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# PRACTICE GUIDELINE

## Conflict of Interest





## Mandate

*Public protection through regulation of nurses in New Brunswick.*

Under the [Nurses Act](#), The Nurses Association of New-Brunswick (NANB) is legally responsible to protect the public by regulating members of the nursing profession in New Brunswick. Regulation makes the profession, and nurses as individuals, accountable to the public for the delivery of safe, competent, and ethical nursing care.

Guidelines support best practice in nursing. They identify principles, give instructions, information, or direction, clarify roles and responsibilities, and/or provide a framework for decision making.

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## Acknowledgements

Elements of this document have been adapted with permission from the British Columbia College of Nurses and Midwives' [Conflict of interest: Practice Standard for BCCNM Nurses](#) (2020).

**For the purpose of this document, the term “nurse” refers to the registered nurse (RN), the graduate nurse (GN) and the nurse practitioner (NP).**

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## Introduction

Nurses develop relationships with clients<sup>1</sup>, employers, other nurses, and healthcare professionals, organizations, and members of the public. In these relationships, the nurse's primary obligation is to provide safe, competent, and ethical care and to maintain professional relationships.

In any practice setting, nurses may find themselves in situations of conflict of interest, unknowingly or unwillingly. To avoid jeopardizing either the nurse-client relationship<sup>2</sup>, the professional relationship<sup>3</sup>, or public trust, nurses must be aware of situations that may present a potential, perceived or actual conflict of interest. The [Code of Ethics for Registered Nurses](#) (2017) specifies that nurses identify and address conflicts of interest by disclosing actual or potential conflicts of interest that arise in their professional roles and relationships, and resolve them in the interest of the needs and concerns of persons receiving care.

This practice guideline provides principles to guide nursing practice in the management of conflict of interest.

## What is a Conflict of Interest?

A conflict of interest occurs when a nurse's personal, business, commercial, political, academic, or financial interests, or interests of family and friends, interfere with professional responsibilities or a client's best interests. A conflict of interest may exist whether or not a nurse is influenced by competing interest.

A conflict of interest can be actual, potential, or perceived and may or may not lead to negative outcomes. An actual conflict of interest is one that has already occurred or currently exists. A potential conflict of interest is one that could possibly develop in the future. A perceived conflict of interest occurs when others perceive that a conflict of interest may influence a nurse's judgment.

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<sup>1</sup> The term "client" relates to individuals, families, groups, populations or entire communities who require nursing expertise. The term "client" reflects the range of individuals and/or groups with whom nurses may be interacting. In some settings, other terms may be used such as patient or resident. In education, the client may also be a student; in administration, the client may also be an employee; and in research, the client is usually a subject or participant (NANB, 2018).

<sup>2</sup> The nurse-client relationship is a purposeful, client-centered, and goal-directed connection between a RN and a client for the purpose of meeting the client's health care needs (NANB, 2020).

<sup>3</sup> The professional relationship exists with the client, outside of the episode of care, and with colleagues or the public in general.

## Principles

The following principles apply to nursing practice and provide direction regarding conflict of interest:

- 1) Nurses identify and seek to avoid actual, potential, or perceived conflicts of interest.
- 2) Nurses maintain appropriate professional boundaries and ensure decision, behaviors and professional relationships are always for the benefit of the client and never for personal or financial gain.
- 3) Nurses recognise the potential for gifts of any value to affect objectivity and use professional judgment when considering their acceptance.
- 4) Nurses fully and accurately disclose, to the appropriate persons, any relationships, affiliations, financial interests or personal interests that may create a conflict of interest.
- 5) Nurses handle all types of conflict of interest by identifying the problem, discussing it with the appropriate person and managing it ethically.

## Application of Principles to Practice

- Be aware of the ways that a conflict of interest can arise in your practice. Raise awareness about conflicts of interest with your colleagues, vendors, and others where appropriate.
- Familiarize yourself with your organization's conflict of interest policies and resources. If none exist, advocate for and/or support the development of policies and resources that address conflict of interest.
- Maintain appropriate boundaries within the nurse-client relationship. Refer to the [Standards for the Nurse-Client Relationship](#) to understand how conflict of interest can occur and how to avoid it.
- When purchasing or recommending products or services, or prescribing drugs or equipment, ensure choices are evidence informed and always in the best interest of the client.

- In the context of self-employment, demonstrate responsible advertising by using your protected professional title only as permitted by the [Nurses Act](#), by advertising only activities considered nursing practice, and by advertising in a manner that serves the interest of the public.<sup>4</sup>

Refer to the [Fact Sheet: Use of Professional Title](#) and the [Guidelines for Self-Employed Practice](#) for further guidance on the use of credentials, the recognition of nursing practice, advertising, and endorsement of products.

- If you, your family, or friends have a private or business interest, do not promote or refer clients or their family members. For example, do not promote your child's fundraising activities to your clients, or refer clients to your family member's business.
- If you are not sure whether a situation involves a conflict of interest, or you need help with an unavoidable conflict of interest, discuss it with your supervisor, a colleague who understands ethical practice, and/or refer to your organization's practice resources on ethics and employer policy.

Refer to [Appendix A – Determining if there is a conflict of interest to guide your reflection](#).

- If a gift, donation, or sponsorship of any value<sup>5</sup> is offered, consider the possible motives of the giver and the potential for a conflict of interest. Recognize the potential for a gift, donation, or sponsorship to create an obligation. Understand that accepting even a small offering may influence your judgment, cause you to lose objectivity or appear to others as a conflict of interest.

Refer to [Giving and Accepting Gifts \(Appendix B - Standards for the Nurse-Client Relationship\)](#) for further guidance.

- Soliciting gratuity in nursing practice presents a conflict of interest and is prohibited. Prompting for gratuity in nursing services presents ethical concerns blurring the lines between professional duties and financial gain, impacting the integrity of the nurse-client relationship.
- When organizing or attending a professional activity, that is sponsored by industry or commercial sources:
  - Ensure that the activity is intended to increase knowledge and not simply self-promotional in nature.
  - Only accept funds from commercial sources in the form of unrestricted grants<sup>6</sup>.

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<sup>4</sup> Endorsing or promoting a product or service may be considered a conflict of interest. A RN may not use her title or credentials to lend credibility to a commercial product or service or to promote interest in a commercial product or service, as this may lead the public to believe that one product is superior to another (NANB, 2021). The endorsement of a product or service without providing information about other options could mislead the public and compromise trust.

<sup>5</sup> This may include promotional samples (such as pens or note pads), food, door prizes, and educational sponsorship from suppliers.

<sup>6</sup> "Unrestricted" funds are donations that are available for the non-profit to use toward any purpose. Unrestricted funds usually go toward the operating expenses of the organization (Fritz, 2020).

- Inform the participants of any potential commercial or competing interests held by the planners, faculty, or other contributors.
- If you are involved in the research and publishing process, disclose any conflicts of interest.
- To manage a conflict of interest, you may need to remove yourself from participating in discussions, making decisions, or providing care.

## Conclusion

Nurses need to recognize that they are not immune from conflict of interest situations. Nurses need to show introspection when making decisions around situations which could be considered as potential, perceived, or actual conflicts of interest. Given that clients are at the core of nursing practice, nurses must ensure that clients' best interest guide their decisions.

If you have any questions regarding conflict of interest, please contact a NANB nurse consultant at [practiceconsultation@nanb.nb.ca](mailto:practiceconsultation@nanb.nb.ca)

## Appendix A - Determining if there is a conflict of interest

When determining if there is a conflict of interest, here are some questions that the nurse can ask herself:

- Would my clients, colleagues, employer, or the public trust my professional judgement and decisions if they knew I was in this situation?
- Would I be comfortable if my clients or others learned that I have personal interests in this situation?
- Do I personally gain from this situation?
- Would accepting a gift or payment influence my current or future decisions related to my client?
- Would I feel obligated to someone, now or in the future, if I accepted this benefit?

If any answer to these questions suggests that there is a conflict of interest, then the conflict must be managed and resolved.



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