

# COLLEGE OF DIETITIANS OF BRITISH COLUMBIA

## COMPLAINT OUTCOME REPORT

Ic06/Case 0501.Rcd of IC outcome (final) Dec 8 06

### CASE #05-01

#### **Complaint**

The complainant, who is living in an institutional setting, requested a specialized diet. The registrant provided counseling but denied the complainant's diet requests due to the lack of evidence supporting the requested diet for the purpose stated. The complainant's physician subsequently ordered the specialized diet and although the registrant disagreed with the diet order, the resident received a satisfactory portion of the recommended diet. When transferred to a new facility, the specialized diet did not follow. The registrant worked at both facilities. The complainant states the registrant:

- refused the complainant's original request for the specialized diet
- refused to submit the physician's diet order to the kitchen because the dietitian was unhappy with the complainant "going over the dietitian's head... to get approval for the diet"
- on two facility transfers, refused to submit the order to the kitchen which resulted in the complainant not receiving the specialized diet, and
- used unprofessional language when talking with the complainant.

#### **Investigation Process**

The investigation was conducted in accordance with Part 3 of the *Health Professions Act* (the Act) and consisted of reviewing correspondence from the complainant and the registrant, interviewing the registrant and the facility's Chief of Health Services (CHS) in-person and by telephone, and reviewing of the complainant's health records (a written release was granted).

#### **Resolution of Complaint**

On June 6, 2006 the Inquiry Committee considered all relevant information and the legislation and resolved to take no action against the registrant. The Committee concluded the registrant's conduct and competence was satisfactory for the following reasons:

1. In this institution, diets may be ordered by physicians and dietitians but a dietitian does not have the authority to override a physician's diet order and a physician-ordered diet does not have to be approved by the dietitian. There is no evidence to support the dietitian interfered with the complainant receiving the diet. (Reference: Code of Ethics, Principles 1 and 5)
2. Admission protocol during a resident's transfer is for the admitting physician to reorder any medical or other treatments provided at the previous facility. The registrant was not responsible for re-ordering the diet. (Reference: Code of Ethics, Principles 1 and 5)
3. The registrant refused to order the specialized diet and documented the offer of a complete nutritional assessment, including a referral to a physician. This is a normal standard of competent dietetic practice. The complainant declined the offer and discontinued the appointment. (References: Standards of Practice, Standard 3 and Code of Ethics, Principles 3 and 4)
4. There is no evidence to support the use or disuse of unprofessional words and the complainant and the registrant were alone when they were supposedly said. The registrant spoke respectfully of the facility residents at all times which was supported by the head administrator. (Reference: Code of Ethics, Principle 1)

When informed of the Inquiry Committee's decision, the complainant requested the Board review the decision in accordance with section 34(2) of the Act. After conducting a full review of the case documents and investigation process, the CDBC Board is satisfied with the Inquiry Committee's decision. In accordance with section 34(4)(a) of the Act, the case is closed.

#### **Legislative Authority for Inquiry Committee and Board Actions**

*Health Professions Act*, sections 33(6)(a) and 34(4)(a).