



DIETITIANS BOARD

Te Mana Mātanga Mātai Kai

Removal from Dietitians Register Process

This process refers to the following key legislation:

[Health Practitioners Competence Assurance Act 2003](#)

This process has been developed in conjunction with [Right Touch Regulation](#)

This process should be read in conjunction with the following associated Dietitians Board policy documents:

[Professional Standards & Competencies for Dietitians](#)

[Code of Ethics & Conduct for Dietitians](#)

All Board Practitioner Policies (PRA)

Process for Removal from Dietitians Board Register

The Dietitians Board (the Board) protects public health and safety by ensuring registered dietitians are qualified, competent, and fit to practise.

(Health Practitioners Competence Assurance Act 2003, HPCA Act)

The [Health Practitioners Competence Assurance Act 2003](#) (HPCA Act) requires the Board to 'keep a Register of the health practitioners who are registered with it and to publish it'.

This document sets out the Board process concerning the removal from the Dietitians Register. In particular:

- [Section 142 Health practitioner may ask for registration to be cancelled](#)
- [Section 143 Entry to be cancelled on death of a health practitioner](#)
- [Section 144 Revision of the Register](#)
- [Section 146 Cancellation of registration on authority's direction](#)

Purpose

Under sections [142](#), [143](#), [144](#), and [146](#) of the HPCA Act, the Board may remove the name of the name of a practitioner from the Dietitians Register if:

- The practitioner has requested for their name to be removed from the Register;
- The Board has been notified that a practitioner has passed away; or
- The practitioner has not made a practising declaration.

Cancellation of Registration (s142)

A practitioner at any time may request the Registrar to cancel the entry in the Register relating to him/her. The request must be made in writing by completing the [Cancellation of Entry on Register](#) application form.

The request for cancellation of registration will be approved when:

- A practitioner has alerted the Secretariat that they wish to be removed from the Dietitians Register by submitting the completed *Cancellation of Entry on Register* application form
- The form is completed in full, including completing the Statutory Declaration in the presence of a person authorised to take a statutory declaration
- Completed Continuing Professional Development (CPD) requirements (if applicable)¹

The request for cancellation of registration will not be approved if the practitioner making the request has pending criminal or disciplinary actions against him/her.

Death of a Practitioner (s143)

If the Registrar receives an official written notice of the death of a practitioner, the relevant entry on the Register will be cancelled.

The Board may also direct the Registrar to cancel an entry if it believes on reasonable grounds (other than an official notice) that the practitioner has died.

Revision of the Register (s144)

Alongside regular rolling maintenance, the Board will conduct a substantive review of the information held on the Register each year. The process for such a review is set out in section 144 of the HPCA Act (Revision of the Register).

When carrying out a substantive review, the Registrar writes to all practitioners not holding a current APC (or selected sub-groups of those practitioners) to ask whether they wish to remain on the Register.

A letter is sent to the practitioner's last known mailing address to ask whether the practitioner wishes to remain on the Register as or whether he/she wishes to be removed from the Register.

- If the practitioner asks to remain on the Register, then the practitioner is required to make a practising declaration; either Registered: Practising or Registered: Non-Practising and their entry will remain on the Register
- If the practitioner requests that his/her name be removed, then the entry on the Register is cancelled.

¹ If a practitioner holds an Annual Practising Certificate (APC) at the time of the request, or held an APC for some part of that practising year, they are required to meet their annual CPD requirements which they declared they would meet when making their practising declaration.

- If no reply is received within 6 months of posting, or if the letter is returned undelivered, then the Registrar writes to the last known address of the practitioner and gives notice that unless a reply is received within 10 working days of the date of the notice, then the practitioner's entry on the Register may be cancelled.

After 10 days have elapsed, the Registrar will take the necessary steps to cancel the entry on the Register.

Cancellation on Authority's Direction (s146)

The Dietitians Board may direct the Registrar to cancel the entry on the Register relating to a health practitioner, and give him or her notice of the cancellation, if it is satisfied that he or she:

- a) obtained registration by making a false or misleading representation or declaration (whether oral or written); or
- b) was not entitled to be registered.

Before a removal can take place, the Board must first:

- a) inform the practitioner concerned why it may give a direction to the Registrar for the removal of the practitioner; and
- b) give the health practitioner a reasonable opportunity to make written submissions and be heard on the question, either personally or by his or her representative.

If no appeal against a direction has been made within 20 working days ([s106\(4\)\(b\)](#)), the Board may direct the Registrar to remove the practitioners name from the Dietitians Register.

Use of the term "dietitian"

"Dietitian" is a protected term under the HPCA Act.

Once removed from the Dietitians Register, a person may not use the title of "dietitian", be known as a dietitian, refer to themselves as a dietitian, or portray themselves as one if they are not registered with the Dietitians Board or hold a current APC.

Individuals who were once on the Register and are now no longer, may refer to the title of their qualification and the institution that conferred it.

If a person wishes to use the title of "dietitian" or seeks to return to work in the role of a dietitian, they will be required to meet the Boards [Return to Practice](#) requirements.

Who is entitled to make a statutory declaration?

If your statutory declaration is made in New Zealand, it must be made before a person entitled under the Oaths and Declarations Act 1957 to take statutory declarations e.g. a person enrolled as a Barrister and Solicitor of the High Court of New Zealand, Justice of the Peace, Notary Public, New Zealand Court Registrar or some other person authorised to administer an oath (see section 9 of Oaths and Declarations Act 1957.) If the declaration is made overseas, please see section 11 of Oaths and Declarations Act 1957.

Procedure for removal – Role of the secretariat

Cancellation of Registration (s142)

1. The practitioner informs the Board's Secretariat that they wish to have their entry in the Register cancelled. They may do this by either emailing the secretariat or submit a 'Removal from Register' request via the Practitioner Portal
2. The secretariat will inform the practitioner that they are required to complete the *Cancellation of Entry on Register* form (emailing or posting the form to the practitioner if necessary)
3. The practitioner is required to complete the form and submit to the Board via mail
4. The secretariat will ensure the practitioner has met their requirements
 - a) Provided updated contact information, including phone, email, and mailing address
 - b) If the practitioner holds an APC at the time of the request, or held an APC for some part of that practising year, the practitioner will be required to complete all CPD requirements as declared at the time of making their practising declaration
From the declaration:
"I will meet the minimum requirements of the Dietitians Board MyCCP during this period"
5. Once all requirements are met, the practitioner will be removed from the Dietitians Register by changing the status on the database to "Removed" and noting as a s142 removal.

Death of a Practitioner (s143)

1. If the Board or Registrar is informed that a practitioner has passed away, the practitioner will have their entry removed by changing the status on the database to "Removed" and noting as a s143 removal.

Revision of the Register (s144)

1. In April each year, the secretariat runs a report through the database to determine which practitioners are *Registered: In-Default*
2. The secretariat will write a letter, sending to the last known address, to practitioners asking whether the practitioner wishes to have the entry on the register removed
3. If the practitioner wishes to have their entry removed, the secretariat may cancel the entry (changing the status in the database to "Removed")
4. If the practitioner wishes to maintain their entry, they are required to make an annual practising declaration by either:
 - a. applying for an Annual Practising Certificate (APC) and pay the relevant fee, or
 - b. make a Non-Practising Declaration (NPD) and pay the relevant fee
5. If no response is received within 6 months, the Registrar will write another letter informing the practitioner that their entry may be cancelled if they do not respond within 10 working days
6. If the Registrar does not receive a reply within 10 working days after the date of the notice, the practitioner's entry may be cancelled by changing the status on the database to "Removed" and noting as a s144 removal.

Cancellation on Authority's Direction (s146)

1. If the practitioner responds, the Board will take appropriate action for the matter.
2. Board to direct Registrar to write a letter to practitioner relating to the reason for proposed cancellation of entry on register.
3. If the practitioner does not respond, the Board may direct the Registrar to cancel the practitioner's entry on the Register. The practitioner's entry will be cancelled by changing the status in the database to "Removed" and noting as a s146 removal.
4. The Board may choose to name the person according to [s157B](#) and the Board's [Naming Policy](#). The Board may publish in any publication the name of a dietitian who is the subject of an order or direction made by the Board under the Act.

Other parts of the act that this process may apply:

- [Section 136 Register](#)
- [Section 140 Health practitioner must notify Registrar of addresses for service](#)
- [Section 141 Changes of name](#)
- [Section 149 Authorities to publish Register](#)
- [Section 106 Rights of appeals](#)
- [Section 157B Authorities to issue naming policies](#)