



The Nova Scotia College of Nursing (NSCN) is the regulatory body for licensed practical nurses (LPNs), registered nurses (RNs) and nurse practitioners (NPs) in Nova Scotia. Our mandate is to protect the public by promoting the provision of safe, competent, ethical and compassionate nursing services by its registrants. The term nurse in this document refers to LPNs, NPs, and RNs unless otherwise stated.

Contents

Overview	2
Self-Employed Practice	2
Scope of Practice	2
Professional Practice	2
Informed Consent.....	3
Policy and Procedures	3
Consultation with Other Professionals	3
Conflict of Interest.....	3
Endorsing Products.....	4
Advertising	4
Designation and Credentials.....	4
Liability Insurance.....	5
Key Points	5
Suggested Reading	5

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Our practice support tools are developed using current reference material. The source of this material is available upon request.



Overview

This tool is a resource for nurses who are interested in self-employed nursing practice to help them understand:

- Self-employed practice
- Informed consent
- Policy and procedures
- Conflict of interest
- Advertising and endorsing products
- Liability coverage
- Designations and credentials

Self-Employed Practice

Nurses in self-employed practice provide professional nursing services to clients in a variety of practice settings. Services may be provided independently or in collaboration with other practitioners. Self-employed nurses may also employ other health care providers.

Scope of Practice

All nurses are accountable to provide nursing services that fall within their legislated and individual scope of practice. If you are unsure if the services you are providing are within your scope of practice, please contact an NSCN Practice Consultant at practice@nscn.ca.

All nurses, self-employed or not, are required to collaborate with the most appropriate health care provider when required. This includes:

- LPNs are required to collaborate with the most appropriate health care provider when their client's needs become less predictable, exceed their individual or professional capabilities.
- RNs are required to collaborate with a physician or nurse practitioner when their client's needs exceed their individual or professional capabilities.
- NPs are required to collaborate with a physician when their client's needs exceed their individual or professional capabilities.

Professional Practice

All nurses are accountable to ensure their practice meets their respective standards of practice and code of ethics.

In addition, nurses must be compliant with:

- NSCN's practice documents
- Applicable provincial and federal laws
- Best practice guidelines related to nursing and business practice

The NSCN website includes more information on regulatory policies, and provincial or federal laws related to [nursing practice](#).

If a self-employed nurse decides to end the client relationship, the client must be provided reasonable opportunity to arrange alternate services and a mutually acceptable plan to withdraw services must be developed. For more information see our [Abandonment Practice Guideline](#).

Self-employed hours must meet the legislated definition of nursing services found in the Nursing Act to [meet the currency of practice requirements](#). For more information on what qualifies as currency of practice contact our registration team at registration@nscn.ca.

Informed Consent

Informed consent is the clients' agreement to allow treatment to occur. Nurses must obtain informed consent prior to providing any service to a client. Consent must relate directly to the intended treatment or service, including fees, services or billing practices. Information presented to the client as part of the informed consent process must be clear and easily understood and must include full disclosure of the likely risks and benefits.

There are two types of informed consent:

- Expressed: the client specifically gives permission, either verbally or in writing.
- Implied: the client provides permission through their actions, i.e. rolling up their sleeve to have their blood pressure taken.

Nurses are accountable to ensure the client is capable of giving consent and, if not, utilizing the substitute decision maker. For further information on substitute decision makers and informed consent, see the [Assessing Capacity Practice Guideline](#).

Policy and Procedures

Policies and procedures are **required** in self-employed practice to ensure consistent practice between clients and to demonstrate the nurse's accountability to provide safe client care. 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

Consultation with Other Professionals

Developing policies may be challenging when you are beginning your self-employed practice. We recommend consulting with a lawyer, accountant, or business consultant to ensure your policies are based on best practice and reflect other relevant legislation, such as the [Personal Health Information Act](#).

Conflict of Interest

A nurse may continue to work for an employer and maintain a self-employed practice. It is important to consider that a potential conflict of interest and role confusion can occur if the nurse provides service as a self-employed nurse in the same facility in which they are employed as a staff nurse.

A conflict of interest occurs when an individual is faced with competing interests, where serving one interest negatively impacts another interest. Typically, this relates to situations in which the personal interest of the nurse might adversely affect a duty owed to a client to make decisions in the benefit of that client. Your primary responsibility is to provide professional care to the client, recognizing you are in a position of trust and cannot use your position to influence clients for your personal or financial gain.

The following are examples of potential conflicts of interest:

- Using the role as a staff nurse to recruit clients for your own business
- Collecting a specific fee for a service, while simultaneously being paid by an employer to provide that same service
- Withholding elements of care within your scope of employment in order to provide that service in your self-employed role
- Receiving a benefit from a manufacturer or distributor for endorsing their product over another

If you have further questions about a potential conflict of interest, contact an NSCN Practice Consultant at practice@nscn.ca. Self-employed nurses must identify and manage potential conflicts of interest and minimize the possibility of role confusion. Failure to do so may be considered professional misconduct.

Endorsing Products

Endorsing products or services can be closely linked to a conflict of interest because clients may feel purchasing the product is a condition of the service you provide.

Self-employed nurses may use a wide range of products as part of the services they provide to clients. Within the context of care or service provided, they may recommend or provide a product, either free-of-charge or for a fee, to clients for their own self-care.

Nursing credentials must not be used to endorse products or services that are not related to the care or services provided. For example, a nurse with a foot care business may endorse certain products to minimize ingrown toenails but may not endorse toenail polish. You must take precautions to ensure that the nurse-client relationship is not used for your personal benefit.

Advertising

The purpose of advertising is to provide information so consumers can make informed decisions when selecting a nurse. Advertising must be ethical, truthful, accurate, professional, verifiable and maintain the dignity of the nursing profession. You are required to use your name and professional credential in any advertisement for your nursing business, including the need to identify yourself using your full designation (LPN, NP or RN; see next section). Guarantees of results, unsolicited testimonials or individual product endorsements are not appropriate in advertising material.

Designation and Credentials

In order to present an accurate image to the public, NSCN does not authorize the use of terms such as expert or specialist, or credentials that have not been obtained through licensure or granted through a certification program.

The term “certified” cannot be used in your designation unless the below criteria are met. Using non-granted designation, titles or abbreviations is both confusing and risky for the public. You could be held accountable for any untoward client outcome related to the use of an unapproved designation, title or abbreviation.

In order to be certified, the following criteria must be met:

- a national or international board or association oversees the certification program and grants the certification

- an applicant demonstrates the competencies required by the national or international board or association
- the applicant has formally demonstrated their competencies, i.e. by taking an exam
- the applicant maintains their competence through formal methods, e.g. re-examination or developing a portfolio every few years

However, it is acceptable to identify your area of practice when describing services you provide. For example, “nursing foot care”, “foot care nurse”, or “lactation nurse” are descriptions and provide information about your area of practice or position title and do not imply a professional designation.

Liability Insurance

All nurses licensed with NSCN have professional liability insurance:

- LPNs: [Lloyd Sudd Insurance Brokers Ltd](#)
- RNs and NPs: [Canadian Nurses Protective Society](#)

Nurses in a 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.

Key Points

Self-employed nurses:

- Are accountable to meet the standards of practice, code of ethics and applicable legislation
- Must provide services that fall within the nurse’s professional and individual scope of practice
- Are required to have a practice that meets the legal definition of nursing services in order to count practice hours
- Must establish nursing and business policies
- Must determine if additional liability insurance is required
- Should be aware of and take action to avoid conflicts of interest
- May endorse products but must ensure the nurse-client relationship is not used for personal benefit
- Must be aware that any advertisements should be ethical, truthful, accurate, professional and verifiable
- Should know that NSCN does not authorize the use of credentials not obtained through licensure or granted through a certification program

Suggested Reading

- [Documentation Guidelines for Nurses](#)
- [Medication Guidelines for Nurses](#)
- [Abandonment Practice Guideline](#)
- [Nurses Recommending and Administering Over the Counter Medications or Devices](#)
- [Assessing Capacity Practice Guideline](#)
- [Foot care Practice Guideline](#)

For further information on anything contained within this practice guideline, please contact a NSCN Practice Consultant at practice@nscn.ca