

Practice Guideline Independent Practice



COLLEGE OF NURSES
OF ONTARIO
ORDRE DES INFIRMIÈRES
ET INFIRMIERS DE L'ONTARIO

THE STANDARD OF CARE.

Introduction

Changes in health care and the nursing profession have provided nurses with more opportunities to apply their expertise independently. Independent nursing practice refers to nurses who are self-employed. Although they are still bound by all nursing legislation and standards, they face some unique challenges in their practice. This fact sheet provides information on important issues for nurses in independent practice.

Key issues to consider

Scope of service

When defining independent practice, a nurse needs to identify clearly that she/he is providing nursing services, the extent of those nursing services and under what conditions she/he will refer her/his clients to other health care professionals. Like all nurses, independently practising nurses must maintain the high standards of nursing and uphold the public trust that has been bestowed upon the nursing profession.

Conflict of interest

A nurse's primary interest is providing professional care to a client. Nurses are in a position of trust and cannot use their position to influence their clients for financial gain (e.g., selling products) or non-financial benefit (e.g., soliciting fundraising). According to the definition of conflict of interest in nursing regulations, nurses must ensure that they do not promote personal interests, such as commercial products or services, to clients they are treating. Any attempt to do so would violate the nurse-client relationship and could be considered professional misconduct. It is critical that independent nurses avoid conflict of interest situations in their practice, particularly when it comes to endorsement and advertising.

Endorsement

Endorsing or promoting a product or service is closely linked to conflict of interest. It may be considered a conflict of interest, and therefore professional misconduct, for a nurse to use her/his registration status to promote personal interests such as commercial products or services. Endorsement occurs when a nurse uses her/his credentials to lend credibility to a commercial product, product line or service. A nurse cannot use her/his registration as an RN, RN(EC) or RPN to lead the public to believe she/he *knows* that one product is better than another, even if she/he believes it. The endorsement of a product or service without providing information about other options could mislead the public and compromise trust.

For example, an independent practice nurse who provides foot care services should not sell any foot care products to her/his client(s).

Advertising

There are some limitations on how a nurse may advertise her/his services. The College of Nurses of Ontario (CNO) has a responsibility to regulate advertising by its members to ensure that the public is given relevant information, the advertising is not misleading to the public and the public's trust in the nursing program is maintained. The content of advertising must be professional, accurate, factual and verifiable, and must include a nurse's name and category of registration [RN, RPN or RN(EC)] as it appears in CNO's Public Register. Advertising may take various forms, such as business cards, listings in telephone directories, announcements in newspapers and periodicals, and promotional materials, and can include information such as a description of services, nursing credentials, practice experience, fees, address, phone number, etc. However, unsolicited testimonials, references to guarantees, comparative or superlative

statements, and sensational advertising should be avoided, as should promotional devices such as premium offers, give-aways, discounts and coupons.

Fees

CNO does not determine or approve specific service fees. According to the *Nursing Act, 1991*, and the accompanying regulations, the following are definitions of professional misconduct as they relate to fees:

- submitting an account or charge for services that the member knows is false or misleading;
- failing to fulfil the terms of an agreement for professional services;
- charging a fee that is excessive in relation to the services for which it is charged; and/or
- offering or giving a reduction for prompt payment of an account.

Nurses should research the fees of other nurses who have similar qualifications and experience, and who provide comparable services.

Informed consent

Nurses in independent practice are expected to obtain informed consent before performing any treatment. For consent to be valid, it must relate directly to the treatment. Treatment is defined as anything that is done for a therapeutic, preventive, palliative, diagnostic, cosmetic or other health-related purpose, and includes a course or plan of treatment. For more information, refer to CNO's *Consent* guideline.

Documentation

Accurate and complete health records and nursing documentation must be created and maintained as an integral part of the services provided by a nurse. Health records are the means by which information about the client is communicated to the health care team and how continuity of care is maintained. They also demonstrate the nurse's accountability and answer questions about the type of care provided. For more information, refer to CNO's practice standard *Documentation*.

Confidentiality

Nurses in independent practice are required to maintain confidentiality of client information and

cannot communicate the information to another person unless the client or client's representative gives consent or it is required by law. For more information, refer to CNO's *Confidentiality* fact sheet.

Other issues and resources

Incorporation

Regulated professionals may incorporate their independent practice under new government legislation. For more information, see CNO's *Professional Incorporation* fact sheet.

Business/legal counsel

Nurses may want to get legal advice before starting an independent nursing practice. Consult the Law Society of Upper Canada at www.lsuc.on.ca.

Liability protection

CNO recommends that independent practice nurses purchase liability protection to enable public redress should any problems occur. The Registered Nurses' Association of Ontario (RNAO) and the Registered Practical Nurses Association of Ontario (RPNAO) offer insurance and other services to members. For more information, visit the websites www.rnao.org and www.rpnao.org.

Networking

Entrepreneurial/support groups for self-employed nurses offer assistance with peer feedback, idea and issues sharing, planning for vacation and sickness, etc. A provincial independent nurses' interest group can be contacted through RNAO or RPNAO. Contact the national interest group through the Canadian Nurses Association at 613 237-2133.

For more information

To learn more, contact the College of Nurses of Ontario at:

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Toll-free in Ontario: 1 800 387-5526

Fax: 416 928-6507

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