

Practice Directive:
**Guidelines for Registered Psychiatric Nurses in
Independent Practice**

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

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Introduction and Background

The College of Registered Nurses and Midwives of Prince Edward Island (CRNMPEI) recognizes that independent practice is a legitimate practice option for Registered Psychiatric Nurses (RPNs). However, there are unique policy, practice and liability issues that arise for RPNs in independent practice. CRNMPEI is responsible to ensure safe, competent, and ethical practice. It is critical to ensure that RPNs in independent practice understand the full extent of their professional responsibility.

The professional responsibility falls upon the RPN in independent practice to ensure that the professional practice, liability, and risk management issues have been addressed. This document provides guidelines to RPNs in independent practice for that purpose.

Definition of Independent Practice

Independent practice is the application of psychiatric nursing knowledge and principles in an unsupervised, self-employment setting in psychiatric nursing practice and/or psychiatric nursing services. RPNs in independent practice must conform to CRNMPEI's Standards of Practice for RPNs and the Code of Ethics.

The RPN in independent practice:

- Is a graduate from an approved psychiatric nursing education program with additional education and/or experience in their area of practice; and
- Must be an active registrant with CRNMPEI; and
- Is legally responsible for their practice.

Independent practice is the application of psychiatric nursing theory and principles in a self-directed employment setting. The parameters are determined within the context of practice of the regulations, the Code of Ethics, the Standards of Practice, and the Entry Level Competencies.

Preparation for Independent Practice

The public expects the RPN in independent practice will have the requisite knowledge, experience, skills, and competencies and that the RPN has made provisions for continued education and continued competence in their area of practice. Although this is not unlike the expectations for any RPN in any practice area the independent or self-employed nature of the practice puts a greater responsibility on the RPN.

The identified area of practice or clinical focus on independent practice is where the RPN

has their primary area of competence and is the basis of their private practice.

The RPN in independent practice is required to identify their own area of practice or primary clinical focus of practice based on the education and experience the RPN has in a particular domain of practice or with a specific population, practice setting or range of services they can provide.

The RPN in independent practice must seek professional assistance, support, or referral for clinical, ethical, and other issues where gaps and limitations in knowledge base are evident or when a client's needs exceed the competencies of the RPN.

Responsibilities of the RPN in Independent Practice

1. The RPN must hold a current and valid active registration to use the protected title of RPN or Registered Psychiatric Nurse in their course of business; and
2. The RPN must carry professional malpractice liability insurance; and
3. The RPN must practice within the boundaries of legislative, regulatory, business, ethical and professional standards.

Service Delivery Plan

There are two distinct components to independent psychiatric nursing practice: service delivery and business management. Service delivery includes such aspects as law, ethics and risk management. Business management includes the organization and operation of a business and the financial structure which support the delivery of the psychiatric nursing services. It is recommended that RPNs in independent practice consult a business lawyer and/or accountant regarding business and financial structures.

The RPN in independent practice is advised to develop a Service Delivery Plan. The Service Delivery Plan may include:

- An outline of the clinical focus and the scope of services or independent practice
- The purpose, goals and expected outcomes of the services or practice
- Location of the business, telephone number and hours of operation
- Fees and payment schedules
- Qualifications of the independent practitioner – education, experience, and specialization
- Expectations of the nurse/client relationship
- Accountability for service
- Informed consent
- Confidentiality
- Conflict of interest
- Malpractice liability insurance
- Documentation and records including electronic files

- Continuous quality improvement
- Continuing competence
- Termination of practice

RPNs in independent practice are encouraged to keep a copy of all of their documentation.

Critical Considerations for Independent Practice Service Delivery

There are a number of critical considerations for RPNs in independent practice. RPNs in independent practice are strongly encouraged to explore these considerations in the independence practice context and to develop a plan to address them. RPNs in independent practice are also encouraged to keep a record of this plan.

Accountability

The RPN in independent practice demonstrates accountability to the client, the public and the professional regulatory body by:

- Recognizing personal and professional boundaries and limitations
- Making appropriate referrals
- Seeking out appropriate personal and professional resources
- Assuming responsibility for continually maintaining and upgrading skills and education in clinical areas of focus
- Applying the concepts of accountability, responsibility, and continuing competence
- Knowing professional issues in psychiatric nursing practice
- Knowing and applying the Standards of Practice and the Code of Ethics
- Identifying and incorporating best practices

Informed Consent

The RPN in independent practice demonstrates knowledge and understanding that the issues of competency, capacity and consent arise in numerous contexts including, but not limited to:

- Consent and competency/capacity to consent to admission/entry to a hospital/facility, agency/service or psychiatric nursing care, treatment, psychiatric nursing interventions, tests and procedures, research, and release of information.

The RPN in independent practice demonstrates an understanding that the legal principles governing competence/capacity to consent vary depending on the context:

- Age of consent identified under federal and provincial legislation
- Client's ability to understand the nature of the treatment or procedure, the benefits and risks
- Client's intellectual capacity to understand what is proposed
- Client's cognitive capacity to understand and comprehend what is being proposed
- Client's mental status

The RPN in independent practice demonstrates knowledge of and effective application of the principles of consent as it applies to psychiatric nursing practice including, but not limited to:

- Implicit or explicit consent
- Consent is considered valid only when given “voluntarily” (client’s decision is the product of the conscious mind) and not coerced in anyway
- Consent is considered to be valid only if the client is competent
- Consent of next-of-kin is only relevant if the client is not capable of consenting and if the next-of-kin is duly appointed as the substitute decision-maker
- Consent is to be obtained in advance of the initiation of any test, procedure or psychiatric nursing intervention
- Consent must relate to specific treatment or psychiatric nursing intervention(s) undertaken record keeping, reporting and other disclosures of information
- Full and frank disclosure of the nature of the intervention(s), the risks and alternatives the scope of consent
- Withdrawal of consent
- Emergency treatment under provincial or federal law, imminent and serious risk to self or imminent and serious risk to others

Informed consent must be obtained at the beginning of the professional relationship. If the conditions that the client imposes would render the intervention(s) futile or harmful, the RPN in independent practice should withdraw from the relationship.

The RPN must clearly identify processes to be followed to address issues of consent.

Confidentiality

Written client authorization is required prior to the releasing or obtaining of information about that client to or from anyone, including referring agencies or individuals.

Professionally acquired information must be treated as confidential communication. The obligation of confidentiality begins in any situation in which there would be a reasonable expectation of privacy.

The RPN in independent practice demonstrates knowledge and application of confidentiality principles in the therapeutic relationship and manages and stores all information about clients in ways that maintain confidentiality.

The RPN in independent practice is familiar with the legal and ethical guidelines concerning confidentiality and demonstrates knowledge and ability to define those circumstances where confidentiality can be breached. These include:

- Imminent or serious risk to self
- Imminent or serious risk to others
- Imminent risk for substantial mental or physical deterioration
- Court subpoena or when required by law

- Where the RPN is a defendant in a civil, criminal or disciplinary action arising from the professional relationship
- Where there is informed consent previously obtained in writing; and then, such information may only be revealed in accordance with the terms of consent

Conflict of Interest

The RPN in independent practice adheres to all ethical principles and abides by the Code of Ethics. Such issues include, but are not limited to:

- Directly or indirectly recruiting clients from one's employer
- Providing services to a client personally known to the RPN on a social basis
- Providing services to a minor unless parental consent is formally obtained
- Recognition of conflict of interest situations

The RPN in independent practice is advised to seek professional assistance and/or consultation with CRNMPEI if it is unclear whether or not a specific situation constitutes a conflict of interest.

Documentation and Records

The responsibility rests with the RPN in independent practice to become familiar with the issues surrounding ownership and access to health records and requirements arising through provincial and federal information management and privacy legislation.

Records refer to documentation kept about clients, whether on paper, on computer, or by any other means and include appropriate storage, retention, and authorized release of client information.

It is recommended that the documentation include:

- A general client information form
- A voluntary consent form signed and dated by the client or by a duly appointed substitute decision-maker
- A contract signed and dated by both the independent practitioner and the client
- Documentation of services provided and any organizational/operational policies used in practice
- Times and dates of contacts with clients
- Referral forms for consultation with other professionals in situations requiring additional expertise
- A signed release of information in the event of referral to other health care professionals or agencies

At all times the client files (electronic or hard copy) and pertinent documentation must be properly secured and maintained to ensure client confidentiality. The files and documentation will be maintained in accordance with privacy legislation in each provincial jurisdiction. RPNs in independent practice are encouraged to familiarize themselves with all

pieces of legislation that address access, use, disclosure, and storage of personal health information.

The RPN in independent practice is required to keep accurate and adequate records. Failure to do so could be considered professional misconduct.

Continuous Quality Improvement

The RPN in independent practice must be personally and professionally responsible for all clinical and business aspects of the service. These aspects include, but are not limited to:

- Scheduling of clients
- Purchasing of equipment and supplies
- Developing referral sources
- Maintaining client records
- Paying bills and taxes
- Collecting fees
- Writing reports
- Maintaining appropriate insurance
- Keeping accurate records
- Nature and scope of the service
- Service location
- Mutual expectations between the client and the RPN
- Education and experience, diplomas, certificates, and other relevant documents available for inspection upon request
- Contractual agreements with established agencies for third party reimbursement

The RPN in independent practice ensures mechanisms to evaluate psychiatric nursing practice and services.

The RPN in independent practice ensures that any advertising will provide accurate and factual information and will not exaggerate the benefits of the services provided, mislead the public, or detract from the public image of the psychiatric nursing profession. They may not use the logo of CRNMPEI or make any other representation which would imply speaking on behalf of or in any way representing CRNMPEI.

The RPN in independent practice must recognize the need for referrals and consultation with other professionals or resources in situations requiring additional expertise.

The RPN in independent practice must meet the continuing competence requirements of CRNMPEI.

Termination of Practice

The RPN in independent practice must have a plan for the termination of practice as it relates to:

- Clients of the service
- Referral sources
- Professional colleagues
- Transfer of clients
- Transfer of client files when appropriate written permission has been obtained from the client
- Maintaining or destroying client files in a confidential manner in accordance with provincial legislation
- Closure of business accounts and payment of fees
- Catastrophic events such as death or unforeseen circumstance

References

College of Registered Psychiatric Nurses of Manitoba. (2017). Guidelines for Registered Psychiatric Nurses in Independent Practice. Accessed on June 24, 2024 from <https://crpnm.mb.ca/wp-content/uploads/2019/04/Practice-Guidelines-for-Registered-Psychiatric-Nurses-in-Independent-Practice-FINAL.pdf>

Registered Psychiatric Nurses of Canada. (2008). Guidelines for Registered Psychiatric Nurses in independent practice. Accessed on June 24, 2024 from <https://www.rpnc.ca/sites/default/files/resources/pdfs/GuidelinesForIndependentPractice.pdf>