

## Chapter 2

### Dietetic Regulation

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#### Self-Regulation of Health Professions

Registered Dietitians and Registered Nutritionists have the privilege and responsibilities of being a self-regulated profession in the Province of Alberta. Self-regulation means that the profession governs and manages itself. The purpose of self-regulation is public protection. The provincial government, through legislation, grants self-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 members. As a self-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 30 different health professions.

**The regulated health professions in Alberta are:<sup>7</sup>**

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

## 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 self-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,

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

- (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.”<sup>8</sup>

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.

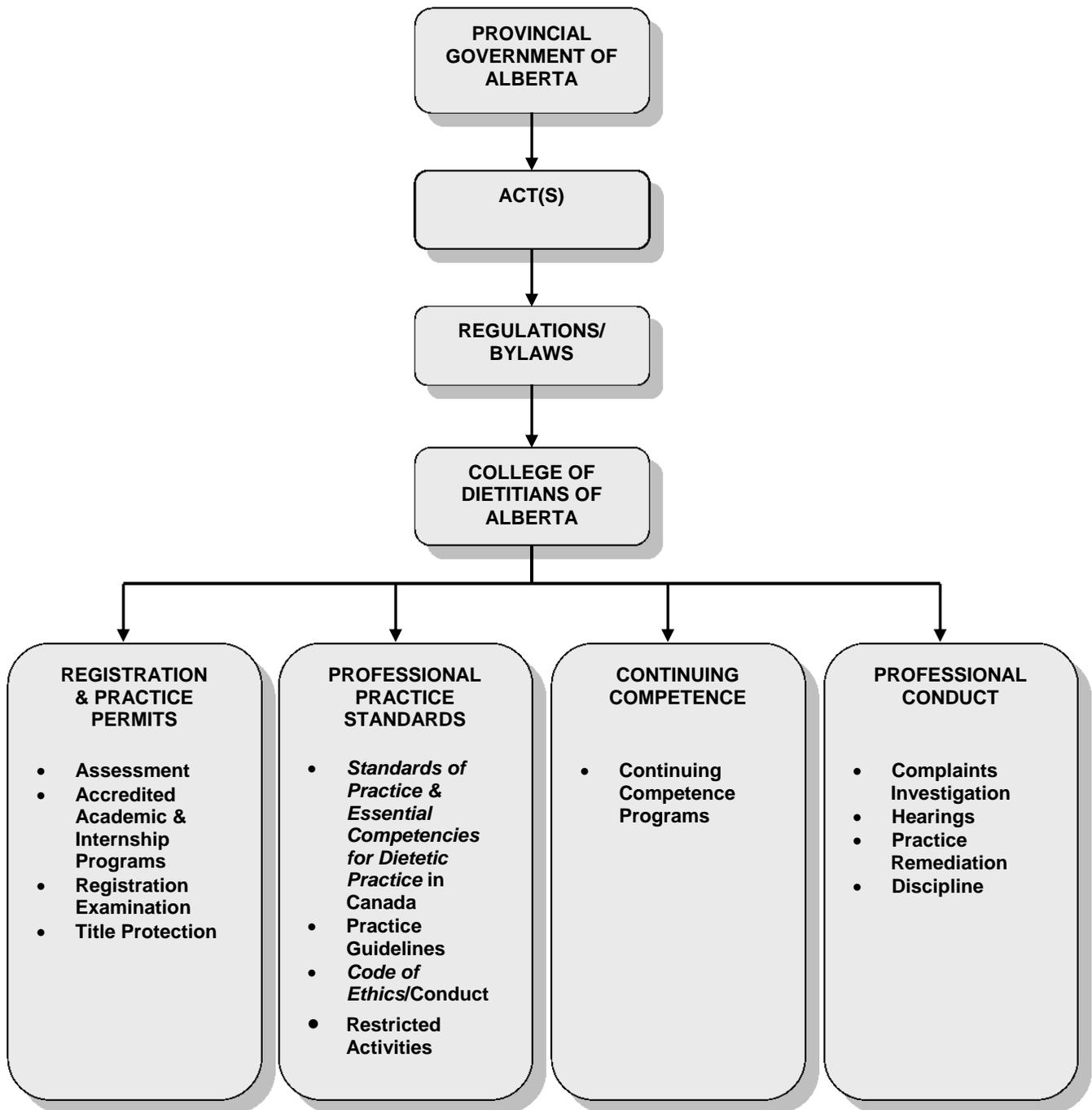
### ***Professional Practice Standards***

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 members, the Minister of Health and other stakeholders. Professional practice standards must be made available to members and to the public on request.

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

## Regulatory Framework for Dietetic Practice in Alberta



## Standards of Practice and Essential Competencies for Dietetic Practice

The *Standards of Practice and Essential Competencies for Dietetic Practice* describes the practice standards and essential competencies required of all dietitians practicing in Alberta. As self-regulated, autonomous professionals, each member of the College is accountable for practicing in accordance with the *Standards of Practice and Essential Competencies for Dietetic 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 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 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 self-regulated, autonomous professionals, each member of the College is accountable for practicing in accordance with the *Code of Ethics*, 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 and Essential Competencies for Dietetic Practice* and 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 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 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 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 registered 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”<sup>9</sup>), 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 Member Information**

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

- whether an individual is a regulated member
- the member’s full name
- the member’s registration number
- any practice permit conditions
- the status of a member’s practice permit: active, suspended or cancelled
- the 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 member for a period of five years following the action.

#### **Government Access to 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 twenty-five 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.

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

### **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 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 to protect Albertans by regulating the competent practice of Registered Dietitians and Registered Nutritionists.

The **Vision** of the College of Dietitians of Alberta is to be a thriving regulatory body that achieves the trust, confidence and respect of the public, government, Registered Dietitians and Registered Nutritionists by governing with integrity and fairness, building partnerships and communicating effectively.

The **Values** of the College of Dietitians of Alberta are:

- Integrity
- Accountability
- Effectiveness
- Respect
- Transparency

## 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 25% 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 members of the profession. Registered members of the College who are on the General Register are entitled to vote for Council members, to sit on the governing Council and on committees of the College.

It is important that registered 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 members of the profession. The decisions of the College will have direct impact on each registered 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 Essential Competencies for Dietetic Practice* describes the standards and essential competencies that must be met by all Registered Dietitians and Registered Nutritionists practicing in Alberta.
- **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: the College of Dietitians of Alberta (regulatory responsibilities) and the Dietitians of Canada (member service responsibilities).

The key roles of each organization are summarized as follows:

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

## 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 self-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 self-regulation to the profession, the responsibilities that come with self-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 by-laws, 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 self-governing 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.

## 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.