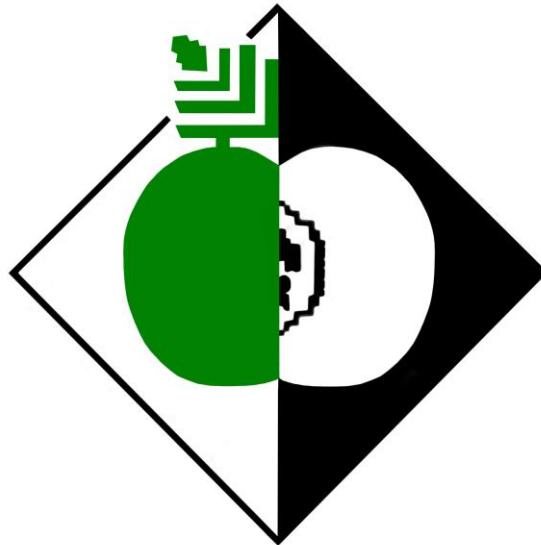


# **New Brunswick Association of Dietitians**



**Why Does NBAD exist?**  
**Workbook on Regulation**

2008

Published by  
The New Brunswick Association of Dietitians



[www.adnb-nbad.com](http://www.adnb-nbad.com)

## **Why Does NBAD exist? Workbook on Regulation**

The New Brunswick Association of Dietitians is the governing body for Dietitians in New Brunswick and protects the public's right to quality dietetic service. Registered Dietitians have the privilege and responsibility of being a self-regulated profession in the province of New Brunswick. Self-regulation means that the profession governs and manages itself. The purpose of self-regulation is public protection.

**Regulation:** When performance of an occupation without due regard for professional standards of technical competence could result in death, serious bodily injury, catastrophic destruction or deprivation of legal rights a mechanism needs to be put in place to protect the public.

**Professional Regulation:** The profession is given responsibility for regulating its own members by an act of legislation. The regulation of professionals is a provincial responsibility therefore there are variation in how the profession is regulated across the country.

The provincial government, through legislation, grants self-regulating status to a profession when the profession has demonstrated that it is a recognized and organized profession that has the financial and human resources required to protect the public by regulating the practice of its members.

### **An Act respecting the New Brunswick Association of Dietitians**

- 4 (1) The objectives of the Association are
- (a) to ensure the protection of the public;
  - (b) to regulate the practice of dietetics by members and to govern its members in accordance with this Act, the regulations and the by-laws;
  - (c) to establish, maintain and develop standards of knowledge and skill among its members
  - (d) to establish, maintain and develop standards of qualifications and practice for Dietitians;
  - (e) to establish, maintain and develop standards of professional ethics among its members
  - (f) to administer this Act and perform such duties and exercise such powers as are imposed or conferred on the Association by this or any other Act.
  - (g) to further such other objects relating to human health as may be applicable to the practice of dietetics as the Association may consider desirable in order that the public interest may be served and protected.

**In general dietetic regulatory bodies across Canada are responsible to perform the following functions:**

- Interpret dietetic scopes of practice, including reserved/restricted activities
- Establish, maintain, and enforce standards for: ethics, conduct, entry to practice, continuing competence, professional practice and reserved/restricted activities.
- Assess and register qualified applicants in their provincial jurisdictions
- Ensure dietetic education and training programs meet requirements for registration
- Protect the professional titles and designations to differentiate regulated from unregulated nutrition practitioners and take action on unauthorized dietetic practice
- Investigate and resolve complaints about a dietitian's practice, conduct and fitness to practice

**Professional Regulation Models:**

In order to better understand Professional Regulation a review of the two basic models for the regulation of a profession is required. The difference between the two is in the restrictiveness of the regulatory powers that are delegated to the profession

1. **Traditional model** – uses either a licensure or certification approach to regulate the profession
  - a. **licensure** – the legislation prohibits all who are not licensed from providing the services that fall within the scope of practice, sometimes referred to as an exclusive scope of practice
  - b. **certification** – the legislation only prohibits others from using the title of the regulated profession, NBAD legislation
2. **Controlled Acts model** – similar to certification, in that the function of the scope of practice is to enable the services of the regulated profession, not to restrict delivery of the service by others. Over-laps between scopes of practice (between various health professionals) are an accepted part of this model. The model is different from certification in that the legislation prohibits everyone from performing any of a list of “controlled acts” unless they are a member of a regulated profession that has been authorized to perform that act.  
Controlled Acts may also be referred to as “Restricted Acts” or “Reserved Acts” and may have some slight variation from the Controlled Acts model. The idea behind this model is that it restricts specific activities that have been determined to pose a real threat to public safety.

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## Terminology and Tools

New Brunswick Association of Dietitians serves and protects the public by exercising its responsibility to regulate the dietetic profession in the following areas:

### 1. Scope of Practice

- the full spectrum of roles, functions, responsibilities, activities and decision making capacity which individuals within a profession are educated, competent and authorized to perform
- The scope of practice is limited to that which the law allows for specific education and experience, and specific demonstrated competency
- The primary purpose of the Scope of Practice is to educate members of the profession and the public the focus of that particular profession

An Act Respecting the New Brunswick Association of Dietitians states the Scope of Practice for Dietitians in New Brunswick as:

“Practice of Dietetics” means the translation and application of the scientific knowledge of foods and human nutrition towards the attainment, maintenance and promotion of the health of individuals, groups and the community and includes the following:

- (a) administering food service systems though this function is not exclusive to dietitians;
- (b) assessing nutrition needs of individuals and developing and implementing nutritional care plans based on the assessments;
- (c) establishing and reviewing the principles of nutrition and guidelines for healthy and ill people throughout their lives;
- (d) assessing the overall nutritional needs of a community in order to establish priorities and to influence policies which provide the nutritional component of preventative programs, and implementing those programs;
- (e) interpreting and evaluating, for consumer protection, information of nutrition that is available to the public;
- (f) consulting with individuals, families and groups on the principles of food and nutrition and the practical application of those principles;
- (g) planning, conducting and evaluating educational programs on nutrition;
- (h) conducting basic and applied research in food, nutrition and food service systems though this function is not exclusive to dietitians.

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## Terminology and Tools

### 2. Code of Ethics:

- A means of uniquely expressing a group's collective commitment to a specific set of standards of conduct while offering guidance in how to best follow those codes.
- Outlines values, accountabilities and responsibilities by which dietitians are expected to conduct their practice.

#### ***NBAD Code of Ethics*** **Principles**

- 1.0 To conduct professional practice with integrity, honesty and fairness
- 2.0 To maintain a high standard of professional competence
- 3.0 To respect confidentiality and privacy
- 4.0 To respect the client's right to make choices
- 5.0 To protect the public against unethical or incompetent behavior
- 6.0 To ensure the public is informed of the nature of any nutritional treatment or advice and its possible effects
- 7.0 To support the training and education of future members of the profession
- 8.0 To support others in the pursuit of professional growth
- 9.0 To contribute to the advancement of dietetic practice, research and knowledge as well as the dissemination of nutrition related knowledge and skills

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## Terminology and Tools

### 3. Competencies:

- Competence is the habitual and judicious use of communication, knowledge, technical skills, clinical reasoning, emotions, values and reflections in daily practice.
- Competency is a cluster of related knowledge, skills and attitudes that affects a major part of one's job (a role or responsibility), that correlates with performance in practice, that can be measured against well-accepted standards, and that can be improved via training and development.
- Professional competencies are the repertoire of measurable knowledge, skills, and attitudes required by that profession through the practitioners' career.
- It is the basis for all components of regulation from education and training of potential members of the profession, to registration and ongoing regulation of the member (continuing competency programs, complaint investigation and discipline), therefore competencies must reflect current practice, and regularly need to be updated.

#### **Development of *Essential Competencies for Dietetic Practice***

Competencies are the foundation for entry requirements, registration with the provincial regulatory bodies, continuing competence programs and the determination of professional misconduct or incompetence.

The competencies must reflect current practice and need to be clear, specific and demonstrable in order to be a useful tool for the assessment of competence by regulators, educators and Registered Dietitians. As a result, all the provincial dietetic regulatory bodies through the Alliance of Canadian Dietetic Regulatory bodies undertook the development of new competency statements in consultation with Registered Dietitians across Canada. The new document *Essential Competencies for Dietetic Practice* was released in 2006 and work is currently being done to integrate the updated competencies into dietetic practice.

*The Essential Competencies for Dietetic Practice* reflects the competencies required by all practicing Registered Dietitians regardless of their practice area as well as competencies required by Registered Dietitians within practice areas.

### 4. Standards of Practice:

- An expectation (or set of expectations) that reflects the general agreement on competent practice by the members and governors of recognized professional organizations.
- Outline the minimum performance expectations for dietetic practice
- Defined to ensure the public receives competent dietetic service

## **Terminology and Tools**

### **5. Mandatory Continuing Competency Programs:**

- Ensuring compliance with appropriate standards of dietetic practice
- Designed to promote quality practice for the public’s protection

### **6. Registration Process:**

- Only those people who have meet the qualifications are registered
- The education and practical training qualifications for registration is outlined in regulations, by-laws and policies

### **7. Educational Program approval:**

- Ensures that educational and practical training programs are educating individuals who will meet the qualifications as outlined for registration

### **8. Title Protection:**

- 12 (3) Except as provided in this Act, the by-laws, or regulations no person shall use the title “dietitian”, “dietician”, “professional dietitian”, “registered dietitian – Nutritionist”, “registered dietitian”, or the abbreviations “P.Dt.”, “R.D.”, or “RDN” or other designations representing the title, unless such person is a registered dietitian.

An Act respecting the New Brunswick Association of Dietitians

### **9. Complaint Investigation:**

- Investigate complaints related to the delivery of services by dietitians
- The service provided by the dietitian will be measured against the Code of Ethics, Standards of Practice and other relevant legislation

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## 10. Discipline:

- Authorized to make orders against dietitians based on findings of the investigation

**“incapacity”** means a physical or mental condition or disorder, suffered by a member, of such nature and extent that it is desirable in the interests of the public or the member that she no longer be permitted to practice dietetics or that her practice is restricted.

**“incompetence”** means acts or omissions on the part of a member, in her professional duties, including the care of a patient, the demonstrate a lack of knowledge, skill or judgment, or disregard for the welfare of a patient or patients of a nature and to an extent as to render her unfit or unsafe to practice dietetics or to practice dietetics without conditions, limitations or restrictions.

Definitions from section 2 “interpretation” - an Act Respecting the New Brunswick Association of Dietitians

This workbook is provided to give you a brief overview of professional regulation and the responsibilities of the New Brunswick Association of Dietitians. For more information refer to the documents listed below or contact the NBAD office.

### References / Additional Resources:

Items with a (w) available on [www.adnb-nbad.com](http://www.adnb-nbad.com)

An Act Respecting the New Brunswick Association of Dietitians, December 1988 (w)

The New Brunswick Association of Dietitians Regulations (w)

The New Brunswick Association of Dietitians By-laws (w)

The New Brunswick Association of Dietitians – Code of Ethics, May 2007 (w)

Introduction to Essential Competencies for Dietetic Practice, 2006 (w)

*Key Trends in Professional Regulation* Perspective for the Professions Issue #5 Spring 2008 ([www.fieldlaw.com](http://www.fieldlaw.com))

The End of Self-Regulation of the Legal Profession in England Grey Area #126, August 2008 ([www.sml-law.com](http://www.sml-law.com))

The Regulation of Professions in Canada, James T. Casey, Published by Thomson Carswell, 2003

Chapter 2 Regulation of Health Care Professions *Canadian Health Law and Policy 2<sup>nd</sup> ed.*