
As stated in the regulations to the Registered Dietitians Act – “Every member who engages in the practice of dietetics must obtain or be covered by, and maintain liability insurance coverage to a minimum of \$5,000,000”.¹

The Registered Dietitians Act defines the practice of dietetics as:

Practice of dietetics

2 The practice of dietetics means the translation and application of scientific knowledge of foods and human nutrition through

- (a) assessment, design, implementation and evaluation of nutritional interventions;
- (b) integration of food and nutrition principles in the management of food service systems; and
- (c) dissemination of information to attain, maintains, promote and protect the health of individuals, groups and the community.²

Guideline

It is the responsibility of all registered dietitians to determine if they are engaged in the practice of dietetics. The College cannot make this decision for you. RDs know best what is involved in their day to day responsibilities. Consider factors such as whether or not you are providing nutrition advice to the general public and whether or not your actions will affect the public.

As a practicing dietitian, you may have liability insurance coverage under your employer’s plan. You will need to confirm this coverage with your employer/human resources department. Keep in mind that there may be circumstances where you are not covered. Your employer provided insurance also may not be as comprehensive as private insurance.

Your employer can provide you with information regarding your insurance coverage. Questions to ask include:

- 1. Am I covered under the facility’s policy?**
 - 2. What is the maximum I am covered for?**
 - 3. What, if any, are the exceptions to my coverage?**
- An employer’s insurer will not defend claims that arise due to activities outside of the workplace and outside of company time. For instance, you might be putting yourself at risk with an uninsured lawsuit for casual advice given in a social setting – especially when you are known to possess a high degree of knowledge, education or training in the subject of the advice.

To further protect yourself, you may also want to ask the following questions:

- 4. What losses am I covered for? Am I covered only for claims and actions for negligence or for criminal and disciplinary proceedings too?**
- 5.**
 - Negligence - A failure to behave with the level of care that someone of ordinary prudence would have exercised under the same circumstances. The behavior usually consists of actions, but can also consist of omissions when there is a duty to the client (e.g. a failure to request a test or examination, or make a referral to another specialist, when indicated, which results in injury to the client).³
 - A person may be prosecuted criminally for any offences found in the *Criminal Code* or any other federal statute containing criminal offences. Examples of criminal offences include theft, fraud, criminal negligence, assault.⁴
 - Criminal negligence is defined in section 219 of the criminal code of Canada as doing anything, or omitting to do anything that it is your duty to do, and show wanton or reckless disregard for the lives or safety of other persons.⁴
 - Disciplinary proceedings would involve any complaints brought forward to the College regarding your actions.
- 6. Are my legal fees covered?⁵**

Once you have the answers to these questions, you will be able to decide whether or not you require additional coverage.

References:

1. Province of Manitoba, Registered Dietitians Regulation. 2004. Section 23.1
2. Province of Manitoba. Registered Dietitians Act. 2002. Part 2.
3. <http://www.law.cornell.edu/wex/negligence>. Accessed January 28, 2014
4. <http://laws-lois.justice.gc.ca/eng/acts/C-46/section-219.html>. Accessed January 28, 2014
5. Martin, J J. *Liability Issues and Collaborative Practice*. Resume. College of Dietitians of Ontario. Fall 2007 p. 8.