

# BYLAWS OF THE COLLEGE OF DIETITIANS OF BRITISH COLUMBIA

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**Definitions**

- 1. 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 11 unless otherwise specified;
  - “college” means the College of Dietitians of British Columbia;
  - “deliver”, with reference to a notice or other document, includes mail, delivery in person, and by deposit in a mailbox or mail slot at the person’s residence or place of business, or delivery by email or other electronic means to a person’s email or electronic address;
  - “disciplined person” means a former registrant whose registration was suspended or cancelled under sections 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the *Act*;

“elected board member” means a person elected to the board under section 17(3)(a) of the *Act* or appointed to a vacancy by the board under section 10;

“examination” means the examination for registration approved by the board;

“in good standing” in respect of a registrant, means

- (a) the registrant’s college registration is not suspended under the *Act*, and
- (b) no limits or conditions are imposed on the practice of dietetics by the registrant under section 20, 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the *Act*;

“jurisprudence examination” means the provincial regulatory knowledge examination approved by the board;

“personal information” means personal information as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act* for the purpose of Part 3 of these bylaws, and includes personal information as defined in section 1 of the *Personal Information Protection Act* for the purpose of Part 7 of these bylaws;

“public representative” means a person who is not a registrant or former registrant, 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*;

“registrant” means a person granted registration as a member of the college;

“registrar” means the registrar for the college;

“regulation” means the Dietitians Regulation deposited under BC Reg. 279/2008;

“respondent” means a registrant or former registrant named in a citation under section 37 of the *Act*;

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

“supervision”, means a situation in which a person’s practice is overseen by a full registrant; where a section in these bylaws refers to supervision, the scope, nature and form of that supervision is to be applied in accordance with the policy, standard or guideline approved by the board.

“vice-chair” means the vice-chair of the board elected under section 11 unless otherwise specified.

## **PART 1 COLLEGE BOARD, COMMITTEES AND PANELS**

### **Board Composition**

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

### **Elected Board Members**

3. (1) The province of British Columbia is divided into four (4) electoral regions whose boundaries are defined in Schedule “A”:
  - (a) Vancouver Coastal;
  - (b) Fraser;
  - (c) Vancouver Island;
  - (d) Interior / North.

- (2) The boundaries of an electoral region established under section 3(1) may only be changed by a special resolution of the board amending Schedule "A".
- (3) The number of board members to be elected from each electoral region is:
  - (a) Vancouver Coastal – two (2);
  - (b) Fraser – one (1);
  - (c) Vancouver Island – one (1);
  - (d) Interior/ North - two (2).
- (4) For the purposes of this bylaw, the elected board members must serve staggered terms as follows:
  - (a) the board member from Fraser must be elected in an odd numbered year;
  - (b) the board member from Vancouver Island must be elected in an even numbered year;
  - (c) one board member from each the Vancouver Coastal and Interior/ North must be elected in an odd numbered year and the remaining two board members from each of these districts must be elected in an even numbered year.

#### **Eligibility for Election to the Board**

4. (1) Subject to subsection (2), full registrants in good standing are eligible for election to the board.
- (2) A full registrant who holds a position as an employee of the college is ineligible for election to the board.

#### **Notice of Election**

5. (1) The registrar must deliver a notice to every registrant eligible to vote in an election under section 17(3)(a) of the *Act* no later than November 15 of each year.
- (2) The notice must contain information about the:
  - (a) pending vacancy; and
  - (b) nomination and election procedures.
- (3) The accidental omission to deliver notice of a meeting to, or the non-receipt of a notice by any person entitled to receive notice under section 33(1), does not invalidate proceedings of the election.

#### **Nomination Procedure**

6. (1) A candidate for election in an electoral region must be nominated, in the election nomination form, by one (1) registrant in good standing who is eligible to vote from the same region.
- (2) A candidate for election must consent to the nomination.
- (3) The election nomination form must be completed and delivered to the registrar no later than December 15.

### **Election Procedure**

7. (1) The election must be held on or before March 31 of each year.
- (2) The registrar must supervise and administer all elections and may establish procedures consistent with these bylaws for that purpose.
- (3) The registrar may determine any dispute or irregularity with respect to any nomination, ballot or election.
- (4) Each registrant may vote in favor of one (1) person for each vacant position to be filled.
- (5) The registrar must prepare and deliver to each registrant an election ballot no later than January 15.
- (6) Where the number of registrants nominated under section 6 is less than or equal to the number of positions vacant in the electoral district at the close of nominations, the nominees are elected by acclamation.
- (7) The registrar must not count a ballot unless satisfied that it bears the name and registration number of a registrant entitled to vote.
- (8) A vote by a registrant entitled to vote must be:
  - (a) cast by secure and confidential electronic ballot; and
  - (b) received by the registrar no later than February 15.
- (9) The candidate receiving the most votes on the return of the ballots is elected.
- (10) In the case of a tie vote, the registrar must select the successful candidate by random draw.
- (11) The registrar must issue a certificate of election to newly elected board members under section 17.1(1) of the *Act*.

### **Term of Office**

8. (1) The term of office for an elected board member is two (2) years commencing April 1 of the year elected.
- (2) An elected board member may serve a maximum of three (3) consecutive terms.
- (3) An elected 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.

### **Removal of an Elected Board Member**

9. (1) An elected member of the board ceases to hold office if he or she:
  - (a) ceases to be a registrant in good standing;
  - (b) ceases to reside in BC;
  - (c) becomes an employee of the college;
  - (d) dies.
- (2) An elected member of the board may be removed by special resolution of the board, or by special resolution of registrants at a general meeting in accordance with the provisions of section 33.

### **Vacancy**

10. In the case of any vacancy of an elected board position the board may by special resolution appoint an eligible registrant under section 4 from the same region as the

outgoing elected board member, to fill the vacancy for the remainder of the term for that position.

### **Chair and Vice-Chair of the Board**

11. (1) The members of the board must elect a chair and a vice-chair for a one (1) year term by majority vote.
- (2) The term of office commences April 1 of the year elected.
- (3) The chair must:
  - (a) preside at all general meetings of the college and board meetings and is an ex-officio member of all committees;
  - (b) sign certificates, diplomas and other instruments executed on behalf of the college;
  - (c) sign the minutes of each meeting after they are approved by the board; and
  - (d) act in accordance with the requirements of his or her office for the proper carrying out of the duties of the board.
- (4) The chair may perform the duties set out in sections (3)(b) and (3)(c) by electronic means.
- (5) The vice-chair must perform the duties of the chair in the absence of the chair.
- (6) 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.
- (7) A vacancy in the chair or vice-chair positions may be filled by another Board member by a majority vote of the board for the remainder of the term.
- (8) The chair is entitled to vote on all resolutions at a general meeting or a board meeting.

### **Board Meetings**

12. (1) The board must meet at least three (3) times in each year and must provide reasonable notice of board meetings to board members, registrants and the public.
- (2) Meetings of the board must be open to registrants and to the public.
- (3) Meetings of the board must be called by the registrar at the request of either the chair or any three (3) board members.
- (4) The accidental omission to deliver notice of a board meeting to, or the non-receipt of a notice by any person entitled to receive notice under subsection (1), does not invalidate proceedings at that meeting.
- (5) The registrar must provide to registrants or members of the public upon request:
  - (a) the date, time and place of an upcoming board meeting;
  - (b) a copy of the agenda; and
  - (c) a copy of the minutes of any preceding meeting.
- (6) The board may exclude any person from any part of a meeting if it is satisfied that one or more of the following matters will be discussed:
  - (a) financial or personal or other matters of such a nature that the interest of any person affected or the public interest in avoiding public disclosure of those matters outweighs the public interest in board meetings being open to the public;

- (b) information concerning an application by any individual for registration under section 20 of the *Act*, the disclosure of which would be an unreasonable invasion of the applicant's personal privacy;
  - (c) information concerning a complaint against, or an inspection of, any individual under Part 3 of the *Act*, the disclosure of which would be an unreasonable invasion of the individual's personal privacy;
  - (d) information the disclosure of which may prejudice the interests of any person involved in:
    - (i) a proceeding under the *Act*, including a disciplinary proceeding under part 3 of the *Act* or a review under Part 4.2 of the *Act*; or
    - (ii) any other criminal, civil or administrative proceeding;
  - (e) personnel matters;
  - (f) the contents of examinations;
  - (g) communications with the office of the ombudsperson;
  - (h) instructions given to or opinions received from legal counsel under section 30, or any other matter that is subject to solicitor-client privilege;
  - (i) information that the college would be required or authorized to refuse to disclose to an applicant making a request for records under Part 2 of the *Freedom of Information and Protection of Privacy Act*; or
  - (j) information that the college is otherwise required by law to keep confidential.
- (7) 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.
- (8) The board may meet and conduct business by videoconference, teleconference or other means when some or all board members are unable to meet in person.
- (9) A majority of the board constitutes a quorum.
- (10) No resolution proposed at a meeting need be seconded.
- (11) Minutes must be taken at each meeting and be made available to registrants and the public.

### **Extraordinary Board Meetings**

13. (1) Despite section 12(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.
- (2) 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.

### **Committees**

14. (1) The following committees are established:
- (a) registration;
  - (b) inquiry;
  - (c) discipline;
  - (d) quality assurance;
  - (e) finance; and



- (f) governance.
- (2) Each committee must include at least five (5) persons appointed by the board, consisting of one (1) public representative, one (1) appointed board member, one (1) elected board member and two (2) full or non-practicing registrants in good standing.
- (3) A person appointed to a committee serves a term determined by the board not exceeding two (2) years and is eligible for reappointment but may not serve more than three (3) consecutive terms.
- (4) The board must appoint a committee chair and committee vice-chair from the members of the committee appointed under subsection (2).
- (5) A person cannot be appointed to the inquiry committee and the discipline committee at the same time.
- (6) A committee may meet and conduct business by videoconference, teleconference or other means when some or all committee members are unable to meet in person.
- (7) Each committee must submit a report of its activities to the board at least three (3) times per year, prior to each board meeting, or at the request of the committee chair, as necessary.
- (8) A committee member may be removed by a majority vote of the board.

#### **Quality Assurance Committee**

- 15. (1) The quality assurance committee is responsible for:
  - (a) reviewing and recommending to the board professional standards of ethics and practice to enhance quality of practice and reduce incompetent, impaired or unethical practice among registrants;
  - (b) administering a quality assurance program to promote high standards of practice among registrants;
  - (c) assessing professional performance of registrants;
  - (d) collecting information from registrants for the purposes of this section;
  - (e) establishing remedial procedures to assist registrants in identifying and correcting deficiencies in their abilities;
  - (f) informing registrants and the public about access to health care records, privacy matters, marketing and the College's responsibilities and processes and quality practice;
  - (g) establishing and maintaining a patient relations program to prevent professional misconduct, including of a sexual nature;
  - (h) developing and maintaining guidelines for the conduct of registrants;
- (2) For the purpose of this section "professional misconduct of a sexual nature" means:
  - (a) sexual intercourse or other forms of physical sexual relations between a registrant and a patient;
  - (b) touching of a sexual nature of a patient by a registrant; or
  - (c) behavior or remarks of a sexual nature by a registrant towards a patient; but does not include touching, behavior and remarks by a registrant towards a patient that are of a clinical nature appropriate to the service being provided.

### **Finance Committee**

16. (1) The finance committee must:
  - (a) advise the board on the needs of the college in regard to financial administration and the financial implications of board decisions;
  - (b) advise the board on the application of legislative, regulatory and other financial requirements to the college;
  - (c) recommend, for the approval of the board, financial policies essential to the financial administration of the college;
  - (d) advise the board on financial risk management and audit issues related to the administration of the college;
  - (e) review and report to the board on any financial administration, financial risk management or audit matter referred to it by the board; and
  - (f) serve as a resource to the board in matters pertaining to college financial administration, financial risk management and audit.

### **Governance Committee**

17. (1) The governance committee must:
  - (a) oversee, facilitate and report to the board on the board performance reviews;
  - (b) oversee, facilitate and report to the board on board and committees' compensation reviews;
  - (c) oversee, facilitate and report to the board on registrar performance reviews;
  - (d) oversee, facilitate and report to the board on registrar compensation reviews;
  - (e) review and report to the board on any registrar performance and oversight matter referred to it by the board; and
  - (f) serve as a resource to the board in matters pertaining to registrar performance and oversight.

### **Committee Panels**

18. (1) The discipline committee, the inquiry committee, the quality assurance, 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 committee chair 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**

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

### **Remuneration of Board, Committee and Panel Members**

20. (1) A board, committee or panel member is entitled to remuneration in accordance with the policy established by the board.
- (2) Board and committee members are entitled to be reimbursed by the college for reasonable expenses necessarily incurred in connection with the activities of the college, in accordance with the policy established by the board.
- (3) Appointed board members and elected board members must be remunerated equally under the policies referred to in this section.
- (4) All members of a committee must be remunerated equally under the policies referred to in this section.
- (5) Despite subsection (4), the amount referred to in subsection (1) may be different for each committee.

### **Conduct of Meetings**

21. Except as provided in these bylaws, meetings of the board, committees, panels of committees and general meetings of registrants are governed by and conducted in accordance with the latest edition of *Robert's Rules of Order*.

## **PART 2 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 authorized by the board.
- (3) The seal must be affixed to certificates of registration and such other documents as the board may direct.

### **Fiscal Year**

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

### **Registrar and Deputy Registrar**

24. (1) The registrar is authorized to establish by bylaw forms for the purpose of the bylaws and to require the use of such forms by registrants.
- (2) If a deputy registrar is appointed by the board:
  - (a) the deputy registrar is authorized to perform all duties and exercise all powers of the registrar, subject to the direction of the registrar; and
  - (b) if the registrar is absent or unable for any reason to act, the deputy registrar is authorized to perform all duties and exercise all powers 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.

### **Banking and Financial Administration**

25. (1) The board must establish and maintain such accounts with a chartered bank, trust company or credit union as the board determines necessary.

- (2) The board is responsible for:
  - (a) managing the college's system of financial administration, including:
    - (i) accounting practices and systems, including classification of accounts, internal control and auditing systems;
    - (ii) financial planning;
    - (iii) budgetary control;
    - (iv) ensuring the safekeeping of college assets, including assets held in trust;
    - (v) managing college revenues, including receipt, recording and control of funds and depositing revenues to accounts maintained by the college; and
    - (vi) producing financial reports for the use of the board.
  - (b) determining the needs of the college in regard to financial administration and the financial implication of board decisions;
  - (c) applying legislative, regulatory and other financial requirements to the college; and
  - (d) developing, establishing and administering financial policies, systems and procedures essential to the financial stability of the college.

#### **Payments and Commitments**

26. (1) The registrar may approve payments and commitments for the purchase of goods and services up to twenty-five thousand dollars (\$25,000.00).
- (2) The registrar must obtain approval from the board for payments and commitments in excess of the amount established in subsection (1).

#### **Borrowing Powers**

27. (1) The board must not borrow in excess of two hundred fifty thousand dollars (\$250,000) without a special resolution approved by the registrants of the college at a general meeting.
- (2) Registrants may, by special resolution at a general meeting, restrict the borrowing powers of the board.

#### **Investments**

28. (1) Subject to sections 15.1 and 15.2 of the *Trustee Act*, the board may, in the name of the college:
  - (a) invest funds of the college in accordance with the board investment policy; and
  - (b) change those investments.

#### **Auditor**

29. (1) The board must annually appoint a chartered accountant or a certified general accountant to be the auditor.

- (2) The registrar must submit the financial records for the previous fiscal year to the auditor within forty-five (45) days from the end of the fiscal year.
- (3) A copy of the auditor's report must be included in the annual report.

### **Legal Counsel**

30. The board, a committee, a panel or the registrar, may retain legal counsel for the purpose of assisting the board, committee, panel or the registrar in carrying out any power or duty under the *Act*, the regulations or these bylaws.

### **General Meetings**

31. (1) An annual general meeting of the college must be held in British Columbia at a time and place determined by the board once in every calendar year and not more than fifteen (15) months after the last preceding annual general meeting.
- (2) The following matters must be considered at an annual general meeting:
  - (a) the financial statements;
  - (b) the report of the auditor;
  - (c) the report of the board;
  - (d) the reports of the committees; and
  - (e) the minutes from the previous annual general meeting.
- (3) Every general meeting, other than the annual general meeting, is an extraordinary general meeting.
- (4) The board:
  - (a) may convene an extraordinary general meeting 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 (10) percent of all registrants.

### **Notice of General Meetings**

32. (1) The board must deliver notice of an annual or extraordinary general meeting to all board members and registrants 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 general nature of the business to be considered at the meeting;
  - (c) any resolutions proposed by the board; and
  - (d) any resolutions proposed by the registrants under section 33 and delivered to the registrar prior to delivery of the notice.
- (3) The accidental omission to deliver notice of a meeting to, or the non-receipt of a notice by any person entitled to receive notice under subsection (1), does not invalidate proceedings at that meeting.
- (4) General meetings must be open to the public.
- (5) The registrar must:

- (a) provide reasonable notice of each general meeting to the public; and
- (b) provide to members of the public on request a copy of the notice given under subsection (1) in respect of a general meeting.

### **Resolutions Proposed by Registrants**

33. (1) Any twenty (20) registrants who are eligible to vote at a general meeting may deliver written notice to the registrar, at least thirty (30) days prior to the date of an annual or an extraordinary general meeting requesting the introduction of a resolution.
- (2) Upon receipt of a notice under subsection (1), and at least fourteen (14) days prior to the date of that meeting, the registrar must deliver notice and a copy of the resolution to each registrant and board member.
- (3) A registrant who is eligible to vote at a general meeting may propose a resolution from the floor at a general meeting and any such resolution must be noted by the chair of the meeting and placed at the end of the agenda to be debated, if time permits.
- (4) No resolution passed by registrants at an annual or extraordinary general meeting is binding on the board.

### **Proceedings at General Meetings**

34. (1) Meetings may be conducted in person or by electronic means.
- (2) Quorum is twenty (20) eligible voters.
- (3) Eligible voters include registrants in good standing and the appointed board members.
- (4) No business, other than the adjournment or termination of the meeting, may be conducted at a general meeting when a quorum is not present.
- (5) If at any time during a meeting there ceases to be a quorum present, business then in progress must be suspended until there is a quorum present.
- (6) If at an annual general meeting there is no quorum present:
- (a) within thirty (30) minutes from the time appointed for the start of the meeting; or
  - (b) within thirty (30) minutes from any time during the meeting;
- the meeting must be adjourned to a date within forty-five (45) days, at a time and place to be determined by the board, and those registrants who attend that later meeting will be deemed to be a quorum for that meeting.
- (7) If, at an extraordinary general meeting under section (3), there is no quorum present:
- (a) within thirty (30) minutes from the time appointed for the start of the meeting; or
  - (b) within thirty (30) minutes from any time during the meeting;
- the meeting must be adjourned and cancelled and no further action may be taken in respect of the request.
- (8) In the absence of both the chair and the vice-chair of the board at a general meeting, an acting chair must be elected by a majority vote of the registrants present.

- (9) A general meeting may be recessed from time to time and place to place, but no business may be transacted at a reconvened meeting other than the business left unfinished at the meeting at which the recess took place.
- (10) When a meeting is adjourned in accordance with subsection (6), notice of the rescheduled meeting must be delivered as in the case of the original meeting.
- (11) A registrant present at a general meeting is entitled to one (1) vote.
- (12) No resolution proposed at a general meeting need be seconded.
- (13) Voting may be conducted by hand count or ballot.

### **Notice to Public Representatives**

35. All material delivered to registrants must also be delivered to each public representative serving on the board or a committee.

## **PART 3 COLLEGE RECORDS**

### **Body Responsible for Administering the *Freedom of Information and Protection of Privacy Act***

36. (1) The registrar is the “head” of the college for the purposes of the *Freedom of Information and Protection of Privacy 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 *Freedom of Information and Protection of Privacy Act*.
- (3) The board is responsible for ensuring that the registrar fulfills the college's duties under the *Freedom of Information and Protection of Privacy Act*.
- (4) The registrar must report annually to the board regarding the steps the college has taken to comply with the *Freedom of Information and Protection of Privacy Act*.

### **Fees for Information Requests**

37. Subject to section 75 of the *Freedom of Information and Protection of Privacy Act*, an applicant who requests access to a college record under section 5 of the *Freedom of Information and Protection of Privacy Act* must pay the fees set out in the Schedule of Maximum Fees in BC Reg. 155/2012.

### **Protection of Personal Information**

38. (1) The board must take all reasonable measures to ensure that the collection, use, and disclosure of personal information occurs in accordance with the *Freedom of Information and Protection of Privacy Act*.
- (2) The board must take reasonable measures to ensure that, if 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**

39. Under section 18(2) of the *Act*, the registrar must make each annual report available electronically and free of charge on the college website, notify registrants the report is available and provide a copy to any person or organization upon request.

### **Disclosure of Registration Status**

40. (1) If an inquiry about the registration status of a person is received by the board or the registrar, the registrar must disclose, in addition to the other matters required by section 22 of the *Act*:
- (a) whether the discipline committee has ever issued an order relating to the person under section 39 of the *Act* and the details of the order;
  - (b) whether the person has ever consented to an order under section 37.1 of the *Act* and the details of the order;
  - (c) whether 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) When acting under section (1), the registrar must not release information which might enable a person to identify:
- (a) a complainant or patient; or
  - (b) another person, other than the registrant, affected by the matter, except with the consent of the complainant, patient or other person.

### **Manner of Disposal of College Records Containing Personal Information**

41. (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 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 4 REGISTRATION**

### **Classes of Dietitian Registration**

42. (1) The following classes of registrants are established:
- (a) full;
  - (b) emergency;
  - (c) temporary; and
  - (d) non-practicing.

### **Full Registration**

43. (1) For the purposes of section 20(2) of the *Act*, the requirements for full registration are:
- (a) graduation from a program in dietetics listed in Schedule "C";



- (b) successful completion of a program of practical training approved by the board;
  - (c) successful completion of the examination and the jurisprudence examination less than 3 years prior to the date that full registration is granted;
  - (d) evidence satisfactory to the registration committee 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 a completed:
    - (i) application for registration;
    - (ii) statutory declaration;
    - (iii) notarized copy or other evidence satisfactory to the registration committee that the applicant has met the requirements in subsection (a) to (c), if applicable, and that he or she is the person named therein;
    - (iv) payment of fees specified in Schedule “B”;
    - (v) authorization for a criminal record check in the form required under the *Criminal Records Review Act*;
    - (vi) in the case of an applicant who is or has practiced dietetics or another health profession in another Canadian jurisdiction, a signed criminal record check authorization form for that jurisdiction;
    - (vii) declaration of meeting professional liability insurance as required in section 57; and
    - (viii) letter or certificate, in a form satisfactory to the registration committee and dated within 30 days prior to the date of application, from each body responsible for the regulation of dietetic or another health profession in a Canadian jurisdiction where the applicant is, or has been, authorized to practice dietetics or another health profession, specifying particulars of any cancellation, suspension, limitation or conditions on the applicant’s entitlement to practice, or any inspection, review or proceeding which could lead to cancellation, suspension, limitation or conditions on the applicant’s entitlement to practice.
- (2) Despite subsection (1), an applicant who is authorized to practice dietetics in another Canadian jurisdiction must be granted full registration by the registration committee if the applicant satisfies the registration committee that he or she:
- (a) is currently authorized to practice dietetics in that other jurisdiction, as evidenced on the verification of registration form;
  - (b) successfully completes the jurisprudence examination; and
  - (c) meets the requirements in subsection (1)(e) and (f)(i), (ii) and (iv) to (viii).
- (3) Despite subsection (1), the registration committee has discretion in satisfying itself under section 20 of the *Act*, that the applicant meets the conditions or requirements for registration as a registrant of the college, to:
- (a) consider the applicant’s signed application for assessment of competence to practice dietetics;

- (b) consider whether the applicant's knowledge, skills, abilities and judgment are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in subsection (1)(a) and (b);
  - (c) consider if the applicant meets the requirements in subsection (1)(c), (d) and (e); and
  - (d) grant registration on that basis.
- (4) A full registrant may use the title "Dietitian" or "Registered Dietitian" and the initials "RD"

### **Emergency Registration**

44. (1) For the purposes of section 20(2) of the *Act*, the requirements for emergency registration are:
- (a) an emergency has been declared by the registrar, according to criteria determined by the board;
  - (b) evidence satisfactory to the registration committee of the good character of the applicant consistent with the responsibilities of a registrant and the standards expected of a registrant;
  - (c) receipt by the registrar of:
    - (i) an application for registration;
    - (ii) authorization for a criminal record check in the form required by the *Criminal Records Review Act*;
    - (iii) declaration of meeting professional liability insurance as required in section 57;
    - (iv) Evidence satisfactory to the registration committee that the applicant either:
      - (A) holds registration in another jurisdiction in Canada or the United States of America as the equivalent of a full registrant, which is not subject to any practice limitations, restrictions or conditions in that jurisdiction that do not apply generally to full registrants in British Columbia; or
      - (B) is a former registrant entitled to reinstatement of full registration under section 52; or
      - (C) is a member of the armed forces of Canada or the United States of America; and
    - (v) payment of fees specified in Schedule "B".
  - (2) The registration committee may grant an applicant registration under subsection (1) for a period of up to ninety (90) days.
  - (3) The registration committee may renew the registration of a person granted registration under subsection (1) for a further period of up to ninety (90) days if the registrar's declaration of an emergency continues to be in effect.
  - (4) An emergency registrant may use the title "Dietitian – Emergency", "Registered Dietitian – Emergency" and the initials "RD (E)".

### **Temporary Registration**

45. (1) For the purposes of section 20(2) of the *Act*, an applicant for full registration who submits an application for registration but does not meet the examination and jurisprudence examination requirement may be granted temporary registration by the registration committee for up to one (1) year if the registration committee is of the opinion that the applicant is capable of practicing dietetics without risk to public health and safety.
- (2) The registration of a person who has been granted temporary registration under section (1) may be renewed by the registration committee once for a period of up to one (1) year immediately following the period that the first temporary registration was granted.
- (3) A temporary registrant must write the examination at the first scheduled sitting following his or her registration;
- (4) Full registration may be granted by the registration committee to a temporary registrant upon successful completion of the examination and jurisprudence examination.
- (5) A temporary registrant who fails the examination may practice only under direct supervision by a full registrant, as specified by the registration committee.
- (6) Registration in this class must be revoked if a temporary registrant fails the examination on the second attempt.
- (7) A temporary registrant may not:
- (a) supervise a full registrant, or
  - (b) practice as a sole and private practitioner.
- (8) A temporary registrant may not be appointed to and serve on any committee or panel established under these bylaws.
- (9) A temporary registrant may use the title “Registered Dietitian – Temporary” and the initials “RD (T)”.

### **Non-practicing Registration**

46. (1) For the purposes of section 20(2) of the *Act*, a former full registrant may be granted non-practicing registration by the registration committee if the registrant delivers to the registrar:
- (a) an application for registration;
  - (b) the fee specified in Schedule “B”; and
  - (c) a statutory declaration that the applicant will not provide dietetic services in BC while registered under this section.
- (2) A non-practicing registrant must not practice dietetics, but may:
- (a) vote at a general meeting of the college; and
  - (b) serve on a committee or panel established under these bylaws.
- (3) In order to return to full registration status, a non-practicing registrant must meet the requirements for reinstatement under sections 51-54.
- (4) A non-practicing registrant may use the title “Registered Dietitian - Non-Practicing” and the initials “RD (NP)”.

### **Restricted Activities**

47. (1) The requirements to practice Restricted Activities are within the meaning of section 5 of the Regulation and include:
- (a) initial application to practice restricted activities for new and former registrants, including proof of meeting qualifications in the CDBC standards of practice and specific competencies listed in the application for restricted activities;
  - (b) annual declaration of each restricted activity that the full or temporary registrant is practicing; and
  - (c) payment of the fees specified in Schedule "B".

### **Certificate of Registration**

48. (1) The registrar must issue a certificate of registration to any person granted full registration, temporary registration, or non-practicing registration.
- (2) A certificate of registration issued under this section must state the registration class, date of issue, and any limits or conditions that apply to the class of registration.
- (3) A certificate of registration is valid until the following March 31.
- (4) This bylaw does not apply to emergency registrants.

### **Examinations**

49. (1) The requirements to write or re-write the examinations are:
- (a) meeting any conditions or requirements for registration as determined by the registration committee and completion of all requirements for full registration in section 43(1);
  - (b) a completed Canadian dietetic registration examination application; and
  - (c) payment of the examination fee specified in Schedule "B".
- (2) Unless an extension is granted, a current or former registrant must write the next examination available after meeting any eligibility conditions set by the registration committee.
- (3) A current or former registrant who fails an initial examination is entitled to two (2) opportunities to re-write the examination.
- (4) A current or former registrant who fails the second attempt at the examination must be assessed and complete any assigned upgrading, as determined by the registration committee, before being permitted to write the examination for a third and final time.
- (5) If the registration committee receives information that leads it to believe that a current or former registrant has engaged in improper conduct during the course the examination, it will investigate and may:
- (a) fail the current or former registrant;
  - (b) pass the current or former registrant;
  - (c) require the current or former registrant to rewrite the examination; or
  - (d) disqualify the current or former registrant from participating in any examination for a period of time.

- (6) The registration committee must provide a current or former registrant disqualified under subsection (4)(d) with written reasons for the disqualification.
- (7) A current or former registrant who fails the jurisprudence examination must retake the jurisprudence examination until successful, prior to registration as a full registrant.
- (8) Full registrants must retake the jurisprudence examination every five (5) years.

### **Registration Renewal**

50. (1) For the purposes of section 20(2) of the *Act*, the requirements for renewal of the registration of a full, temporary or non-practicing registration are receipt by the registrar of:
  - (a) a completed registration renewal application;
  - (b) the registration renewal fee specified in Schedule "B";
  - (c) payment of any outstanding fee, debt or levy owed to the college;
  - (d) a declaration in that the registrant 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*;
  - (e) proof of compliance with any applicable requirements of the quality assurance program under section 58; and
  - (f) a declaration of professional liability insurance required in section 57.
- (2) The registrar must deliver a registration renewal notice to each full, temporary or non-practicing registrant no later than February 10.
- (3) Each renewing registrant must pay the registration renewal fee on or before March 31.
- (4) Upon payment of the registration renewal fee and any outstanding fees, debts or levies, the registrar must issue a new certificate of registration.
- (5) A non-practicing registrant is exempt from the requirements in section 50(1)(e) and (f).
- (6) If a registrant fails to meet registration renewal requirements on or before March 31, he or she ceases to be registered.

### **Reinstatement for Non-Payment of Fees**

51. (1) For the purposes of section 20(2) of the *Act*, the registration of a former full, temporary or non-practicing registrant who ceased to be registered under section 50(6) may be reinstated if the former registrant:
  - (a) was in good standing upon the expiry of the applicant's previous full or non-practicing registration;
  - (b) is not in contravention of the *Act*, the Regulation or these bylaws; and
  - (c) submits to the registrar no later than May 31:
    - (i) a reinstatement application;
    - (ii) proof of completion of any applicable requirements of the quality assurance program under section 58, as though the applicant had not ceased to be registered under section 50(6);

- (iii) the late registration and renewal fees specified in Schedule “B”;
- (iv) any other fee, debt or levy owed to the college under the *Act*, Regulation or these bylaws; and
- (v) a declaration of professional liability insurance as required in section 57.

### **Reinstatement Within Three (3) Years**

52. (1) For the purposes of section 20(2) of the *Act* and despite sections 43(1) and 46 of these bylaws, the registration of a former full or non-practicing registrant who ceased to be registered under section 50(6) for less than three (3) years may be reinstated by the registration committee if the former registrant:
- (a) was in good standing upon the expiry of their previous full or non-practicing registration;
  - (b) is not in contravention of the *Act*, the Regulation or these bylaws; and
  - (c) submits to the registrar no later than three (3) years after the expiry of his or her registration:
    - (i) a reinstatement application;
    - (ii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*;
    - (iii) proof of completion of all requirements of the quality assurance program under section 58, as though the former registrant had not ceased to be registered under section 50(6);
    - (iv) the reinstatement fee specified in Schedule “B”;
    - (v) a declaration of professional liability insurance as required in section 57; and
    - (vi) evidence satisfactory to the registration committee that the applicant is a person in good character consistent with the responsibilities of a registrant and the standards expected of a registrant.
- (2) For the purposes of section 20(2) of the *Act* and despite sections 51, 52(1), 53 and 54, of these bylaws, the registration of a former full registrant who is currently authorized to practice dietetics in another Canadian jurisdiction under section 43(2) or in an international dietetic education program under section 43(3) or these bylaws, and who ceased to be registered under section 50(6), may be reinstated if the former registrant satisfies the registration committee that he or she:
- (a) is currently authorized to practice dietetics in that other jurisdiction;
  - (b) meets the requirements in subsection 1(a), (b) and (c)(ii to vi); and
  - (c) submits a reinstatement application.

### **Reinstatement Within Six (6) Years**

53. (1) For the purposes of section 20(2) of the *Act* and despite section 43(1) and section 46 of these bylaws, the registration of a former full or non-practicing registrant who ceased to be registered under section 50 (6) for less than six (6) years but more than 3 years may be reinstated by the registration committee if the former registrant:
- (a) was in good standing upon the expiry of the applicant's previous full or non-practicing registration;

- (b) is not in contravention of the *Act*, the Regulation or these bylaws;
- (c) successfully completes the examination and the jurisprudence examination less than three (3) years prior to the date registration is granted; and
- (d) submits to the registrar no later than six (6) years after the expiry of his or her registration:
  - (i) a reinstatement application;
  - (ii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*;
  - (iii) the reinstatement fee specified in Schedule "B";
  - (iv) a declaration of professional liability insurance as required in section 57; and
  - (v) evidence satisfactory to the registration committee that the applicant is a person in good character consistent with the responsibilities of a registrant and the standards expected of a registrant.

#### **Reinstatement After More than Six (6) Years**

54. (1) For the purposes of section 20(2) of the *Act* and despite sections 43(1) and 46 of these bylaws, the registration of a former full or non-practicing registrant who ceased to be registered under section 50(6) for more than six (6) years may be reinstated by the registration committee if the former registrant:
- (a) was in good standing upon the expiry of his or her previous full or non-practicing registration;
  - (b) is not in contravention of the *Act*, the Regulation or these bylaws;
  - (c) submitted a signed application for assessment of competence to practice dietetics and was assessed by the registration committee to determine whether the applicant's knowledge, skills, abilities and judgment to practice dietetics are current;
  - (d) completes any academic and practical training required by the registration committee following the assessment in subsection (c);
  - (e) completes the examination and jurisprudence examination less than 3 years prior to the date registration is granted; and
  - (f) submits to the registrar:
    - (i) a reinstatement application;
    - (ii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*;
    - (iii) the reinstatement fee specified in Schedule "B";
    - (iv) a declaration of professional liability insurance as required in section 57; and
    - (v) evidence satisfactory to the registration committee that the applicant is a person in good character consistent with the responsibilities of a registrant and the standards expected of a registrant.

### **Reinstatement following Disciplinary Action**

55. (1) The registration of a disciplined person may, subject to sections 20, 37.1, 39 and 39.1 of the *Act*, be reinstated by the registration committee if the disciplined person:
- (a) is not in contravention of the *Act*, the Regulation or these bylaws;
  - (b) submits to the registrar:
    - (i) a reinstatement application;
    - (ii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*;
    - (iii) the reinstatement fee specified in Schedule "B";
    - (iv) any other fee, debt or levy owed to the college under the *Act*, Regulation or these bylaws;
    - (v) a declaration of professional liability insurance as required in section 57 ;
    - (vi) evidence satisfactory to the registration committee that the former registrant is a person in good character consistent with the responsibilities of a registrant and the standards expected of a registrant; and
    - (vii) evidence satisfactory to the registration committee that the reinstatement of the former registrant will not pose an undue risk to public health and safety.
  - (c) successfully completes the examination and jurisprudence examination less than 3 years prior to the date that full registration is granted.

### **Notification of Change of Registration Information**

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

### **Professional Liability Insurance**

57. All full, temporary and emergency registrants must obtain and at all times maintain professional liability insurance coverage in an amount of at least two million dollars (\$2,000,000) per occurrence in a form that is satisfactory to the college.

## **PART 5 QUALITY ASSURANCE**

### **Quality Assurance Program**

58. (1) The quality assurance program applies to full registrants and applicants for reinstatement under sections 51 and 52 and is administered by the Quality Assurance Committee referred to in section 15.
- (2) The quality assurance program consists of a continuing competence program and any other requirements approved by the quality assurance committee, in accordance with criteria and guidelines established by the committee and published from time to time.
- (3) The continuing competence program consists of three (3) components which must be completed annually in accordance with the process and timelines set out in the criteria and guidelines:



- (a) completion of a self-assessment;
- (b) completion of a professional development report; and
- (c) assessment of compliance with subsection (3)(a) and (b) by the quality assurance committee or an assessor appointed by the committee.

### **Random Audits**

59. The registrar must ensure that an audit of a random sample of professional development plans takes place each year, or at any other interval determined by the quality assurance committee in accordance with the process and timelines set out in the criteria and guidelines, to verify compliance with the standards of practice and professional competence.

### **Assessment of Professional Performance**

60. The quality assurance committee or an assessor appointed by the committee may assess the professional performance of a registrant.

### **Notice of Inquiry Committee**

61. If the quality assurance committee is required to notify the inquiry committee of a matter in accordance with section 26.2(3) of the *Act*, it must deliver notice in writing to the registrar.

## **PART 6 INSPECTIONS, INQUIRIES AND DISCIPLINE**

### **Disposition of Complaints by Registrar**

62. The registrar is authorized to act under section 32(3) of the *Act*.

### **Inspections**

63. (1) 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.

### **Mediation**

64. (1) If the complainant and the registrant agree, the inquiry committee may recommend under section 33(6)(b) of the *Act* that a complaint be mediated.
- (2) Following a recommendation under subsection (1), the inquiry committee must appoint a mediator who is acceptable to the complainant and the registrant.
  - (3) If an agreement between the complainant and the registrant is reached through mediation, the terms of the agreement must be approved by the inquiry committee before becoming effective.
  - (4) If an agreement is approved by the inquiry committee under subsection (3), the inquiry committee must report the resolution of the matter to the board and must retain a copy of the agreement on file.

- (5) If an agreement is not reached through mediation, or if the terms of an agreement are not approved by the inquiry committee, the mediator must refer the matter back to the inquiry committee.

#### **Citation for Disciplinary Hearing**

65. (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 registrant at the last known address for the person as required in, or pursuant to, section 21(2) of the *Act* not fewer than fourteen (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 the complainant of the amendment not fewer than fourteen (14) days before the date of the hearing.

#### **Hearings of Discipline Committee**

66. (1) No member of the discipline committee may hear a matter under section 38 of the *Act* in which he or she:
  - (a) was involved as a member of the inquiry committee; or
  - (b) has had any prior or personal involvement.
- (2) Information about the date, time and subject matter of the hearing must be provided to any person on request.
- (3) The discipline committee must deliver a notice in Form 15 to a person who is required to attend a hearing under section 38(6) of the *Act*.
- (4) All discipline hearings must be transcribed 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.

#### **Notice of Disciplinary Decision**

67. The discipline committee must notify a registrant not fewer than fourteen (14) days before making an order under section 39.1 of the *Act*.

#### **Notice to Regulatory Bodies**

68. (1) If an order is made against a registrant under section 39(1) or section 39(2) of the *Act* which imposes limits or conditions on the practice of dietetics by the registrant, or suspends or cancels the registrant's registration, the registrar must notify:
  - (a) the body responsible for the regulation of dietetics in every other Canadian jurisdiction; and;

- (b) on request, anybody responsible for the regulation of dietetics outside of Canada.

### **Registrant Under Suspension**

69. (1) A registrant whose registration is suspended must:
- (a) not provide dietetic services in British Columbia;
  - (b) not hold himself or herself out as entitled to practice dietetics;
  - (c) not call himself or herself a dietitian or imply it in any way;
  - (d) not hold office in the college;
  - (e) not make appointments for patients or prospective patients;
  - (f) not contact or communicate with patients or prospective patients except for the following purposes:
    - (i) to advise patients or prospective patients of the fact and duration of the suspension;
    - (ii) to advise a patient or prospective patient that another registrant will continue to operate in the suspended registrant's place; or
    - (iii) to refer a patient or prospective patient to another registrant in good standing.
  - (g) immediately surrender his or her certificate of registration to the registrar;
  - (h) remove from the registrant's place of practice, his or her name and any sign relating to his or her practice;
  - (i) prominently display, in a form and in an area approved by the registrar, a notice of suspension which states the duration and reasons for the suspension;
  - (j) unless he or she resigns as a registrant, pay any fee or assessment required by the college when due in order to remain a registrant; and
  - (k) not be given a refund of the annual fee for the portion of the suspension or of any special assessment that the registrant has paid.

### **Fines**

70. The maximum fine that may be ordered by the discipline committee under section 39(2)(f) of the *Act* is fifty thousand dollars (\$50,000.00).

### **Costs**

71. The tariff of costs applicable to sections 33(7), 37.1(1)(c), 37.1(5)(a)(ii) and 39(4) of the *Act* is set out in Schedule "D".

### **Retention of Discipline Committee and Inquiry Committee Records**

72. Records of the inquiry committee at the conclusion of an inspection and the discipline committee following a decision, must be retained permanently.

## **PART 7 REGISTRANT RECORDS**

### **Record Keeping**

73. (1) A registrant must keep records for each clinical client that includes:
- (a) dietetic assessment, that may include, as appropriate:
    - (i) food/dietetic history;
    - (ii) anthropometric measurements;
    - (iii) relevant biochemical/medical tests/ procedures;
    - (iv) dietetic-focused physical findings; and
    - (v) client personal health and family health history.
  - (b) dietetic problem identification;
  - (c) dietetic care plan;
  - (d) dietetic intervention(s);
  - (e) monitoring and evaluation of dietetic outcomes.
  - (f) documentation with respect to each client or, if appropriate, the client's representative, showing the client's name and address, the date(s) of services rendered, nature of those services, and consent to those services;
  - (g) when applicable, documentation with respect to each client or, if appropriate, the client's representative showing charges and payments made, and balance outstanding; and
  - (h) documentation showing for each day the names of clients to whom professional services were rendered in accordance with employer/facility requirements.
- (2) A registrant must keep records for community clients requiring dietetic services that include assessment information, identification of problem/issue, an action plan, implementation process, and monitoring/evaluation plan.
- (3) All records referred to in subsections (1) and (2) must be kept in a suitable systematic permanent form, such as paper or electronic record-keeping or accounting systems, provided that the information can be reproduced promptly in written form when required, and if the material by itself or in conjunction with other records, constitutes orderly and legible permanent records.

### **Privacy Requirements**

74. (1) A registrant must take all reasonable measures to ensure that the collection, use, disclosure and disposal of personal information occurs in accordance with the pertinent Acts (*Freedom of Information and Protection of Privacy Act* in the public sector; *Personal Information Protection and Electronic Documents Act* (PIPEDA or *PIPED Act* in the private sector) and all other relevant legal requirements, and without limitation a registrant must:
- (a) ensure that personal information collected under section 73 is current, legible, accurate and completely recorded;
  - (b) at all times protect and maintain the confidential information of personal information collected under section 73;
  - (c) upon request, provide access to personal information in accordance with the pertinent Acts and all other relevant legal requirements; and

- (d) ensure that all records from his or her practice containing personal information are safely and securely stored, or disposed of, by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

### **Availability of Registrant Records to the College**

75. A registrant must make any written, electronically or mechanically recorded documentation relevant to records under section 73, available at reasonable hours for inspection by representatives of the college, including the registrar, members of the inquiry, discipline and quality assurance committees, assessors and inspectors appointed under any provision of these bylaws or the *Act*.

## **PART 8 GENERAL**

### **Standards of Professional Ethics and Practice**

76. (1) The board must publish, on the college website in a form accessible to registrants and the public, the college's Code of Ethics and Standards of Practice and any standards, limits and conditions established by the board in accordance with the authority set out in sections 19(1)(k), (l), (z) and 19(1.1) of the *Act*.
- (2) Registrants must at all times conduct their practice in a manner that is in accordance with the standards, limits or conditions of professional ethics and practice in subsection (1).

### **Marketing**

77. (1) 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 patient initiated by or under the discretion of a registrant.
- (2) For the purpose of this section, "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.
- (3) Any marketing undertaken or authorized by a registrant in respect of his or her professional services must not be:
- (a) false;
  - (b) inaccurate;
  - (c) misleading;
  - (d) unverifiable;
  - (e) misrepresentative of the effectiveness of any technique, procedure instrument or device;
  - (f) undignified, offensive or in bad taste; or

- (g) contrary to the ethical standards of the profession.
- (4) Without limiting the generality of subsection (3), marketing must not:
- (a) be calculated or likely to take advantage of a weakened physical, mental or emotional state of the recipient or intended recipient; or
  - (b) be likely to create in the mind of the recipient or intended recipient an unjustified expectation about the results which the registrant can achieve; or
  - (c) imply that the registrant can obtain results not achievable by other registrants; or
  - (d) imply that the registrant can obtain results by improper means; or
  - (e) compare the quality of services provided by the registrant with those provided by another registrant, a person authorized to provide dietetic services under another enactment, or another health professional.
- (5) A registrant must not:
- (a) use the College of Dietitians of British Columbia's name, logo or other identifying marks in any marketing, materials or activities; or
  - (b) state publicly that he or she speaks on behalf of the college unless he or she has been expressly authorized by the board to do so; or
  - (c) endorse or lend himself or herself as a registrant to the advertisement of any property, investment or service for sale to the public unless such property, investment or service relates directly to dietetics.
- (6) A registrant who, in any advertisement, includes a statement of fees for specific services:
- (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 health professional.
- (7) Unless otherwise authorized by the Act, the Regulation, these bylaws or the board, ~~the registrant:~~in an advertisement or in any other marketing:-
- (a) a registrant who has earned an academic degree, diploma or certificate may refer to that degree, diploma or certificate and may use a title indicating the attainment of that diploma degree of certificate,
  - (b) a registrant whose practice of dietetics is limited to a certain branch or area, may state the branch or area of dietetics to which the registrant's practice is limited,
  - (c) a registrant
    - (i) may use terms like "expert", "specialist", or "specialized" when referring to dietetics or human nutrition generally, but
    - (ii) must not use those terms
      - (A) in conjunction with a title that the registrant is authorized to use under section 3 of the regulation or in these bylaws, or
      - (B) to assert or imply that the registrant is an expert, specialist or specialized in an aspect of dietetic practice or a particular disease, disorder or condition that can be treated with dietetics,

(iii) must not use a term that refers to a medical specialization in conjunction with a title that the registrant is authorized to use under section 3 of the regulation or in these bylaws.

- (8) A registrant must retain for one year after the date of publication or broadcast of any advertisement or brochure, and must provide to the registrar, the inquiry committee, the discipline committee or the board upon request:
  - (a) a copy of any such publication;
  - (b) a recording of any such broadcast made by any electronic media or information communication technology; and
  - (c) a written record of when and where the publication or broadcast was made.
- (9) It is the duty of a registrant to verify the statements made in his or her marketing when requested to do so by the registrar, the inquiry committee, the discipline committee or the board.
- (10) If an advertisement made by anyone includes the name, address, telephone number place of practice or other identifier of a registrant, the registrant is presumed to have authorized that advertisement unless it is proved otherwise.