

CONSOLIDATED BYLAWS
FOR
THE COLLEGE OF DIETITIANS OF BRITISH COLUMBIA (Unofficial)
Amended January 31, 2010 (sections 44 (3) and (4)
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Definitions

- In these bylaws,

“*Act*” means the *Health Professions Act*.

“appointed board member” means a person appointed to the board under section 17(3)(b) of the *Act*.

“board” means the board of the college.

“board member” means an appointed board member or an elected board member.

“chair” means the chair of the board elected under section 10.

“Code of Ethics” means the Code of Ethics set out in Schedule “A”.

“college” means the College of Dietitians of British Columbia established by regulation.

“deliver”, with reference to a notice or other document, includes mail to or leave with a person, or deposit in a person’s mailbox or receptacle at the person’s residence or place of business.

“elected board member” means a person elected to the board under section 17(3)(a) of the *Act*.

“examination” means a theoretical examination, given orally or in writing, or a practical examination, or any combination of these, and includes a supplemental examination.

“extraordinary general meeting” means a meeting referred to in Section 30(4).

“personal information” means “personal information” as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*.

“public representative” means a person who is not a registrant or former registrant or who has no close family or business relationship with a registrant or former registrant and includes an appointed board member.

“record” means a “record” as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*.

“regulation” means the Dietitians Regulation deposited under BC Reg. 296/2002, O.C. 965/2002.

“respondent” means a registrant named in a citation under section 37 of the *Health Professions Act* or a health profession corporation named in a notice of permit revocation hearing under section 74 of these bylaws.

“special resolution” is a resolution that requires the vote of three-quarters (75%) of those persons present and eligible to vote at a meeting.

“Standards of Practice” means the Standards of Practice set out in Schedule “B”.

“vice-chair” means the vice-chair of the board elected under section 10.

Part I:

COLLEGE BOARD, COMMITTEES AND PANELS

First Board

1.1 (1)

Despite section 1, for the purposes of Part I of these bylaws,

- (a) “appointed board member” includes a person appointed under section 17(2)(a) of the *Act*, to represent the public on the first board, and
- (b) “elected board member” includes a person appointed under section 17(2)(a) of the *Act* to represent the health profession on the first board.

- (c) This section is repealed ninety (90) days following the first election referred to in section 17(2)(a) of the *Act*.

Board Composition

- 2. The board consists of six (6) elected registrants and the appointed board members.

Electoral Districts

- 3 (1) The province of British Columbia is divided into (4) electoral districts for the purpose of electing board members.
- (2) The four (4) electoral districts are: Vancouver Coastal, Fraser, Vancouver Island, Interior/Northern. The boundaries of the electoral districts are those defined in the maps attached as Schedule “C”.
- (3) Two board members are elected from each of the following electoral districts:
 - (a) Vancouver Coastal, and
 - (b) Interior/Northern.
- (4) One board member will be elected from each of the following electoral districts:
 - (a) Vancouver Island, and
 - (b) Fraser.
- (5) The board may change the boundaries of an electoral district by a special resolution.

Eligibility for Election to the Board

- 4. A full registrant is eligible for election to the board.

Notice of Election and Nomination Procedure

- 5. (1) At least 120 days prior to the election, the registrar must deliver to each registrant:
 - (a) a written notice of a pending vacancy and election, and
 - (b) written notice of the nomination, voting and election procedures.

- (2) Any full registrant may nominate for office a maximum of two (2) full registrants in good standing for each vacant position from his or her electoral district, by delivering such nomination to the registrar, together with a letter of consent from the person nominated, at least ninety (90) days prior to the expiry of the terms of office of elected registrants.
- (3) A person nominated under subsection (2) must declare in writing that he or she will observe the provisions of the *Act*, the regulations and these bylaws and the procedures related to the election and the conduct of the election.

First election and terms of office

- 5.1 (1) The first election of elected board members must be held during September, 2004.
- (2) Despite section 7, the first term of office of the first elected board members will
 - (a) expire on March 31, 2006 for two (2) designated positions,
 - (b) expire on March 31, 2007 for two (2) designated positions, and
 - (c) expire on March 31, 2008 for two (2) designated positions.
- (3) This section is repealed four (4) years after the coming into force of this section.

Election Procedure

- 6. (1) The Registrar must prepare and deliver to each registrant an election ballot not less than sixty (60) days prior to the election.
- (2)
 - (a) each full registrant is entitled to one ballot and may vote in favour of one person for each vacant position to be elected.
 - (b) the registrar must not count a ballot unless it is contained in an envelope on which the registrant's name and signature appears and is received by the registrar at least thirty (30) days prior to the expiry of the terms of office.
- (3) The nominees receiving the most votes on the return of the ballots are elected to the vacant positions on the board.
- (4) In the case of a tie vote, the registrar must select the successful candidate by a random draw.
- (5) The registrar must supervise and administer all board elections and may establish procedures for that purpose which are consistent with these bylaws.

- (6) The registrar may determine any dispute or irregularity with respect to any nomination, ballot, or election.
- (7) Where the number of persons nominated under section 5(2) is less than or equal to the number of positions at the close of nominations, the nominees are elected by acclamation.
- (8) The election must be held on or before March 31 in each year.

Terms of Office

- 7. (1) The term of office for an elected board member is two (2) years.
- (2) An elected board member may serve a maximum of three (3) consecutive terms.
- (3) A board member may resign at any time by delivering a notice in writing to the registrar. The resignation is effective upon receipt by the registrar.
- (4) An elected board member may be removed by a special resolution of the board or the registrants at a general meeting in accordance with provisions of section 34 of the bylaws.

Vacancy

- 8. Any vacancy of an elected board position may be filled by the board appointing a full registrant in good standing for the remainder of the term for that position by special resolution of the board.

Remuneration of Board Members

- 9. A board member is entitled to be
 - (a) paid an honorarium in the amount approved by the board from time to time, and
 - (b) reimbursed by the college for reasonable expenses necessarily incurred in connection with the business of the college.

Chair and Vice Chair

- 10. (1) (a) the members of the board must elect a chair and a vice-chair by majority vote for a one-year term.
- (b) the chair and vice chair may serve a maximum of three (3) consecutive terms.
- (2) The chair must:

- (a) preside at all meetings of the college and board and is an ex-officio member of all committees,
 - (b) sign all certificates, diplomas and other instruments executed on behalf of the college as required,
 - (c) sign the minutes of each meeting after they are approved by the board, and
 - (d) act generally in accordance with the requirements of his or her office for the proper carrying out of the duties of the board,
- (3) The vice-chair will perform the duties of the chair in the absence of the chair.
 - (4) In the absence of both the chair and the vice-chair, an acting chair for a board meeting must be elected by a majority vote of the board members present.

Board Meetings

- 11 (1) The board must meet at least three (3) times in each fiscal year and must provide reasonable notice of board meetings to registrants.
- (2) Meetings of the board must be called by the registrar at the request of either the chair or any three (3) board members.
- (3) The registrar must provide on request to registrants or members of the public:
 - (a) details of the time and place of a board meeting,
 - (b) a copy of the agenda, and
 - (c) a copy of the minutes of any preceding meeting.
- (4) Subject to subsection (5), meetings of the board must be open to registrants and to the public.
- (5) The board may exclude any person from any part of a meeting if it is satisfied that:
 - (a) financial or personal or other matters may be disclosed of such a nature that the desirability of avoiding public disclosure of them is in the interest of any person affected or in the public interest,
 - (b) a person involved in a criminal proceeding, civil suit or proceeding may be prejudiced,
 - (c) personnel matters or property acquisitions will be discussed,
 - (d) the contents of examinations will be discussed,

- (e) communications with the Office of the Ombudsman will be discussed, or
 - (f) instructions will be given to or opinions received from legal counsel for the college, board, or committees.
- (6) If the board excludes any person from a part of a meeting, its reasons for doing so must be noted in the minutes of the meeting.
 - (7) A majority of the board constitutes a quorum.
 - (8) No resolution proposed at a meeting need be seconded and the chair of a meeting may move or propose a resolution.
 - (9) In case of an equality of votes the chair shall not have a casting or second vote in addition to the vote to which he or she is entitled as a board member and the proposed resolution shall not pass.
 - (10) The board may meet and conduct business using video-conference or tele-conference connections when some or all board members are unable to meet in person.
 - (11) Voting at meetings of the board shall be verbal, written, or by a show of hands; except where a secret ballot is requested.
 - (12) Except as otherwise provided in the *Act*, the regulations or these bylaws, the most recent edition of *Robert's Rules of Order* governs the procedures at meetings of the board.

Extraordinary Board Meetings

12. (1) A written resolution signed by all board members is valid and binding and of the same effect as if such resolution had been duly passed at a meeting of the board.
- (2) Despite section 11(1), the registrar or the chair may call a meeting of the board without providing notice to the registrants where necessary to conduct urgent business.

Committees

13. (1) A person appointed to a committee established under these bylaws
 - (a) must serve a term not exceeding two, (2) years, and
 - (b) is eligible for reappointment but may not serve more than three (3) consecutive terms.
- (2) A committee member may be removed by a majority vote of the board.

- (3) The board must designate a committee chair and a committee vice-chair from among the members of the committee.
- (4) The committee may meet and conduct business using video-conference or tele-conference connections when some or all committee members are unable to meet in person.
- (5) Each committee must annually submit a report of its activity to the board, or more frequently at the board's request.
- (6) The registrar is an ex-officio member of each committee.

Registration Committee

- 14. (1) The registration committee consists of five (5) persons appointed by the board.
- (2) The registration committee must include at least two (2) public representatives, at least one (1) of whom must be an appointed board member, one elected board member and two registrants.

Inquiry Committee

- 15. (1) The inquiry committee consists of five (5) persons appointed by the board.
- (2) The inquiry committee must include at least two (2) public representatives, at least one (1) of whom must be an appointed board member, one elected board member and two registrants.

Discipline Committee

- 16. (1) The discipline committee consists of five (5) persons appointed by the board.
- (2) The discipline committee must include at least two (2) public representatives, at least one (1) of whom must be an appointed board member, one elected board member and two registrants.

Quality Assurance Committee

17. (1) The quality assurance committee consists of five (5) persons appointed by the board.
- (2) The quality assurance committee must include at least two (2) public representatives, at least one (1) of whom must be an appointed board member, one elected board member and two registrants.

Patient Relations Committee

18. (1) The patient relations committee consists of 5 persons appointed by the Board.
- (2) The patient relations committee must include at least two (2) public representatives, at least one (1) of whom must be an appointed board member, one (1) elected board member and two (2) registrants.

Committee Panels

19. (1) The discipline committee, the inquiry committee, and the registration committee may meet in panels of three (3) persons which must include at least one (1) board member and 1 public representative.
- (2) The chair of a committee referred to in subsection (1) must appoint the members of a panel and must designate a chair of the panel.
- (3) A panel of a committee referred to in subsection (1) may exercise any power, duty or function of that committee.

Meetings of a Committee or Panel

20. (1) A majority of a committee or panel constitutes a quorum.
- (2) All members of a panel constitute a quorum.
- (3) The provisions of section 11(2) to (6) and (8) to (12) apply to a committee or a panel as if it were the board.

Remuneration of Committee Members

21. (1) A committee member is entitled to be

- (a) paid an honorarium in the amount approved by the board from time to time, and
- (b) reimbursed by the college for reasonable expenses necessarily incurred in connection with the business of the college.

PART II COLLEGE ADMINISTRATION

Seal

- 22. (1) The board must approve a seal for the college.
- (2) The seal of the college must be affixed by those persons designated by the board, to certificates of registration and such other documents as the board may direct by resolution.

Deputy Registrar

- 23. (1) The board may appoint a person to act as deputy registrar.
- (2) The deputy registrar
 - (a) must perform any duties assigned by the registrar, and
 - (b) in the event of the registrar's absence or inability to act for any reason, may exercise the powers and perform the duties of the registrar.
- (3) The deputy registrar has the same authority as the registrar when he or she is acting on behalf of the registrar.

Fiscal Year

- 24 The fiscal year of the college commences on April 1st and ends on March 31st of the following year.

Banking

- 25 The board must establish and maintain such accounts with a chartered bank, trust company or credit union as the board determines necessary from time to time.

Payments and Commitments

26. (1) The registrar may approve payments and commitments for the purchase of goods and services up to \$15,000.00.
- (2) The board must not purchase personal or real property or enter into contracts for services in excess of \$120,000.00 without a special resolution approved by the registrants at a general meeting.

Borrowing Powers

27. (1) The board may raise funds or borrow money in the name of the college, in any manner determined by the board, in order to carry out the purposes of the college.
- (2) The board must not enter into any security obligation in excess of \$120,000.00 without a special resolution approved by the registrants at a general meeting.
- (3) The registrants may, by special resolution at a general meeting, restrict the borrowing powers of the board.

Investments

28. The board may invest funds of the college in any investments guaranteed by the Government of Canada. a province.

Auditor

29. (1) The board must appoint a chartered accountant or a certified general accountant to be the auditor.
- (2) The registrar must submit the financial statement to the auditor within 30 days of the end of the fiscal year.
- (3) A copy of the auditor's report must be included in the annual report.

Legal Counsel

30. (1) The board, or with the approval of the board, a committee or panel or the registrar, may retain legal counsel for the purpose of assisting the board, committee, or panel in carrying out any power or duty under the *Act*, the regulations or these bylaws, or to assist generally in administration of the affairs of the college.

General Meetings

31. (1) A general meeting of the registrants must be held in British Columbia at a time and place determined by the Board.
- (2) The first general meeting of the registrants must be held not more than eighteen (18) months after the date the bylaws are approved by the Lieutenant Governor in Council and after that a general meeting must be held not more than eighteen (18) months after the holding of the last preceding general meeting.
- (3) The following matters must be considered at a general meeting
- (a) financial statements,
 - (b) the report of the board,
 - (c) the report of the auditor,
 - (d) the minutes from the previous year's general meeting, and
 - (e) the reports of the committees of the college.
- (4) The board
- (a) may convene an extraordinary general meeting of the registrants by resolution of the board, and
 - (b) must convene an extraordinary general meeting within sixty (60) days after receipt by the registrar of a request for such a meeting signed by at least ten percent (10%) of all registrants.

Notice of General Meetings

32. (1) The board must prepare and mail notice of a general or extraordinary general meeting to every registrant at least forty-five (45) days prior to the meeting.
- (2) Notice of a general meeting must include:
- (a) the place, date and time of the meeting,
 - (b) the proposed agenda,
 - (c) any resolutions proposed by the board,
 - (d) any resolutions proposed by the registrants under section 33 and delivered to the registrar prior to the mailing of the notice.
- (3) The accidental omission to deliver notice of a meeting to, or the non-receipt of a notice by any registrant or board member entitled to

receive notice of a general meeting, does not invalidate proceedings at that meeting.

Resolutions Proposed by Registrants

33. (1) Any twenty (20) registrants may deliver written notice to the registrar, at least thirty (30) days prior to the date of a general or an extraordinary general meeting requesting that a resolution be placed on the agenda for the meeting.
- (2) On receipt of a notice specified in subsection (1), the registrar will send to all registrants, at least fourteen (14) days prior to the date of that meeting, notice of the resolution and a copy of it.
- (3) A registrant may propose a resolution at a general meeting from the floor and any such resolution will be noted by the chair of the meeting and placed at the end of the agenda to be debated if time permits.

Proceedings at General Meetings

34. (1) A quorum is twenty (20) registrants present at a general meeting.
- (2) No business, other than the adjournment or termination of the meeting, may be conducted at a general meeting at a time when a quorum is not present.
- (3) If at any time during a meeting there ceases to be a quorum present, business then in progress shall be suspended until there is a quorum present or until the meeting is adjourned.
- (4) If within thirty (30) minutes from the time appointed for the commencement of a general meeting or from any time during a general meeting when a quorum is not present, the meeting must be adjourned.
- (5) In the absence of both the chair and the vice-chair of the board, an acting chair for a meeting must be elected by a majority vote of the registrants present.
- (6) A general meeting may be adjourned from time to time and from place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (7) When a meeting is adjourned, notice of the rescheduled meeting must be delivered as in the case of the original meeting.
- (8) A registrant present at a meeting is entitled to one vote, and the chair of the meeting, where the chair is a registrant, is entitled to one vote.

- (9) Voting must be conducted by ballot.
- (10) In the event of a tie vote, the resolution is not passed.
- (11) Except as these bylaws otherwise provide, the most recent edition of *Robert's Rules of Order* governs the procedures at a general or an extraordinary general meeting.

Notice to Public Representatives

- 35. (1) Every notice or mailing provided to the general membership of the College must also be provided to each public representative serving on the board or committee.

PART III COLLEGE RECORDS

Definition

- 36. (1) For the purposes of this Part, "FOI Act" means the Freedom of Information and Protection of Privacy Act.

Body responsible for administering the *Freedom of Information and Protection of Privacy Act*

- 37. (1) The registrar is the "head" of the college for the purposes of the *FOI Act*.
- (2) The registrar may authorize a deputy registrar, a person employed by the college or a person who has contracted to perform services for the college to perform any duty or exercise any function of the registrar that arises under the *FOI Act*.
- (3) The registrar must report annually to the Board regarding the steps the college has taken to comply with the *FOI Act*.

Fees For Information Requests

- 38. Subject to section 75 of the *FOI Act*, an applicant who requests access to a college record under section 5 of the *FOI Act* must pay the fees set out in the Schedule of Maximum Fees in BC Reg. 323/93, O.C. 1281/93.

Protection of Personal Information

- 39. (1) The board must take all reasonable measures to ensure that the

collection, use, and disclosure of personal information occurs in accordance with the *FOI Act*.

- (2) The board must take reasonable measures to ensure that, where personal information is sent to any person or service organization for processing, storage or destruction, a contract is made with that person or organization which includes an undertaking by the person or organization that confidentiality will be maintained.

Disclosure of Annual Report

40. (1) The college must deliver a copy of its annual report to every registrant and to a person on request.

Disclosure of Registration Status

41. (1) Where an inquiry about the registration status of a person is received by the board or the registrar, the registrar must disclose
 - (a) whether or not the person is a registrant or a former registrant,
 - (b) whether or not the discipline committee has ever issued an order relating to the person under section 39 of the *Act* and the details of the order,
 - (c) whether or not the person has ever signed a consent order under section 36 of the *Act*, and
 - (d) the details of a consent order pertaining to a change in the person's registration status or restriction on the practice of the profession of the registrant.
- (2) Except with the consent of the person affected, the registrar must not release the names of complainants, patients, or their families or information which might otherwise enable a person inquiring about the status of a registrant to establish the identity of complainants, patients or their families.

Manner of Disposal of College Records containing Personal Information

42. (1) The board must ensure that a college record containing personal information is disposed of only by
 - (a) effectively destroying a physical record by utilizing a shredder or by complete burning,

- (b) erasing information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed,
- (c) returning the record to the person the information pertains to, or
- (d) returning the record to the registrant who compiled the information.

PART IV REGISTRATION

Classes of Registrants

43. (1) The following classes of registrants are established:
- (a) full registration,
 - (b) grandparented registration, and
 - (c) temporary registration.

Full Registration

44. (1) Except where an applicant for registration meets the requirements in subsection (2), the requirements for full registration are evidence in a form satisfactory to the registration committee of:
- (a) graduation from an academic program in dietetics approved by the board and listed in Schedule “E”.
 - (b) successful completion of a program of practical training approved by the board,
 - (c) successful completion of the examinations approved by the board,
 - (d) evidence of the good character of the applicant consistent with the responsibilities of a registrant and the standards expected of a registrant, and
 - (e) receipt by the registrar of
 - (i) a signed application in a form approved by the registration committee,
 - (ii) the fees specified in Schedule “D”,
 - (iii) evidence that the requirements in subsection 1(a) to (d) are met,
 - (iv) a statutory declaration in Form 1, and

- (v) a signed criminal record check authorization form.
- (2) An applicant who does not meet the requirements in subsections (1)(a) and (b) may be granted full registration where the applicant
- (a) has a combination of knowledge, skills and abilities which are in the opinion of the registration committee, substantially equivalent to the requirements in subsection (1)(a) and (b),
 - (b) has successfully completed the examination and any upgrading programs required by the registration committee, and
 - (c) meets the requirements in subsections 1(d) and (e).
- (3) Despite subsections (1) and (2), an applicant may be granted full registration by the registration committee on an emergency basis, for a period of up to 90 days, if
- (a) an emergency situation has been declared by the registrar, according to criteria set by the board, and
 - (b) the applicant
 - (i) is registered or licensed in another jurisdiction, in a category that is equivalent to full registration,
 - (ii) is not subject to any practice limitations, restrictions or conditions in the other jurisdiction that do not apply generally to full registrants in British Columbia,
 - (iii) provides evidence satisfactory to the registration committee of the applicant's registration or licensure in the other jurisdiction and the applicant's identity, and
 - (iv) is a member of the Canadian or US armed forces, and provides satisfactory evidence of such membership.
- (4) The registration committee may renew the registration of a person granted registration under subsection (3), upon request, if the registrar's declaration of an emergency situation continues to be in effect.

Grandparented Registration

45. (1) An applicant who does not meet the requirement in section 44(1)(c) may be granted grandparented registration in the full registration class by the registration committee where the applicant

- (a) was a general registrant of the British Columbia Dietitians' and Nutritionists Association at any time during the two (2) years prior to the date this bylaw comes into force,
 - (b) has completed at least 600 hours of practice in a capacity substantially equivalent to a registrant in the three (3) years immediately preceding the date of the application for registration, and
 - (c) meets the requirements in section 44(1)(d) and (e).
- (2) No person shall apply for registration under this section after two (2) years after the date the bylaw comes into force.

Temporary Registration

46. (1) An applicant who does not meet the requirements of section 44(1) or 44(2) may be granted temporary registration by the registration committee for up to one (1) year if the applicant:
- (a) has proven to the satisfaction of the registration committee that the applicant can be reasonably expected to satisfy the examination requirement in section 44(1)(c),
 - (b) may, in the opinion of the registration committee practice as a temporary registrant without any risk to public health and safety, and
 - (c) has satisfied the requirements in subsection 44(1)(d) and (e).
- (2) A registrant's registration must be transferred to the temporary class if the registrant has consented pursuant to section 36 of the Act, or is subject to an order of the discipline committee made pursuant to section 39 of the *Act*.
- (3) A temporary registrant:
- (a) shall only practice dietetics under such terms and conditions as are set by the registration committee or the discipline committee, or by consent pursuant to section 36 of the *Act*.
- (4) The registration of a person who has been granted temporary registration under subsection (1) may be renewed by the registration committee once for a period of up to one (1) year.

Additional Privileges to Practice Reserved Acts

47. (1) A full or temporary registrant may design, compound, or dispense therapeutic diets where nutrition is administered through enteral means

if they have proven to the satisfaction of the registration committee that they have successfully completed a recent program of practical experience, on-the-job training, or a continuing education program approved by the board.

- (2) A full or temporary registrant may design therapeutic diets where nutrition is administered through parenteral means if they have proven to the satisfaction of the registration committee that they have successfully completed a recent program of practical experience, on-the-job training, or a continuing education program approved by the board.
- (3) A full or temporary registrant may administer a substance to a person by instillation through enteral means if they have proven to the satisfaction of the registration committee that they have successfully completed a recent program of practical experience, on-the-job training, or a continuing education program approved by the board.
- (4) A full or temporary registrant may administer a substance to a person by instillation through parenteral means if they have proven to the satisfaction of the registration committee that they have successfully completed a recent program of practical experience, on-the-job training, or a continuing education program approved by the board.
- (5) A full or temporary registrant may practice the Reserved Acts described in subsections (1) to (4) upon payment of the fees specified in Schedule “D”.

Certificate of Registration

48. (1) The registrar must issue a certificate in Form 2 to any person who is granted full, or temporary registration and the certificate must specify the limits or conditions that apply to a temporary registrant.
 - (a) A certificate of full registration or any renewal of such certificate, is valid until not later than the following March 31st.

Liability Insurance

49. (1) All registrants must carry professional liability insurance in an amount of not less than one million dollars (\$1,000,000) per occurrence.

Examinations

50. (1) All examinations required to be taken under these bylaws must be prepared by or under the direction of the registration committee and approved by the board.
- (2) The registration committee must
- (a) approve the time and place for the holding of an examination, designate invigilators and determine the procedures for the conduct of the examinations,
 - (b) review the results of the examination or re-examination for each applicant and make a determination as to the applicant's qualification for registration, and
 - (c) notify the applicant of the results of the examination or re-examination as soon as is practicable.
- (3) An applicant who fails the initial examination is entitled to 2 opportunities in four years to repeat the examination.
- (4) Where the invigilator has reason to believe that an applicant has engaged in improper conduct during the course of an examination, the invigilator must make a report to the registration committee and may recommend that the registration committee take one or more of the following courses of action
- (a) fail the applicant,
 - (b) pass the applicant,
 - (c) require the applicant to rewrite the examination, or
 - (d) disqualify the applicant from participating in any examination for a period of time.
- (5) After considering a report made under subsection (4), the registration committee may take one or more of the courses of action specified in subsection (4).
- (6) An applicant disqualified under subsection 4(d) must be provided with written reasons for the disqualification.

Registration Renewal

51. (1) To be eligible for a renewal of registration, registrant must
- (a) apply to the registrar,
 - (b) pay the registration renewal fee specified in Schedule "D",
 - (c) pay any other outstanding fee, debt or levy owed to the college,

- (d) declare that he or she is in compliance with the *Act*, the regulations, and these bylaws, and is in compliance with any limits or conditions consented to pursuant to section 36 of the *Act* or imposed under section 39(1)(c) of the *Act*, and
 - (e) meets the quality assurance requirements as approved by the quality assurance committee.
- (2) Notice of the fees must be delivered to each registrant no later than February 10th and must describe the consequences of late payment and non-payment of fees.
 - (3) Each registrant must pay to the college the registration renewal fee on or before March 31st.
 - (4) Upon payment of the registration fee, and any outstanding fees, disbursements or levies, the registrar must issue to the registrant a receipt stating that the registrant is, subject to his or her compliance with the *Act*, the regulations and the bylaws, entitled to practice as a registrant in the profession of dietetics in the Province of British Columbia as a registrant of the college.
 - (5) Where a registrant fails to pay a registration renewal fee on or before March 31st, he or she ceases to be registered.
 - (6) A registrant who ceases to be registered under subsection (5) by reason only of a failure to renew his or her registration is eligible for reinstatement by the board under section 21(4) of the *Act* where the former registrant:
 - (a) applies for renewal of registration on the form required by the board and not later than September 30 of the same year,
 - (b) is not in contravention of the *Act*, the regulations, or these bylaws, and
 - (c) pays the registration renewal fee and an additional reinstatement fee in an amount equal to (50%) of the full registration renewal fee.

Quality Assurance/Continuing Education

- 52. (1) A registrant must complete the continuing education program approved by the board within any 36 month period.

Reinstatement

- 53. (1) A former registrant whose registration is not suspended or cancelled under 39 of the *Act* and who has been out of practice for less than 3

years may be restored to the full register by the registration committee where the registrant

- (a) provides proof of meeting the quality assurance program required under section 52, and
- (b) has delivered to the registrar
 - (i) a signed application for reinstatement in a form approved by the registration committee, and
 - (ii) the registration renewal fee specified in Schedule “D”.

(2) A former registrant whose registration is not suspended or cancelled under section 39 of the *Act* and who has been out of practice for more than 3 years may be granted temporary registration by the registration committee where the registrant

- (a) may in the opinion of the registration committee practice as a temporary registrant without any risk to public health and safety,
- (b) has delivered to the registrar
 - (i) a signed application for reinstatement in a form approved by the registration committee, and
 - (ii) the registration renewal fee specified in Schedule “D”.

(3) The registration of a person who has been granted temporary registration under subsection (2) may be renewed annually by the registration committee.

(4) A person who has been granted temporary registration under subsection (2) shall:

- (a) only practice dietetics under such terms and conditions as are set by the registration committee,
- (b) not supervise another dietitian, and
- (c) not practice dietetics except under the supervision of full registrants of the college.

(5) A person who has been granted temporary registration under subsection (2) may be reinstated to the full register upon completion of the period of supervised practice specified by the registration committee.

Notification of Change of Registration Information

54. (1) A registrant must immediately notify the registrar of any change of address, name or any other registration information previously provided to the registrar.

PART V INSPECTIONS, INQUIRIES AND DISCIPLINE

Inspections

55. An inspector must not observe a registrant while the registrant is providing a service to a patient except where
- (a) the consent of the patient being treated has been obtained in advance, or
 - (b) the service is being provided in a public setting.

Investigations by Inquiry Committee

56. (1) The inquiry committee must notify a registrant who is the subject of an investigation and any complaint of the disposition of the investigation and any action taken under section 33(4) of the *Act*.
- (2) Before agreeing to accept an undertaking or consent under section 36 of the *Act*, the inquiry committee may review all previous complaints and disciplinary matters involving the registrant to be satisfied that the proposed undertaking is appropriate in the circumstances.

Consent Orders

57. (1) In this section “consent order” means the record of an undertaking or a consent given under section 36 of the *Act* for the purposes of resolving a complaint.
- (2) A consent order must
- (a) include any consent to a reprimand or to any other action made by the registrant under section 36 of the *Act*,
 - (b) include any undertaking made by the registrant under section 36 of the *Act*,
 - (c) specify the length of time that an undertaking specified in paragraph (b) is binding on the registrant,
 - (d) specify the procedure that the registrant may follow to be released from an undertaking specified in paragraph (b), and

- (e) specify which terms of the consent order may be disclosed to the public.

Mediation

58. (1) The inquiry committee may recommend under section 33(6)(b) of the *Act* that a complaint be mediated where
- (a) the inquiry committee determines that the issuance of a citation under section 37 of the *Act* is not warranted, and
 - (b) the complainant and the registrant agree to mediation.
- (2) Following a recommendation under subsection (1), the inquiry committee must appoint a mediator who is acceptable to the complainant and the registrant.
- (3) The mediator must conduct the mediation process in accordance with the terms of a written mediation contract executed by the complainant and the registrant.
- (4) Where an agreement between the complainant and the registrant is reached through mediation, the terms of the agreement may be approved by the inquiry committee.
- (5) Where the term of an agreement between the complainant and the registrant reached through mediation requires the registrant to undertake or consent to an action referred to in section 36, the inquiry committee may request the registrant to make such an undertaking or consent where the inquiry committee considers the undertaking or consent to be appropriate in the circumstances.
- (6) Where an agreement is approved by the inquiry committee under subsection (5), the inquiry committee must report the resolution of the matter to the board and must retain a copy of the agreement on file.
- (7) Where an agreement is not reached through mediation, the mediator must refer the matter back to the inquiry committee and may recommend that the inquiry committee take one or more actions under section 35 of the *Act*.

Citation for Disciplinary Hearing

59. (1) On the direction of a panel of the discipline committee, the registrar may join one or more complaints or other matters which are to be the subject of a discipline hearing in one citation as appropriate in the circumstances.

- (2) On the direction of a panel of the discipline committee, the registrar may sever one or more complaints or other matters which are to be the subject of a discipline hearing as appropriate in the circumstances.
- (3) On the direction of a panel of the discipline committee, the registrar may amend a citation issued under section 37 of the *Act*.
- (4) Where a citation is amended under subsection (3) prior to a discipline hearing, the amended citation must be delivered to the respondent by personal service or sent by regular mail to the respondent at the last known address for the person recorded as required in or pursuant to section 21(2) of the *Act* not fewer than 14 days before the date of the hearing.
- (5) Where a citation is amended under subsection (3) prior to a discipline hearing, and the amended citation changes the date, time or place of the hearing, the registrar must notify any complainant of the amendment not fewer than 14 days before the date of the hearing.

Hearings of Discipline Committee

- 60. (1) For the purposes of this section, “chair” includes the chair of a panel of the discipline committee.
- (2) No person may sit on the discipline committee while he or she is a member of the inquiry committee
- (3) No member of the discipline committee may sit on the panel hearing a matter in which he or she
 - (a) was involved as a member of the inquiry committee or
 - (b) has had any prior involvement.
- (4) Information about the date, time and subject matter of the hearing must be provided to any person on request.
- (5) The discipline committee must provide notice by registered mail or by personal service to a person who is required to attend a hearing under section 38(6) of the *Act* in the form set out in Schedule “F”.
- (6) All discipline hearings shall be recorded and any person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend.
- (7) In determining the penalty to be imposed on a registrant under section 39(1) of the *Act*, the discipline committee must, after making a determination on the facts, consider a previous relevant disciplinary decision regarding the registrant or an undertaking or consent to a reprimand given by the registrant under section 36(1) of the *Act*.

- (8) The registrar or the chair of the discipline committee may adjourn a discipline committee hearing from time to time.
- (9) The discipline committee may at any stage of a hearing direct that a citation be amended on such terms as it deems appropriate.

Notice of Disciplinary Decision

- 61. (1) At the conclusion of a disciplinary proceeding, the board must, within a reasonable time, advise every registrant of
 - (a) the name of the respondents,
 - (b) the facts of the case,
 - (c) the reasons for the decision, and
 - (d) the disposition of the case, including the nature of any limitation or suspension, and the date it is in effect.
- (2) Where disciplinary proceedings result in the limitation or suspension of a registrant's practice, the registrar must notify the college or associations responsible for the regulation of the profession of dietetics in every other Canadian jurisdiction and, on request, to any other college or association in a jurisdiction outside Canada.

Retention of Disciplinary Committee and Inquiry Committee Records

- 62. (1) Records of the inquiry committee must be retained for not less than six (6) years following the conclusion of an investigation and records of the discipline committee must be retained for not less than six (6) years following the date a decision is rendered.

Registrant Under Suspension

- 63. A registrant while under suspension must not practise the profession of dietetics and must not hold him or herself out as entitled to practise during that time.

Fines

- 64. The maximum amount of a fine that may be ordered by the discipline committee under section 39 of the *Act* is \$35,000.00.

Professional Misconduct

65. (1) Professional misconduct includes, but is not limited to, conduct in which a respondent has:
- (a) engaged in conduct that in the opinion of the discipline committee is relevant to the registrant's competency or suitability to practice,
 - (b) has been found by another regulatory body to have committed an act that would, in the opinion of the discipline committee, be an act of professional misconduct,
 - (c) committed an act of sexual misconduct,
 - (d) contravened a term, condition or limitation imposed on the respondent's certificate of registration,
 - (e) contravened a standard of practice of the profession or breached the code of ethics,
 - (f) practiced the profession while the respondent's ability to do so was impaired by a physical or mental ailment, or while impaired by alcohol or drugs,
 - (g) discontinued professional services that are needed unless:
 - (i) the client requests the discontinuation,
 - (ii) alternative services have been arranged,
 - (iii) the client is given a reasonable opportunity to arrange alternative services,
 - (iv) there has been a failure to establish a therapeutic relationship,
 - (v) the client has been given a reasonable opportunity to achieve set client goals,
 - (vi) the client can no longer meet agreed upon terms of payment, and all reasonable attempts on the part of the registrant to facilitate such payment have been unsuccessful, or
 - (vii) the agency providing services has exhausted the resources allocated to those services.
 - (h) given information about a client to a person other than the client or his or her representative, except with the consent of the client or representative, and as required by law,
 - (i) falsified a record relating to the respondent's practice,
 - (j) signed or issued a document that the respondent knows contains a false or misleading statement,

- (k) submitted an account or charge for services that the respondent knows is false or misleading,
- (l) contravened the *Health Professions Act*, the regulations or these bylaws,
- (m) failed to supervise an assistant or support personnel appropriately or in accordance with professional guidelines, or
- (n) failed to cooperate with an Inspector pursuant to Part 3 of the *Act*.

Costs

66. The costs that may be ordered by the discipline committee pursuant to section 39(1)(g) of the *Act* include

- (i) costs and disbursements incurred in the investigation,
- (ii) transportation, accommodation and other living expenses paid to a person or committee member attending a hearing,
- (iii) a fee of \$250.00 for each day of a hearing for each member of the discipline committee or panel,
- (iv) court reporter's fees for attendance at a hearing,
- (v) cost of transcripts of the proceedings,
- (vi) cost of hearing room rental,
- (vii) fees and disbursements payable to counsel for the college, the discipline committee or both,
- (viii) the cost of delivery of the citation, subpoenas or other documents, or
- (ix) any other costs or expenses incurred by the college directly or indirectly in relation to an investigation or hearing.

PART VI HEALTH PROFESSION CORPORATIONS

Application for Health Profession Corporation Permit

67. (1) A corporation incorporated under the *Company Act* may apply to the board for a permit to carry on the business of providing the services of dietetics to the public by delivering to the board

- (a) a completed permit application in a form approved by the board,
 - (b) a true copy of the certificate of incorporation of the company, and
 - (c) the permit fee specified in Schedule “D”.
- (2) The president of a corporation incorporated under the *Company Act* or his or her designate must promptly advise the board in writing of any change to the information contained in the permit application.

Issuance of Health Corporation Permit

68. (1) A permit is valid from the issue date shown until the next April 1.

Renewal of Health Profession Corporation Permit

69. (1) A health profession corporation which intends to continue to provide the services of dietetics to the public must, before its permit expires, apply for a renewal of the permit by delivering to the board
- (a) a completed permit renewal application in a form approved by the board, and
 - (b) the renewal fee specified in Schedule “D”.
- (2) A renewal permit is valid until the next April 1.
- (3) The health profession corporation must promptly advise the board in writing of any change to the information contained in the most recent permit renewal application.

Health Profession Corporation Name

70. (1) A health profession corporation must use the designation “Dietitian Corporation” in its name.
- (2) A health profession corporation must not use a name which
- (a) is identical to that under which another health profession corporation holds a valid permit issued under this part,
 - (b) so closely resembles the name of another health profession corporation which holds a valid permit issued under this part that it is likely to confuse or mislead the public, or
 - (c) contravenes section 75 of these bylaws.

Change of Health Profession Corporation Name

71. (1) A health profession corporation which intends to change its name must apply to the board, in a form approved by the board, for a certificate that the college does not object to the intended name of the health professions corporation.
- (2) Section 70 applies to an application under subsection (1).
- (3) The board must issue a new permit to a health profession corporation which
- (a) has received a certificate that the college does not object to the intended name change, and
 - (b) delivers to the board a true copy of the certificate of the Registrar of Companies showing the change of name and the date it is effective.
- (4) A permit issued under subsection (3) is valid until the date on which the permit it replaces would have expired.

Health Profession Corporation Advertising

72. A health profession corporation which carries on the business of providing the services of dietetics to the public must disclose on all letterhead and business cards, and in all other advertisements, that the services of dietetics are being provided by a health profession corporation.

Disposition of Shares

73. The articles of the corporation must provide for the disposition of shares of a shareholder who dies, ceases to be a registrant or who ceases to be qualified to practise the profession.

Hearings respecting Revocation of Permits

74. (1) The powers and duties of the board set out in section 44 of the *Act* are delegated to the discipline committee.
- (2) A permit revocation hearing may be consolidated with a hearing conducted under section 38 of the *Act* where there is a similarity of subject matter between the two hearings.

- (3) The discipline committee may conduct an oral hearing or a hearing by written submission to determine if a health corporation permit should be revoked.
- (4) The discipline committee may conduct a hearing on the receipt of a written complaint or on its own motion.
- (5) The registrar must provide notice of a permit revocation hearing by personal service or by registered mail to the registered office of the health profession corporation not less than thirty (30) days before the date of the hearing.
- (6) The notice of permit revocation hearing must
 - (a) name the health profession corporation as respondent,
 - (b) describe the matter that is to be the subject of the hearing, including the particulars of any evidence in support of that subject matter,
 - (c) where the hearing is to be an oral hearing
 - (i) specify the date, time and place of the hearing,
 - (ii) advise the respondent that the discipline committee is entitled to proceed with the hearing in the absence of representatives of the health profession corporation, and
 - (iii) advise the respondent that the respondent and the college may appear as parties with counsel at a hearing,
 - (d) where the hearing will be conducted by written submission
 - (i) specify the date of the hearing, and
 - (ii) advise the respondent that the respondent is entitled to submit a written submission no later than fourteen (14) days prior to the date of the hearing.
- (7) At an oral permit revocation hearing of the discipline committee
 - (a) the testimony of witnesses shall be taken on oath, which may be administered by any member of the discipline committee, and
 - (b) there shall be a full right to cross examine witnesses and call evidence in defence and reply
- (8) Where the respondent does not attend, the discipline committee may
 - (a) proceed with the hearing in the respondent's absence on proof of receipt of the citation by the respondent, and

- (b) without further notice to the respondent, take any action that it is authorized to take under the *Act*, the regulation or the bylaws.
- (9) The discipline committee may order a person to attend an oral permit revocation hearing to give evidence and to produce records in the possession of or under the control of the person.
- (10) The discipline committee must provide notice by registered mail or by personal service to a person who is required to attend an oral permit revocation hearing under subsection (9) in the form set out in Schedule “F”.
- (11) The board must provide written reasons for its decision.
- (12) Where the board decides to revoke a permit, the board must publish a notice containing
 - (a) the name of the respondent,
 - (b) the reasons for the decision, and
 - (c) the date of the permit revocation.

PART VII GENERAL

Marketing

75. (1) In this part,
- “advertisement” means the use of space or time in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public, or a segment thereof, for the purpose of promoting professional services or enhancing the image of the advertiser,
- “marketing” includes
- (a) an advertisement,
 - (b) any publication or communication in any medium with any patient, prospective patient or the public generally in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance or any other means by which professional services are promoted, and
 - (c) contact with a prospective client initiated by or under the discretion of a registrant.
- (2) Any marketing undertaken or authorized by a registrant in respect of his or her professional services must not be
- (a) false,
 - (b) inaccurate,

- (c) reasonably expected to mislead the public,
 - (d) unverifiable, or
 - (e) contrary to the public interest in the practice of the profession.
- (3) Marketing violates subsection (2) if it
- (a) is calculated or likely to take advantage of the weakened state, either physical, mental or emotional, of the recipient or intended recipient,
 - (b) is likely to create in the mind of the recipient or intended recipient an unjustified expectation about the results which the registrant can achieve,
 - (c) implies that the registrant can obtain results
 - (i) not achievable by other registrants,
 - (ii) by improperly influencing a public body or official, or any corporation, agency or person having any interest in the welfare of the recipient,
 - (iii) by any improper means, or
 - (d) compares the quality of services provided with those provided by
 - (i) another registrant,
 - (ii) a person authorized to provide health care services under another enactment, or
 - (iii) another health professional.
- (4) A registrant must not
- (a) state publicly that he or she speaks on behalf of the college unless he or she has been expressly authorized by the board to state the official position of the college, or
 - (b) endorse or lend himself or herself as a dietitian to the advertisement of any property, investment or service for sale to the public unless such property, investment or service relates directly to the profession.
- (5) A registrant who, in any advertisement, includes a statement of fees for a specific service
- (a) must ensure that the statement sufficiently describes the fees and services so as to enable the recipient or intended recipient to understand the nature and extent of the services to be provided and the cost to the patient, and
 - (b) must not in the advertisement compare the fees charged by the registrant with those charged by another registrant.

- (6) Unless otherwise authorized by the *Act*, the regulations, these bylaws, or the board, a registrant
 - (a) must not use the title “specialist” or any similar designation suggesting a recognized special status or accreditation on any letterhead or business card or in any other marketing, and
 - (b) must take all reasonable steps to discourage the use, in relation to the registrant by another person, of the title “specialist” or any similar designation suggesting a recognized special status or accreditation in any marketing.
- (7) A registrant must retain for one year after the date of publication or broadcast of any advertisement or brochure, and must provide to the board upon request
 - (a) a copy of any such publication,
 - (b) a recording of any such broadcast made by use of any electronic media, including radio, television and microwave transmission, and
 - (c) a written record of when and where the publication or broadcast was made.
- (8) It is the duty of the registrant, when called upon by the discipline committee, inquiry committee, or the board to do so, to verify the statements made in his or her marketing.
- (9) Registrants who limit their practices to certain branches or areas of the profession may state in any marketing the branch or area to which the practice is restricted.

FORM I

Statutory Declaration
(Part IV)

CANADA PROVINCE OF BRITISH COLUMBIA IN THE MATTER OF
AN APPLICATION FOR REGISTRATION IN THE COLLEGE OF
DIETITIANS

I, _____, of _____ in _____, in the Province of [British Columbia],
do solemnly declare that:

1. I have not been convicted in Canada or elsewhere of any offence that if committed by a person registered under the Health Professions Act, would constitute unprofessional conduct or conduct unbecoming a person registered under these bylaws except as follows:

2. My past conduct does not demonstrate any pattern of incompetency or untrustworthiness which would make registration contrary to the public interest.

3. I am a person of good character.

4. My entitlement to practice dietetics has not been limited, restricted or subject to conditions in any jurisdiction at any time except as follows:

5. At the present time, no investigation, review or proceeding is taking place in any jurisdiction which would result in the suspension or cancellation of my authorization to practise dietetics in that jurisdiction except as follows:

6. I have read the Health Professions Act of British Columbia and the regulations and bylaws of the College of Dietitians made pursuant to the Act

Signature of Applicant: _____

DECLARED before me at _____ in the Province of [British Columbia,] this
____ day of ____ (year).

Signature of Notary Public or Commissioner for Taking Affidavits: _____

FORM 2

**Certificate of Registration
(Part IV)**

COLLEGE OF DIETITIANS OF BRITISH COLUMBIA

Certificate No.

CERTIFICATE OF REGISTRATION

The board of the College of Dietitians hereby certifies that _____ of _____ **in** _____, Province of British Columbia, has met the qualifications provided for in the bylaws of the College made pursuant to the *Health Professions Act*, and is duly qualified to practice dietetics as a _____ registrant of the College of Dietitians of British Columbia.

GIVEN under seal of the board at _____, British Columbia this _____ day of _____.
