

Dietetics Act, 1991
Loi de 1991 sur les diététistes

ONTARIO REGULATION 593/94

Amended to O. Reg. 301/01

PART III.2

QUALITY ASSURANCE

GENERAL

30.16 In this Part,

"assessor" means an assessor appointed under section 81 of the Health Professions Procedural Code;

"Committee" means the Quality Assurance Committee;

"remediation" means participation in a specified professional enhancement program, whether carried out by lecture, mentoring, counselling, self-study with evaluation or any other similar means, designed to improve a member's knowledge, skills, judgment or practice performance.
O. Reg. 181/99, s. 1.

30.17 (1) The Committee shall administer the Quality Assurance Program, which shall include the following components:

1. Self-assessment and professional development.
2. Collection, analysis and dissemination of information.
3. Practice assessment and remediation.
4. Assessment and remediation following alleged behaviour or remarks of a sexual nature.
O. Reg. 181/99, s. 1.

(2) Every member is required to participate in the quality assurance program and fulfil its requirements. O. Reg. 181/99, s. 1.

(3) A panel of the Committee may act on behalf of the Committee with respect to any matter that arises under this Part. O. Reg. 181/99, s. 1.

(4) A panel shall be composed of three members. O. Reg. 181/99, s. 1.

(5) The chair of the Committee shall appoint the members of a panel, one of the members of which shall be a member named to the Committee by the Lieutenant Governor in Council. O. Reg. 181/99, s. 1.

Self-Assessment and Professional Development

30.18 (1) Every member shall carry out his or her self-assessment in accordance with the guidelines and policies established by the College and distributed to the members. O. Reg. 181/99, s. 1.

(2) Every member shall engage in professional improvement and development in accordance with the guidelines and policies established by the College and distributed to the members. O. Reg. 181/99, s. 1.

(3) Every member shall keep and retain complete and accurate records with respect to self-assessment, professional improvement and development and professional practice surveys, and submit them to the Committee on request. O. Reg. 181/99, s. 1.

COLLECTION, ANALYSIS AND DISSEMINATION OF INFORMATION

30.19 (1) The Committee shall systematically collect and analyse information about the nature and quality of the practice of dietetics, including the training and education of members, from members, educators of members, employers, business or health care professionals, researchers, clients of members, the public and the College. O. Reg. 181/99, s. 1.

(2) The Committee shall disseminate and use the results of the collection and analysis of the information under subsection (1) in such manner as the Committee deems appropriate, including,

(a) publishing articles;

(b) proposing the development or revision of standards of practice to Council;

(c) making recommendations with respect to the development or revision of the requirements of the self-assessment and professional development program; and

(d) proposing policies and programs to Council to promote excellent dietetic practice. O. Reg. 181/99, s. 1.

PRACTICE ASSESSMENT AND REMEDIATION

30.20 (1) Each year the College shall select at random the names of members required to undergo a practice assessment. O. Reg. 181/99, s. 1.

(2) A member is required to undergo a practice assessment if his or her name is selected at random. O. Reg. 181/99, s. 1.

(3) A member may be required to undergo a practice assessment if,

(a) the member is referred to the Committee by the Registrar or the Complaints Committee, Discipline Committee or Executive Committee;

(b) the Committee finds that there is evidence that the member has not complied with section 30.18; or

(c) the member meets criteria established by the Committee that are published and distributed to the members. O. Reg. 181/99, s. 1.

(4) A member required to undergo a practice assessment is entitled to at least 14 days notice of the start of the assessment. O. Reg. 181/99, s. 1.

(5) If the member requests that a practice assessment be delayed and provides an explanation and documentation in support of the request that the Committee considers satisfactory, the Committee may delay the start of the assessment if there are extenuating circumstances such as maternity, illness or disability, bereavement, personal hardship, employment outside of Ontario or a sabbatical. O. Reg. 181/99, s. 1.

(6) The Committee shall appoint an assessor to conduct a practice assessment. O. Reg. 181/99, s. 1.

(7) The practice assessment may include, but is not limited to,

(a) inspecting and reviewing the premises where the member practises, client records and the members's self-assessment and professional development records;

- (b) interviewing the member and his or her employer, employees, colleagues and peers;
 - (c) requiring the member to answer, orally or in writing, questions that relate to the member's practice; and
 - (d) requiring the member to solve simulated problems or case studies that relate to the member's practice. O. Reg. 181/99, s. 1.
- (8) The assessor shall prepare a report on the assessment and submit it to the Committee, with a copy to the member. O. Reg. 181/99, s. 1.
- (9) After considering the report, the Committee may decide not to take further action or,
- (a) to make written recommendations to the member and give him or her an opportunity to address the recommendations;
 - (b) subject to subsection 30.21 (1), to require the member to undertake the remediation specified by the Committee if the Committee concludes that the member's knowledge, skills, judgment or practice performance, although unsatisfactory, are remediable;
 - (c) subject to subsections 30.21 (2), (3), (4) and (5), the Committee may direct the Registrar to impose terms, conditions or limitations on a member's certificate of registration for a specified period not exceeding six months if the Committee concludes that the member's knowledge, skills, judgment or practice performance are unsatisfactory and,
 - (i) are not likely to be remediable, or
 - (ii) are likely to expose the public to harm or injury. O. Reg. 181/99, s. 1.
- (10) If a member refuses to undergo a required practice assessment, the Committee shall refer the matter to the Executive Committee. O. Reg. 181/99, s. 1.

30.21 (1) The Committee shall not require the member to undertake remediation under clause (9) (b) unless,

- (a) the member has been given written notice of the Committee's intention to do so;
- (b) the member has been given at least 30 days from receipt of the notice to make written submissions to the Committee; and

(c) the Committee has taken any such submissions into account. O. Reg. 181/99, s. 1.

(2) The Committee shall not direct the Registrar to impose terms, conditions or limitations on a member's certificate under clause (9) (c) unless,

(a) the member has been given written notice of the Committee's intention to do so;

(b) the member has been given at least 14 days from receipt of the notice to make written submissions to the Committee; and

(c) the Committee has taken any such submissions into account. O. Reg. 181/99, s. 1.

(3) In addition to the right to make written submissions under clause (2) (b), the member may confer with the Committee if the member requests to do so within 14 days from receipt of the notice referred to in clause (2) (a). O. Reg. 181/99, s. 1.

(4) The Committee shall inform the member of the date of the conference. O. Reg. 181/99, s. 1.

(5) If the member fails to attend at the time set for the conference, the Committee may dispose of the matter. O. Reg. 181/99, s. 1.

30.22 (1) After a member has acted on recommendations made by the Committee under clause 30.20 (9) (a) or has completed specified remediation under clause 30.20 (9) (b), the member shall be reassessed to determine whether the member's knowledge, skills, judgment or practice performance are satisfactory, and subsections 30.20 (4) to (10) apply to the reassessment. O. Reg. 181/99, s. 1.

(2) A member shall not be re-assessed under subsection (1) more than once. O. Reg. 181/99, s. 1.

Imposition of Terms, Conditions and Limitations

30.23 (1) If the Committee requires a member to undertake remediation under clause 30.20 (9) (b) and the member fails to do so or fails to successfully complete the remediation, the Committee may direct the Registrar to impose terms, conditions or limitations on the members's certificate of registration for a specified period not exceeding six months. O. Reg. 181/99, s. 1.

(2) If the Committee proposes to make a direction under subsection (1), it shall not do so unless,

- (a) the member has been given written notice of its intention;
 - (b) the member has been given at least 14 days from receipt of the notice to make written submissions to the Committee; and
 - (c) the Committee has taken any such submissions into account. O. Reg. 181/99, s. 1.
- (3) If the Registrar imposes terms, conditions or limitations on a member's certificate of registration pursuant to a direction given by the Committee under subsection (1), the Committee may direct the Registrar to remove them before the end of the specified period if the Committee is satisfied that they are no longer needed. O. Reg. 181/99, s. 1.
- (4) The Committee may impose terms, conditions or limitations on a member's certificate of registration for a second specified period not exceeding six months but may not do so a third time. O. Reg. 181/99, s. 1.
- (5) If the Committee imposes terms, conditions or limitations for a second specified period, it shall inform the Executive Committee. O. Reg. 181/99, s. 1.

Assessment and Remediation Following Alleged Behaviour or Remarks of a Sexual Nature

30.24 (1) This section applies to matters relating to sexual abuse as defined in clause 1 (3) (c) of the Health Professions Procedural Code that are referred to the Committee by,

- (a) a panel of the Complaints Committee under paragraph 4 of subsection 26 (2) of the Code; or
- (b) the Executive Committee, Complaints Committee or Board under section 79.1 of the Code. O. Reg. 181/99, s. 1.

(2) The Committee may require a member to undergo a psychological assessment or another assessment specified by the Committee if a matter respecting the member is referred as provided in subsection (1). O. Reg. 181/99, s. 1.

(3) After receiving the report of an assessment under subsection (2), the Committee may require the member to undertake specified measures, such as education, therapy or counselling if,

- (a) the Committee is of the opinion that the measures will help the member to refrain from such behaviour or remarks; and

(b) the member has been given written notice of the Committee's intention to require the member to undertake measures, a written summary of the concerns of the Committee and at least 14 days to make written submissions to the Committee. O. Reg. 181/99, s. 1.

(4) If the member refuses to undergo an assessment under subsection (2) or to undertake specified measures, or fails to complete those measures, the Committee may direct the Registrar to impose terms, conditions or limitations on the member's certificate of registration for a specified period not exceeding six months. O. Reg. 181/99, s. 1.

(5) The Committee shall not give a direction under subsection (4) unless the member has been given written notice of the Committee's intention to do so and at least 14 days to make written submissions to the Committee. O. Reg. 181/99, s. 1.

(6) If the member refuses to undergo an assessment or to undertake specified measures and terms, conditions or limitations are imposed on the member's certificate for a specified period or are imposed a second time for a specified period and, at the end of the period, the member has not undergone the assessment or undertaken the measures, the Committee shall report the member to the Executive Committee. O. Reg. 181/99, s. 1.

(7) If the Registrar imposes terms, conditions or limitations on a member's certificate of registration under subsection (4), the Committee may direct the Registrar to remove them before the end of the specified period if the Committee is satisfied that they are no longer needed. O. Reg. 181/99, s. 1.