

1983 BILL 56

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First Session, 20th Legislature, 32 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 56

**REGISTERED DIETITIANS ACT**

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HON. MR. KING

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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# BILL 56

1983

## REGISTERED DIETITIANS ACT

(Assented to , 1983)

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

**1** In this Act,

(a) "Association" means The Alberta Registered Dietitians Association;

(b) "Board" means the Board of Directors of the Association;

(c) “Discipline Committee” means the Discipline Committee established by this Act;

(d) “Minister” means the member of the Executive Council charged with the administration of this Act;

(e) “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:

(i) administering food service systems;

(ii) assessing nutritional needs of individuals and developing and implementing nutritional care plans based on the assessments;

(iii) establishing and reviewing the principles of nutrition and guidelines for healthy and ill people throughout their lives;

(iv) assessing the overall nutritional needs of a community in order to establish priorities and influence policies which provide the nutritional component of preventative programs, and implementing and evaluating those programs;

(v) interpreting and evaluating, for consumer protection, information on nutrition that is available to the public;

(vi) consulting with individuals, families and groups on the principles of food and nutrition and the practical application of those principles;

(vii) planning, conducting and evaluating educational programs on nutrition for registered dietitians and other professionals and supporting occupations;

(viii) conducting basic and applied research in food, nutrition and food service systems;

(f) “registered dietitian” means a person who holds a certificate of registration and an annual certificate as a registered dietitian under this Act;

(g) “Practice Review Committee” means the Practice Review Committee established by this Act;

(h) “Registrar” means the Registrar of the Association appointed under section 7.

## PART 1

### EXCLUSIVE USE OF NAME

Restrictions  
on name

**2(1)** A registered dietitian may engage in the practice of dietetics.

**(2)** No person, except a registered dietitian, shall use

(a) the name “Registered Dietitian” or the initials “R.D.”; or

(b) any title, name, description, abbreviation, letter or symbol representing the name “Registered Dietitian” or the initials “R.D.”

alone or in combination with any other title, name, description, abbreviation, letter or symbol, in such a way as to represent expressly or by implication that he is a registered dietitian.

Injunction

**3** The Court of Queen's Bench, on application by the Council by way of originating notice, may grant an injunction enjoining any person from doing any act or thing that contravenes section 2 notwithstanding any penalty that may be provided by this Act or the regulations in respect of that contravention.

## **PART 2 ASSOCIATION**

Alberta  
Registered  
Dietitians  
Association

**4** The Alberta Registered Dietitians Association is continued as a corporation.

Capacity of the  
Association

**5** The Association has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

Board

**6(1)** There is hereby established a governing body of the Association called the Board.

(2) The Board shall manage and conduct the business and affairs of the Association and exercise the rights, powers and privileges of the Association in the name of and on behalf of the Association.

(3) The Board shall submit annually to the Minister in a form satisfactory to him a report on those matters of the business and affairs of the Association that the Minister requires.

(4) The Minister shall, on receipt of the annual report of the Association, lay it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

Registrar

**7** The Board shall appoint a Registrar for the purposes of this Act.

Board members

**8(1)** The Board shall consist of

(a) at least 11 registered dietitians or a greater number that may be prescribed by the by-laws, each of whom shall be elected by and from among registered dietitians, at the time, in the manner and for the period provided by the by-laws, and

(b) when the number of elected registered dietitians does not exceed 11, 1 member of the public or, when the number of elected registered dietitians is more than 11 but not more than 20, 2 members of the public, who shall be appointed by the Minister after consultation with the Board for a 1 year term of office.

(2) A member of the public appointed under subsection (1)(b) continues to hold office after the expiry of his term of office until he is reappointed or his successor is appointed.

(3) The Minister may, after consultation with the Board, revoke the appointment of a member of the public referred to in subsection (1)(b).

(4) The Minister may pay to a member of the public appointed under subsection (1)(b) travelling and living expenses incurred by that member for his attendance at any meeting of the Board while away from his usual place of residence and fees in an amount prescribed by the Minister.

(5) The powers, duties and operation of the Board under this Act, the regulations and the by-laws are not affected by

(a) the fact that no member of the public is appointed as a member of the Board pursuant to subsection (1)(b),

(b) the revocation, under subsection (3), of the appointment of a member of the Board, or

(c) the resignation from the Board of a member of the public.

(6) The failure of a member of the public appointed under subsection (1)(b) to attend a meeting of the Board shall not be construed as affecting the Board or restricting it from exercising any powers or performing any duties under this Act, the regulations or the by-laws at that meeting.

Practice Review  
Committee

**9(1)** There is hereby established the Practice Review Committee consisting of not fewer than 5 members as follows:

(a) at least 4 registered dietitians appointed by the Board in accordance with the by-laws, and

(b) 1 member of the public, who is not a registered dietitian, appointed by the Minister from persons nominated by the Board.

(2) If the Board fails, within a reasonable period of time after being requested to do so by the Minister, to make nominations for the purposes of subsection (1)(b), the Minister may appoint a member of the public who is not a registered dietitian to the Practice Review Committee without the Board's nomination.

(3) The Minister may pay to the member of the Practice Review Committee appointed under subsection (1)(b) travelling and living expenses incurred by that member for attendance at a hearing of the Committee away from his usual place of residence and fees in an amount prescribed by the Minister.

(4) The Minister may, after consultation with the Board, revoke the appointment of the member of the Practice Review Committee appointed under subsection (1)(b).

(5) The powers, duties and operation of the Practice Review Committee under this Act, the regulations and by-laws are not affected by

(a) the fact that no member of the public is appointed as a member of the Committee under subsection (1)(b),

(b) the revocation under subsection (4) of the appointment of a member of the public, or

(c) the resignation as a member of the Committee of a member of the public.

(6) The failure of a member of the public appointed under subsection (1)(b) to attend a meeting of the Committee shall not be construed as affecting the Committee or restricting it from exercising any powers or performing any duties under this Act, the regulations or the by-laws at that meeting.

Powers of  
Practice Review  
Committee

**10(1)** The Practice Review Committee may, on its own initiative, and shall, at the request of the Board, inquire into and report to and advise the Board in respect of

(a) the assessment and development of educational standards and experience requirements that are conditions precedent to becoming and continuing as a registered dietitian,

(b) the evaluation of desirable standards of competence of registered dietitians generally,

(c) any other matter that the Board from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of dietetics under this Act, and

(d) the practice of dietetics generally.

(2) A person requested by the Practice Review Committee to appear at any inquiry under this section is entitled to be represented by counsel.

(3) After each inquiry under this section, the Practice Review Committee

(a) shall make a written report to the Board on the inquiry, and

(b) may make recommendations to the Board regarding the matter inquired into, with reasons for the recommendations.

Matters referred  
to the Discipline  
Committee

**11** The Practice Review Committee may at any time during an inquiry by it refer any matter to the Discipline Committee and the Discipline Committee shall deal with it as if it were a complaint.

### **PART 3**

#### **REGULATIONS AND BY-LAWS**

Regulations

**12(1)** The Board may make regulations

(a) respecting the academic qualifications of and experience and training requirements for applicants for registration as registered dietitians and the examination of applicants;

(b) establishing conditions with respect to the registration of an applicant referred to in clause (a);

(c) providing for the evaluation of the academic qualifications and experience and training requirements of applicants for reg-

istration as registered dietitians and the examination of those applicants with respect to those qualifications or requirements;

(d) prescribing the number of voting members that constitutes a quorum of the Board, the Discipline Committee, the Practice Review Committee and the Registration Committee;

(e) prescribing standards of practice for the practice of dietetics;

(f) establishing and providing for the publication of a code of ethics respecting the practice of dietetics, the maintenance of the dignity and honour of the profession of dietetics and the protection of the public interest;

(g) respecting the procedures of the Discipline Committee, the Practice Review Committee and the Board in matters relating to the conduct or practice of registered dietitians, whether or not a complaint has been made;

(h) respecting registration, the review of complaints and the practice of dietetics, including the review of the practice of dietetics generally;

(i) respecting the establishment and operation by the Board of a compulsory continuing education program for registered dietitians;

(j) governing the publication of a notice of the suspension or cancellation of the registration of a registered dietitian;

(k) governing the nature and content of advertising by registered dietitians;

(l) respecting reinstatement after cancellation or suspension of registration;

(m) governing voting by proxy on any matter relating to the Association.

(2) A regulation under subsection (1) does not come into force unless it has been approved by

(a) a majority of those registered dietitians

(i) voting in person or by proxy at a general meeting, or

(ii) voting in a mail vote in accordance with the by-laws;

and

(b) the Lieutenant Governor in Council.

By-laws

**13(1)** The Board may make by-laws

(a) for the government of the Association and the management and conduct of its affairs;

(b) determining the location of the head office of the Association;



- (c) respecting the calling of and conduct of meetings of the Association and the Board;
- (d) respecting the nomination, election, number and term of office of Board members and officers of the Board and officers of the Association;
- (e) providing for the appointment of acting members and of ex officio members of the Board;
- (f) governing, subject to this Act, the appointment of the Discipline Committee, the Registration Committee and the Practice Review Committee, the designation of chairmen and vice-chairmen, the nomination of members of the public for appointment by the Minister, the appointment of acting members and the procedures for filling vacancies on any Committee and the appointment of ex officio members of any Committee and prescribing their powers, duties and functions;
- (g) governing the establishment, operation and proceedings of boards and committees, the appointment of members and of acting members and procedures for filling vacancies on boards and committees;
- (h) establishing classes or categories of membership in the Association in addition to registered dietitians and prescribing the privileges and obligations of the members of those classes or categories;
- (i) providing for the appointment of an individual as an Acting Registrar who has all of the powers and performs all of the duties of the Registrar under this Act, the regulations and the by-laws when the Registrar is absent or unable to act or when there is a vacancy in the office of Registrar;
- (j) prescribing the number of registered dietitians that constitutes a quorum at meetings of the Association;
- (k) providing for the delegation of any power or duty of the Board under the Act, regulations or by-laws with or without conditions;
- (l) prescribing fees and expenses payable to members of the Board and of committees and boards established under the Act, the regulations or by-laws for attending to the business of the Association;
- (m) respecting the establishment of and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit programs that the Board considers appropriate;
- (n) respecting the fees, dues and levies payable to the Association by registered dietitians or any other class or category of membership of the Association;
- (o) respecting the establishment, content and maintenance of registers and records of other classes or categories of membership to be recorded by the Registrar;

- (p) respecting the removal from the registers and records of any memorandum or entry made in them under this Act, the regulations or the by-laws;
  - (q) authorizing the Board to prescribe the form of a certificate of registration, an annual certificate and any other form or document that may be required for the purposes of this Act, the regulations or the by-laws;
  - (r) prescribing the date on which an annual certificate expires;
  - (s) respecting the holding of votes by mail on any matter relating to the Association.
- (2) A by-law under subsection (1) does not come into force unless it has been approved by a majority of those registered dietitians
- (a) voting in person or by proxy at a general meeting, or
  - (b) voting in a mail vote in accordance with the by-laws.
- (3) The *Regulations Act* does not apply to by-laws of the Association.

**PART 4**  
**REGISTRATION OF MEMBERS**

- Registers
- 14(1)** The Registrar shall maintain, in accordance with the by-laws and subject to the direction of the Board, a register of registered dietitians, and any other register prescribed by the by-laws.
- (2) The Registrar shall enter in the appropriate register the name of an individual
- (a) whose registration to engage in the practice of dietetics has been approved by the Board or the Registration Committee, as the case may be, and
  - (b) who has paid the fee prescribed pursuant to the by-laws.
- Registration Committee
- 15(1)** There is hereby established the Registration Committee consisting of registered dietitians appointed by the Board in accordance with the by-laws.
- (2) The Registration Committee shall consider applications for registration of applicants as registered dietitians in accordance with this Part, the regulations and by-laws, and may
- (a) approve the registration, or
  - (b) refuse to approve the registration.
- (3) The Registration Committee shall send a written notice of any decision made by it to the applicant.
- (4) If the decision made by the Registration Committee is to refuse the registration of the applicant, reasons for the decision shall be sent in writing to the applicant.

- Review by Board **16(1)** An applicant whose application for registration is refused may request the Board to review the application by serving on the Registrar, within 30 days of receiving a notice of refusal and the reasons for it, a written request for review by the Board setting out the reasons why, in his opinion, his application for registration as a registered dietitian should be approved.
- (2) The Board shall, after receipt of a request for review under subsection (1), review the request so received.
- (3) The applicant who requests a review pursuant to subsection (1)
- (a) shall be notified in writing by the Registrar of the date, place and time that the Board will review the application, and
- (b) is entitled to appear with counsel and make representations to the Board when it reviews the application.
- (4) A member of the Registration Committee who is also a member of the Board may participate in a review by the Board under this section but shall not vote on a decision of the Board and shall not be counted for purposes of a quorum.
- (5) On reviewing an application under this section, the Board may make any decision the Registration Committee may make.
- Certificate of registration **17** On entering the name of a registered dietitian in the register of registered dietitians, the Registrar shall issue a certificate of registration to him.
- Annual fee **18(1)** A registered dietitian shall pay the annual fee prescribed by the by-laws to the Registrar or to any person authorized by the Registrar to accept payment of that fee.
- (2) The Registrar shall issue an annual certificate in accordance with the by-laws to a registered dietitian
- (a) whose registration is not under suspension or cancelled, and
- (b) who has paid the annual fee.
- (3) An annual certificate entitles a registered dietitian to engage in the practice of dietetics as a registered dietitian during the year for which the annual certificate is issued.
- Annual certificate **19** An annual certificate expires on the date prescribed in the by-laws.
- Cancellation or suspension **20(1)** The registration of a registered dietitian is cancelled or suspended when the decision to cancel or suspend the registration is made in accordance with this Act.
- (2) The Registrar shall enter a memorandum of the cancellation or suspension of the registration in the appropriate register or record indicating
- (a) the date of the cancellation or suspension,

- (b) the period of the suspension, and
- (c) the nature of any finding under section 26.

(3) The Registrar shall not remove from the registers or records any memorandum made by him under subsection (2), except in accordance with the by-laws.

(4) The Registrar shall, during regular office hours, permit any person to inspect the register of registered dietitians.

untary  
ancellation

**21(1)** The Registrar shall not cancel the registration of a registered dietitian at his request unless the request for the cancellation has been approved by the Board.

(2) When a request for the cancellation of registration is approved by the Board,

- (a) the Registrar shall cancel that registration, and
- (b) the registered dietitian requesting the cancellation shall, on being notified of the approval, surrender to the Registrar his certificate of registration.

suspension or  
ancellation  
cause of  
fault

**22(1)** The Board may direct the Registrar to suspend or cancel the registration of a registered dietitian or a person in the register of registered dietitians who is in default of payment of annual fees, penalties, costs or any other fees, dues or levies payable by him under this Act, the regulations or the by-laws after the expiration of 30 days following the service on him of a written notice by the Board unless he complies with the notice.

(2) The notice under subsection (1) shall state that the Registrar may suspend or cancel the registration unless the fees, penalties, costs, dues or levies are paid as indicated in the notice.

(3) The Board may direct the Registrar to cancel the registration of any person entered in error in the register.

reinstatement

**23** If a registration is suspended or cancelled pursuant to section 22, the Board may, subject to the regulations and the by-laws, direct the Registrar to reinstate that registration in the applicable register and reissue the certificate.

**PART 5  
DISCIPLINE**

definitions

**24** In this Part,

- (a) “chairman” means the chairman of the Discipline Committee and includes a vice-chairman;
- (b) “conduct” includes any act or omission;
- (c) “investigated person” means a registered dietitian with respect to whose conduct an investigation or hearing is held or may be held under this Part.

Discipline  
Committee

**25(1)** There is hereby established the Discipline Committee consisting of not fewer than 4 members as follows:

(a) at least 3 registered dietitians appointed by the Board in accordance with the by-laws, and

(b) 1 member of the public, who is not a registered dietitian, appointed by the Minister from persons nominated by the Board.

(2) If the Board fails, within a reasonable period of time after being requested to do so by the Minister, to make nominations for the purposes of subsection (1)(b), the Minister may appoint a member of the public who is not a registered dietitian to the Discipline Committee without the Board's nomination.

(3) The Minister may pay to the member of the Discipline Committee appointed under subsection (1)(b) travelling and living expenses incurred by that member for attendance at a hearing of the Committee away from his usual place of residence and fees in an amount prescribed by the Minister.

(4) The Minister may, after consultation with the Board, revoke the appointment of the member of the Discipline Committee appointed under subsection (1)(b).

(5) The powers, duties and operation of the Discipline Committee under this Act, the regulations and by-laws are not affected by

(a) the fact that no member of the public is appointed as a member of the Committee under subsection (1)(b),

(b) the revocation under subsection (4) of the appointment of a member of the public, or

(c) the resignation as a member of the Committee of a member of the public.

(6) The failure of a member of the public appointed under subsection (1)(b) to attend a meeting of the Committee shall not be construed as affecting the Committee or restricting it from exercising any powers or performing any duties under this Act, the regulations or the by-laws at that meeting.

Unskilled  
practice or  
unprofessional  
conduct

**26** Any conduct of a registered dietitian that, in the opinion of the Discipline Committee,

(a) is detrimental to the best interests of the public,

(b) contravenes this Act or a regulation,

(c) harms or tends to harm the standing of the profession of dietetics generally, or

(d) displays a lack of knowledge of or lack of skill or judgment in the practice of dietetics,

whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice of dietetics or unprofessional conduct, whichever the Discipline Committee finds.

complaint **27(1)** A person who has a complaint about the conduct of a registered dietitian may make a complaint in writing to the Registrar, and the Registrar shall forthwith refer the complaint to the chairman to be dealt with under this Part.

(2) A complaint respecting the conduct of a registered dietitian whose registration was cancelled or suspended pursuant to this Act or any predecessor to this Act may, notwithstanding the cancellation or suspension, be dealt with within 2 years following the date of cancellation or suspension as if the cancellation or suspension had not occurred.

procedure **28(1)** On receiving a complaint the chairman shall

(a) direct that no further action be taken if he is satisfied that the complaint is frivolous or vexatious, or

(b) in any other case, schedule the complaint for a hearing before the Discipline Committee not more than 60 days after he receives the complaint, or within any longer period that he and the investigated person agree on.

(2) The Registrar shall serve the investigated person and the complainant with notice of any decision made under subsection (1).

(3) A complainant who is served with a notice informing him that a direction under subsection (1)(a) has been made may, within 30 days of receipt of the notice, appeal that decision to the Board by notice in writing to the Registrar.

(4) On an appeal under subsection (3), the Board shall determine

(a) whether the complaint is frivolous or vexatious, or

(b) whether the complaint should be referred to the Discipline Committee for a hearing in accordance with this Part, and, if so, the time limits, if any, within which the hearing must be held,

and shall notify the complainant, the investigated person and the Discipline Committee in writing of its decision.

Notice of hearing **29(1)** If the Discipline Committee holds a hearing with respect to a complaint, the Registrar shall, within a reasonable period of time before the date of the hearing, serve on the investigated person a copy of the complaint and a notice stating the date, time and place at which the Discipline Committee will hold the hearing.

(2) The Discipline Committee may adjourn a hearing from time to time.

Suspension pending investigation and hearing **30** Notwithstanding anything in this Act, the chairman may suspend the registration of a registered dietitian pending a decision by the Discipline Committee on the complaint.

Right to counsel and to appearance **31** The Association and the investigated person may appear and be represented by counsel at a hearing before the Discipline Committee.

Proceedings in camera	<p><b>32</b> All proceedings before the Discipline Committee and the Board under this Part shall be held in camera.</p>
Evidence	<p><b>33(1)</b> Evidence may be given before the Discipline Committee in any manner that the Committee considers appropriate, and the Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.</p> <p>(2) For the purposes of an investigation, hearing or review under this Act, the Registrar and any member of the Board or the Discipline Committee has the power of a commissioner for oaths under the <i>Commissioners for Oaths Act</i>.</p>
Witnesses and documents	<p><b>34(1)</b> Any person, other than the investigated person, who in the opinion of the Discipline Committee has knowledge of the complaint or any conduct being investigated is a compellable witness in any proceeding under this Part.</p> <p>(2) A witness may be examined on oath on all matters relevant to the investigation or hearing and shall not be excused from answering any question on the ground that the answer might</p> <ul style="list-style-type: none"> <li>(a) tend to incriminate him,</li> <li>(b) subject him to punishment under this Part, or</li> <li>(c) tend to establish his liability <ul style="list-style-type: none"> <li>(i) to a civil proceeding at the instance of the Crown or of any other person, or</li> <li>(ii) to prosecution under any Act or regulations under any Act,</li> </ul> </li> </ul> <p>but if the answer so given tends to incriminate him, subjects him to punishment or tends to establish his liability, it shall not be used or received against him in any civil proceedings or in any proceedings under any other Act.</p> <p>(3) For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court on an application made ex parte by the Association may direct the issuing of a commission for the obtaining of the evidence of the witness, and the commission shall be issued and the evidence taken pursuant to the Alberta Rules of Court.</p>
Enforcement of attendance and production of documents	<p><b>35(1)</b> The attendance of witnesses before the Discipline Committee and the production of models, food samples, charts, reports, books, papers and other documents or records may be enforced by a notice issued by the Registrar requiring the witness to attend and stating the date, time and place at which the witness is to attend and the models, food samples, charts, reports, books, papers and other documents or records, if any, he is required to produce.</p> <p>(2) On the written request of the investigated person or of his counsel or agent, the Registrar shall without charge issue and deliver to that person or his counsel or agent any notices that he may require</p>

for the attendance of witnesses or the production of documents or records.

(3) A witness, other than the investigated person, who has been served with a notice to attend or a notice for the production of documents or records under subsection (1) or (2) is entitled to be paid the same fees as are payable to witnesses in an action in the Court of Queen's Bench.

Failure to give  
attendance

**36(1)** Proceedings for civil contempt of court may be brought against a witness

(a) who fails

(i) to attend before the Discipline Committee in compliance with a notice to attend, or

(ii) to produce any models, food samples, charts, reports, books, papers or other documents or records in compliance with a notice to produce them,

or

(b) who refuses to be sworn or to answer any question directed to be answered by the Discipline Committee.

(2) The Discipline Committee, on proof of service of the notice of hearing on the investigated person, may

(a) proceed with the hearing in the absence of the investigated person, and

(b) act on the matter that is the subject of the hearing in the same way as though the investigated person were in attendance.

Binding by the  
discipline  
committee

**37(1)** The Discipline Committee may find that the conduct of an investigated person constitutes neither unskilled practice of dietetics nor unprofessional conduct.

(2) The Discipline Committee may find that the conduct of an investigated person constitutes unskilled practice of dietetics or unprofessional conduct or both, and shall deal with the investigated person in accordance with this Part.

Powers of the  
discipline  
committee

**38(1)** If the Discipline Committee finds that the conduct of the investigated person is unprofessional conduct or unskilled practice of dietetics or both, the Discipline Committee may make any one or more of the following orders:

(a) reprimand the investigated person;

(b) direct the investigated person to pay a penalty of not more than \$5000 to the Association;

(c) suspend the registration of the investigated person for a stated period with or without conditions;

(d) cancel the investigated person's registration;



- (e) impose any conditions or restrictions that it considers appropriate on the practice of dietetics by the investigated person;
- (f) order the investigated person to pay the costs of the investigation and hearing;
- (g) require the investigated person to complete the training prescribed by the Discipline Committee at the times and in the manner specified in the order.

**(2) The Discipline Committee shall**

- (a) serve any order it makes, together with written reasons for making the order, on the investigated person, and
- (b) inform the complainant in writing of the nature of the order.

Collection of penalty

**39** If the Discipline Committee makes a direction under section 38(1)(b) or (f), the amount directed to be paid is recoverable by the Association in an action for debt.

Review by Board

**40(1)** An investigated person in respect of whom an order has been made under section 38 may, within 30 days of the date of the service of the order, by notice in writing addressed to the Registrar, request the Board to review the order.

(2) A notice in writing shall set out the reasons for the request.

(3) The Board shall review the order and the reasons for it within 45 days after the date of service of the order on the investigated person or within any longer period that the investigated person and the Registrar agree on.

Powers of Board on Review

**41(1)** The Board, in conducting a review under section 40, has all the powers of the Discipline Committee under sections 29 to 38.

(2) The Association and the investigated person may appear and be represented by counsel at a review by the Board.

(3) The Board shall forthwith after the date of the conclusion of all proceedings before it

(a) make any finding as to the conduct of the investigated person that in its opinion ought to have been made by the Discipline Committee,

(b) quash, vary or confirm the finding or order of the Discipline Committee or substitute or make a finding or order of its own, or

(c) refer the matter back to the Discipline Committee for further consideration in accordance with any direction that the Board may make.

(4) The Registrar shall serve the investigated person with a copy of the Board's decision and of the reasons for its decision.

Appeal to Court  
Appeal

**42(1)** An investigated person may appeal to the Court of Appeal any finding or order made by the Board under section 41.

(2) An appeal under this section shall be commenced

(a) by filing notice of appeal with the Registrar of the Court in Edmonton or Calgary, and

(b) by serving a copy of the notice of appeal on the Registrar,

both within 30 days from the date on which the decision of the Board is served on the investigated person.

Association  
named as  
Respondent

**43** The Association shall be named as the respondent in any appeal under section 42 and the Association's counsel may make representations on the hearing of the appeal.

Procedure for  
Appeal to the  
Court of Appeal

**44(1)** The appeal to the Court of Appeal shall be founded on

(a) the record of the proceedings before the Board, and

(b) a copy of the finding and order of the Board.

(2) The appellant may, on notice to the Registrar, apply to the Court of Appeal for an order staying all or any part of the decision of the Board pending the Court's decision on the appeal.

Powers of Court  
Appeal

**45(1)** The Court of Appeal on hearing the appeal may

(a) make any finding or order that in its opinion ought to have been made,

(b) quash, vary or confirm the order or decision of the Board or any part of it,

(c) refer the matter back to the Board for further consideration in accordance with any direction of the Court, or

(d) direct that a new trial of any mixed questions of law and fact relating to a finding or order or both a finding and an order of the Board under section 41 be held before the Court of Queen's Bench.

(2) The Court of Appeal may make any award as to the costs of an appeal to it that the Court considers appropriate.

## PART 6

### GENERAL

Registrar's  
Certificate

**46** A certificate purporting to be signed by the Registrar and stating that a named person was or was not, on a specified day or during a specified period,

(a) a registered dietitian, or

(b) an officer of the Association or a member of the Board,

shall be admitted in evidence as prima facie proof of the facts stated in it without proof of the Registrar's appointment or signature.

Protection from liability

**47(1) No action lies against**

(a) a member of the Discipline Committee, the Board, the Practice Review Committee, the Registrar, the Registration Committee, the Association or any person acting on the instructions of any of them, or

(b) any member, officer or employee of the Association,

for anything done by him in good faith and in purporting to act under this Act, the regulations or the by-laws.

(2) No action for defamation may be founded on a communication that consists of or pertains to the conduct of a registered dietitian if the communication is published to or by

(a) the Association,

(b) a member of the Board, the Discipline Committee, the Practice Review Committee or the Registration Committee,

(c) an officer or employee of the Association, or

(d) a person acting on the instructions of any of the persons or entities referred to in clauses (a) to (c),

in good faith in the course of investigating a complaint or in the course of any proceeding under this Act relating to the conduct of a registered dietitian.

**PART 7**

**PROHIBITIONS AND PENALTIES**

Holding out

**48** A person whose registration is cancelled or suspended under this Act or any predecessor to this Act shall not hold himself out to be registered under this Act or entitled to practise dietetics as a registered dietitian.

Penalties

**49(1)** Every person who contravenes this Act is guilty of an offence and liable

(a) for a first offence, to a fine of not more than \$2000,

(b) for a second offence, to a fine of not more than \$4000, and

(c) for a third and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both a fine and imprisonment.

(2) A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards.

Burden of proof

**50** In a prosecution under this Act, the burden of proving that a person is a registered dietitian is on the accused.

**PART 8**  
**TRANSITIONAL AND CONSEQUENTIAL**

gistration  
ntinued

**51(1)** In this section and in sections 52 to 54, “former Act” means the *Registered Dietitians Association Act*, being chapter R-10 of the Revised Statutes of Alberta 1980.

(2) An individual who is admitted as a member of The Alberta Registered Dietitians Association under the former Act is deemed to be a registered dietitian and the holder of an annual certificate under this Act.

oard members  
ntinued

**52** The members of the council elected under the former Act are deemed to be members of the Board under this Act, elected for the same period and holding the same offices.

pplication for  
gistration  
ntinued

**53** An application for admission as a member of the association made under the former Act but not concluded before the coming into force of this Act shall be dealt with as if it were an application for registration under this Act.

discipline  
ceedings  
ntinued

**54(1)** Any complaint made or proceedings that were commenced under section 16 of the former Act but not concluded before the coming into force of this Act shall be concluded under the former Act as though this Act had not come into force.

(2) Any complaint made after the coming into force of this Act when the complaint relates to conduct occurring all or partly before the coming into force of this Act shall be dealt with under this Act.

ends RSA  
80 cH-11

**55** *The Hospitals Act is amended in section 40(6) by adding the following after clause (e):*

(f) the board of an approved hospital may divulge any records of diagnostic and treatment services provided in respect of a patient to the Discipline Committee or the Board under the *Registered Dietitians Act*, if the disclosure is made by a member or employee of the board in compliance with a notice under section 35 of the *Registered Dietitians Act*.

peals RSA  
80 cR-10

**56** The *Registered Dietitians Association Act* is repealed.

oming into  
orce

**57** This Act comes into force on Proclamation.