

Unauthorized Use of the Title “Dietitian”

From time to time, dietitians inform the College of people who are referring to themselves as “dietitians” when they are not members of the *College of Dietitians of Ontario*. What does the law say and how does the College act on this information?

What Does the Law Say?

Without exception, all 23 of the regulated health professions have restricted or protected titles. The *Dietetics Act* (Section 7) says :

“No person other than a member shall use the title “dietitian”, a variation or abbreviation or an equivalent in another language”, and “abbreviation includes an abbreviation of a variation.”

The law goes on to prohibit people from saying that they are qualified to act as a dietitian although they may not actually use the “dietitian” title. This is sometimes referred to as a “holding out” provision:

“No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a dietitian or in a specialty of dietetics.”

The Act also says that there can be a fine if a person is convicted of misusing the title “dietitian”:

“Every person who contravenes subsection 7 (1) or (2) is guilty of an offense and on conviction is liable to a fine of not more than \$5,000 for a first offense and not more than \$10,000 for a subsequent offense.”

How Does the College Handle Unauthorized Use of the Title “Dietitian”?

The responsibility to enforce the provisions of the *Dietetics Act* falls on the College and ultimately a court of law. The College’s approach is first to educate people about legal provisions and instruct people to stop the misuse of the “dietitian” title or the misrepresentation of qualifications. Typically, the Registrar of the College will

send a letter to the person and/or contact them by phone to discuss the situation. Often, the response is ignorance of the law, a misunderstanding of the law and, at times, denial of the use of the title “dietitian”.

The most frequent misunderstanding of the law is the application of the *Dietetics Act* in Ontario. Even if a person is registered with a dietetics regulatory body in another jurisdiction, they may not use the title “dietitian” in Ontario. The law is clear that to use this title in Ontario, a person must be a member of the *College of Dietitians of Ontario*.

Follow-up activity is often required by the College to verify that the unauthorized use of title or misrepresentation has stopped. This might require a phone call where the caller asks about the qualifications of the person. It might even be an internet and print medium search to see how a person is presenting herself or himself in advertisements. One good source of information is hearing again from the person who made the initial report of unauthorized use of title.

If these actions do not result in the intended response, the College may initiate legal action to have a court issue a cease order and fine the person if found guilty of the offense. To date, the College has found that legal action has not been necessary. In only one instance, following an investigation, did the College enter into an agreement with a person who was using the “dietitian” title before being registered with the College.

All dietitians are encouraged to let the College know of people who are calling themselves “dietitian” and who they suspect is not a member of the College. We can confirm whether the person is a member and take action to prevent the unauthorized use of the title or take action against a person holding out as someone who is qualified to practise as a dietitian. Effective enforcement of the provisions in the *Dietetics Act* depends on members and the public letting us know of any suspected violations.