



## Background

Under the *Regulated Health Professions Act, 1991* (RHPA), the College of Dietitians of Ontario (the College) has the responsibility to "develop, establish and maintain the standards of qualification" for the profession of dietetics. The College's Registration Regulation sets the requirements that must be met for an applicant to be issued a certificate of registration, the ongoing terms, conditions, and limitations of each class of certificate, and the processes for suspension, revocation and reinstatement of a certificate of registration.

The proposed amendments to the Registration Regulation are intended to:

1. Remove the existing Provisional Class of membership, which is no longer consistent with the College's assessment processes.
2. Provide that the Prior Learning Assessment and Recognition (PLAR) process is the only route for applicants who have completed non-accredited academic or practical training programs.
3. Correct several typographical errors which were identified during the review process.
4. Update the wording of existing provisions to accurately reflect current practices, legislation, and by-laws, including:
  - a. Revised wording to outline the charges and convictions that applicants and members must disclose to the College. Changes are required to reflect amendments to the *Regulated Health Professions Act, 1991* (RHPA) and the College's by-laws.
  - b. Revised wording to reflect the current education and practical training system for Dietitians in Ontario.
5. Revise wording to clarify existing provisions, for example:
  - a. Ensuring that the College has the authority to nullify a certificate of registration if it is determined that the applicant made a false or misleading statement in relation to their application and clarifying who has the authority to deem the certificate invalid.
  - b. Updating wording to reflect the "good character" provisions.
6. Address gaps in the existing Regulation:
  - a. Prescribing the outcome if an applicant or member ceases to be authorized to work in Canada.
  - b. Ensuring consistency in the College's oversight of approved processes for meeting registration requirements.
  - c. Addressing administrative issues related to temporary certificates of registration, (temporary members who delay in attempting the entry to practice examinations, or who

- pass the entry to practice examinations and do not proceed with the remaining requirements for a General Certificate Registration).
- d. Addressing administrative issues related to successful appeals of the national entrance exam.
  - e. Ensuring consistent and equitable processes for suspensions, revocations, and reinstatements.

Below is a copy of the Registration Regulation with the proposed amendments identified using track changes. The rationale for each change is explained in comments.

Please focus your comments on the content rather than formatting. Formatting issues will be addressed during the drafting and revision process.

**Dietetics Act, 1991  
Loi de 1991 sur les diététistes**

**ONTARIO REGULATION 593/94**

**GENERAL**

**Consolidation Period:** From November 19, 2012 to the [e-Laws currency date](#).

Last amendment: O. Reg. 374/12.

*This Regulation is made in English only.*

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## PART I REGISTRATION

### Definitions

#### CLASSES OF CERTIFICATES

1. The following are prescribed as classes of certificates of registration for registered dietitians:

1. General.
2. Temporary.

~~3. Provisional. O. Reg. 72/12, s. 1.~~

#### APPLICATION FOR CERTIFICATE OF REGISTRATION

2. (1) A person may apply for a certificate of registration by submitting a completed application in the form provided by the Registrar together with any supporting documentation requested by the Registrar and any applicable fees required under the by-laws. O. Reg. 72/12, s. 1.

(2) ~~An applicant shall be deemed not to have satisfied the registration requirements for a certificate of registration if the applicant makes a false or misleading statement, representation or declaration in or in connection with their application, and any certificate of registration issued to such an applicant may be revoked by the Registrar.~~

(3) ~~A statement, representation or declaration may be false or misleading through an act of omission, commission or both.~~

(4) ~~The Registrar shall not revoke a certificate of registration under subsection (2) unless the Registrar has given the applicant written notice of his or her intention to do so and provided the applicant with 30 days to make written submissions with respect to the false or misleading statement, representation or declaration.~~

~~An applicant shall be deemed not to have satisfied the registration requirements for a certificate of registration if the applicant makes a false or misleading statement or representation in his or her application, and any certificate of registration issued to such an applicant shall be deemed to be invalid. O. Reg. 72/12, s. 1.~~

#### REQUIREMENTS FOR ISSUANCE OF CERTIFICATE OF REGISTRATION, ANY CLASS

3. (1) An applicant must satisfy the following requirements for the issuance of a certificate of registration of any class:

1. The applicant must provide details about any of the following that relate to the applicant:

- ~~Any and all existing charges in any jurisdiction, in respect of a federal, provincial or other offence.~~
- ~~Any and all existing conditions, terms, orders, directions or agreements in any jurisdiction relating to the custody or release of the applicant in respect of provincial or federal offence processes.~~
- ~~Any and all findings of guilt in any jurisdiction made by a court against an applicant in respect of a provincial, federal or other offence.~~

A finding of guilt for any of the following:

- ~~Any findings of guilt made by a court against the applicant in respect of any provincial, federal or other offence under the *Criminal Code* (Canada).~~
- ~~An offence related to prescribing, compounding, selling or administering drugs.~~
- ~~An offence, other than a municipal by-law offence or an offence under the *Highway Traffic Act*, that occurred in the course of, or that was related to, the applicant's practice of the profession.~~
- ~~An offence that was committed while the applicant was impaired by any substance.~~
- ~~Any other offence that might reasonably be relevant to the applicant's suitability to practise dietetics.~~

~~iv. A finding of professional misconduct, incompetence or incapacity, or any similar finding, in Ontario in relation to another profession, or in another jurisdiction in relation to any profession.~~

~~viii. A current proceeding for professional misconduct, incompetence or incapacity, or any similar proceeding, in Ontario in relation to another profession, or in another jurisdiction in relation to any profession.~~

**Commented [CL1]:** Removal of the Provisional Class is being recommended as it:

- It is not consistent with the assessment process for Internationally Educated Applicants moving forward.
- Since 2012, there have only been 3 Provisional certificates issued

**Commented [CL2]:** Revised wording builds in a procedural process which provides guidance to staff and transparency for the applicant regarding the process for determining whether an applicant has provided a false or misleading statement in association with their application.

- ivj. A finding of professional negligence or malpractice.
  - vii. A refusal by any body responsible for the regulation of a profession, in Ontario or in any other jurisdiction, to register the applicant.
  - viii. Whether the applicant is in good standing with, and is fulfilling all terms, conditions and limitations imposed on the applicant by, any body responsible for the regulation of a profession in Ontario or in any other jurisdiction.
  - ixvii. Whether the applicant was in good standing at the time he or she ceased being registered with a body responsible for the regulation of a profession in Ontario or in any other jurisdiction.
  - xviii. Any other event or circumstances that would provide reasonable grounds for the belief that the applicant will not practise dietetics in a safe and ethical manner.
2. The applicant's previous conduct must afford reasonable grounds for the belief that he or she will practise dietetics in a safe and ~~ethical~~ professional manner.
  3. The applicant must be a Canadian citizen or permanent resident of Canada or must hold the appropriate authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of dietetics in Ontario in the manner permitted by a certificate of registration.
  4. The applicant must possess sufficient language proficiency, in either English or French, to be able to communicate and comprehend effectively, both orally and in writing.
  5. The applicant must not have a physical or mental condition or disorder that would make it desirable in the interest of the public that he or she not be issued a certificate of registration.
  6. If the applicant is registered by any body responsible for the regulation of a profession in Ontario or in any other jurisdiction, the applicant's registration must be in good standing and the applicant must be fulfilling all terms, conditions and limitations imposed on him or her as evidenced by the applicant being in good standing.
  7. If the applicant ceased being registered with any body responsible for the regulation of a profession in Ontario or in any other jurisdiction, the applicant must have been in good standing at the time he or she ceased being registered. O. Reg. 72/12, s. 1.
- (2) If any change in circumstances occurs in relation to a matter described in paragraph 1 of subsection (1) after the applicant has submitted an application but before a certificate of registration is issued, the applicant shall immediately provide the College with written details about the change. O. Reg. 72/12, s. 1.

**Commented [CL3]:** Professional arguably more objective than ethical

#### TERMS, ETC. OF EVERY CERTIFICATE

4. Every certificate of registration is subject to the following terms, conditions and limitations:
  1. The member shall provide the College with written details about any of the following that relate to the applicant member as soon as possible after the member becomes aware of it occurring, but not later than 30 days after the member becomes aware of it occurring:
    - i. ~~Any -and all -existing -charges in any jurisdiction -in -respect of a federal -provincial -or -other offence.~~
    - ii. Any and all existing conditions, terms, orders, directions or agreements in any jurisdiction relating to the custody or release of the member in respect of provincial or federal offence processes.
    - iii. A finding of professional misconduct, incompetence or incapacity, or any similar finding, in Ontario in relation to another profession, or in another jurisdiction in relation to any profession.
    - ivii. The commencement of a proceeding for professional misconduct, incompetence or incapacity, or any similar proceeding, in Ontario in relation to another profession, or in another jurisdiction in relation to any profession.
    - viii. A finding of professional negligence or malpractice.
    - ixi. The refusal by any body responsible for the regulation of a profession, in Ontario or in any other jurisdiction, to register the member.

**Commented [CL4]:** We believe this was likely a typo as applicants don't hold certificates of registration

**Commented [CL5]:** These changes will help ensure consistency with the RHPA and CDO's bylaws.

- vii. The fact that the member is no longer in good standing with, or is no longer fulfilling any terms, conditions or limitations imposed on the member by, any body responsible for the regulation of a profession in Ontario or in any other jurisdiction.
  - viii. The fact that the member was not in good standing at the time he or she ceased being registered with a body responsible for the regulation of a profession in Ontario or in any other jurisdiction.
2. The member shall provide the College with written details about any finding of guilt relating to any offence in Ontario or in any other jurisdiction as soon as possible after receiving notice of the finding, but not later than 30 days after receiving the notice.
  3. The member shall immediately advise the College in writing in the event the member ceases to be a Canadian citizen or permanent resident of Canada or to have authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of dietetics in Ontario in the manner permitted by the certificate of registration.
  4. ~~The member's certificate of registration shall expire if the member ceases to be a Canadian citizen or permanent resident of Canada or to have authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of dietetics in Ontario.~~
  45. The member shall maintain professional liability insurance in the amount and in the form as required under the by-laws.
  6. ~~The member shall provide the Registrar with written details within two days of the member becoming aware that he or she does not have the professional liability insurance that he or she is required to have under the by-laws, and the member shall immediately advise the Registrar if the member no longer maintains such insurance.~~
75. The member shall use the following title in reference to his or her practice of dietetics: "Registered Dietitian" and the abbreviation "RD", or the French equivalent, "diététiste professionnel(le)" and "Dt.P.". O. Reg. 72/12, s. 1.
5. (1) By the end of the third year following the issuance of a certificate of registration and in every subsequent year, every member shall provide evidence satisfactory to the Registrar that the member has practised dietetics for at least 500 hours during the preceding three years. O. Reg. 72/12, s. 1.
- (2) The Registrar shall refer any member who does not meet the requirement set out in subsection (1) to the Quality Assurance Committee. O. Reg. 72/12, s. 1.

**Commented [CL6]:** Currently, authorization to work in Canada is a requirement for registration, but it is not a Term, Condition or Limitation (TCL) for ongoing registration. This amendment will enable the College to take action if a member ceases to be authorized to work in Canada.

**Commented [CL7]:** This proposed wording is more explicit, compared to "immediately advise the registrar".

REGISTRATION REQUIREMENTS FOR ~~GENERAL AND TEMPORARY CERTIFICATES~~ EVERY CERTIFICATE ~~VERY CERTIFICATE~~

6. (1) An applicant for the issuance of a general or temporary certificate of registration must satisfy either of the following non-exemptible requirements:
1. The applicant has satisfied both of the following requirements:
    - i. The applicant has graduated from:
      - ~~A. a program in dietetics that was offered at the bachelor level at a Canadian university and which was at least four years in duration and, at the time of graduation, accredited by an accrediting agency approved by Council, and~~
      - ii. ~~The applicant must have successfully completed a program of clinical experience in the profession that is structured, comprehensive, supervised and evaluated and, at the time of completion, accredited by an accrediting agency approved by Council.~~
      - a Canadian university program in foods and nutrition accredited by an accrediting agency approved by the Council;
      - ~~B. a Canadian university and has completed subject areas in foods and nutrition required by an accrediting agency approved by the Council, or~~
      - ~~C. a university program outside Canada that, in the opinion of the Council or a panel of the Registration Committee, is equivalent to sub-subparagraph A or B.~~

~~ii. The applicant has attained the competence standards acceptable to the Council as demonstrated by;~~

~~A. successful completion of an internship program in Canada accredited by an accrediting agency approved by the Council, or an internship program outside Canada that the Council or a panel of the Registration Committee considers to be equivalent to an accredited internship in Canada;~~

~~B. successful completion of a practicum in Canada accredited by an accrediting agency approved by the Council, or a practicum outside Canada that the Council or a panel of the Registration Committee considers to be equivalent to an accredited practicum in Canada;~~

~~C. successful completion of a graduate degree program acceptable to the Council, or~~

~~D. successful completion of a program of practical experience that, in the opinion of the Council or a panel of the Registration Committee, is equivalent to a program or practicum mentioned in sub-paragraph A or B.~~

2. The applicant has successfully completed a prior learning assessment that was conducted by the Registration Committee or by a body approved by ~~the Registration Committee Council~~. O. Reg. 72/12, s. 1.
- (2) If the applicant has not completed either of the requirements set out in paragraph 1 or 2 of subsection (1) within the three years immediately before the date that the applicant submitted his or her application, the applicant must,
- (a) have successfully completed a refresher or upgrading program approved by the Registration Committee;
  - (b) hold a certificate of registration of another class with the College; or
  - (c) satisfy the Registration Committee that he or she has been registered as a dietitian in ~~Ontario or another jurisdiction~~ and has practised safely as a dietitian ~~for at least 500 hours in that other jurisdiction~~ within the three years immediately before the date of the application. O. Reg. 72/12, s. 1.

#### GENERAL CERTIFICATES

7. It is an additional non-exemptible requirement for the issuance of a general certificate of registration that the applicant has successfully completed the registration examinations set or approved by the Council. O. Reg. 72/12, s. 1.

8. (1) ~~If an applicant already holds an out-of-province certificate that is equivalent to a general certificate of registration issued by the College, the applicant~~ Where section 22.18 of the Health Professions Procedural Code applies to an applicant for a General certificate of registration, the applicant is deemed to have met the requirements set out ~~in paragraph 6 of subsection 3 (1) and~~ in sections 6 and 7. O. Reg. 72/12, s. 1.

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a dietitian in every jurisdiction where the applicant holds an out-of-province certificate. O. Reg. 72/12, s. 1.

(3) If an applicant to whom subsection (1) applies is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of dietetics to the extent that would be permitted by a general certificate of registration at any time in the three years immediately before the date of that applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee. O. Reg. 72/12, s. 1.

(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 4 of subsection 3 (1) if the requirements for the issuance of the out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph. O. Reg. 72/12, s. 1.

(5) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code. O. Reg. 72/12, s. 1.

#### TEMPORARY CERTIFICATES

9. (1). The following are additional ~~non-exemptible~~ registration requirements for the issuance of a temporary certificate of registration:

1. ~~The applicant has not previously held a temporary certificate of registration.~~

**Commented [CL8]:** Revised wording more accurately reflects the current dietetic education system in Canada. It also removes reference to a credential/equivalency assessment from this section. Equivalency of education and training will be assessed through the Prior Learning Assessment and Recognition (PLAR) process in section 6(1)2.

**Commented [CL9]:** The prior learning assessment is the alternative to completing accredited academic and practical training, and it is the Council which approves the accrediting body and the national standards upon which accreditation is based. It seems appropriate for Council to have the same level of oversight for the prior learning assessment as they do for the accredited programs in the event that the College decides, in the future, to outsource the prior learning assessment.

**Commented [CL10]:** The current wording suggests that only practice in another jurisdiction would satisfy the currency requirement. In practice, the College has also recognized dietetic practice in Ontario in the three years prior to submitting the application (this comes up for people returning after a leave of absence, for example). This revised wording will make that explicit.

**Commented [CL11]:** By adding this phrase, members are prevented from resigning from the College and then quickly reapplying in order to avoid the QA process for members who have not practised 500 hours in the previous three years.

**Commented [CL12]:** We believe this may have been a drafting error when the regulation was last revised. The labour mobility agreement relates to assessing the academic and practical training of applicants who are registered in another province (which is covered under sections 6 and 7). Paragraph 6 of subsection 3(1) is related to the College's assessment of the applicant's character and past conduct, and should not be referenced here.

**Commented [CL13]:** Making this requirement exemptible will provide flexibility for the College, in exceptional circumstances, to issue a temporary certificate of registration to an applicant who has previously held a temporary certificate.

2. One of the following circumstances exist:

- i. The applicant has applied to take the registration examinations referred to in section 7, but has not yet taken the examinations.
- ii. The applicant has taken the registration examinations, but has not yet received the results.
- iii. The applicant has failed the registration examinations on his or her first attempt and is either actively attempting to retake the examinations or is waiting for the results of his or her second attempt. O. Reg. 72/12, s. 1.

9(2). The requirement of paragraph 2 of subsection (1) is non-exemptible.

10. The following are additional terms, conditions and limitations of a temporary certificate of registration:

1. If the member failed the registration examinations on his or her first attempt,
  - i. the member shall only practise the profession under the supervision of a member who holds a general certificate of registration and who has agreed in writing in the form provided by the Registrar to supervise the applicant and be responsible for ensuring that the applicant provides appropriate care to clients,
  - ii. the member shall only practise in accordance with that written agreement and the standards of practice of the profession, and
  - iii. the member shall provide to the Registrar, upon request, information that demonstrates the member's compliance with subparagraphs i and ii and shall give such information in the form and manner as requested.

~~2. The member shall not supervise another member.~~

32. The member must be actively attempting to successfully complete the registration examinations. O. Reg. 72/12, s. 1.

11. (1) Subject to subsections (2) and (3), a temporary certificate of registration expires on the earlier of ~~the day that is 16 months after the certificate was issued and the day on which the member receives notice that he or she has failed the registration examinations a second time~~ the day that is 14 weeks after the administration of the next available registration examination and the day that is 30 days after the day on which the member is notified about their results on the registration examination.

1. . O. Reg. 72/12, s. 1.

(2) The Registrar may extend a temporary certificate of registration if the following conditions are met:

1. The member's temporary certificate of registration has not expired.

~~2. The member failed the registration examinations on his or her first attempt.~~

23. The member applies to the Registrar for an extension in the form provided by the Registrar and the member pays any applicable fees required under the by-laws. O. Reg. 72/12, s. 1.

(3) An extension of a temporary certificate of registration expires on the earlier of,

(a) the day specified by the Registrar or, if the Registrar has not specified a day, the day that is ~~one year after the day the extension was granted; and~~ 30 days after the member is notified about their results on their most recent attempt at the registration examinations.

(b) the day on which the member receives notice that he or she has failed the registration examinations a second time. O. Reg. 72/12, s. 1.

(4) For the purposes of subsection (1) and clause (3) (b), there is a rebuttable presumption that the member received the notice,

(a) the day after the notice is sent if the notice is sent by fax, email or by any other electronic means; or

(b) the day that is five days after the notice is sent if the notice is sent by any other means. O. Reg. 72/12, s. 1.

12. A holder of a temporary certificate of registration shall be issued a general certificate of registration if the member successfully completes the registration examinations ~~set or approved by the Council referred to in section 7~~ and meets all of the requirements for the issuance of a general certificate of registration. O. Reg. 72/12, s. 1.

13. (1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for a Temporary certificate of registration, if an applicant already holds an out-of-province certificate that is

**Commented [CL14]:** It is unclear why this is the only restriction on a Temporary Member who has not failed the entry to practice examination. The College is considering removing this section as it does not seem to achieve a legitimate regulatory goal. In order to impose a restriction on a member's practice, the College must demonstrate that the restriction is necessary. Although it may be considered higher risk for a Temporary member to supervise another dietitian, Temporary members are not restricted from doing other activities that may also be considered high risk (e.g. supervising students, enteral and parenteral nutrition, solo practice). In the absence of objective evidence that only this particular risk (and not any of the other risks) warrants a restriction on practice, the College is proposing to remove this TCL.

**Commented [CL15]:** The Temporary Certificate of registration is intended to permit an applicant to become registered and practice, unsupervised, while they wait to write the national exam and receive the results. It is expected that the majority of temporary members will complete the exam, receive a passing grade and proceed to a general certificate within 8 – 10 months. The 16-month time frame was chosen to provide flexibility for applicants who may need to write the exam a second time, or who may need to defer the exam for extenuating circumstances. Some temporary members have begun to abuse this flexibility by delaying the payment of the general fees for 10-12 months after passing the exam, even though this is contrary to the terms, conditions and limitations on their certificate of registration. The proposed changes will eliminate the administrative issues involved in monitoring and following up with Temporary members who delay paying their General membership fees, and issues related to successful appeals.

**Commented [CL16]:** This subsection was deemed redundant because it is already a registration requirement for a Temporary Certificate.

equivalent to a temporary certificate of registration issued by the College, the applicant is deemed to have met the requirements set out in paragraph 6 of subsection 3 (1) and in sections 6 and 9. O. Reg. 72/12, s. 1.

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a dietitian in every jurisdiction where the applicant holds an out-of-province certificate. O. Reg. 72/12, s. 1.

(3) If an applicant to whom subsection (1) applies is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of dietetics to the extent that would be permitted by a temporary certificate of registration at any time in the three years immediately before the date of that applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee. O. Reg. 72/12, s. 1.

(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 4 of subsection 3 (1) if the requirements for the issuance of the out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph. O. Reg. 72/12, s. 1.

(5) If a member is issued a temporary certificate of registration on the basis of an application made under this section, the references to "registration examinations" in sections 10, 11 and 12 are references to such registration examinations that are required by the body that issued the out-of-province certificate. O. Reg. 72/12, s. 1.

(6) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code. O. Reg. 72/12, s. 1.

#### PROVISIONAL CERTIFICATES

~~14. (1) It is an additional registration requirement for a provisional certificate of registration that a panel of the Registration Committee be of the opinion that,~~

~~(a) the applicant would have satisfied the requirements set out in either paragraph 1 or 2 of subsection 6 (1), but his or her education or practical training does not include completion of coursework or practical training in a particular area of practice in dietetics;~~

~~(b) the applicant will become competent in that area of practice within 18 months after being issued a provisional certificate of registration; and~~

~~(c) the applicant can practise safely in all others areas of practice relating to dietetics. O. Reg. 72/12, s. 1.~~

~~(2) The applicant must satisfy the requirements set out in subsection 6 (2) if both of the following circumstances exist:~~

~~1. The applicant has not been engaged in the education or practical training requirements described in paragraph 1 of subsection 6 (1) within the three years immediately before the date that the applicant submitted his or her application;~~

~~2. The applicant has not completed a prior learning assessment described in paragraph 2 of subsection 6 (1) within the three years immediately before the date that the applicant submitted his or her application. O. Reg. 72/12, s. 1.~~

~~15. The following are additional terms, conditions and limitations of a provisional certificate of registration:~~

~~1. The member shall not practise dietetics in the area of practice referred to in clause 14 (1) (a).~~

~~2. The member shall actively pursue practical training or educational activities, or both, that are approved by the Registration Committee and that are designed to enable the member to become competent in the area of practice. O. Reg. 72/12, s. 1.~~

~~16. (1) Subject to subsection (2), a provisional certificate of registration expires on the day that is 18 months after it is issued or on the day as may be specified by a panel of the Registration Committee, whichever is earlier. O. Reg. 72/12, s. 1.~~

~~(2) The Registrar may extend a provisional certificate of registration for a period of no more than six months, if the member applies for an extension in the form provided by the Registrar and the member pays any applicable fees required under the by-laws. O. Reg. 72/12, s. 1.~~

~~17. A holder of a provisional certificate of registration shall be issued a general certificate of registration,~~

**Commented [CL17]:** See comments related to section 8 (1). We believe this may have been a drafting error when the regulation was last revised. The labour mobility agreement relates to assessing the academic and practical training of applicants who are registered in another province (which is covered under sections 6 and 7). Paragraph 6 of subsection 3(1) is related to the College's assessment of the applicant's character and past conduct, and should not be referenced here.

**Commented [CL18]:** We are proposing to remove the Provisional certificate of registration, as it is no longer consistent with the new Prior Learning Assessment and Recognition Process (PLAR). The nature of the PLAR assessment is such that the results will not provide sufficient information for a panel of the registration committee to make a determination that an applicant meets the requirements set out in section 14(1).



- (a) if he or she satisfies a panel of the Registration Committee that he or she has become competent in the area of practice referred to in clause 14 (1) (a); and
  - (b) if he or she has otherwise met all the requirements for a general certificate of registration. O. Reg. 72/12, s. 1.
- 18. (1) If an applicant already holds an out-of-province certificate that is equivalent to a provisional certificate of registration issued by the College, the applicant is deemed to have met the requirements set out in paragraph 6 of subsection 3 (1) and in section 14. O. Reg. 72/12, s. 1.
- (2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a dietitian in every jurisdiction where the applicant holds an out-of-province certificate. O. Reg. 72/12, s. 1.
- (3) If an applicant to whom subsection (1) applies is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of dietetics to the extent that would be permitted by a provisional certificate of registration at any time in the three years immediately before the date of that applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee. O. Reg. 72/12, s. 1.
- (4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 4 of subsection 3 (1) if the requirements for the issuance of the out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph. O. Reg. 72/12, s. 1.
- (5) If a member is issued a provisional certificate of registration on the basis of an application made under this section, the following rules apply:
- 1. The reference to "the area of practice referred to in clause 14 (1) (a)" in paragraph 1 of section 15 is a reference to such area of practice in dietetics that the body that issued the out-of-province certificate identified as an area that was not included in the member's education or practical training.
  - 2. The reference to "practical training or educational activities, or both, that are approved by the Registration Committee" in paragraph 2 of section 15 is a reference to such training or activities that are approved by the body that issued the out-of-province certificate. O. Reg. 72/12, s. 1.
- (6) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code. O. Reg. 72/12, s. 1.

#### SUSPENSIONS, REVOCATIONS AND REINSTATEMENTS

19. (1) If a member fails to provide the College with information about the member as required under this regulation or the by-laws,

- (a) the Registrar may give the member notice of intention to suspend the member's certificate of registration; and
  - (b) the Registrar may suspend the member's certificate of registration if the member fails to provide the information within 30 days after the notice is given. O. Reg. 72/12, s. 1.
- (2) If the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that,
- (a) the former member has given the required information to the College;
  - (b) the former member has paid any fees required under the by-laws for lifting the suspension;
  - (c) the former member has paid any other outstanding fees required under the by-laws;
  - (d) the former member is in compliance with any outstanding orders issued by any committee of the College or with any undertakings given by the former member to the College; and
  - (e) the former member will be in compliance with all of the terms, conditions and limitations of the certificate as of the anticipated date on which the suspension is to be lifted. O. Reg. 72/12, s. 1.

20. (1) The Registrar may immediately suspend a member's certificate of registration if the Registrar becomes aware that the member is not in compliance with the condition set out in paragraph 5 of section 4.

(2) If the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that the former member,

**Commented [CL19]:** This change is being recommended to improve clarity

~~(a) has professional liability insurance coverage in the amount and in the form required under the by-laws;~~

~~(b) has paid any fees required under the by-laws for lifting the suspension;~~

~~(c) has paid any other outstanding fees, penalties or other amounts owing to the College;~~

~~(d) will be in compliance, as of the anticipated date on which the suspension is to be lifted, with any orders issued by any committee of the College or with any undertakings given by the former member to the College; and~~

~~(e) has provided proof of professional liability insurance coverage in the amount and in the form required under the by-laws. If the College requests evidence that the member holds professional liability insurance in the amount and in the form as required under the by-laws and the member fails to provide such evidence within 14 days of having been requested to do so;~~

~~(a) the Registrar may give the member notice of intention to suspend the member's certificate of registration; and~~

~~(b) the Registrar may suspend the member's certificate of registration if the member fails to provide the evidence within 30 days after the notice is given. O. Reg. 72/12, s. 1.~~

~~(2) If a member advises the Registrar that they no longer maintain professional liability insurance in the amount and in the form as required under the by-laws, the Registrar may immediately suspend the member's certificate of registration. O. Reg. 72/12, s. 1.~~

~~(3) If the Registrar suspends the member's certificate of registration under subsection (1) or (2), the Registrar shall lift the suspension upon being satisfied that:~~

~~(a) the former member holds professional liability insurance in the amount and in the form as required under the by-laws;~~

~~(b) the former member has paid any fees required under the by-laws for lifting the suspension;~~

~~(c) the former member has paid any other outstanding fees required under the by-laws;~~

~~(d) the former member is in compliance with any outstanding orders issued by a committee of the College and any undertakings given by the former member to the College; and~~

~~(e) the former member will be in compliance with all of the terms, conditions and limitations of the certificate as of the anticipated date on which the suspension is to be lifted. O. Reg. 72/12, s. 1.~~

21. If the Registrar suspends the member's certificate of registration under section 24 of the Health Professions Procedural Code, the Registrar shall lift the suspension upon payment of any ~~outstanding~~ applicable fees and penalties required under the by-laws. O. Reg. 72/12, s. 1.

22. ~~(1) If the Registrar suspends a member's certificate of registration under section 19, or 20, or 21~~ Section 24 of the Health Professions Procedural Code and the suspension has not been lifted, the certificate is revoked on the day that is ~~12 months~~ 60 days after the day it was suspended. O. Reg. 72/12, s. 1.

~~(2) If the Registrar suspends a member's certificate of registration under section 24 of the Health Professions Procedural Code for failure to pay a fee, the certificate is revoked on the day that is six months after the day it was suspended. O. Reg. 72/12, s. 1.~~

23. (1) A former member ~~who resigned from the College or~~ whose certificate of registration was revoked under section 22 may apply for the reinstatement of his or her certificate within two years after the date on which the certificate was revoked by submitting a completed application to the Registrar in the form provided by the Registrar. O. Reg. 72/12, s. 1.

(2) The Registrar shall reinstate the former member's certificate of registration,

(a) ~~if the former member meets the requirements set out in section 3;~~

~~(b) if applicable,~~ the Registrar is satisfied that the former member has corrected the deficiency or deficiencies that provided the grounds for the revocation of the former member's certificate;

~~(c)~~ if the Registrar is satisfied that the former member will be in compliance with all of the certificate's terms, conditions and limitations as of the date of the anticipated reinstatement; and

~~(d)~~ if the former member has paid any applicable fees required under the by-laws. O. Reg. 72/12, s. 1.

**Commented [CL20]:** This section is being removed, because a request to provide proof of liability insurance would be covered under s. 19(1)

**Commented [CL21]:** Revised for clarity

**Commented [CL22]:** Currently, a certificate is automatically revoked after 6 months if the member was suspended for non-payment of fees, or 12 months if the member was suspended for not having professional liability insurance or not providing information requested by the College.

The proposed amendment would provide a consistent period for mandatory revocation. College staff recommend a period of 60 days. Suspension data from the past 10 years demonstrates that the majority of members who intend to take the action necessary to lift the suspension will do so within 60 days.

**Commented [CL23]:** This amendment makes it clear that reinstatement applicants have to meet all registration requirements, including the good character requirement.

TRANSITIONAL

~~24. (1) If a person submitted an application for a certificate of registration before the coming into force of this Part, and that application was still being dealt with at the time this Part came into force, Part III.1, as it read immediately before it was revoked, applies with respect to that application. O. Reg. 72/12, s. 1.~~

~~—(2) Despite subsection (1), an applicant and the Registrar may agree that this Part applies with respect to an application submitted before the coming into force of this Part. O. Reg. 72/12, s. 1.~~