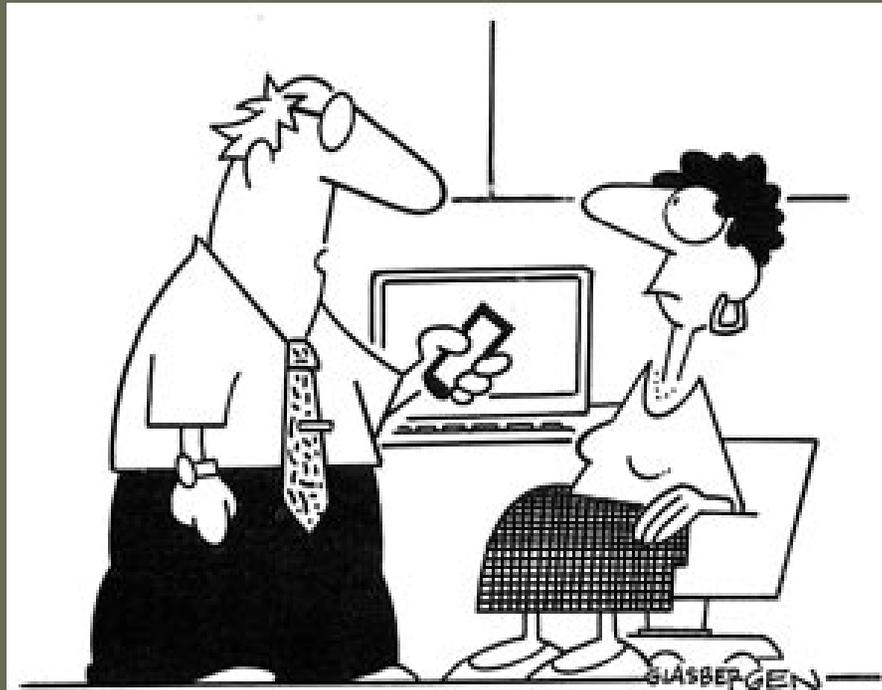
- Personal Ethics vary amongst people
- Professional Ethics are agreed upon behaviors by everyone in that profession, including students in our Academy
- Situational ethics can be challenging:
  - Would you ever steal?
  - Would you ever lie to another colleague?
  - Would you return \$500 if found on floor?



# Today's talk is about our professional Code of Ethics

- ▶ We were one of the first health professions to have a comprehensive code of ethics. There have been several modifications and I understand we are beginning to revise the current one.
- ▶ Emphasis today is on conflicts and social media concerns
- ▶ Law is also evolving in this arena

# Social Media is Everywhere



*"They moved my cubicle  
to my smartphone."*



# Benefits vs risks?

- Despite the risks associated with using social media as a professional, the unprecedented opportunities this revolutionary technology brings to our profession include:
  - promote greater competency and responsibility,
  - foster community,
  - and educate the public about good nutrition.
- E-mail technology likely had its early detractors and, yet, virtually all of us are now highly dependent on e-mail in our daily practice.
- Ten years from now, we may similarly view social media as an essential tool for our practices.



# Can be risky

- ▶ In a content-driven environment like social media where some users are accustomed to casually commenting on day-to-day activities, including work-related activities,
- ▶ Must be especially careful to avoid posting *any* information that could conceivably violate confidentiality obligations.
- ▶ This includes the casual use of geo-tagging in social media posts or photos that may inadvertently reveal your geographic location when traveling on confidential client business.



# Sharing a few legal stories

- ▶ Reviewed several cases where lawyers were reprimanded for writing about confidential client information.
- ▶ Spoke vaguely about some clients being just too stupid.
- ▶ Dietitian in England did something similar about her obese patient.

# Continued legal cases

- ▶ In a more extreme example, the Illinois Supreme Court in *In re Peshek*, [M.R. 23794](#) (Ill. May 18, 2010) suspended an assistant public defender from practice for 60 days for, among other things, [blogging about clients](#) and implying in at least one such post that a client may have committed perjury.





# Be responsible for what you write

- ▶ Oren Michels, CEO of [Mashery](#), explains that “people tend to interpret having the ‘right’ to express themselves online as implying a lack of consequences when they say stupid things.” That's not the case. Your organization and its representatives need to take responsibility for what they write, and exercise good judgment and common sense.
- ▶ *“[Dooiced](#)” is an Internet expression that means to [lose one's job](#) because of things one says on one's website or blog. No one wants that to happen, of course, so using common sense and being responsible is important.*

# Consider Your Audience

- ▶ When you're out in the blogosphere or Twitterverse or other social media channels, remember that your readers include current clients, potential clients, as well as current/past/future employees.
- ▶ Consider that before you publish and make sure you aren't alienating any of those groups.





# Use Good Judgment

- ▶ Refrain from comments that can be interpreted as slurs, demeaning, inflammatory, etc. The Internet is full of varied opinions, and it's okay to share yours, but you never, never, never want to be branded a racist or narrow-minded or an unstoppable hot-head
- ▶ Your employees should understand that companies can and will monitor employee use of social media and social networking web sites, even if they are engaging in social networking or social media use away from the office
- ▶ Law continues to evolve in this area



# Employee concerns

- Have you ever hit SEND and tried unsuccessfully to get it back?
- Employees should always think twice before hitting 'send'; consider what could happen if your organization sees what the employee publishes on the Internet and how that may reflect not just on the employee, but also the company.
- Do you have authority to speak on behalf of company?
- Bottom line: good judgment is paramount regardless of whether an employee's online comments relate directly to their job

# Respect copyrights and fair use

- ▶ This should be a no-brainer,
- ▶ *Always* give people proper credit for their work, and make sure you have the right to use something with attribution before you publish.
- ▶ This also means you need to disclose if you are getting paid by a company to endorse their products.
- ▶ Your disclosure needs to be clear and visible.





# Times are changing...

- Adhere to your organization's social media policy.
- They are also changing daily!
- I recommend disclosing even if not required.
- If you have any conflicts, they need to be disclosed.
  - Paid by beef council and advocating eating more beef
  - Speaker at meetings being paid by industry
  - May still be allowed to participate in discussions

# Health Professionals and conflicts

- ▶ If any health professional uses social media to give advice to patients and the public without revealing drug industry ties or other information that may bias their opinions and potentially create legal action.
- ▶ Disclose if you have ties with drug or industry companies, just like you are required to do for journals and research.





# AMA Medical Ethics

- Provide competent medical care, with compassion and respect for human dignity and rights
- Uphold the standards of professionalism, be honest in all interactions and report physicians deficient in character or competence, or engaging in fraud or deception
- Respect the law
- Respect the rights of patients, colleagues and other health professionals and safeguard privacy of patients
- Continue to study and advance scientific knowledge



# Medical Ethics continued

- Free to choose whom to serve except during emergencies
- Recognize a responsibility to participate in activities contributing to the improvements of the community and public health
- Responsibility to the patient is paramount
- Shall support access to medical care for all people



# Tips for Avoiding Ethical Lapses on Social Media

- Avoid making false or misleading statements
- Do Not Disclose Privileged or Confidential Information
- Disclose needed conflicts
- Be sure your computer is encrypted
- Do not accept gifts for posting information unless it is possibly your form of employment
- Don't do anything online that you wouldn't do in person

# How is our code set up?

19 principles divided into categories to assist use and understanding

Fundamental Principles  
#1-2

Responsibilities to the Public  
#3-7

Responsibilities to Clients  
#8-11

Responsibilities to the Profession  
#12-18

Responsibilities to Colleagues and Other Professionals  
#19



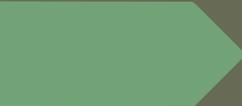
# Major Principles Condensed Version

- 1. Always acting with honesty, integrity and fairness
- 2. Supporting high standards of professional practice
- 3. Considers health, safety and welfare of public at all times
- 4. Complies with all laws and regulations
- 5. Individualize practice
- 6. Do not engage in false or misleading practices
- 7. Withdraw from practice if can't fulfill obligations
- 8. Do not practice above your qualifications



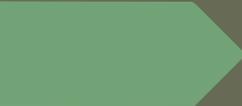
# Principles Continued

- 9. Treat clients and patients with respect
- 10. Keeps confidential information protected
- 11. Complies with all responsibilities to public as well as clients
- 12. Evidenced based practice
- 13. Interprets controversial information without personal bias. Legitimate differences of opinion can exist
- 14. Life long responsibility for personal practice
- 15. Conflicts of interest must be disclosed



# Principles Continued

- 16. Permits use of name only if provided services
- 17. Accurately presents professional credentials
- 18. Does not invite, accept or offer gifts
- 19. Demonstrates respect for skills of colleagues and other professional



# Need to report ethical violations

- Must be in writing
- Must contain details of the activities complained of; and
  - The basis for complainant's knowledge of these activities,
  - Names, address and phone numbers of all people with knowledge of activities and
  - whether it has been submitted to another court, licensure board or administrative body
  - Must include principles of Code violated
  - Signed
  - Forms on our website



# Academy of Nutrition and Dietetics Code of Ethics

▶ Principle Number 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 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.

# Code of Ethics

- ▶ Principle Number 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.*





# Principle 18 continued

- ▶ It shall not be a violation of the 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.



# Principle 18 continued

- ▶ 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.
- ▶ No gifts at Vanderbilt

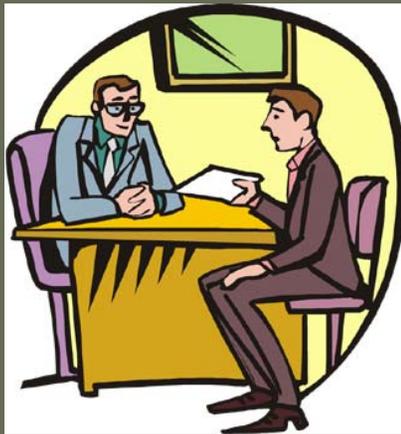
# Principle 18

- ▶ 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



# Practical ethics 101

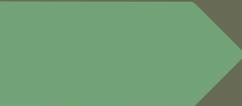
- ▶ Many of the matters brought to the Ethics Committee are not always ethics matters. Instead, they may be business disputes, employment disputes or legal matters.



# Specific violations of code needed

- ▶ It's an ethical issue if there is a violation of established rules or standards governing the conduct of a person or the members of our profession. To be an ethical issue, it must be specific to one of the 19 principles of our Code of Ethics.





# Business issue?

- ▶ An issue may be a business issue, but not an ethical issue or could be both. If the issue arises from a business dispute or breach of a contractual obligation or failure to provide an agreed product or service.  
Examples:
  - ▶ Contract dispute
  - ▶ Wrong products delivered
  - ▶ Dissatisfaction with services



# Legal issues

- ▶ Legal issues can be local, state, or federal law violations. If a law or regulation has been violated, the issues might result in further action by the Ethics Committee, but it might not.
  - ▶ Examples:
    - ▶ Traffic tickets
    - ▶ Fraudulent billing of clients
    - ▶ Falsely completing a tax return



# Employment issues

- ▶ Employment issues should usually be addressed by the employers policies and procedures. Personnel departments will provide direction to employees and employers. It may or may not be an ethical issue.
- ▶ Examples:
  - ▶ Disagreement with supervisor about how to conduct business
  - ▶ Disagreement with time worked
  - ▶ Misusing an employer's assets (Legal also)

# Case Studies

- ▶ Now lets look at some actual or made up case scenarios





# Case study

You are a dietitian writing a weekly blog for a non-profit organization. You received \$100 honorarium from the heart association as a student 20 years ago. Would you need to disclose that information on the blog if you were writing about the importance of reducing fats in your diet?

Ethical Issue? Business issue? Employment issue? Legal?

# Case study

- ▶ On your personal FACEBOOK page, you write about one of your patients. You do not give her name, but describe her noncompliance and state her weight being over 300 pounds. Is this an ethical issue, business issue, legal issue or none of the above?
- ▶ Ethical Issue? Business issue? Employment issue? Legal?



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# Case study

- ▶ You are serving on your affiliate board. Your employer has agreed to pay for your time when you are at the board meeting. How does this affect what you have to disclose vs. conflict of interest?

Ethical Issue? Business issue? Employment issue? Legal?



# Case study

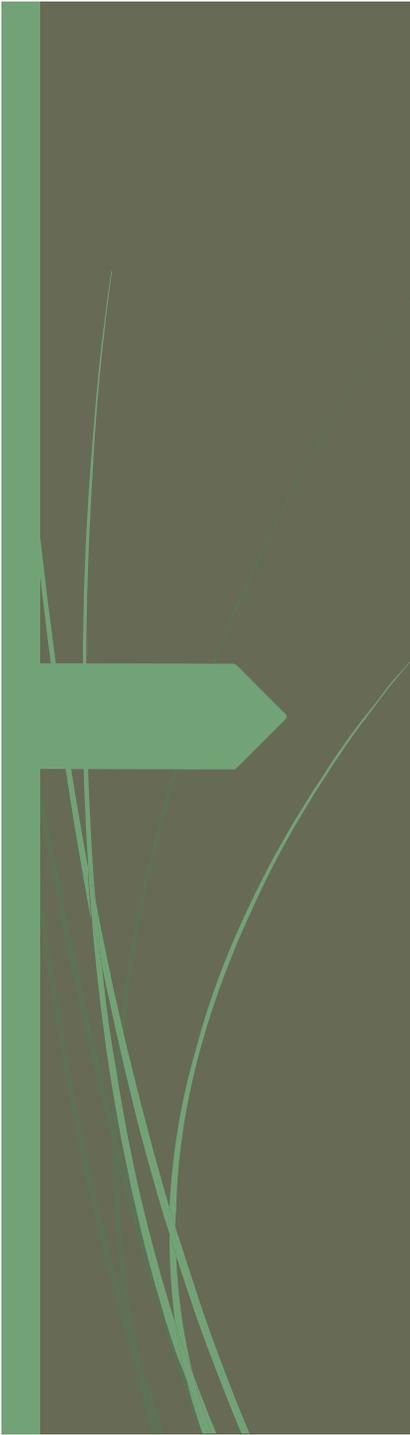
- ▶ While serving on an Academy Positions Paper committee, you are invited to speak at a conference that is sponsored by the company who is also sponsoring your work. The 2 projects are separate - do I need to disclose?
- ▶ Ethical Issue? Business issue? Employment issue? Legal?



# Case studies

- ▶ You are working for a large indigent hospital. You have been asked by the administrator of the hospital to write an article on your blog on importance of eating only organic foods. Do you write the article?

Ethical Issue? Business issue? Employment issue? Legal?



# Questions

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# Thank you for Participating

- You will receive your CEU certificates via email
- If you are listening to the recording of this session and would like to receive a CEU certificate, email the code word that was given during the session to:

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