# PLEASE NOTE

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This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the ***Table of Public Acts*.**

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# CHAPTER D-10.1

## DIETITIANS ACT

**1.** In this Act — Definitions

(a) "Association" means the Prince Edward Island Dietetic Association; — Association

(b) "Board" means the Prince Edward Island Dietitians Registration Board established under section 6; — Board

(c) repealed by 2008,c.39,s.1; — bylaws

(d) "certificate" means a certificate of registration issued under section 10; — certificate

(e) "dietetics" means the professional practice of applying scientific knowledge of foods and nutrition to human health and, in particular, — dietetics

(i) assessing the nutritional status and requirements of individuals or groups of individuals,

(ii) designing general standards and determining care plans appropriate to meet nutritional requirements,

(iii) designing, evaluating and communicating to the public, information on nutrition matters for the purposes of health education and consumer protection,

(iv) directing nutritional therapy,

(v) ensuring the nutritional quality and safety of food service in a health-care institution or program;

(f) "dietitian" means a person registered under this Act; — dietitian

(g) "Minister" means the Minister of Health and Wellness; — Minister

(h) "prescribed" means prescribed in the regulations made under section 9; — prescribed

(i) "registered" means recorded in the register maintained by the Registrar; — registered

(j) "Registrar" means the officer appointed under subsection 8(2). — Registrar

1994, c.12, s.1; 2005,c.40,s.7; 2008,c.39,s.1; 2010,c.31,s.3.

### ASSOCIATION

**2.** The Prince Edward Island Dietetic Association as incorporated by Stats. P.E.I. 1965, c.37 is continued as a body corporate composed of those persons who are members of the Association at the time this Act — Association continued

comes into force and such other persons as are admitted to membership of the Association in accordance with its bylaws. 1994, c.12, s.2.

Purposes

**3.** The purposes of the Association are

(a) to foster public recognition and awareness of the profession;

(b) to encourage members to interact and take pride in their profession;

(c) to promote proficiency, high standards of practice, continuing professional education and career development among members;

(d) to represent members in relations with other agencies;

(e) to stimulate action and work for improvements in regard to nutrition-related social issues;

(f) to pursue such other goals as the Association may consider necessary to advance the profession and further the interest of its members. 1994, c.12, s.3.

Executive

**4.** (1) There shall be an Executive of the Association which shall conduct the affairs and exercise the powers of the Association.

Composition

(2) The Executive consists of the president, vice-president and such other officers as the bylaws may require.

Term of office

(3) The term of office and manner of selection of members of the Executive are as prescribed in the bylaws. 1994, c.12, s.4.

Bylaws

**5.** (1) The Executive may make bylaws for the management of the Association, including

(a) election or appointment, qualifications, duties, terms of office, remuneration and removal of officers and employees;

(b) nomination of members of the Board;

(c) calling and conduct, including voting procedures, of meetings, for both the Association and Executive;

(d) establishment and operation of committees;

(e) relationships or agreements with external agencies;

(f) membership, including any classes;

(g) dues and any other assessment of members;

(h) the making and amending of bylaws.

*Idem*, approval

(2) Bylaws come into force only after approval by the general membership. 1994, c.12, s.5.

## REGISTRATION BOARD

Board

**6.** (1) The Prince Edward Island Dietitians Registration Board is established as a corporate body.

(2) The purpose of the Board is to regulate the practice of dietitians in the province so as to ensure a high standard of practice and safeguard the welfare of the public with regard to dietetic services. Purpose

(3) The functions of the Board are to Functions

(a) prescribe initial and continuing qualifications for registration;

(b) assess applications and decide if applicants qualify for registration;

(c) issue certificates of registration and keep the official register of registered practitioners;

(d) prescribe and monitor adherence to standards of practice and ethical guidelines for registered practitioners;

(e) monitor adherence to established standards and guidelines, investigate complaints, and exercise discipline or professional remediation of registered practitioners, by revocation, restriction or suspension of a registration, by reprimand, retraining requirement, fine or other means.

(4) The Board may make, amend and revoke bylaws, not inconsistent with this Act, relating to the management and operation of the Board, including bylaws respecting Bylaws

(a) the election or appointment, terms of office, duties and remuneration of officers of the Board;

(b) the calling and conduct of meetings of the Board;

(c) the establishment and operation of committees of the Board;

(d) the making, amendment and revocation of bylaws of the Board; and

(e) the fees that are payable for

(i) the examination, registration and issuance of an initial certificate to an applicant seeking to be registered as a dietitian under subsection 10(3),

(ii) the issuance of a special limited certificate to an applicant seeking to be registered as a dietitian under section 12,

(iii) an annual renewal of a certificate under clause 15(2)(c), and

(iv) the renewal of a lapsed registration and the penalty for late annual renewal of a certificate under subsection 16(2). 1994, c.12, s.6; 2008,c.39,s.2.

**7.** (1) The Board is composed of five persons nominated by the Association and appointed by the Minister, of whom Board, composition

(a) three are, or at the time of the initial appointment are considered eligible to be, registered dietitians;

(b) one is a person other than a dietitian, considered to represent the perspective of the general public;

(c) one is another person who may be a dietitian, another health professional, or lay person.

Term

(2) Members of the Board are appointed for a maximum term of three years and the terms shall be so arranged or adjusted as to ensure that there will not be a turn-over of more than three members in any year.

*Idem*

(3) Board members may not serve more than two consecutive terms.

Termination of membership

(4) A Board member ceases to hold office if the member

(a) resigns;

(b) ceases to reside in the province;

(c) becomes physically or mentally incapacitated, for a sustained period, such as to prevent fulfilment of duties;

(d) in the case of a dietitian member, ceases to be registered;

(e) misses three consecutive meetings of the Board, without an excuse that the Board considers reasonable;

(f) is convicted of an indictable offence; or

(g) commits an act which in the unanimous decision of the other members of the Board undermines the ability of the member to act credibly as a Board member.

Completion of term

(5) When a Board member ceases to hold office before the term expires, the Minister may appoint a new member, nominated by the Association, to hold office for the unexpired portion of the original term. 1994, c.12, s.7.

Officers

**8.** (1) The Board shall select one of its dietitian members as chairperson, and it may appoint other executive officers as it considers appropriate.

Registrar

(2) The Board shall appoint a person, who may or may not be one of the appointed members of the Board, as Registrar who shall maintain a register in which shall be recorded the name of every person to whom a certificate is issued.

Procedure

(3) The Board shall determine its own procedure.

Report

(4) The Board shall make an annual report to the Minister and to the Association concerning its general operation and performance of its duties and may provide to the Minister such information as the Minister may request. 1994, c.12, s.8.

Regulations

**9.** The Board, after consultation with the Association and subject to the approval of the Lieutenant Governor in Council, may make regulations. 1994, c.12, s.9.

## REGISTRATION AND TITLE

Qualifications

**10.** (1) A person seeking to be registered as a dietitian shall apply to the Board and provide proof of having the following qualifications:

(a) successful completion of a baccalaureate-level program in dietetics, or home economics with concentration in nutrition, or a similar field of study, in an educational program that is acceptable according to the regulations;

(b) successful completion of such practical training and acquisition of such professional experience as may be prescribed;

(c) professional competency, as demonstrated by such examination as may be prescribed;

(d) currency of professional knowledge and skills, as indicated by such requirements as may be prescribed regarding recentness of professional qualification, examination, active practice or refresher program.

Good standing

(2) The Board may refuse to register an applicant who

(a) has been or is being investigated or disciplined for professional misconduct, negligence or incompetence by a regulatory authority or professional organization, until such time as the said authority or organization declares the applicant to be in good standing; or

(b) has been convicted of an offence of such a nature and direct relevance to professional practice that, in the judgment of the Board without any negative vote, the applicant would pose a danger to clients in the context of practice.

Certificate

(3) Subject to subsection (2), the Board shall register and issue a certificate to an applicant who has, to the Board's satisfaction, met the requirement of subsection (1) and paid the examination fee, if any, and the fee for registration and the issuance of an initial certificate established by the bylaws.

Registration in other jurisdiction

(4) Notwithstanding subsection (1), the Board may, in accordance with such conditions as may be prescribed, authorize the registration of a person who

(a) is registered under an Act corresponding to this Act in another Canadian jurisdiction; and

(b) is a member in good standing of the Canadian Dietetic Association.

Transitional registration

(5) A person who is a member in good standing of the Association on the date this Act comes into force shall be registered and issued a certificate if the person applies within a year of this Act coming into force. 1994, c.12, s.10; 2008,c.39,s.3.

Specialist recognition

**11.** The Board may grant a specialist certification or endorsement of a registration to a person who satisfies such qualifications, standards and conditions as may be prescribed, to signify that the person is recognized as a practitioner with special or amplified expertise in a particular field of dietetics. 1994, c.12, s.11.

Special certificate

**12.** Notwithstanding that the qualifications set out in subsection 10(1) have not been met, the Board may, in accordance with prescribed conditions and upon payment of the fee established by the bylaws, grant a special certificate for training purposes, for auxiliaries or for unusual circumstances, with certain privileges or restrictions concerning aspects such as duration or scope of function permitted. 1994, c.12, s.12; 2008,c.39,s.4.

Effect of registration

**13.** A registered dietitian may use the designation “dietitian” and the abbreviation “RD” or other similar designation as may be prescribed. 1994, c.12, s.13.

Expiry

**14.** (1) Unless a shorter term has been imposed by the Board, a certificate expires one year from the date on which it comes into effect.

*Idem*

(2) The Board may determine the effective date and expiry date of certificates. 1994, c.12, s.14.

Renewal

**15.** (1) A person who holds a certificate may apply, before its expiry, to the Registrar for renewal for the ensuing year.

*Idem*

(2) The Board shall renew a certificate if

(a) the Board has no reason to believe that the person is in violation of the Act, regulations or any terms or conditions affecting the validity of the person's certificate;

(b) the person meets the prescribed requirements for currency of professional competency; and

(c) the person pays the renewal fee established by the bylaws. 1994, c.12, s.15; 2009,c.39,s.5.

Lapse

**16.** (1) A dietitian who fails to renew a certificate on or before the expiry date, or to make a special arrangement for extension or deferred renewal that is satisfactory to the Board, ceases to be registered.

*Idem*

(2) Subject to section 15, a dietitian whose registration has lapsed under subsection (1) is entitled to have it renewed if application is made and the fee for renewal of a lapsed registration and the penalty for late annual renewal of a certificate established by the bylaws are paid within three years of the expiry.

(3) If the lapse extends for a period of more than three years, the person must apply as if for initial registration and the Board may renew the registration subject to such special terms and conditions as it considers appropriate. 1994, c.12, s.16; 2008,c.39,s.6. *Idem*

DISCIPLINE

**17.** (1) If the Board has cause to believe that a dietitian is Investigation

(a) in violation of the Act or regulations; or

(b) (i) unfit to practice, or

(ii) guilty of conduct contrary to the public interest,

by reason of negligence, professional misconduct, mental or professional incompetence or other comparable failing which may harm a client,

the Board shall conduct an investigation, and give the dietitian the opportunity of a hearing, with legal counsel if desired.

(2) The Board shall not carry out a full investigation without first giving the dietitian written notice of its intent to do so and the notice shall include a statement of what the complaint or concern is, the assurance of a hearing and the right to be represented by legal counsel if desired. 1994, c.12, s.17. Notice to affected dietitian

**18.** If the Board, after the investigation and hearing, determines that the dietitian is in violation of the Act or regulations, unfit to practise or guilty of conduct contrary to the public interest, it may, following guidelines in regulations or written policy, disqualify, discipline or seek to remedy the professional performance of the dietitian, by Discipline

(a) suspending or cancelling the registration;

(b) imposing conditions on the registration;

(c) reprimanding the dietitian;

(d) requiring the dietitian to take a course or educational or rehabilitative treatment program;

(e) requiring the dietitian to pay the costs of the investigation and discipline; or

(f) imposing any combination of these measures or other such sanction as the Board considers appropriate. 1994, c.12, s.18.

**19.** (1) A dietitian whose registration has been suspended or revoked under section 18 may appeal that decision to the Supreme Court by filing a notice of appeal with the court, and so informing the Board, within thirty days of receiving notification of the decision of the Board. Appeal

(2) A suspension or revocation takes effect only after thirty days following the date on which the Board has made its decision known to Allowance

the dietitian, or, if an appeal is made, after the court has dismissed the appeal.

Reinstatement

(3) The Board may reinstate a revoked certificate or remove a suspension, if the applicant meets the requirements for registration set out in subsection 10(1). 1994, c.12, s.19; 2008,c.20,s.72(23).

## OFFENCE

Prohibition

**20.** No person other than a registered dietitian holding a valid certificate shall

(a) engage in or carry on the practice of dietetics under the title of "dietitian", "RD", "P.Dt.", "dietetiste", "Dt.p" or such other similar designation as may be prescribed in regulations;

(b) call herself or himself a "registered dietitian", "RD", "P.Dt.", "dietetiste professionelle", "Dt.p." or other similar designation as may be prescribed; or

(c) take or use any name, title, or description implying or calculated to lead people to infer that the person is a registered dietitian. 1994, c.12, s.20.

Penalty

**21.** Anyone who violates section 20 is guilty of an offence and is liable on summary conviction to a fine not exceeding $2,000. 1994, c.12, s.21.

Time limit

**22.** A prosecution under section 21 must be begun within two years of the alleged commission of the offence. 1994, c.12, s.22.

Saving for other professional activities

**23.** This Act in no way affects the practice of a qualified practitioner licensed or registered under any other Act governing that profession or occupation. 1994, c.12, s.23.

## LIABILITY

Liability of Board

**24.** The Board, its members and officers are not liable for anything they did in good faith as a part of their functions under this Act. 1994, c.12, s.24.

Corporation

**25.** The relationship of a dietitian to a limited company or professional corporation, whether as shareholder, director, officer or employee, does not change the liability of the dietitian as a practitioner. 1994, c.12, s.25.

## GENERAL

Repeal

**26.** An Act to Incorporate the Prince Edward Island Dietetic Association Stats. P.E.I. 1965, c.37 is repealed. 1994, c.12, s.26.