

## Standard of Practice: Conflict of Interest

### Standard of Practice

Naturopathic doctors must address all situations and circumstances that may result in a real, potential or perceived conflict of interest in a manner that is responsible, ethical and accountable.

### Introduction

A conflict of interest is a situation in which a person has a private or personal interest that does or may appear to influence the objective exercise of their role as a naturopathic doctor. A conflict of interest, if not dealt with properly, may leave doubt about the objectivity of a particular decision-making process by naturopathic doctors. It is important to note that all types of conflicts of interest are equally problematic. While the definitions of conflicts of interest provided in this document describe what a conflict of interest is, they may not capture all possible conflicts of interest.

### Definitions

**Accountability:** the obligation to answer for the professional, ethical and legal responsibilities of one's activities and duties.

**Conflicting advantage:** a financial or non-financial (i.e. personal gain or benefit) consideration to a naturopathic doctor that might reasonably conflict or appear to conflict with his or her duty to a patient.

**Inducement:** any incentive to encourage a business transaction.

**Perceived conflict of interest:** where a neutral and reasonably-informed person would reasonably conclude that the naturopathic doctor has been improperly influenced in how they carry out their duties, even if that is not actually the case.

**Potential conflict of interest:** where a neutral and reasonably-informed person, would reasonably conclude that the naturopathic doctor may fail to fulfill their professional obligation to act in the best interest of the patient due to outside influences.

**Product:** any device and substance that does not qualify as a drug.

**Real conflict of interest:** when a naturopathic doctor has a private or personal interest of which he or she is aware, that is connected with their professional responsibilities and would reasonably influence the ability to objectively carry out their duties; a real conflict of interest exists whether or not the naturopathic doctor is subjectively influenced by the private interest and regardless of whether they obtain personal conflicting advantage.

**Service:** any work performed by a person or professional.

**Standard:** an authoritative statement that describes the minimum required behaviour of every naturopathic doctor and is used to evaluate individual conduct.

**Substance:** anything that is publicly available and which may include botanical tinctures, botanical powders or loose herbs, fluid/solid extracts, base creams, salves and ointments, homeopathic remedies, vitamins, minerals and amino acids.

**Naturopathic doctors demonstrate this standard by:**

1. addressing any real, potential or perceived conflicts of interest in the best interest of the patient using the **CNDA Guideline: Evaluating, Addressing and Resolving a Conflict of Interest**;
2. making full, frank and timely disclosure to the CNDA Registrar about any real, potential or perceived conflicts of interest for themselves or a related person;
3. following any instructions provided by the CNDA Registrar with regards to disclosed conflict(s) of interest, as above;
4. making full, frank and timely disclosure of any real, potential or perceived conflicts of interest to the patient, regardless of whether the naturopathic doctor has obtained consent from the CNDA Registrar to remain in the conflict of interest;
5. inform the patient that they may select an alternate health care provider or product and, where possible, provide the name of at least one comparable health care provider or product;
6. not entering into agreements in which they or a related person receives a conflicting advantage related to:
  - a) the number of services provided or delivered, or
  - b) number or type of referrals made or received;
7. ensuring that they must not:
  - a) seek or accept any conflicting advantage for a referral, service or product provided by another regulated professional to a patient,
  - b) offer an inducement to another regulated health care professional conditional on providing a referral, service or product to a patient, or
  - c) encourage another person to offer or accept an inducement conditional on providing a referral, service or product to a patient;
8. not referring a patient to any facility or healthcare business separate from the naturopathic doctor's practice in which the naturopathic doctor has a direct or indirect financial interest unless the naturopathic doctor has the prior approval of the CNDA Registrar, and is able to substantiate compliance with the following on request:
  - a) any interest or conflicting advantage the naturopathic doctor receives is directly attributable to the naturopathic doctor's proportionate financial contribution or effort provided to that facility,
  - b) there are no terms or conditions that relate any conflicting advantage to the naturopathic doctor to past or expected volume of patient referrals or other business from the naturopathic doctor to the facility, and
  - c) there are no terms or conditions that require the naturopathic doctor to make referrals to the facility or otherwise generate business for the facility; and
9. avoiding, either professionally or personally, soliciting, allowing the solicitation of, or involving patients in the selling of multi-level marketing products or devices for the conflicting advantage of the naturopathic doctor.

### Expected Outcomes

Patients are satisfied that:

- naturopathic doctors practice in an honest, accountable and ethical manner; and
- the actions of naturopathic doctors are in the sole interest of achieving the patient's health goals.

### Related Documents

*Naturopaths Profession Regulation*

CNDA Code of Ethics

CNDA Guideline: Evaluating, Addressing and Resolving a Conflict of Interest

CNDA Standard of Practice: General

CNDA Standard of Practice: Selling

