

Guidelines for Self-Employed Dietitians and Nutritionists

Introduction

More and more, dietitians are choosing to work in a self-employed capacity. Today, dietitians can be found working in private practice settings, as part of medical or multidisciplinary clinics, private consulting, or in business (e.g., project management). The purpose of this document is to provide regulated members with information, support and guidance so that those wishing to work in a self-employed capacity may practice in a competent, safe and ethical manner.

Accountabilities

- Dietitians working in a self-employed capacity are accountable to ensure that their dietetics and business practices are ethical and consistent with the expectations of the profession and the public.
- Dietitians in every practice setting are accountable for their actions (which include inactions) at all times.
- Self-employed dietitians practice to the same standard as employed dietitians (e.g., expectations to practice according to the nutrition care process and document as one would as an employee).
- Dietitians working in a self-employed capacity should work collaboratively with clients and other care providers to provide comprehensive care and services.

Legislation and Regulatory Requirements

What are the legislative and regulatory requirements for working in a self-employed capacity?

Despite your area of practice, you must accept the obligation to protect clients, the public, and the profession by upholding the *Standards of Practice*, College of Dietitians of Alberta (CDA) *Code of Ethics*, provincial and federal legislation, as well as CDA policies.

Although the *Code of Ethics* applies to all dietitians, if you are working in or wish to begin working in a self-employed capacity, it is crucial that you are familiar with section 3.0 of the *Code*.

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Skills and Experience

Do I need specific skills to work in a self-employed capacity, such as private practice?

Dietitians working in a self-employed capacity may be faced with a broad scope of issues requiring knowledge, skills and experience beyond entry to practice expectations. Solid clinical nutrition and/or food service experience, strong business aptitude, effective organizational and record keeping skills, marketing skills and strong communication skills are required.

How much experience do I need to start my own private practice?

The knowledge and skills required to work in private practice are often beyond those that can be attained through the completion of an undergraduate degree in nutrition and internship. Although the College does not have specific requirements for entering into private practice, it is advised that regulated members have experience before practicing independently. Ideally, you should have a minimum of 3-5 years of experience working in dietetics.

Are there supports available to me if I work in a self-employed capacity?

One of the drawbacks of working in a self-employed capacity is that it can be very isolating. In the absence of direct supervision, it is important for you to establish a solid support network. The Consulting Dietitians Network of Dietitians of Canada accepts request for mentors. It is recommended that, if you have limited experience, you ensure that you have access to either regular supervision or a peer mentor.

Business Practices

How do I start a business?

When starting a business, there are countless matters to consider. It is your responsibility to be informed about acceptable business practices, including legal and financial requirements. It is recommended that you obtain legal and business advice before starting your business. In addition, there are a number of helpful resources available that provide guidance including the Consulting Dietitians Network of Dietitians of Canada's manual entitled "Dietitians in Private Practice: A Guide for the Consultant" which can be obtained for a small fee by contacting the Network.

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Do I need to register my private practice as a business?

To carry on business in Alberta, either on your own or with partners where you wish to (1) to operate without legally incorporating the business; and (2) to use a business name that is different from your personal name(s), you are required to register your business with the Corporate Registry Services. For more information on registering your business, visit www.servicealberta.ca. Requirements to register a business depend on the type and structure of the business. There are specific processes, forms and fees associated with different business types. For information on registering your business in Alberta go to: <http://www.albertacanada.com/business/invest/register-your-business.aspx>

Are there best practices available for dietitians working in private practice?

Yes. The Consulting Dietitians Network of Dietitians of Canada has created a document that outlines best business practice characteristics for dietitians working in private practice. The resource can be accessed free of charge by contacting the Consulting Dietitians Network.

Highlights:

- Have access to a confidential voicemail which clearly states your company information
- Ensure the safety and security of client records in lockable office/drawers when not in use
- Have a procedure in place to back up and secure electronic records to protect against unauthorized use
- Include a statement of privacy in all emails, computer and fax cover sheets
- Have access to a private office for meeting with current and potential clients
- Respond to client inquiries within 72 hours
- Be available to answer client questions prior to an initial appointment
- Offer flexible appointment times to meet client needs
- Obtain consent prior to providing service
- Establish and consistently implement a policy for client payment and missed appointments
- Offer a method to obtain anonymous feedback, and
- Fully disclose industry partnerships

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Outside of the best practice, am I required to have specific policies and procedures in place?

Yes. Policies are important in any business as they help you to remain consistent and protect both you and the clients you serve. When developing policies and procedures, they should be in keeping with both provincial and federal legislation (appendix) and CDA policies.

Specifically, the *Health Information Act (HIA)* requires custodians of personal information to:

- Prepare and make readily available a *Notice of Purposes* outlining the purpose of the collection, use and disclosure of personal information
- Have a policy for *Retention and Destruction Schedule*
- Put into place information practices that:
 - a. Meet the requirements of the Act and Regulations
 - b. Are reasonable in the circumstances, and
 - c. Ensure that personal health information in your custody or under your control is protected against theft or loss of information and unauthorized access to, use or disclosure
- Implement, maintain and comply with a *Complaint Policy* for an individual to make a complaint under the Act
- Prepare and make available a written *Privacy Statement* about your information practices and

For more information on your requirements under *HIA*, refer to the document “Health Information Act: Guidelines and Practices Manual”.

<http://www.health.alberta.ca/documents/HIA-Guidelines-Practices-Manual.pdf>

In addition to *HIA* requirements, you should have a:

- *Consent to Treatment* form
- *Electronic Counseling* policy
- Policy that outlines how payment will be received, which includes fees for cancellation

What do I do if I am contacted by a client whose needs are outside of my personal competence?

As a dietitian, you assume the responsibility and accountability for your personal competence in practice, and are required to only practice within your personal level of competence. As you

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grow your business, it may be tempting to accept every client that seeks your services. As a member of a self-regulated profession, you must uphold your responsibility to provide all services competently to protect the safety of the public. In doing so, you are responsible to evaluate the scope of your knowledge, skills and experience. If you do not have the personal competence to assist a client, you are obligated under the *Code of Ethics*, section 2.1 (10) to be honest with the client and to refer them to a regulated health professional who is qualified in the practice area. Even after many years of working in a self-employed capacity, it is important that you recognize that you may not have established the personal competence to serve every potential client who seeks your services.

Record Keeping

What sort of documentation am I required to keep?

Prior to providing any service, you must obtain documented informed consent. Informed consent means providing the client with information regarding the nature of the treatment or service to be provided along with its expected benefits, possible risks and side effects, alternative courses of action and the likely consequences of no treatment (College of Physicians on Ontario). Consent must relate directly to the intended treatment/service (which includes fees, services and/or billing practices), be based on full disclosure of the likely risks and benefits, and be given voluntarily.

Good record keeping allows you to meet professional, legal and ethical obligations. Accurate and complete health records must be created as part of the services you provide. You are expected to document care according to generally accepted professional practice and business standards and in compliance with any provincial and/or federal legislation. Your professional obligations are the same for services delivered in person or via technology, in Alberta or via electronic practice outside of Alberta. Please refer to the College's position statement on Electronic Practice in Alberta, found on the CDA website.

Fees and Financial Management

How do I establish fees?

Establishing fees can be tricky. Your fees must be fair, reasonable and appropriate for the services rendered. Before establishing fees, you should be aware of standard rates for dietetic services in your area. Unreasonable/inappropriate fees or mismanagement of fees (including failure to claim income) may be considered professional misconduct.

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In addition to establishing fair and reasonable fees, your fees should be pre-established and communicated (including accepted methods of payment) prior to provision of any service. Fee guidelines are available free of charge from the Consulting Dietitians Network of Dietitians of Canada.

I really don't make a lot of money in my business; do I need to claim it?

Absolutely. No matter how much or how little income you make in a self-employed capacity, you are required to claim it.

For more information on claiming self-employed income including information regarding GST, refer to the Canada Revenue Agency's Checklist for Small Businesses.

What are the requirements for maintaining financial records?

It is always a good idea to consult a small business accountant for advice. Financial records should be kept in accordance with the requirements outlined by the Canada Revenue Agency. No matter how big or small your business, you are required to maintain comprehensive financial records including but not limited to a reliable invoicing system and accurate financial accounting.

Liability and Conflict of Interest

Do I need liability insurance?

All practicing Dietitians require liability insurance. Self-employed Dietitians or Dietitians who do not have employer provided insurance must purchase their own liability insurance. There are a variety of places where you can purchase liability insurance, including Dietitians of Canada or through Sheppard Insurance. There is a link to Sheppard Insurance on the CDA website.

What is considered a conflict of interest and how do I handle it?

As a healthcare professional, you are in a position of trust and must not use your position to influence personal or financial gain. A **conflict of interest** occurs when you have personal interests that may improperly influence your professional judgment (Cohen, 2009). A conflict of interest may arise in a transaction that involves you, a member of your family, or a corporation owned or controlled by you or a member of your family.

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It is your responsibility to disclose to relevant others (e.g., your clients) any perceived or actual conflicts of interest at the first possible opportunity. Failure to do so could be seen as professional misconduct. Where discussions about conflict of interest have occurred, it is essential that you document them. If you are working for another employer in addition to operating your business, you should be upfront and honest with them regarding your self-employment.

Examples of conflict of interest include (Cohen, 2009):

- Accepting gifts, rebates, credits or other benefits for referring a client to any other service or program
- Offering, making or conferring a rebate, gift, credit or other benefit for receiving a client referral from another professional
- Pressuring clients to participate in research that directly benefits you (including monetary benefit or status)
- Selecting a foodservice supplier on the basis that the supplier offers a substantial gift, or other personal benefit to you (i.e., paying for you to attend a conference)
- Entering into any lease or use of premises or equipment arranged under which the amount payable by or to you or related person corresponding to the amount of fees charged by you, or the volume of clients seen by you
- If also employed, referring clients to yourself from your place of employment to your private practice.

Advertising and Marketing

I want to advertise my business, are there requirements I must follow?

Yes. The purpose of advertising is to provide information so that potential clients can make informed decisions. Advertising must be ethical, truthful, accurate, professional, verifiable and tasteful and must not mislead the public. In your advertising, it is **inappropriate** for you to:

- Guarantee results
- Promote or imply that you are capable of achieving results not achievable by other dietitians or by improper means
- Compare the quality and costs of your services and products with those of another dietitian or other health care professional

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- Endorse or recommend the exclusive use of a product or brand used or sold in your practice
- Include information that could be interpreted to be endorsement of you or your practice such as client testimonials
- Include services that do not fall within the professional scope of practice of dietetics or within your personal competence
- Use your professional title and/or designation or make reference to being a regulated member of the dietetics profession with respect to any product or service that is unrelated to dietetics

The fundamental principles of honesty, integrity and fairness outlined by the *Code of Ethics* apply to all forms of marketing and communications including blogs and social media. For more information on general advertising standards, refer to the Canadian Code of Advertising Standards.

Do I have to maintain a record of my advertisements?

Yes. You should retain copies of all advertisements and maintain a record of when and where the advertisement was made. You should also be prepared to provide a copy to the College or Canada Revenue Agency upon request.

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Additional Resources

Below is a list of additional resources that you may find helpful.

Canada's Anti-Spam Legislation

(Available from Canada's Anti-Spam Legislation at <http://fightspam.gc.ca/eic/site/030.nsf/eng/home>)

Dietitians in Private Practice: A Guide for the Consultant

(Available from the Consultant Dietitians Network of Dietitians of Canada for a nominal fee)

Employee or Self-Employed?

(Available from the Canada Revenue Agency at <http://www.cra-arc.gc.ca/E/pub/tg/rc4110/>)

Making Nutrition Your Business: Private Practice and Beyond

(Available from the Academy of Nutrition and Dietetics for a fee)

Record Keeping Guidelines for Registered Dietitians in Ontario

(Available from the College of Dietitians of Ontario).

Starting a Private Practice – Do you have what it takes?

(Available from Today's Dietitian at www.todaysdietitian.com/newarchives/080112p22.shtml)

Starting a Small Business in Canada

(Available from Business Development Bank of Canada at www.bdc.ca/EN/articles-tools/start-buy-business/Pages/default.aspx)

Responsibilities of Custodians and Health Information Act Administration Checklist

(Available at <http://www.health.alberta.ca/documents/HIA-Appx3-4-Responsibilities-Components.pdf>)

Registering a Business Name

Available at Service Alberta: www.servicealberta.ca/register-a-business-name.cfm

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