

Saskatchewan Dietitians Association Regulatory Bylaws 2016- July 2018 AMENDMENTS

Title

1 These bylaws may be cited as *The SDA Regulatory Bylaws*.

Definitions

2 In these bylaws:

- (a) “Act” means *The Dietitians Act*;
- (b) “good standing”, in relation to an application for registration, means that the applicant does not have a discipline record and there are no outstanding complaints in relation to the applicant’s practice;
- (c) “registration examination” means the Canadian Dietetic Registration Examination or other registration examination approved by the Board.

MEMBERSHIP AND REGISTRATION

Categories of membership

3 The following categories of membership in the association are established:

- (a) full practising member;
- (b) restricted member;
- (c) temporary member;
- (d) honorary member; and
- (e) inactive member.

Registration procedures generally

4(1) All applications for registration of any kind shall be made on a form provided by the association.

(2) All applicants for registration shall provide:

- (a) evidence of good character as required by the board;
- (b) a satisfactory criminal record check; and
- (c) evidence of English language proficiency as required by the board.

Full practising member

5(1) Registration as a full practising member and initial licensure is available to a person who:

- (a) submits a completed application form together with the prescribed fee;
- (b) has, within the period of three years prior to the application:

(i) obtained a university degree in nutrition and/or dietetics approved by the Board; and

(ii) has successfully completed a period of practicum training approved by the Board;

(c) has successfully completed the registration examination; and

(d) in the case of a person who is registered in a jurisdiction outside Canada, provides proof of registration in good standing in that other jurisdiction.

(2) Registration as a full practising member is available to a person described in clause 19(1)(c) of the Act who:

(a) submits a completed application form together with the prescribed fee;

(b) provides evidence of registration in good standing as the equivalent of a full practising member in another jurisdiction in Canada.

(3) Full practising membership entitles a person to the following privileges:

(a) to be licensed to practice dietetics in Saskatchewan;

(b) to vote and hold office in the Association;

(c) to have a voice and a vote at the annual and special meetings of the Association;

(d) to be appointed to committees of the Association;

(e) to receive a copy of the Association's documents appropriate for distribution;

(f) to receive the publications of the Association; and

(g) to use the title Dietitian, Professional Dietitian, Registered Dietitian, and/or the initials P.Dt. and/or R.D.

Restricted member

6(1) Registration as a restricted member and initial licensure is available to a person who:

(a) submits a completed application form together with the prescribed fee;

(b) meets all the requirements of clauses 5(1)(a), (b); and

(c) has applied to take the next scheduled registration examination or has taken the exam and is awaiting the results.

(2) Restricted membership entitles a person to the following privileges:

(a) to be licensed to practice dietetics in Saskatchewan in accordance with section 12;

- (b) to use the title Graduate Dietitian, Professional Dietitian (Candidate) or Registered Dietitian (Candidate) and the initials P.Dt.(Candidate) and R.D (Candidate);
- (c) to have a voice, but no vote, at the annual and special meetings of the Association;
- (d) to receive a copy of the Association's documents appropriate for distribution; and
- (e) to receive the publications of the Association.

Temporary membership

7(1) Temporary membership is available to a person who:

- (a) submits a completed application form together with the prescribed fee;
- (b) provides evidence of registration in good standing as a member in another jurisdiction in Canada; and
- (c) requires registration on a temporary basis for a specified purpose that is approved by the Registrar.

(2) Temporary membership entitles a person to the following privileges:

- (a) to practice dietetics, subject to any restrictions and for the period specified on the temporary licence; and
- (b) to use the title Professional Dietitian; Registered Dietitian, and the initials P.Dt. and R.D.

Restricted member changing status to full practising member

8 A restricted member who has successfully completed the registration examination may obtain full practising membership upon application and payment of the required fee.

Obligations of members to notify the Registrar of changes to contact information

9 All members are required to:

- (a) notify the Registrar of any change in name, address and/or employment status.

LICENSURE

Licence required

10(1) The licence year of the Association is the period from April 1 in one year to March 31 in the next following year.

(2) Every licence expires on the March 31 of the licence year for which it is issued.

(3) In order to practice, every member shall obtain a licence in each year by submitting the required application form, provided by the Association, together with the prescribed fee for the licence, on or before April 1 in each year.

(4) A member who does not obtain or renew a licence ceases to be licensed, and is noted as an inactive member in the register.

(5) A member who has been inactive for three or more years is required to complete an assessment as directed by the Registration Committee, and to complete any academic upgrading, practical training or examination that the Registration Committee requires in order to obtain a licence.

Full practising licence

11 In order to be eligible to obtain or renew a full practising licence, a full practising member must:

- (a) pay the applicable fee as set out in the SDA Fee Bylaws
- (b) comply with the continuing competence provisions of this bylaw; and
- (c) be of good character.

Restricted licence

12(1) A restricted member is eligible to renew a restricted licence in accordance with this section.

(2) A restricted licence expires on the earlier of 12 weeks after the date on which the member wrote the registration examination or when the results are received by the Association.

(3) If a restricted member fails the registration examination on their first attempt, the restricted member may apply for an extension of their restricted licence for a period of time no later than 12 weeks following the next sitting of the registration examination.

(4) If a restricted member fails the registration examination on their second attempt, the member's restricted licence is thereupon revoked and the member must provide proof of upgrading to the satisfaction of the registration committee before being permitted to make a third and final attempt at the registration examination.

Temporary licence

13(1) A temporary member is eligible to renew a temporary licence for a total period of not more than three months, or such longer period of time as the registrar may determine.

(2) While holding a temporary licence, the member must maintain registration in good standing as the equivalent of a full practising member in the other jurisdiction in Canada in which they were registered at the time of application.

(3) The temporary licence so issued shall state the limitations imposed on practice by the registrar.

CONTINUING COMPETENCE

Submission of continuing competence program documents

14(1) Every member shall submit to the association a practice reflection and satisfactory learning plan, using the tools and documented in the manner approved by the board:

- (a) within six weeks of initial licensure, to be implemented in the remainder of that licence year; and
- (b) by March 31 in each year after initial licensure, to be implemented in the upcoming licence year, and including an update on the member's progress on the current learning plan.

(2) Continuing competence program activities that are included in a learning plan are to be linked to the practice reflection and must be related to dietetic practice.

(3) Every member shall retain documentation related to the continuing competence program for a period of five years.

(4) Members may apply to the Professional Standards Committee for an extension for the submission of their learning plan, by submitting a written request at least 5 days prior to the deadline for submission of the learning plan described in subsection (1).

Continuing competence program submission review

15 The Professional Standards Committee shall:

- (a) review the continuing competence program submission of members; and
- (b) forward a report of this review to the Registrar by June 1 in each year.

(2) If a member's continuing competence submission learning plan is not related to dietetic practice, is unclear or otherwise insufficient the member will receive a written request to make amendments within 30 days.

STATUTORY COMMITTEES

Professional Conduct Committee

16(1) A member of the Professional Conduct Committee who has a conflict of interest shall step down, and the Board shall appoint a replacement to deal with the specific complaint.

(2) The Committee shall notify the member who is the subject of an allegation that a complaint has been received, in writing, and ask for a written response within 30 days.

(3) The Committee shall notify the person who made the complaint, in writing, that the allegation will be reviewed.

Discipline Committee

17(1) A member of the Discipline Committee who has a conflict of interest shall step down, and the Board shall appoint a replacement to deal with the specific complaint.

(2) Findings of guilt by the Discipline Committee are matters of public interest and are reported in Association publications (including the website), noted in the register and reported to the member's employer.

PROFESSIONAL CONDUCT AND STANDARDS

Code of Ethics

18 Every member shall comply with the "SDA Code of Ethics May 2005."

Professional Standards

19 Every member shall comply with the standards of practice and practice guidelines as established by the Association and updated from time to time.

Prohibitions

20(1) No member shall:

- (a) endanger the safety of a client;
- (b) wrongfully abandon a client;
- (c) fail to comply with any applicable law respecting the collection, use, handling or disclosure of personal information or personal health information;
- (d) falsify or fail to maintain any client record;
- (e) fail to inform an employer of the dietitian's inability to accept specific responsibility in areas where special training was required or where the dietitian did not feel competent to function without supervision;
- (f) fail to report incompetence or misconduct of a member or colleague;
- (g) fail without reasonable cause to respond to inquiries from the Association.
- (h) guarantee a cure either verbally or in writing or by advertising or otherwise;
- (i) advertise, promote, or carry on any marketing activities that are inaccurate or misleading to the public, or that directly or indirectly:
 - (i) misrepresent facts;
 - (ii) compare either directly, indirectly or by innuendo, the member's services or ability with that of any other practitioner or clinic, or promises or offers more effective service or better results than those available elsewhere;
 - (iii) deprecate another member or clinic with respect to service, ability or fees;

(iv) create an unjustified expectation about the results the member can achieve;

(v) take advantage, either physically, emotionally, or financially, of any patient, or use coercion, duress, or harassment;

(vi) are incompatible with the best interests of the public or members, or tend to harm the standing of the dietetic profession generally;

(vii) contain any testimonial or disclose the names of clients; or

(viii) contain any reference to a specific brand of drug, device, or equipment.

(j) abuse a client physically, sexually, verbally or psychologically;

(k) engage in the practice of dietetics while under the influence of alcohol or drugs;

(l) influence a client to change the client's last will and testament;

(m) misappropriate property belonging to a client, employer or fellow employee;

(n) conspire to participate in any act of misconduct or counsel a participant in any act of misconduct.

(2) For the purpose of clause (1)(j), sexual abuse includes:

(a) sexual intercourse or any other form of sexual activity between a client and a member;

(b) touching of a sexual nature between a client and a member including, but not limited to:

(i) touching or massaging breasts or pelvic area, or any sexualized body part; and

(ii) kissing of a sexual nature; and

(c) behavior or remarks of a sexual nature between a client and member, including:

(i) verbal or written comments, inappropriate procedures, gestures or expressions that are seductive or sexually demeaning to the client;

(ii) deliberately watching a client dress or undress where it is unrelated to the provision of the member's services;

(iii) questioning a client regarding the client's sexual performance, history, or orientation where it is unrelated to the provision of the member's services; or

(iv) discussion of a client's sexual performance, history or orientation where it is unrelated to the provision of the member's services.

Conflict of interest

21(1) Members serving in an official capacity on behalf of the Association shall declare a conflict of interest in matters under discussion, business of the Association or in decisions taken in which they have a conflict of interest.

(2) It is the responsibility of the presiding officer to ensure that members identifying a conflict of interest leave the meeting during consideration of the pertinent issue and the secretary of the meeting shall record the departure of the member in the minutes.

(3) Members who represent the Association shall not assume a position if a conflict of interest is identified.

(4) A conflict of interest includes the following situations:

(a) where the member is involved in negotiating wages and/or employment contracts, or completing performance appraisals for Association staff who may be related to that member;

(b) where the member is involved in determining/reviewing credentials and registration/licensing eligibility for an applicant or another member who may be related to that member;

(c) where the member is involved in the investigation and/or discipline process affecting another member who may be related to that member; and

(d) where the member, member's family, employees of the Association, partner, or associate might personally or financially benefit from decisions or information gained from involvement on the Board or committees.

REVIEW OF REGISTRAR'S DECISIONS

Applications to review decisions of the registrar

22(1) For the purposes of subsection 20(4) of the Act, an application to review a decision of the registrar respecting an application for registration or licensure must be made to the board, within 30 days after a written copy of the decision is served, by sending or delivering a written request in the form of a letter to the board, which must be received in the Association office within that time, setting out the grounds on which the applicant alleges that the registrar's decision is in error, together with any documentation necessary to support the allegation.

(2) The board shall provide an applicant for review with an opportunity to make a verbal presentation to the board, if desired by the applicant, as soon as possible after the application is received.

MISCELLANEOUS

Demand for special meeting

23 The number of members required to demand a special meeting of the Association to be held in accordance with subsection 6(2) of the Act is the number equal to 10% of the number of registered members who are licensed to practice.

Electronic service of notices

24 Documents that are required or permitted by the Act and the bylaws to be served on or given to a person by facsimile or email, may be sent to the person at the facsimile number or email address in the records of the Association.

Repeal of former regulatory bylaws

25 All former regulatory bylaws of the Association are repealed.

Certified to be a true copy:

Lana Moore, Registrar
Saskatchewan Dietitians Association

Date

Approved:

Minister of Health

Date