



# DIETITIANS BOARD

Te Mana Mātanga Mātai Kai

## Understanding Registration and Annual Practising Certificates

This note provides guidance on:

- circumstances in which an individual must be registered with the Dietitians Board and hold a current annual practising certificate
- what it means to be ‘practising’ dietetics (regardless of job title)

### What is the legislation that governs the practice of dietetics in New Zealand?

The key legislation governing the practice of dietetics in New Zealand is the **Health Practitioners Competence Assurance Act 2003** (the HPCA Act). The principal purpose of the HPCA Act is:

*to protect the health and safety of members of the public by providing for mechanisms to ensure that health practitioners are competent and fit to practise their professions.*

### What is the difference between registration and holding an annual practising certificate?

It is important to understand the difference and use the correct terminology.

**Registration** is the process of applying to be recognised under the HPCA Act as a health practitioner of a particular kind (in this case, a Dietitian). It concerns the approval of an application to register as a health practitioner in the profession, having the appropriate qualification, and being considered fit for registration and competent to practise (as required under sections 15 and 16 of the HPCA Act). It is usually a one-off process (unless at any time your name is removed from the Register). By itself, it does not entitle you to legally practise dietetics in New Zealand.

An **annual practising certificate** (APC) certifies your *current* entitlement to practise dietetics. An APC is issued annually to a registered practitioner, on his or her application, and subject to that individual meeting certain Board conditions concerning competence and fitness at the time of application. You do not ‘register’ annually - you apply for an annual practising certificate.

### What is ‘practising’ dietetics?

The HPCA Act defines what it means to practise dietetics in New Zealand.

**Key section of the Act:**

**Section 5 – Interpretation**

**practise a profession** or **practise** means to perform services that fall within the description of a health profession.

The Act requires the Board to describe the health services that form part of dietetics by **gazetting a scope of practice** (section 11 of the HPCA Act). The Gazette is New Zealand's official journal of constitutional record. It is a way of making and communicating official notifications. Once published, notices become public record.

## What is the current Scope of Practice for Dietitians in New Zealand?

### Scope of Practice: Dietitian

Dietitians *apply scientific knowledge about food and nutrition to individuals and groups in states of health and disease to promote optimal health outcomes within the social, economic, and cultural context of the New Zealand (NZ) population.*

## How do I practise legally as a Dietitian in New Zealand?

The Dietitians Board is responsible for the regulation of dietitians in New Zealand. In order to practise as a Dietitian in New Zealand an individual must:

- be registered by the Dietitians Board **and**
- hold a current practising certificate (*see section 7(2) of the HPCA Act*)

## What does the HPCA Act say about un-registered persons?

Section 7 of the HPCA Act prohibits an unregistered person from claiming to be a health practitioner. Any person who is not registered and who does not hold a current practising certificate cannot claim to be practising a profession as a health practitioner of a particular kind (in this case, as a 'Dietitian'). The Ministry of Health is responsible for the investigation and prosecution of statutory offences against the HPCA Act.

### Key section of the Act:

#### Section 7 – Unqualified person must not claim to be a health practitioner

(1) A person may only use names, words, titles, initials, abbreviations, or descriptions stating or implying that the person is a health practitioner of a particular kind if the person is registered, and is qualified to be registered, as a health practitioner of that kind.

(2) No person may claim to be practising a profession as a health practitioner of a particular kind or state or do anything that is calculated to suggest that the person practises or is willing to practise a profession as a health practitioner of that kind unless the person—

- (a) is a health practitioner of that kind; and
- (b) holds a current practising certificate as a health practitioner of that kind

## What are my obligations with regard to annual practising certificates if I am registered under the HPCA Act?

### Key section of the Act:

#### Section 8 – Health practitioner must not practise outside scope of practice

- (1) Every health practitioner who practises the profession in respect of which he or she is registered must have a current practising certificate issued by the responsible authority.
- (2) No health practitioner may perform a health service that forms part of a scope of practice of the profession in respect of which he or she is registered unless he or she—
- (a) is permitted to perform that service by his or her scope of practice; and
  - (b) performs that service in accordance with any conditions stated in his or her scope of practice.

If you are registered under the HPCA Act as a Dietitian then you (not your employer) are responsible for ensuring that you have an annual practising certificate if you **practise dietetics**. You must have an annual practising certificate even if you don't have the job title 'Dietitian', if you work part-time and even if you volunteer.

## How does the Board determine whether an individual requires an annual practising certificate?

In accordance with section 8 of the HPCA Act, a registered Dietitian must hold a current practising certificate if he/she is providing a service that falls within the scope of practice: Dietitian (*i.e. if the services fall within the scope of practice, this constitutes 'practising' dietetics under the HPCA Act*).

For clarity - if you are a **Registered Dietitian** you should hold an APC if:

- You are using your knowledge and skills as a Dietitian
- Your job description requires you to be a Registered Dietitian
- You are calling yourself a Dietitian (or representing in any manner that you are authorised to practise dietetics)
- The position you are employed in requires that you are a health professional
- You use your dietetic knowledge in your employment

**Remember that the requirement to hold an annual practising certificate is not restricted to provision of direct clinical care and applies to any role that involves the safe, effective delivery of dietetic services impacting on the public.**

## Examples

The following are examples which may help you to understand the types of role where a **registered practitioner** will typically require an annual practising certificate. However, it is not an exhaustive list. Practitioners are encouraged to contact the Registrar as soon as possible if they have any doubts or queries about their need to hold an annual practising certificate.

An annual practising certificate is typically required if you are **registered** as a Dietitian in New Zealand and you are:

- working in public health, food services management or a clinical setting
- a dietetic service manager/advisor or leader working in a healthcare environment
- a dietetic educator/lecturer/researcher
- working on a voluntary basis using dietetic skills and knowledge e.g. school and community talks, publications
- working part-time using dietetic skills and knowledge
- working as a policy advisor using dietetic skills and knowledge
- working in media or communications and using dietetic skills and knowledge
- working as a consultant or as part of a multi-disciplinary team providing dietetic services to individuals or groups in areas such as elite sport/personal training
- working as a nutritionist
- working for a commercial company using dietetic skills and knowledge

Please contact the Registrar to discuss your situation at the earliest possible opportunity if you are unsure whether or not you should hold a practising certificate.

### **What happens if I practice without a current annual practising certificate?**

It is a disciplinary offence under section 100 (1) (d) of the HPCA Act for a registered Dietitian to practise without a current practising certificate.

The Dietitians Board will take very seriously any registered Dietitian suspected of practising dietetics without a current practising certificate, and/or practising outside of their scope of practice (beyond the limitations of any conditions on their practising certificate). Subject to the particular facts of the case, the Board may refer such practitioners to a Professional Conduct Committee for investigation.