

## **PART IV.I CONFLICT OF INTEREST**

**14.** A member shall not act in a professional capacity while in a conflict of interest. O. Reg. 31/13, s. 1.

**14.1** A member is in a conflict of interest if the member's professional or ethical duty to a client, including a duty to exercise professional judgment in the client's interest,

- (a) conflicts, appears to conflict or potentially conflicts with the member's personal or financial interest; or
- (b) is influenced or appears to be influenced by the furthering of another person's personal or financial interest. O. Reg. 31/13, s. 1.

**14.2** Without limiting the generality of section 14.1, a member is in a conflict of interest when the member, directly or indirectly,

- (a) accepts a rebate, credit or other benefit that is related to the member referring a client to any other person;
- (b) offers, makes or confers a rebate, credit or other benefit to a person that is related to the referral of a client to the member;
- (c) offers, makes or confers a rebate, credit or other benefit to a client with respect to a service where the service is paid in whole or in part by a third party, other than the provision to a client, at no charge, of a product of nominal value to be used in the maintaining or promoting of well-being or oral health;
- (d) accepts, makes or confers a rebate, credit or other benefit relating to any dental hygiene materials or equipment, including materials or equipment intended to be provided to a client, that influence or appear to influence the exercise of the member's professional judgment respecting the purchase or use of the materials or equipment;
- (e) uses, without reasonable consideration, any premises, dental hygiene materials or equipment provided by a person who inappropriately benefits from providing the premises, dental hygiene materials or equipment by or to the member;
- (f) enters into an agreement or arrangement that influences or appears to influence the member's ability to properly exercise his or her professional expertise or judgment, or causes another member to enter into an agreement or arrangement of such a nature;
- (g) engages, with respect to the practice of the profession, in any form of revenue, fee or income sharing with any person except,

- (i) with another member,
  - (ii) with a member of another College to which the Health Professions Procedural Code applies, or
  - (iii) in accordance with a written agreement that states that the member retains responsibility for and control over all aspects of his or her professional practice, including, but not limited to, record keeping and billing;
- (h) charges a client differing amounts for the same good or service depending on whether the client pays directly or indirectly; or
- (i) inappropriately ties professional services to the provision of other regulated or non-regulated health care services provided by the member. O. Reg. 31/13, s. 1.

**14.3** A member is in a conflict of interest if the member participates in an arrangement that constitutes a conflict of interest as described in this Part even if the arrangement is not initiated by the member, but by a partner, associate, employer, client or other person. O. Reg. 31/13, s. 1.

**14.4** (1) A member is not in a conflict of interest in connection with making a recommendation about a treatment or product to a client that has the potential to benefit a person who is in a non-arm's length relationship to the member if, before making the recommendation, the member,

- (a) discloses to the client the nature of the benefit;
- (b) discloses to the client the nature of the relationship between the member and the person in the non-arm's length relationship;
- (c) advises the client that professional services provided to the client will not be affected if the client chooses to decline the member's recommendation. O. Reg. 31/13, s. 1.

(2) A member is not in a conflict of interest in connection with making a recommendation about the referral of a client by the member to a person who is in a non-arm's length relationship with the member if, before making the recommendation, the member,

- (a) discloses to the client the nature of the relationship between the member and the person in the non-arm's length relationship; and
- (b) advises the client that professional services provided to the client will not be affected if the client chooses to decline the recommended referral. O. Reg. 31/13, s. 1.