



NSCDN Fitness to Practise Committee Terms of Reference

In accordance with the Dietitians Act, the Board shall appoint a Fitness to Practise Committee composed of:

- at least one public representative; and
- such other number of registrants and public representatives as the Board determines.

Committee Membership

The composition of the Fitness to Practise Committee will be at least three members, including a minimum of:

- two registrants; and
- one public representative

The Board shall appoint a Chair and Vice-Chair of the Fitness to Practise Committee. The Vice-Chair shall act as Chair in the absence of the Chair. Where neither the Chair nor the Vice-Chair is available, the Chair may appoint a member of the Fitness to Practise Committee as Chair of the Committee.

Panel

Upon receipt of a referral, the Chair of the Fitness to Practise Committee shall appoint a panel of at least three members of the Committee to act as the Committee, at least one of whom must be a public representative

The Chair of the Fitness to Practise Committee may sit on the panel and, if so, shall act as the Chair of the panel. Where the Chair of the Fitness to Practise Committee is not appointed to the panel, the Chair of the Fitness to Practise Committee shall appoint a Chair for the panel.

Term of Office

Fitness to Practise Committee members hold office for one, two, or three year terms as directed by the Board, and are eligible for reappointment. A term is three years.

A registrant member who is subject to any licensing sanction or ongoing regulatory process that in the opinion of the Chair of the Fitness to Practise Committee impacts their ability to ethically and competency serve as a member of the Committee, or would otherwise be contrary to the objects of NSCDN, shall recuse their membership on the Committee.

A Fitness to Practise Committee member whose term of office expires remains a member of the Committee until the proceeding is concluded.

Quorum

Pursuant to the *Dietitians Act*, a quorum of the Fitness to Practise Committee shall consist of three Committee members, at least one of whom must be a public representative.

A decision of the Fitness to Practise Committee requires the vote of a majority of the panel of the Committee.

Mandate

The Fitness to Practise Committee is established by the *Dietitians Act* to exercise the powers and functions as provided for in the Act, Dietetic Regulations, and policies, including, without limitation, the following activities:

- consider matters referred to the Committee and take such steps as the Committee considers appropriate within the scope of the authority granted to it in the Act, Dietetic Regulations, and policies;
- where the Registrar has determined the registrant meets the eligibility criteria for the fitness to practise process, consider approval of an agreement between the Registrar and registrant whereby the registrant:
 - ceases practising to pursue remediation of the incapacity under terms and conditions; or
 - continues in or resumes practice under terms and conditions;
- upon request of the Registrar, convene a meeting to consider a registrant's progress in the fitness to practise process, or to hear the Registrar's request for the registrant's removal from the process;
- upon request of a registrant, where the registrant has advised the Registrar that they intend to seek to return to practice, or that they seek to remove or vary any terms and/or conditions to which they are currently subject, convene a meeting where the Committee may:
 - approve the registrant's return to practice, subject to such terms and conditions as the Committee deems appropriate and to which the registrant agrees;
 - vary the terms and conditions under which a registrant is practising, if the registrant agrees; or
 - deny the return to practice or variation request and refer the registrant back to the Registrar;
- refer the registrant back to the Registrar if:
 - the registrant withdraws consent to participate in the fitness to practise process;
 - the registrant fails to submit to a capacity examination as directed by the Registrar;

- the registrant does not agree with the terms or conditions for practice or for a return to practice sought by the Committee;
 - the registrant fails to meet the agreed terms and conditions of practice;
 - the registrant poses an immediate threat to the health or safety of others;
 - the Committee is not satisfied that the registrant is incapacitated; and/or
 - the Committee considers that it is no longer consistent with the objects of NSCDN for the registrant to participate in the fitness to practise process;
- consider requiring a registrant to pay for such expenses under such terms as the Committee determines appropriate;
 - retain jurisdiction over a registrant who is subject to ongoing terms and conditions of practice agreed upon with the Committee until such terms and conditions have been met or the matter has been referred back to the Registrar;
 - where needed in the performance of its duties, exercise the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*, except the powers of contempt, arrest and imprisonment;
 - issue a written decision and direct its distribution and publication as required or permitted by the Act and Regulations; and
 - set its own procedures, provided they are consistent with the *Dietitians Act* and Dietetic Regulations.

Criteria for Membership

No member of the Board or employee of the NSCDN shall serve on the Fitness to Practise Committee.

A registrant must hold a licence at the time of their appointment to the Fitness to Practise Committee.

All Committee members must adhere to the NSCDN Code of Conduct.

Additional Skills for Chair and Vice-Chair

The Chair and Vice-Chair must have an understanding of committee chair duties.