

Canadian Association of Natural Nutritional Practitioners
Disciplinary Procedures
(2008)

1. In these regulations:

"Affected Member" means the Member who is complained against or is otherwise the subject of an inquiry, investigation or disciplinary process;

"Board" means the Association's Board of Directors;

"Complainant" means a person who submits a complaint against a Member;

"Full Investigation" means a thorough examination of a case by the Board or an Investigation Committee established by the Board following a preliminary inquiry;

"Investigation Committee" means the committee appointed under section 9;

"Preliminary Inquiry" means initial consideration of a complaint, allegation or suspicion by the Investigation Committee pursuant to section 9 for the purpose of determining whether a full investigation is warranted;

STANDARDS

2. A Member shall exercise generally accepted standards of practice and procedures that are, in the judgment of the Board, consistent with a combination of:
 - a. the Member's professional training;
 - b. current teaching in accepted educational programs as referred to in the Registration Regulations;
 - c. current research and thinking appearing in recognized professional journals and reports;
 - d. the Association's Code of Ethics;
 - e. the Association's Standards of Practice; and
 - f. customary practices generally evident among peers in Canada.
3. The Board may find a Member guilty of professional incompetence or negligence if it concludes that a client suffered demonstrable harm or serious risk of harm which can reasonably be attributed to something the Member did or failed to do or failed to take into account, which act or omission was inconsistent with generally accepted standards of practice and procedures as described in this Regulation and cannot be justified to the satisfaction of the Board.
4. It is a conflict of interest for a Member to place herself in or accept a situation which, in the Board's judgment,

- a. results, by connection with her nutritional practice, in her monetary or other personal gain other than that earned directly from the provision of professional services;
 - b. results in gain for a person who refers a client to the Member as a consequence of the referral; or
 - c. puts her professional integrity or her rendering of services at risk of being controlled or detrimentally influenced by other persons or by factors other than her professional judgment of what is best for the client.
5. The Board may find a Member guilty of professional misconduct for any of the following reasons:
- a. failing to abide by any terms or conditions of the Member's certificate;
 - b. exceeding the lawful scope of practice as generally accepted standards of practice as described in section 3;
 - c. purporting to have a qualification or special expertise which the Member does not in fact possess;
 - d. attempting to deal with a client's problem which the Member recognizes or should, according to her qualification as being beyond the scope of her competence or expertise;
 - e. failing to refer a client appropriately when the Member recognizes, or should in the Board's judgment recognize, a condition requiring the attention of another professional;
 - f. failing to inform the Member's employer of the Member's inability to accept a certain responsibility in an area where specific additional training is required or where the Member does not feel competent to function without supervision or assistance;
 - g. assigning another Member, a dietetic intern, food service supervisor, technician or other person who is subject to the Member's direction the performance of a dietetic function in which such person is not adequately trained or competent;
 - h. permitting, in circumstances within the Member's control, an unauthorized person to perform any of the reserved professional functions of the profession except as may be provided for in law or according to generally accepted standards of practice as described in section 3;
 - i. attempting or carrying out, without previously informing and obtaining the advice of the Board, research based on methods which do not conform to the Member's training or to generally recognized contemporary custom;
 - j. failing to have and employ equipment, instruments, materials or other aids which enable the Member to render service according to an acceptable standard of current practice as described in section 3;

- k. failing to discuss appropriately with a client the plan for the services to be given;
- l. providing a service without obtaining proper consent where a consent is required by law;
- m. failing to reveal or explain the exact nature of a service provided, following a client's request to do so;
- n. failing to provide appropriate explanation, instruction or advice when assigning to a client a proposed protocol, including the use of a technique or substance, that is to be self-administered;
- o. discontinuing professional services, unless;
 - i. the Member determines that the service is no longer necessary,
 - ii. the client requests, clearly accepts or indicates by behaviour an intention that services be discontinued,
 - iii. alternative services have been arranged, or
 - iv. the client has had a reasonable opportunity to arrange for alternative services;
 - v. engaging in practice while ability to perform any professional act is impaired by alcohol or other drug or substance;
- p. engaging in practice while ability to perform any professional act is significantly impaired by a condition of physical or mental ill;
- q. providing or recommending service that is improper, unnecessary or cannot be reasonably expected to contribute to improving a client's health;
- r. failing to co-operate with an appraisal or investigation duly authorized by the Board in accordance with these regulations;
- s. failing to comply with directions issued by the Board in accordance with these regulations;
- t. failing to carry out an undertaking given to or agreement made with the Board;
- u. wilfully breaching or failing to carry out an agreement with or commitment to a client;
- v. abusing a client verbally, physically or emotionally;
- w. sexually abusing or harassing a client, employee, colleague or other person in a practice setting;
- x. practicing under a conflict of interest;
- y. failing to maintain current client records;
- z. maintaining in records under the Member's control, signing, issuing or submitting a record, report, certificate, claim or similar document which the

Member knows or should know contains false or misleading information or which, by omitting significant information, may give a misleading impression;

- aa. failing, without reasonable cause, to provide a report or certificate relating to an assessment of professional service offered by the Member within a reasonable time after a client or authorized representative has requested such document;
- bb. giving information regarding a client's condition or services provided to the client to a person other than the client without the consent of the client or authorized representative, unless allowed or required to do so by law or for a purpose directly related to the client's care;
- cc. disposing of client records in a manner that does not preserve confidentiality;
- dd. failing to take reasonable steps, before ceasing practice or terminating services to a client, to ensure that, with respect to a health record for which the Member has primary responsibility, the client is so notified and offered the opportunity to obtain a copy of the record, the record is transferred to another qualified Member, or where more than five years have passed since the completion of service to which a record refers, the record is destroyed;
- ee. advertising that is improper or misleading in the judgment of the Board with reference to such written guidelines as may be developed; failing to inform a client, prior to providing service, of the nature and level of any fees to be charged to the client;
- ff. submitting an account or charge for services that the Member knows is false or misleading;
- gg. failing to itemize an account so that the client or other payer can clearly understand the value of the different aspects of service which were rendered; contravening a provision of these regulations;
- hh. contravening a federal or provincial law or municipal bylaw or rule of a facility or program in which the Member practices if the purpose of the law, bylaw or rule is to protect the health of the public or the contravention is significant to the Member's ability to practice competently;
- ii. failing, where there are reasonable and probable grounds for suspicion, to report to the Board an incident or pattern of apparent negligence, incompetence, or professional misconduct on the part of another Member;
- jj. conduct or an act associated with practice which, in the judgment of the Board without any negative vote, would reasonably be regarded by the vast majority of Members as dishonourable or seriously offensive to a client.

COMPLAINT AND INVESTIGATION

6. A complaint against a Member shall be submitted to the Secretary and the Secretary shall generally inform the Complainant of the nature and process of the investigation system preserved in these regulations.

7. The Secretary shall determine the substance and, to the extent immediately practicable, the background and facts of the complaint and report the matter to the Board.
8. When the Board, on its own initiative or as a result of a complaint, determines that there is cause for examining a particular alleged practice of a Member, it shall appoint an Investigation Committee.
9. The Investigation Committee shall comprise two Directors and such other persons as the Board considers necessary. The Investigation Committee may engage the assistance of other persons as the Board may authorize.
10. The Investigation Committee shall conduct a preliminary inquiry to determine whether there is cause for full investigation. The Investigation Committee may or may not, as it judges most productive, inform the Affected Member of the preliminary inquiry.
11. If the Investigation Committee finds that there is not a sufficient basis for proceeding, it shall recommend to the Board that there be no further action, and the Board shall approve that conclusion or else direct the Investigation Committee to take further action.
12. If the Investigation Committee decides that there is cause for full investigation, or if directed by the Board it shall in writing so inform the Affected Member and carry out such full investigation as it considers appropriate or the Board may direct.
13. During the full investigation, and at the discretion of the Investigation Committee also during the preliminary inquiry, the Investigation Committee shall ensure that any Complainant and the Affected Member are each permitted to be heard and to submit written evidence.
14. The Affected Member shall if required give full co-operation to the Investigation Committee, including the provision of such records within the Member's control as may be requested.
15. Wherever it thinks it appropriate, the Investigation Committee shall commend to the Complainant and the Affected Member the alternative of mediation, that is, an effort mutually to resolve the complaint, allegation or suspicion informally without further inquiry or investigation.
16. If mediation resolves the matter, the Investigation Committee shall so notify the Board in writing, and if the Board is satisfied, there need be no further action.
17. Where the Investigation Committee believes that the attempt at mediation is not, or is not likely to be, successful, or where the Board is not satisfied, the preliminary inquiry or full investigation shall proceed.
18. The Investigation Committee shall keep records of information it gathers related to the complaint, allegation or suspicion.
19. The Secretary shall keep these records confidential and not give access to them to persons other than the Board, the Investigation Committee or its advisers or agents,

except with the express consent of both the Affected Member and the Investigation Committee.

20. The completed file of an Investigation Committee inquiry, investigation and decision shall be kept for at least five years after the Board's decision on the matter, and thereafter at its discretion, but the file in a case where suspension or revocation of a certificate results shall be kept permanently.
21. The Investigation Committee shall in writing report the findings of fact and conclusions of its full investigation and any recommendations to the Board, which shall provide a copy to the Affected Member.
22. If the Board believes that the report of the Investigation Committee's investigation does not warrant proceeding further with the disciplinary process, the Board shall in writing so inform the Affected Member and may, subject to the Affected Member's concurrence, dismiss the matter and proceed no further on it, and the Board shall so inform the Complainant.

REMEDIAL MEASURES AND PENALTIES

23. Where it finds a Member guilty of professional misconduct, incompetence, negligence or failure to abide by the prescribed standards of the Association, the Board shall determine a measure of remedy or penalty which it considers appropriate to the nature and degree of the failure.
24. Without limiting the generality of section 23, disciplinary measures may include the following:
 - a. a reprimand, whether oral or written;
 - b. direction that the person fulfil a specified continuing professional development requirement beyond the normal annual requirements;
 - c. suspension of Membership for a fixed period of time or until a condition has been fulfilled;
 - d. revocation of Membership; or
 - e. a combination of any of the above measures.
25. The criteria for the Board's assessment of the nature and severity of the penalty or remedial measure shall include:
 - a. the extent of the Affected Member's awareness of the fault;
 - b. the degree of risk or harm to the client;
 - c. the potential further risk to the public; or
 - d. the potential effect upon the professional service system and the public;
26. The Board shall keep secret any investigation and disciplinary or remedial measures unless otherwise requested by the Affected Member; however, the Board may reveal such matters in any report on its operations, so long as this is done in such a way that the parties involved cannot readily be identified.

27. Unless it has reasonable cause to believe that significant harm would result, the Board shall inform the Complainants, if any, of the outcome of an investigation in at least general terms.

MISCELLANEOUS

28. No action lies against the Investigation Committee, its members or committee persons acting in accordance with its directions for anything done in good faith with respect to its functions under these regulations.
29. A member of the Board or of the Investigation Committee shall withdraw from any official involvement as a member or officer in any investigation, hearing or disciplinary action of which that person is the subject or where such involvement would create a significant risk of the person's not making conclusions objectively.