

Practice Guideline

Self-Employment

The College of Licensed Practical Nurses of Nova Scotia (the College) is the regulatory body for Licensed Practical Nurses (LPNs) in Nova Scotia. The Colleges' mandate is to protect the public by promoting the provision of safe, competent, ethical and compassionate nursing care. The College establishes and enforces requirements for entry into the profession, Standards of Practice, Code of Ethics, development and implementation of a Continuing Competence Program and polices and interpretive documents to support the practice of practical nursing.

Using this document

LPNs may choose to work in a self-employed capacity. Their practice, regardless of context, must be in accordance with the LPN Act and Regulations, Standards of Practice, Code of Ethics and other College policies.

Practice guidelines are documents that outline the practical nurses accountability in specific practice contexts. They reflect relevant legislation and are designed to help practical nurses understand their responsibilities and legal obligations so they make safe and ethical nursing decisions.

This practice guideline will describe the College's expectation for practical nurses that are self-employed. This document is designed to be used with all College practice guidelines found on the College website at www.clpnns.ca.

Assumptions about self-employed practical nurses

- Practical nurses, in every practice context, are accountable for their actions (which includes inactions) at all times.
- Practical nurses working in the self-employed context are required to work collaboratively with clients at all times and in collaboration with other care providers when their clients' needs become less predictable or exceed their individual capacities.
- Self-employed practitioners represent the practical nursing profession and as such are accountable to ensure their nursing and business practices are consistent with the expectations of the profession (Standards of Practice, Code of Ethics) and the public.
- Self-employed practitioners are accountable to be aware of, and comply with, professional practice standards as set by the regulatory authority; local, provincial and/or federal legislation, and; best practice guidelines as they relate to nursing and business practices.



Suite 302, Starlite Gallery
7071 Bayers Road
Halifax, Nova Scotia B3L 2C2

Phone (902) 423-8517
Fax (902) 425-6811
Toll Free in NS 1-800-718-8517

info@clpnns.ca
www.clpnns.ca

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Key Points for the Self-Employed Practical Nurse

Client

For the purposes of this document, the word client will be used to refer to the person to whom services will be provided. In this context, client includes, the individual, significant others/family and/or substitute decision maker.

Scope of Service

LPNs who wish to engage in the self-employed context must be able to clearly articulate, the nature and type of services they wish to provide, the context in which the services will be provided and the conditions in which they will consult with, or refer the client to other health care providers. Scope of service is to be defined in an internal policy document.

Informed Consent

Practical nurses must obtain informed consent prior to providing any service to a client. Informed consent is the clients' agreement to allow treatment to occur. Consent must relate directly to the intended treatment/service (which includes fees, services and/or billing practices), be based on a full disclosure of the likely risks and benefits, be given voluntarily and must not have been obtained through misrepresentation or fraud. Information presented to the client as part of the informed consent process, must clear and easily understood.

Consent can be implied or expressly stated and either can be withdrawn at any time. The practical nurse is accountable to ensure that the client is capable of giving consent or when a substitute decision maker is required.

Documentation and Policies

Self-employed practical nurses are expected to document care according to generally accepted professional practice and business standards, and in compliance with any local, provincial or federal legislation. Accurate and complete health records must be created as part of the services provided.

The processes and procedures (both clinical and business) that make up the scope of service of the self-employed practical nurse are to be defined in internal policies. Policies are important in the self-employment context as they help the practice remain consistent client to client which demonstrates the nurses' accountability to answer for their practice. Self-employed LPNs should consider developing policies specific to:

- Procedures and guidelines around the delivery or care
- Documentation (including documentation of care, scope of service)
- Client privacy and confidentiality
- Management, storage, and security of client records
- Appropriate procurement, maintenance, repair, cleaning and storage of equipment and/or supplies
- Client recruitment and consultation with, or referral to other care providers
- Business management (including billing, product endorsement and insurance)

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Medication Administration

Self-employed LPNs may administer client medications as long as they have the necessary competency to do so and it is a condition of the scope of service which has been established with the client.

In the self-employment context practical nurses support clients' self-care by reviewing the plan or interventions used in the past to successfully manage their own needs. LPNs may not recommend specific over the counter (OTC) medications to clients to manage new or less defined care needs. Clients, who seek such recommendations, should be referred to an appropriate healthcare provider such as a nurse practitioner or physician or the appropriate health care service, such as 811.

Conflict of Interest

A licensed practical nurse's primary responsibility is to provide professional care to the client. Practical nurses are in a position of trust and cannot use their position to influence clients for personal or financial gain. A conflict of interest occurs when an individual is involved in multiple interests, where one could possibly influence the other. Self-employed practical nurses must identify and ethically manage a potential conflict of interest. Failure to manage a conflict of interest could be seen as professional misconduct.

Therapeutic Relationships

Practical nurses are expected to develop and maintain professional therapeutic relationships with clients regardless of the practice context. Practical nurses should determine the appropriateness of providing service to a client in the context of their business in the same manner they would if the client were in a health care setting. If it would not be appropriate to care for a client in a facility, (i.e. family member, close friend) it would not be appropriate to provide care for them in the business context.

Self-Employed Nurse and Staff Nurse

There is nothing preventing a practical nurse from working in a facility as a staff nurse and maintaining a self-employed practice. There is, however, a potential for a conflict of interest and role confusion if the practitioner is providing service as a self-employed practical nurse in the same facility in which they are employed as a staff nurse. Collecting a specific fee for a service, while simultaneously being paid by an employer to provide that service, is a conflict of interest. Withholding elements of care within one's scope of employment in order to gain favour to provide that service as a self-employed practitioner (at a later date/time) is also a conflict of interest.

Practical nurses must take action to reduce or minimize the possibility of role confusion and conflict of interest. Failure to do so may be considered professional misconduct.

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Endorsement or Selling of Products

Self-employed practical nurses may use a wide range of products when providing care to clients. Within the context of care delivery, practical nurses may recommend or provide a product to a client free-of-charge or sell a product to clients for their own self-care. Whatever the process, LPNs must take precautions to ensure that the nurse-client relationship is not used for personal benefit recognizing that endorsing or promoting products or services can be closely linked to a conflict of interest.

LPNs rely on their professional judgment to select products for their practice. Decisions to use (or not use a product) are made in consideration of the best interest of the client, the best available evidence from appropriate and objective sources and the client's individual needs and choices. Practical nurses must provide objective, evidence-based health education to clients about factors to consider when selecting a product. They must always discuss evidence-based options (especially if other products are available) with their clients.

LPNs are accountable to keep clear accurate records that make tracking the product from the point of procurement to the point of client care transparent and easy.

Advertising

The purpose of advertising is to provide information so consumers can make informed decisions and choices. Advertising must be truthful, accurate, professional, verifiable, and tasteful. Advertisements must maintain the dignity of the practical nursing profession. Practical nurses are required use their name and professional credentials in their advertising as in all client interactions. Guarantees of results, unsolicited testimonials or individual product endorsements are not appropriate in advertising material.

Fees

Self-employed practical nurses are accountable to determine the fees for the nursing services they provide. Fees must be reasonable and appropriate to the services rendered. Unreasonable or inappropriate fees or mismanagement of fees may be considered professional misconduct. Self-employed practical nurses should familiarize themselves with generally accepted accounting principles as part of being a business owner. Local resources, such as Community Business Development Corporation (www.cbdc.ca/ns), may be able to provide guidance.

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Liability Insurance

Professional liability insurance is to protect LPNs from errors or omissions when providing professional health care services. Each practical nurse in Canada (excluding Quebec) is provided this insurance as part of their annual licensing fee through Lloyd Sudd Insurance Brokers (1-800-665-5243).

In addition to professional liability insurance, self-employed LPNs must also obtain commercial general liability insurance. Commercial general liability insurance covers liability for accidents, injuries, or property damage sustained by members of the public while they are receiving services from a self-employed LPN. Commercial general liability insurance is mandatory for all self-employed practical nurses regardless of the size of their business or number of clients on their service roster. LPNs may obtain commercial general liability insurance from their personal insurance broker or from Lloyd Sudd Insurance Brokers. The College does not provide commercial general liability insurance.

Legal Counsel

Practical nurses who wish to become self-employed, should obtain legal and business advice as necessary. The College does not provide legal advice.

References

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