



Nurses Association
OF NEW BRUNSWICK

Guidelines for Self-Employed Registered Nurses



MISSION

The Nurses Association of New Brunswick is a professional regulatory organization that exists to protect the public and to support nurses by promoting and maintaining standards for nursing education and practice, and by promoting healthy public policy.

The Nurses Association of New Brunswick endorses the principles of self-regulation that is, promoting good practice preventing poor practice and intervening when practice is unacceptable.

©Nurses Association of New Brunswick, 2015

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without prior written permission from the publisher.



TABLE OF CONTENTS

Introduction	4
Self-Employed Nursing Practice	5
Legislation and Regulatory Requirements	5
Recognition of Nursing Practice	6
Use of Title	6
Continuing Competence	6
Responsibilities of Self-Employed RNs and NPs	7
Information Management	8
Quality Improvement and Risk Management	9
Professional Liability Information	9
Payment for Services	9
Advertising	10
Conflict of Interest	10
Endorsement	10
Conclusion	11
Resources	12
References	13

ACKNOWLEDGEMENTS

The Nurses Association of New Brunswick (NANB) wishes to thank the Saskatchewan Registered Nurses' Association (SRNA) for granting permission to adopt and adapt their publication, *Self-Employed Practice: Guidelines for Registered Nurses, 2012*.



INTRODUCTION

The Nurses Association of New Brunswick (NANB) has the legislated authority through the *Nurses Act* to establish, maintain and promote standards of practice for registered nurses (RN) and nurse practitioners (NP) within New Brunswick. NANB is responsible for governing and regulating nurses in a manner that protects the public. Regulation makes the profession, and its members, accountable to the public for the delivery of safe, competent and ethical nursing care.

The purpose of this document is to provide guidance to RNs and NPs considering self-employment, and those currently self-employed, to identify their responsibilities consistent with related legislation, bylaws, standards of practice and guidelines.

The self-employed RN or NP must practise in accordance with the *Nurses Act*, NANB bylaws, the Canadian Nurses Association (CNA) *Code of Ethics for Registered Nurses*, the NANB *Standards of Practice for Registered Nurses*, and when applicable, the NANB *Standards of Practice for Primary Health Care Nurse Practitioners* .

In addition to professional requirements, each RN or NP seeking to establish a self-employed practice should, for business considerations, contact independent legal counsel, accountants and other resources to ensure compliance with relevant legislation and best practices pertinent to the practice area.



SELF-EMPLOYED NURSING PRACTICE

Self-employed RNs and NPs apply nursing knowledge, skill and judgement in the provision of health services to clients in a variety of settings and roles in the areas of direct care, education, research, administration or consultation. Clients may be individuals, families, groups, communities, educational institutions, corporations or other health-care agencies. Self-employed RNs and NPs may provide nursing services themselves, in partnership with other providers, or employ others to do so.

The practice of nursing is defined as the performance for others of health care services which require the application of professional nursing knowledge, skill and judgement, and “includes the nursing assessment and treatment of human responses to actual or potential health problems and the nursing supervision thereof” (*Nurses Act, 2002, p. 3*)

Self-employed RNs and NPs are directly accountable to their clients and should develop policies and procedures based on evidence, best practice guidelines, NANB standards and the CNA *Code of Ethics for Registered Nurses*. These RNs and NPs have experience and nursing expertise in the practice area related to the nursing services provided. Self-employed RNs and NPs refer to NANB standards, guidelines and relevant documents as needed. They are responsible at all times for the delivery of safe, competent and ethical care, and to maintain competence related to their area of practice. NANB does not recommend self-employed practice for new graduates or RNs and NPs with limited or no recent relevant nursing practice experience.

Examples of self-employed nursing practice could include but are not limited to:

- Health promotion and prevention services (e.g., health education, smoking cessation programs, health risk screening);
- Curative, restorative, or palliative care (e.g., home care, foot care, mental health counseling);
- Serving as a consultant to agencies or organizations on health issues.

LEGISLATION AND REGULATORY REQUIREMENTS

Self-employed RNs and NPs must comply with the *Nurses Act*, the NANB *Bylaws*, all NANB standards and guidelines including the *Standards of Practice for Registered Nurses* and/or the *Standards for Primary Health Care Nurse Practitioners*, and the CNA *Code of Ethics for Registered Nurses*. RNs and NPs must also be knowledgeable and comply with other relevant health-care, privacy and business legislation as applicable to their practice.



RECOGNITION OF NURSING PRACTICE

RNs and NPs may legally offer any service that falls within the practice of nursing, as defined in the *Nurses Act*, and which does not infringe upon the legislated, exclusive practice of another health discipline. A service that is being provided by an RN or NP does not necessarily constitute nursing practice. Prior to establishing a business, RNs or NPs considering self-employed nursing practice must contact NANB to ensure that their work is recognized as nursing.

If a service provided by a self-employed RN or NP is not recognized by NANB as nursing practice:

- the practice hours related to providing that particular service cannot be applied toward annual renewal of registration;
- the RN or NP cannot use their title in association with the provision of that particular service; and
- the RN or NP would not have liability protection through the Canadian Nurses Protective Society (CNPS) for that particular service.

USE OF TITLE

A self-employed RN or NP may only use the title 'Nurse', 'Registered Nurse' or 'RN'/ 'Nurse Practitioner' or 'NP' when engaged in a practice recognized as the practice of nursing by NANB and while holding current registration with NANB.

CONTINUING COMPETENCE

Self-employed RNs and NPs must maintain their competence to practise through ongoing participation in continuing education and professional development and utilize a process to systematically reflect and evaluate their nursing practice.

Meeting NANB continuing competence requirements is mandatory for all practising RNs and NPs, including those in self-employed practice. All RNs and NPs are required to:

- meet annual registration renewal requirements including currency of recognized nursing practice hours and compliance with the NANB Continuing Competence Program (CCP); and
- participate in the annual CCP audit if randomly selected.

More information on the CCP can be found on the NANB website and via the members' *My Profile*. Nursing practice consultants are available for consultation regarding CCP and the individual RN or NP's nursing practice as needed.



RESPONSIBILITIES OF SELF-EMPLOYED RNs AND NPs

RNs and NPs in self-employed practice assume full responsibility and accountability for the provision of nursing services. This professional autonomy requires RNs and NPs to:

1. Hold a current practising membership with NANB.
2. Practise competently in accordance with the *Nurses Act*, NANB standards and guidelines and the *CNA Code of Ethics for Registered Nurses*.
3. Demonstrate knowledge, skill and judgement in the particular area of practice.
4. Have a written description of their nursing practice which is congruent with their knowledge, skill and experience.
5. Have written policies related to their practice.
6. Maintain competence to practise through ongoing participation in continuing education and professional development.
7. Complete the annual NANB continuing competence requirements (CCP and hours of practice).
8. Utilize research findings and apply best practices where appropriate.
9. Utilize a documentation system that conforms to standards and legal principles.
10. Obtain informed consent for treatment from the client.



INFORMATION MANAGEMENT

Managing information and maintaining accurate documentation in accordance with federal and provincial legislation is a responsibility of the self-employed RN and NP. The *CNA Code of Ethics for Registered Nurses*, federal and provincial legislation as well as *NANB Standards for Documentation* should be referenced to ensure information management and documentation requirements are met. Information management must include the following:

- confidentiality of client information,
- accurate record of services provided, including all steps of the nursing process,
- expected and actual outcomes of nursing service,
- documentation of client consent and/or agreed upon business contract, and
- appropriate storage, retention and authorized release of client information.

The onus is on the self-employed RN or NP to become familiar with issues surrounding ownership and access to client records, and requirements arising through provincial and federal information management and privacy legislation as a custodian of client information. All health records are confidential and must be stored and physically secure 24 hours a day. The length of time records must be retained is dependent on the nature of the business and New Brunswick legislation. Disposal of health information, particularly when a business is terminated, must be done in congruence with provincial and federal legislation. Consultation with a lawyer and accountant for professional advice relating to retention of business records is recommended.

The Personal Health Information Privacy and Access Act (PHIPAA) in New Brunswick sets out the rules that protect a person's privacy and confidentiality of personal health information. This Act applies to all custodians of health information which includes individuals, who collect, maintain or use personal health information for providing or assisting in the provision of health care.



QUALITY IMPROVEMENT AND RISK MANAGEMENT

Self-employed RNs and NPs must be committed to ongoing evaluation to ensure the provision of safe and effective nursing services. Formal and informal evaluation feedback assists self-employed RNs and NPs to determine what services have been effective and how to meet evolving needs of clients. Some quality improvement and risk management strategies for maintaining quality of practice include:

- development of and adherence to policies and procedures related to the business,
- development and regular review and revision of policies and procedures related to the nursing practice,
- measurement of client care outcomes,
- regular feedback from clients,
- consultation with peers and role models,
- a comprehensive information management system, and
- knowledge of and adherence to laws related to the business.

PROFESSIONAL LIABILITY INFORMATION

Self-employed RNs and NPs are responsible for investigating the level of liability risk associated with their nursing practice in order to determine the appropriate liability coverage. This includes professional liability, general liability and vicarious liability for employees if applicable. All RNs and NPs who hold a practising registration with NANB have professional liability protection through CNPS for their nursing practice. RNs and NPs who own a professional corporation or nursing practice, who operate a clinic or otherwise operate a business providing nursing services may require additional liability protection for their business, in addition to their individual professional liability protection. RNs and NPs considering self-employed practice should contact CNPS (www.cnps.ca) and/or their lawyer or business consultant to discuss issues related to professional liability and any other forms of insurance.

PAYMENT FOR SERVICES

Self-employed RNs and NPs in New Brunswick are not eligible to bill for nursing services through the provincial Medicare system. Services are provided on a direct fee-for-service basis, with the fees being paid either by private insurance companies or directly by clients. It is the responsibility of the RN or NP to set reasonable fee structures that are in line with the nursing services being provided, and to make the client aware of the fees at the onset of the professional relationship.



ADVERTISING

Self-employed RNs and NPs must demonstrate ethical decision-making in the advertisement of their services. Responsible advertising is done in a manner that serves the interest of the public and pertains to activities within the RN or NP's nursing practice. Self-employed RNs and NPs may use the title 'Nurse', 'Registered Nurse' or 'RN' / 'Nurse Practitioner' or 'NP' to market nursing services, as this informs the client making choices related to their health care. These titles are not to be used to market services not recognized by NANB to be nursing practice.

CONFLICT OF INTEREST

Self-employed RNs and NPs must avoid conflict of interest in their practice. If self-employed and also under the employment of a health care organization RNs and NPs need to be cognizant of the ethical implications of engaging in both roles. RNs and NPs should inform their employer of their self-employed practice and know the employer's conflict of interest policies /positions. RNs and NPs should not refer clients from their employment related contacts to their self-employed practice.

The RN or NP with an actual or perceived conflict of interest should declare the details of the conflict when discussing health care options with the client. All RNs and NPs must adhere to the NANB standards for *The Therapeutic Nurse-Client Relationship* and consider the *Conflict of Interest: Practice Guidelines*.

ENDORSEMENT

Endorsing or promoting a product or service may be considered a conflict of interest. Self-employed RNs and NPs may not use their title to promote a personal interest in a commercial product or service. Endorsement occurs when an RN or NP uses their credentials to lend credibility to a commercial product, product line or service. RNs and NPs with vested interests in a specific product cannot use their title to lead the public to believe they know that one product is better than another even if they believe it to be true. The endorsement of a product or service without providing information about other options could mislead the public and compromise trust.



CONCLUSION

All RNs and NPs, including those in self-employed practice must adhere to standards of practice and a code of ethics as determined by NANB. In order to use the protected titles 'RN' or 'NP', the self-employed RN or NP must engage in recognized nursing practice and maintain registration with NANB. Self-employed RNs and NPs establish and maintain their competence and expertise in their area of practice in order to provide safe, competent and ethical care. For additional information about self-employed nursing practice please contact an NANB Nursing Practice Consultant.

For additional information please contact:

Nurses Association of New Brunswick
165 Regent Street Fredericton NB
E3B 7B4
Tel.: (506) 458-8731 or 1-800-442-4417
Fax: (506) 459-2838
Web site: www.nanb.nb.ca



RESOURCES

Nurses Act

<http://www.nanb.nb.ca/PDF/legislation/NursesAct%20E-F%202008.pdf>

By-Laws

[http://www.nanb.nb.ca/downloads/Bylaws%20-%20July%202013\(1\).pdf](http://www.nanb.nb.ca/downloads/Bylaws%20-%20July%202013(1).pdf)

Standards of Practice for Registered Nurses

http://www.nanb.nb.ca/downloads/NANB%20Standards%20of%20Practice%202012_E.pdf

Standards of Practice for Primary Health Care Nurse Practitioners

<http://www.nanb.nb.ca/downloads/Standards%20of%20Practice%20for%20Primary%20Health%20Care%20Nurse%20Practitioners-E.pdf>

Code of Ethics for Registered Nurses

<http://www.nanb.nb.ca/PDF/practice/CNA%20Code%20of%20Ethics.pdf>

Standards for Documentation

http://www.nanb.nb.ca/downloads/Standards%20for%20Documentation_E%281%29.pdf

Practice Standard: The Therapeutic Nurse-Client Relationship

http://www.nanb.nb.ca/downloads/Practice%20Standard-he%20Therapeutic%20Nurse-Client%20Relationship_E.pdf

Practice Guideline: Conflict of Interest

http://www.nanb.nb.ca/downloads/Practice%20Guideline-%20Conflict%20of%20Interest_E_New%20Cover.pdf

Continuing Competence Program

<http://www.nanb.nb.ca/index.php/practice/ccp>

Canadian Nurses Protective Society

www.cnps.ca

New Brunswick Personal Health Information Privacy and Access Act

<http://gnb.ca/0051/acts/legislation-e.asp>



REFERENCES

- Association of Registered Nurses of Newfoundland and Labrador. *Self-Employment*. Retrieved in 2015, from <https://www.arnnl.ca/self-employment>
- College and Association of Registered Nurses of Alberta. (2010). *Self-Employment for Nurses: Position Statement and Guidelines*. Edmonton: Author.
- College of Nurses of Ontario. (2014). *Practice Guideline: Independent Practice*. Toronto: Author.
- College of Registered Nurses of British Columbia. *Self-Employed RNs and NPs: What you need to consider*. Retrieved in 2015, from <https://www.crnbc.ca/Standards/resourcescasestudies/beinganurse/selfemployment/Pages/SelfemployedNurse.aspx>
- College of Registered Nurses of Manitoba. *Self-Employed Practice*. Retrieved in 2015, from <http://www.crnmb.ca/memberinfo-selfemployedpractice.php>
- College of Registered Nurses of Nova Scotia. (2014). *A Guide for Self-Employed Registered Nurses*. Halifax: Author.
- Saskatchewan Registered Nurses' Association. (2012). *Self-Employed Practice: Guidelines for Registered Nurses*. Regina: Author.





165 Regent Street
Fredericton, NB, E3B 7B4
Canada

Tel.: 506-458-8731
Toll-free: 1-800-442-4417
www.nanb.nb.ca