



DIETITIANS BOARD

Te Mana Mātanga Mātai Kai

Registered Practitioners: Requirement to hold Annual Practising Certificate

Policy Statement

This document sets out Board policy concerning the circumstances in which a registered practitioner is required to hold an Annual Practising Certificate.

Health Practitioners Competence Assurance Act 2003 (*the Act*)

Section 7 of the Health Practitioners Competence Assurance Act 2003 states:

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

Section 8 of the Act states:

- (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.

Circumstances in which a registered dietitian should hold an Annual Practising Certificate

Under section 11 of the Act¹, the Board has defined what it means to practise dietetics in New Zealand in a 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 population.

The Board's policy is that a registered dietitian should hold an annual practicing certificate if any of the following apply:

- The practitioner is using their knowledge and skills as a Dietitian
- The job description requires a registered Dietitian
- The practitioner is calling themselves a Dietitian (or representing in any manner that they are authorised to practise dietetics)
- The position in which they are employed requires the practitioner to be a health professional
- The practitioner uses their dietetic knowledge in their employment.²

The requirement to hold an annual practicing certificate is not restricted to provision of direct clinical

¹ Section 11: Authorities must specify scopes of practice

² Please refer to the Board's registration Competency Requirements for more information about 'dietetic knowledge'.

care. It applies to any role that involves the safe, effective, delivery of dietetic services impacting on the public and, as such, includes part-time and voluntary work.³

All assessments of the requirement to hold an annual practising certificate will be made on a case-by-case basis, using the criteria, above, as the basis for decision making. Practitioners are encouraged to seek advice from the Registrar at the earliest possible opportunity if they have any questions regarding whether or not they should hold an annual practising certificate.

Practising without an annual practising certificate

It is a disciplinary offence under section 100(1)(d) of the Act⁴ for a registered Dietitian to practise without a current practising certificate.

It is the practitioner's responsibility to ensure that their practising certificate is current; it is not the responsibility of an employer or anyone else.

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) and will consider referral to a Professional Conduct Committee under section 68(3) of the Act⁵ in such cases.

Subject to the particular facts of the case, it is likely that the Board will refer a Dietitian to a Professional Conduct Committee in the following circumstances:

- Where the Dietitian has received communication from the Board's office, either verbally and/or in writing, that they do not hold a current practising certificate and may therefore not practise, and they proceed to practise anyway
- Where information is brought to the Board's attention that suggests a Dietitian may be practising without a current practising certificate and the Dietitian has no valid explanation for believing they were entitled to practise. For the avoidance of doubt, ignorance of the expiry of a certificate or absence of a reminder to renew do not constitute valid explanations.

Further information

All registered practitioners should be familiar with the provisions of the Health Practitioners Competence Assurance Act 2003.

The Board's policy *Late renewal of Annual Practising Certificates* and its guidance note *Understanding Registration and Annual Practising Certificates* should be read in conjunction with this policy.

³ See the Board's guidance note *Understanding Registration and Annual Practising Certificates* for examples of when a registered practitioner will require an Annual Practising Certificate.

⁴ Section 100: Grounds in which a health practitioner may be disciplined

⁵ Section 68: referral of complaints and notices of conviction to a professional conduct committee, sub-section (3) states 'If the responsible authority considers that information in its possession raises 1 or more questions about the appropriateness of the conduct or the safety of the practice of a health practitioner, it may refer any or all of those questions to a professional conduct committee'.