

Chapter 2

Dietetic Regulation

CHAPTER OVERVIEW

- Regulation of Health Professions
- Health Professions Legislation Reform
- Health Professions Act Amendments
 - Standards of Practice
 - Patient Relations Program
- Key Regulatory Responsibilities of the College of Dietitians of Alberta
 - Registration & Practice Permits
 - Professional Practice Standards
 - Continuing Competence
 - Professional Conduct
 - Additional Regulatory Responsibilities
- Mission, Vision and Values of the College of Dietitians of Alberta
- Organizational Structure of the College of Dietitians of Alberta
- Key Governing Documents of the College of Dietitians of Alberta
- Role Clarity: The College of Dietitians of Alberta and Professional Associations
- Chapter Summary
- Chapter Quiz
- References

Regulation of Health Professions

Registered Dietitians and Registered Nutritionists have the privilege and responsibilities of being a co-regulated profession in the Province of Alberta. Co-regulation means that the profession is governed and managed by equal professional and public representation. The purpose of regulation is public protection. The provincial government, through legislation, grants regulating status to a profession when the profession has demonstrated that it is a recognized and organized profession that has the financial and human resources required to protect the public by regulating the practice of its regulated members. As a regulated

professional body, the College of Dietitians of Alberta (the College) is accountable for establishing the following:

- registration standards
- standards of practice
- codes of ethics and conduct
- continuing competence programs

The College ensures only qualified, competent individuals are allowed to practice as regulated members of the profession, thereby protecting the public from unsafe practices and incompetent or unethical practitioners. The public is also provided with a means of recourse through the College's complaint and mediation processes if professional practice standards are not met.

Health Professions Legislation Reform

Reform of the Health Professions Legislation in Alberta began in 1994 with the formation of the Health Workforce Re-balancing Committee. The report of this Committee recommended that the following five principles be used to guide the change in the regulatory system for health professions in Alberta (1):

1. The public must be protected from incompetent or unethical health professionals.
2. The health professional regulatory system should provide flexibility in the scope and roles of professional practice, so the health system operates with maximum effectiveness.
3. The health professional regulatory system should be transparent to the public. Information about its workings and purpose should be both credible and easily available to Albertans.
4. The regulatory process for health professions must be demonstrably fair in its application. The principles of natural justice must be observed throughout and decision makers should be accountable for the decisions they make.
5. The health regulatory system must support the efficient and effective delivery of health services.

The report of the Health Workforce Re-balancing Committee led to the development of the *Health Professions Act (HPA)*. On May 19, 1999, the *HPA* came into force, marking two major changes in the regulatory model that governs health professions in Alberta.

The first major change was a move to omnibus or umbrella legislation. This means the *HPA* governs all 30 regulated health professions under one statute. The Legislation provides for a more consistent approach to regulation among colleges and facilitates public understanding of professional regulation. It identifies common processes for the registration and discipline of regulated health professionals.

As of December 2013, in Alberta, 29 Colleges regulate 31 different health professions.

The regulated health professions in Alberta are:⁷

| | |
|--|--|
| Acupuncturists | Opticians |
| Chiropractors | Optometrists |
| Combined Laboratory and X-Ray Technologists | Paramedics |
| Dental Assistants | Pharmacists, Pharmacy Technicians |
| Dental Hygienists | Physical Therapists |
| Dental Technologists | Physicians, Surgeons and Osteopaths |
| Dentists | Podiatrists |
| Denturists | Psychologists |
| Hearing Aid Practitioners | Registered Dietitians and Registered Nutritionists |
| Licensed Practical Nurses | Registered Nurses |
| Medical Diagnostic and Therapeutic Technologists | Registered Psychiatric Nurses |
| Medical Laboratory Technologists | Respiratory Therapists |
| Midwives | Social Workers |
| Naturopaths | Speech-Language Pathologists, Audiologists |
| Occupational Therapists | |

The second change was the introduction of overlapping and non-exclusive practice statements and the concept of restricted activities. Restricted activities will be discussed in a subsequent chapter.

Health Professions Act Amendments

In 2018, the Alberta government introduced *Bill 21: An Act to Protect Patients* to amend the *Health Professions Act* (HPA). Bill 21 speaks specifically to sexual abuse and sexual misconduct by regulated health professionals and introduced several new requirements for regulatory health colleges and its regulated members. The new rules ensure consistent penalties are applied to all health professionals regulated under the *Health Professions Act* for findings of sexual abuse or sexual misconduct. Bill 21 received Royal Assent on November 19, 2018 with some portions of the Bill coming into force on April 1, 2019.

The changes to the *HPA* occasioned by Bill 21 required colleges to create a new patient relations program, new standards of practice and to review current procedures respecting registration and the complaint/discipline process (including processing complaints, investigations, hearings, appeals and disclosure of information). Colleges may also have been required to amend their bylaws in relation to their websites and update those websites to bring themselves into compliance with the new requirements.

Standards of Practice

The amendments to the *HPA* included a requirement for health colleges to develop Standards of Practice to address sexual abuse and sexual misconduct. The *Standards of Practice: Sexual Abuse and Sexual Misconduct Prevention*, developed in consultation with regulated members, were adopted by Council and approved by the Alberta Government.

⁷ Province of Alberta. *Health Professions Act*; R.S.A. 2000, c. H-7.

The Standards of Practice can be found on the College website under About Us – Regulatory Documents. All regulated members are encouraged to review the Standards of Practice carefully.

Patient Relations Program

Within Bill 21 amendments to the HPA, all colleges must increase transparency by posting health professionals' discipline history on their public website.

As well, the College was required to establish a patient relations program to, “include measures for preventing and addressing sexual abuse of and sexual misconduct towards patients by regulated members.” These measures must include, but are not limited to:

- Educational requirements for regulated members;
- Educational guidelines for the conduct of regulated members towards patients;
- Training for trauma informed practices for College staff, councils and hearing tribunals;
- Information for persons respecting the College's complaints processes; and
- Assistance in directing persons to appropriate resources, persons or organizations that may be able to assist them.

The College must also provide funding for patients who have alleged unprofessional conduct in the forms of sexual abuse and/or sexual misconduct against a regulated member.

Key Regulatory Responsibilities of the College of Dietitians of Alberta

The College's authority to regulate is delegated by the provincial government through the *HPA* which governs all regulated health professions in Alberta, including Registered Dietitians and Registered Nutritionists. Under the *HPA*, Alberta's regulated health professions are expected to meet consistent requirements for governance, registration, performance of restricted activities, continuing competence, and discipline. This provincial legislation directs all the activities of the College and outlines key regulatory responsibilities designed to protect and serve the public interest. The unique aspects of each profession are identified in the Act as schedules. There is a schedule for each regulatory college and the schedule includes the profession's practice statement and protected titles.

In defining the role of a college, the *HPA* states:

“3(1) A college:

- (a) must carry out its activities and govern its regulated members in a manner that protects and serves the public interest,

- (b) must provide direction to and regulate the practice of the regulated profession by its regulated members,
- (c) must establish, maintain, and enforce standards for registration and of continuing competence and standards of practice of the regulated profession,
- (d) must establish, maintain, and enforce a code of ethics,
- (e) must carry on the activities of the college and perform other duties and functions by the exercise of the powers conferred by this Act, and
- (f) may approve programs of study and education courses for the purposes of registration requirements.

3(2) A college may not set professional fees, provide guidelines for professional fees or negotiate professional fees on behalf of some or all of its regulated members unless the Minister grants an approval under section 27.

3(3) A college or a council or committee of a college may not be a certified bargaining agent as defined in the Labor Relations Code.”⁸

The key regulatory responsibilities of the College relate to registration and practice permits, professional practice standards, continuing competence, and professional conduct. These concepts are briefly introduced below and will be presented in greater detail in the next four chapters. The Regulatory Framework for Dietetic Practice in Alberta is depicted on the following page.

Registration & Practice Permits

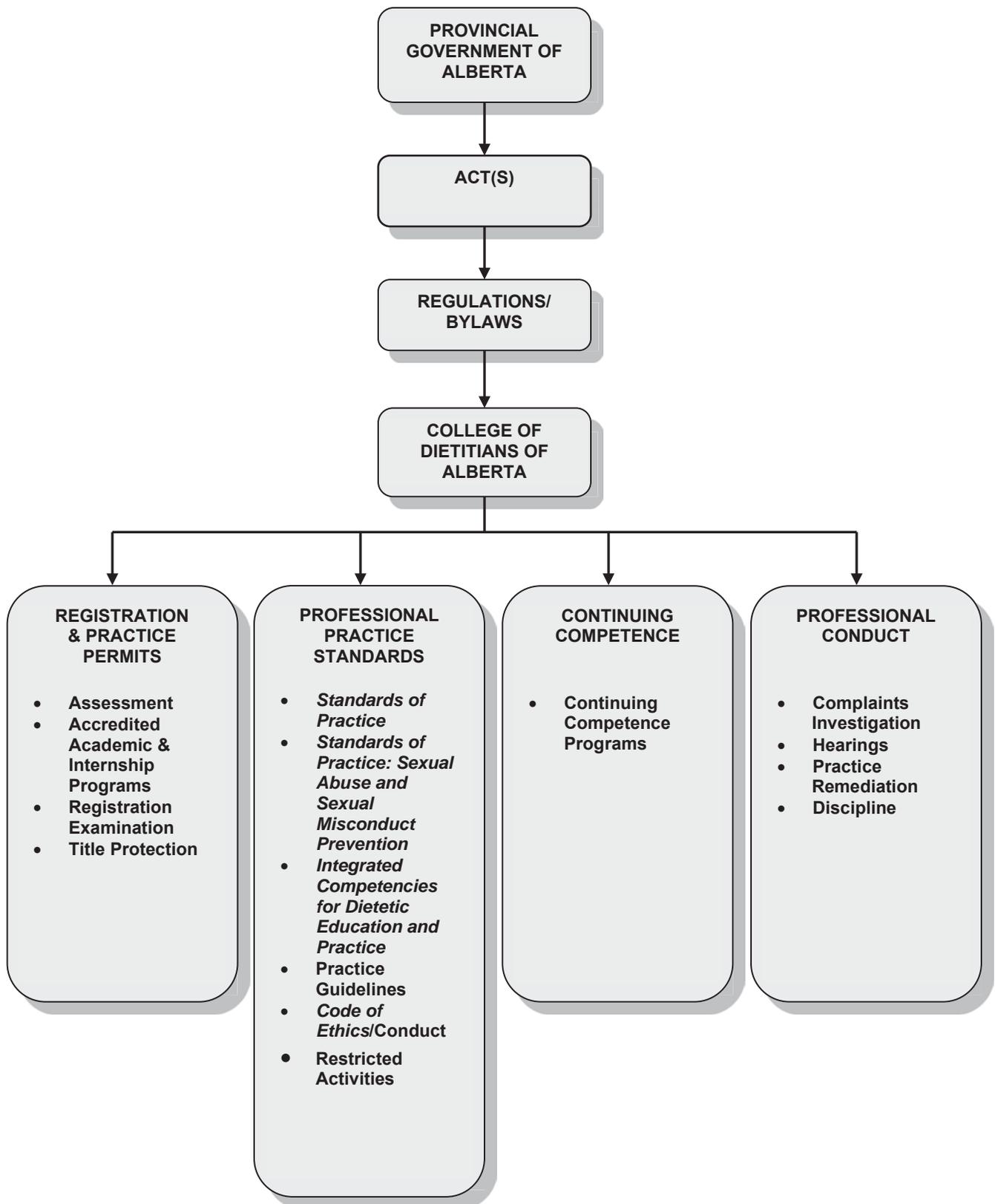
The College establishes the education and training required for entry into the profession. All applications to the College are reviewed to ensure that applicants meet entry to practice criteria prior to becoming registered. If the College does not accept an applicant’s qualifications, reasons for the decision refusing or restricting entry must be provided. Registration with the College assures the public and employers that an individual has met the standards for academic and practical experience required for the practice of the profession of dietetics.

Professional Practice Standards

The *HPA* requires colleges to develop, maintain and enforce professional practice standards. The Government requires that professional practice standards be developed by colleges in consultation with their regulated members, the Minister of Health, and other stakeholders. Professional practice standards must be made available to regulated members and to the public on request.

⁸ Province of Alberta. *Health Professions Act*; R.S.A. 2000, c. H-7.

Regulatory Framework for Dietetic Practice in Alberta



Standards of Practice

The *Standards of Practice* describe the standards that must be met by all Registered Dietitians and Registered Nutritionists practicing in Alberta. As regulated, autonomous professionals, each regulated member of the College is accountable for practicing in accordance with the *Standards of Practice*, regardless of role, practice area or practice setting.

Standards of Practice: Sexual Abuse and Sexual Misconduct Prevention

The *Standards of Practice: Sexual Abuse and Sexual Misconduct Prevention* describe the standards as required under *Bill 21: An Act to Protect Patients*, that must be met by all Registered Dietitians and Registered Nutritionists practicing in Alberta. As regulated, autonomous professionals, each regulated member of the College is accountable for practicing in accordance with the *Standards of Practice: Sexual Abuse and Sexual Misconduct Prevention*, regardless of role, practice area or practice setting.

KEY PRACTICE POINT

All Registered Dietitians and Registered Nutritionists must practice in accordance with the *Standards of Practice, the Standards of Practice: Sexual Abuse and Sexual Misconduct Prevention, the Integrated Competencies for Dietetic Education and Practice and the Code of Ethics*, regardless of role, practice area or practice setting.

Integrated Competencies for Dietetic Education and Practice

The *Integrated Competencies for Dietetic Education and Practice* set the education and training requirements for entry into the profession across Canada as well as describe the competencies required of all dietitians practicing in Alberta. As regulated, autonomous professionals, each regulated member of the College is accountable for practicing in accordance with the *Integrated Competencies for Dietetic Education and Practice*, regardless of role, practice area or practice setting.

Restricted Activities

The College is also responsible for regulating the safe performance of restricted activities by its regulated members. The government has defined a restricted activity as a procedure or service that requires specific professional competence to be performed safely. The College establishes the competencies, standards, and guidelines for the performance of restricted activities and determines how competence will be demonstrated and maintained. The College provides the required authorization for regulated members to perform restricted activities.

Code of Ethics

The *Code of Ethics* establishes the standards for professional conduct for dietitians in the provision of professional services. The document outlines the values, accountabilities, and responsibilities by which dietitians are expected to conduct their practice. As regulated, autonomous professionals, each regulated member of the College is accountable for practicing in accordance with the *Code of Ethics*, regardless of role, practice area or practice setting.

Continuing Competence

As a public protection mechanism, the *HPA* requires that colleges, as defined in legislation, must establish, maintain, and enforce standards for the continuing competent practice of the regulated profession. Under this legislation, competence programs are mandatory and regulated members are required to participate to ensure that they maintain their competence to practice and enhance their provision of professional services. Colleges are responsible for monitoring the competence of their regulated members. The *HPA* links renewal of practice permits to meeting the continuing competence requirements.

Professional Conduct

The *HPA* outlines a detailed, structured process that colleges must follow to address public complaints about practitioners. Complaints against a regulated member must be dealt with in a process that is open, fair, and timely and which protects the public from incompetent or unethical practitioners. All complaints made against regulated members must be received in writing and investigated. Based on the results of the investigation, the complaint may be dismissed if it is deemed to be frivolous (of little consequence) or vexatious (“something that is instituted without real grounds to cause annoyance”), lead to informal action (e.g., a caution or advice) or result in formal disciplinary action.

Additional Regulatory Responsibilities

In addition to the four key regulatory functions identified in the Regulatory Framework for Dietetic Practice in Alberta, colleges are also responsible for the following (2):

Public Access to Regulated Member Information

To ensure public access to information, the government has stated that a college must provide the following information on a public register:

- whether an individual is a regulated member
- the regulated member’s full name
- the regulated member’s registration number
- any practice permit conditions
- the status of a regulated member’s practice permit: active, suspended or cancelled
- the regulated member’s practice specialization recognized by the college
- whether the regulated member is authorized to provide restricted activities.

A college must also provide information regarding whether or not a hearing is scheduled with respect to the regulated member. A college, on request, is required to provide information on any disciplinary action pertaining to a regulated member for a period of five years following the action.

⁹ Webster’s New World Dictionary of the American Language, College Edition, 1962, p.1623.

Government Access to Regulated Member Information

Section 122(1) of the *HPA* requires that colleges provide demographic and practice information to the Minister of Health, on request, for the purposes of health workforce planning, policy development and related research.

Public Representation

To ensure college processes are open and transparent to the public and that there is accountability for decision making, the *HPA* requires that a minimum of fifty percent of the voting members of each of a Council, a Hearing Tribunal and a Complaint Review Committee are public members appointed by the Minister.

Appeal Processes

Decisions made by a college with respect to registration, practice permits, reinstatement of a practice permit and disciplinary decisions may be appealed by submitting a written request for review by Council within thirty days of receiving the decision.

Provincial Ombudsman

The Ombudsman reviews complaints made with respect to actions taken by a college under the *HPA* and may make recommendations to the College when formal appeal processes have been exhausted.

Annual Report

Colleges are required to submit an annual report of their activities to the Minister of Health including the following information:

- the number of complaints made and their disposition
- the number of hearings that were closed to the public
- the number of appeals
- the number of regulated members dealt with due to incapacity
- registration information
- description of the college's continuing competence program
- the committees and tribunals established under the Act
- audited financial information

Mission, Vision and Values of the College of Dietitians of Alberta

The *HPA* provides a foundation for the College Council to establish the Mission, Vision and Values for the College. The mission statement articulates why the College exists and the vision and value statements express the type of organization the College strives to be and the qualities that are most important in how the College conducts its business.

The **Mission** of the College of Dietitians of Alberta is protecting Albertans by regulating the competent practice of Registered Dietitians and Registered Nutritionists.

The **Vision** of the College of Dietitians of Alberta is excellence in evidence-based food and nutrition practices through innovative leadership, regulation, and collaboration for the health of Albertans.

As the College’s governing body, each Council member upholds these **Values**:

- Integrity – Supporting the highest standards of excellence, honesty, and ethics in carrying out duties.
- Supportive – Dedicated to teamwork among Council, committees, and staff and being respectful, civil, and courteous even in the face of conflict or disagreement.
- Diversity of Thought – Open to new ideas, new models, and new people.
- Innovative – Proactive, creative, and productive in seeking solutions within available resources.
- Dedicated – Working steadily, effectively, and efficiently to advance the mission and strategic plan in order to serve the College’s mandate.
- Impartial – Objective, reasoned, and fair in decision making.

Organizational Structure of the College of Dietitians of Alberta

The organizational structure of the College is established by the roles, relationships and responsibilities defined through the layers of legislation, regulation, and bylaws. The College of Dietitians of Alberta is governed by a Council. The Council consists of regulated Registered Dietitians and Registered Nutritionists and members of the public. To ensure that the interests of public protection are “front and centre” in all activities of a regulatory College, the *HPA* states that at least 50% of the voting members of the governing Council of a College must be members of the public. The rest of the members of the College Council are regulated members of the profession, appointed to sit on the governing Council and on committees of the College.

It is important that regulated members of the College carefully consider any publications / information presented at College sessions / webinars and provide their feedback, ideas, and suggestions so that the Council receives input from regulated members of the profession. The decisions of the College will have direct impact on each regulated member as a professional and on their practice.

Key Governing Documents of the College of Dietitians of Alberta

In Alberta, regulatory colleges such as the College exist to regulate professions through implementation of the *HPA* and their profession Regulation. Colleges develop policies and procedures that further refine and provide additional detail as to how they will enact the legislation as well as College bylaws that describe how the College itself will be governed. Key governing documents outline the organization and function of a Regulatory College. These are as follows:

- **Legislation** – Professional regulation is a provincial jurisdiction and the legislation

that governs health professions is established by the Government of Alberta. The *HPA* sets out in law the powers, duties and responsibilities of the College, its regulated members, employers, and others with respect to professional regulation.

- **Regulation** – The Regulation describes how the College will apply the Legislation to the practice of the profession. In developing the Regulation, a college works with the Government to reconcile the unique requirements of the profession with the legislative and policy requirements of the Government. The Government must approve a Regulation before a college can be proclaimed under the *HPA* and must approve any changes or amendments to the Regulation.
- **Bylaws** – The framework and scope for the College bylaws are specified in legislation. They are a further application of the Legislation and Regulation and refer more specifically to the organization of the College and how it will conduct its business. Bylaws are established by Council and specify procedural matters such as election of council, the appointment of committees and tribunals, quorum, rules of order, fees and notices.
- **Policies** – Policies describe the way in which the College interprets and implements the legislative layers under which the College is governed, including the Legislation, the Regulation and Bylaws. Policies are established by Council and guide the decisions that are made by the College.
- **Standards of Practice** – The *Standards of Practice* and the *Standards of Practice: Sexual Abuse and Sexual Misconduct Prevention* describe the standards that must be met by all Registered Dietitians and Registered Nutritionists practicing in Alberta.
- **Competencies** – The *Integrated Competencies for Dietetic Education and Practice* define the entry-to-practice standard for Registered Dietitians in Canada implemented through education programs and the Canadian Dietetic Registration Examination.
- **Code of Ethics** – The *Code of Ethics* is a set of principles of professional conduct which establishes the ethical expectations that Registered Dietitians and Registered Nutritionists are required to adhere to in their professional practice.

Role Clarity: The College of Dietitians of Alberta and Professional Associations

One of the recommendations made by the Health Workforce Re-balancing Committee was “a clear separation of a profession’s regulatory responsibilities and functions which protect the public, from fee and salary negotiations and other functions which are directed at the economic or social wellbeing of a profession”. The legislation requires a structural and functional separation of these conflicting interests. For the dietetics profession in Alberta, these functions are separate and are performed by two independent organizations: College of Dietitians of Alberta (regulatory responsibilities) and Dietitians of Canada (member service responsibilities).

The key roles of each organization are summarized as follows:

| Regulatory Body Key Responsibilities | Professional Association Key Responsibilities |
|---|--|
| <ul style="list-style-type: none"> • Public protection • Establish, maintain and enforce standards for registration and issuing of practice permits for qualified professionals • Develop, maintain and enforce professional standards of practice and codes of ethics • Establish, maintain and enforce Continuing Competence Program • Follow legislated processes for dealing with professional conduct issues • Promote dietitians as the credible source of nutrition information; advocacy • Approve education programs and related courses toward professional designation • Present professional development sessions and materials with a regulatory focus | <ul style="list-style-type: none"> • Advocacy • Development and delivery of continuing education programs and resources • Member services • May be involved in accreditation of educational and practicum programs |

Chapter Summary

In Alberta, the legislated Act that directly affects the practice of dietetics is the *Health Professions Act (HPA)*. Understanding the *HPA* is very important for dietitians in practice, as it lays out the cornerstones of regulation of the profession in Alberta. These are as follows:

- the legitimacy of dietetics as a profession from a legal perspective
- the role of the College of Dietitians of Alberta (the College) as the regulatory organization named in the legislation (*HPA*) to regulate dietetic practice
- the responsibilities and accountabilities of the profession to the government
- the responsibilities and accountabilities of individual professionals

The practice of each Registered Dietitian and Registered Nutritionist is enhanced by an awareness of historical events and decisions that have been made regarding the regulation of health professions in Alberta and the delivery of professional services. Having a working knowledge of the legislation that “names” the profession, that delegates regulation to the profession, the responsibilities that come with regulation, as well as the organizational structure and functioning of the College, enhances a Registered Dietitian’s and Registered Nutritionist’s ability to practice within this legal framework.

Other legislative Acts also impact professional dietetic practice, as do professional regulations, regulatory college bylaws, college policies and procedures, and employer/facility policies. Some of these legislative Acts and their impact on dietetic practice will be discussed in subsequent chapters. As a member of a regulated profession, created by legislative statute, it is the responsibility of each Registered Dietitian and Registered Nutritionist to be aware of and knowledgeable about their specific provincial legislation and how it impacts their professional practice. A list of the statutes relevant to Registered Dietitians and Registered Nutritionists is contained in Appendix 1.

Chapter Quiz

1. All of the following statements are true **except** for the following:
 - a) The purpose of regulation is public protection.
 - b) Regulation means that the regulated members of a profession are able to practice as they wish as long as they practice in compliance with the *Code of Ethics*.
 - c) The provincial government grants regulating status to a profession when the profession has demonstrated that it is a recognized and organized profession that has the financial and human resources required to protect the public by regulating the practice of its regulated members.
 - d) As a regulated professional body, the College of Dietitians of Alberta is accountable to government for governing and managing the profession according to legislated requirements.

2. Under the *Health Professions Act*, the College of Dietitians of Alberta:
 - a) must establish, maintain, and enforce standards for registration, continuing competence and standards of practice for the profession.
 - b) provide regulated members with guidelines for professional fees.
 - c) represent the profession in the design of health systems and nutrition policy development for Albertans.
 - d) All of the above
 - e) Answers a and b only

3. The key regulatory responsibilities of the College of Dietitians of Alberta relate to:
 - a) Continuing Competence, Professional Conduct, and coordinating continuing education opportunities for regulated members.
 - b) Continuing Competence, Registration and Practice Permits, Professional Practice Standards, and Organization of Nutrition Month.
 - c) Continuing Competence, Professional Conduct, Registration and Practice Permits, and Professional Practice Standards.
 - d) Continuing Competence, Development and Distribution of Nutrition Resource Materials, Registration and Practice Permits, and Professional Conduct.

4. All of the following statements are true **except** for the following:
 - a) The key documents governing the College of Dietitians of Alberta are legislated Acts, regulations, bylaws, and policies.
 - b) The College of Dietitians of Alberta is governed by a Council consisting of regulated members and at least 50% public members.
 - c) The Vision of the College of Dietitians of Alberta is protecting Albertans by regulating the competent practice of Registered Dietitians and Registered Nutritionists.

References

1. Alberta Health. *Health Professions Act Employer's Handbook: A guide for employers of regulated health professionals*; 2004.
2. Province of Alberta. *Health Professions Act*; R.S.A. 2000, c. H-7.