

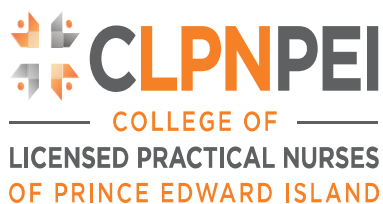
Practice Directive

Self-Employed Practice

**College of Registered Nurses and Midwives of
Prince Edward Island**

**College of Licensed Practical Nurses of Prince
Edward Island**

June 2023



Approved by Council June 7, 2023

Background

The College of Registered Nurses and Midwives of Prince Edward Island (CRNMPEI) and the College of Licensed Practical Nurses of Prince Edward Island (CLPNPEI) are legislated to serve and protect the public interest through the regulation of individual registered nurses (RN), nurse practitioners (NP), midwives, and licensed practical nurses (LPN). For the purpose of this document the term “nurse” will apply to licensed practical nurses, registered nurses, and nurse practitioners. This practice directive is not intended to direct the practice of midwives.

As self-regulating professions, nurses are regulated under the authority of the Prince Edward Island Regulated Health Professions Act (2013) and corresponding regulations, which outline the accountabilities and responsibilities of nurses. This includes a nurses’ legal responsibility to practice within their scope of practice and level of competence. Nurses must know what they are authorized and competent to perform, including any limitations in skill, knowledge, and judgement to ensure their practice is within their scope.

This practice directive is a document developed to assist nurses in understanding their responsibilities and legal obligations when providing nursing services in a self-employed practice. If you are unsure if the services you are providing are within your scope of practice, please contact staff at CRNMPEI or CLPNPEI.

Definition of Self-Employed Practice

Self-employed practice is the application of nursing knowledge and principles in an unsupervised, autonomous practice setting. Self-employed nurses practice in a variety of practice settings, and they are directly responsible to their clients and the public. Nursing services may be provided independently, or self-employed nurses may employ other health care providers.

Responsibilities

All nurses in self-employed practice:

- Are accountable to comply with CRNMPEI or CLPNPEI standards of practice, entry level competencies, code of ethics for nurses, bylaws, policies, and practice directives.
- Are required to collaborate with the most appropriate health care provider when required for the purpose of consultation or referral. Nurses will recognize when the

needs of the client are beyond the legislated scope of the nurse, the nurse's individual competence, or when the nurse identifies the client would benefit from the expertise of another health care provider.

- Will provide clients reasonable opportunity to arrange alternative services and a mutually acceptable plan to withdraw services will be developed if a self-employed nurse decides to end the nurse-client relationship. For more information, please see the [Abandonment Practice Directive](#).
- Continue to engage in self-directed professional development and meet the requirements of continuing competence.

What should I consider when initiating a self-employed practice?

Professional Liability Protection

All nurses with a valid registration to practice nursing with CRNMPEI or CLPNPEI have professional liability insurance.

Nurses in self-employed practice must determine if additional liability insurance is required. They should consult with a business lawyer and their respective liability provider to discuss whether additional protection is necessary.

Policies and Procedures to Guide Practice

Nurses in self-employed practice are required to develop nursing service policies and procedures to ensure consistent and safe care to clients. Policies and procedures related to the business management and operations should also be developed. Self-employed nurses should consider developing the following policies, including but not limited to:

- Scope of business and nursing service
- Scope of practice of the nurse
- Documentation
- Confidentiality and storage of personal health information
- Informed consent
- Appropriate procurement, maintenance, repair, cleaning and storage of equipment or supplies
- Client recruitment
- Consultation with, or referral to other care providers
- Business management, including billing, advertising, product endorsement and insurance

Business Structure

- Fees and services
 - Develop a job description for all staff and description of services provided.
 - Clearly outline fees and method of payment for nursing service to the public.
*CRNMPEI and CLPNPEI do not determine or approve fees
 - Should consult an accountant and/or business consultant

- Advertising
 - Nurses confirm that their practice meets the definition of nursing found in the Registered Nurses Regulations and the Licensed Practical Nurse Regulations before advertising their professional nursing services
 - The nurse will engage in advertising that is truthful, accurate and does not mislead or misinform the public.
 - Nurses may recommend products within the context of providing care or service to the client. Be mindful of not endorsing products or services that are not related to the care or services provided as a conflict of interest may exist if endorsing a product results in personal gains or benefits.
 - Include a description of the services you provide for the client to make an informed decision regarding choosing your services.
 - Include your name and professional designation in any advertising.

- Employees
 - Services offered by employees reflect the competence level of the employee.
 - As an employer, you understand and act on your obligations in identifying, managing and reporting competence and practice issues.

Informed Consent

Nurses act as an advocate to protect and promote a clients' right to self-determination, autonomy, respect, privacy, dignity and access to information.

Each nurse has an ethical and legal responsibility to obtain informed consent from clients for any nursing treatments. Nurses in self-employed practice should familiarize themselves with the [Consent to Treatment and Health Care Directives Act](#) regarding informed consent.

Documentation and Confidentiality

Nursing documentation is a vital component of safe, ethical and effective nursing practice,

regardless of the context of practice or whether the technology for documentation is paper based or electronic.

Nurses must document assessments, nursing activities, and client outcomes in an accurate, timely and thorough manner. For more information on documentation please refer to the [Documentation Practice Directive](#).

Nurses must recognize the importance of securing client documentation to avoid breaches. Nurses who engage in self-employed practice need to adhere to legislation regarding privacy and confidentiality, as well as the [Health Information Act](#). Nurses in self-employed practice may be considered custodians of client's health information and as such need to develop policies that outline how personal health information is collected, used, modified, disclosed, retained, destroyed, or disposed.

[Conflict of Interest](#)

When a nurse continues to work for an employer while also working as a self-employed practitioner it is important to consider that a conflict of interest and role confusion may develop. The nurse's primary responsibility is to the client and therefore they cannot use their position of professional responsibility and trust to influence clients for their personal gain.

Nurses must be fully transparent and disclose fully and accurately to the appropriate person if a conflict of interest does exist.

References

Canadian Nurses Protective Society (2021). *InfoLaw: Nurses in Independent Practice: An Overview*. <https://cnps.ca/article/nurses-in-independent-practice-an-overview/>

College of Nurses of Ontario (2019). *Practice Guideline: Independent Practice*. https://www.cno.org/globalassets/docs/prac/41011_fsindeprac.pdf

College of Registered Nurses and Midwives of Prince Edward Island and College of Licensed Practical Nurses of Prince Edward Island. (2020). *Practice Directive: Abandonment*. <https://crnpei.ca/wp-content/uploads/2020/07/Practice-Directive-Abandonment-2020-04-22.pdf>

College of Registered Nurses and Midwives of Prince Edward Island and College of Licensed Practical Nurses of Prince Edward Island. (2021). *Practice Directive: Documentation Standards*. <https://crnpei.ca/wp-content/uploads/2021/09/Practice-Directive-Documentation-Standards-with-CLPNPEI-2021-09-30.pdf>

Government of Prince Edward Island. (2019). *Consent to Treatment and Health Care Directives Act*. <https://www.princeedwardisland.ca/en/legislation/consent-treatment-and-health-care-directives-act>

Government of Prince Edward Island. (2021). *Health Information Act*. <https://www.princeedwardisland.ca/en/legislation/health-information-act>

Nova Scotia College of Nursing (2022). *Self-Employed Practice: Guideline for Nurses*.

Saskatchewan Registered Nurse Association. (2021). *Self-Employed Practice Guideline*. <https://www.srna.org/wp-content/uploads/2021/02/Self-Employed-Guideline.pdf>