



College of
Registered Nurses
of Manitoba

Practice Direction:

Self-Employed Practice

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The College of Registered Nurses of Manitoba (the College) Council must, by regulation, establish standards of practice to regulate the quality of practice of registered nurses (RNs).

The Council approves practice directions which are written statements to enhance, explain, add or guide RNs with respect to matters described in the College of Registered Nurses General Regulations or any other matter relevant to registered nursing practice. Compliance with practice directions are required; these expectations also serve as a legal reference to describe reasonable and prudent nursing practice.

It is the responsibility of all registered nurses or RNs in Manitoba to understand all practice expectations and be accountable to apply them to their own nursing practice, regardless of roles or practice settings. Responsibility is the duty to satisfactorily complete your obligations. Accountability means being capable to explain why you did or did not meet these expectations.

The policies of employers do not relieve individual RNs of accountability for their own actions or the primary obligation to meet practice directions. An employer's policies should not require an RN to practise in a manner that violates practice directions.

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Background

All RNs and RN(NP)s who own a sole proprietorship, partnership or corporation that provides registered nursing services, or are independent contractors that act as the trustee of personal health information are considered self-employed registered nurses by the *College of Registered Nurses of Manitoba*. Self-employed practitioners are accountable to self-employed specific policies (e.g. AA-1, AA-17) and this practice direction **in addition** to *The Regulated Health Professions Act*, Regulations, other Practice Directions, and the *Code of Ethics*.

The purpose of the *Practice Direction: Self-Employed Practice* is to outline the minimum practice expectations for self-employed registered nurses in relation to their business practices to promote quality of care and to prevent inappropriate, unsafe, incompetent, and unethical private practice.

Practice Expectations

Limits to Opening a Self-Employed Practice

1. As a registered nurse **you may only** open a self-employed practice if the practice:
 - i) falls within your **individual scope of practice**, unless you have a collaborative relationship with another regulated health care professional who is authorized and competent to provide the services. In this case, you are responsible to ensure:
 - you limit your individual practice to only those activities within your individual scope of practice
 - the collaboration is transparent to the client
 - the collaboration is maintained throughout the course of providing services, and
 - the practice expectations from all regulated health care professionals engaged in the collaboration are adhered to through the course of providing services

- ii) is based on objective evidence of health benefits or health system benefits. Hearsay, solely anecdotal accounts or information presented by product/equipment salespersons as part of promotional materials are not considered objective sources of evidence
 - iii) is able to manage risks and negative outcomes within your self-employed practice and/or referral and consultation systems
 - iv) applies the entire nursing process including assessment, diagnosis or determination, planning, intervention, and evaluation
 - v) complies with *The Regulated Health Professions Act*, RN regulations, Practice Directions (including this practice direction) and the *Code of Ethics*
2. You may not provide any reserved act that requires you to practice within **an approved practice setting** or [CPSM accredited facility](#) if you are practicing outside of those settings.

Notifying the College and Maintaining Up-to-Date information on the Public Register(s)

3. **Prior** to seeing your first client and when closing, leaving or moving your self-employed practice, as a registered nurse you must notify the College and your clients (if applicable) per *AA-17 Opening, Closing, Leaving or Moving a Self-Employed Practice*.
4. If your self-employed practice includes a reserved act requiring additional education that meets College approved criteria, you must submit details of meeting the criteria for reserved acts requiring additional education before performing the activity independently on a client.

5. If you choose to establish a health profession corporation, you must ensure you are compliant with *AA-1 Health Profession Corporation* and applicable portions of *The Regulated Health Professions Act, Regulations and Bylaws*.
6. You must maintain accurate up-to date information for your self-employed practice on the public register(s).
7. If there is a change in status to your registration that impacts your authority to practice registered nursing you must ensure you notify the College and public per AA-1 and AA-17.

Practice Setting

8. As a registered nurse you may only practice in an appropriate practice setting(s) given the service being provided. When establishing an appropriate practice setting for your self-employed practice you must ensure you select a practice setting in which you:
 - i) have sufficient resources, policies and procedures in place to support safe, quality care that aligns with the practice expectations of the registered nursing profession. For some services, an appropriate practice setting may be limited to a clinic setting depending on the need for equipment and sufficient resources to manage negative outcomes
 - ii) have reasonable precautions in place to manage conflict of interest, protect professional boundaries and the privacy, safety and well-being of the client
 - iii) can demonstrate adherence to the Practice Directions including the expectations outlined in this Practice Direction

9. You may not provide services at parties as this setting has inherent risks that make it not appropriate for meeting the practice expectations.

Competence

10. You must work only within the limits of your competence within the legislated scope of practice of the profession and must refer a client to another practitioner if you cannot safely meet the client's needs.
11. If your self-employed practice includes the performance of a reserved act that was not part of the entry-level education for your registrant class but within the legislated scope of practice, before carrying out the procedure for the first time, you must ensure you have the necessary knowledge, skill, and judgment to do so. This is an objective, not subjective practice expectation. This means that you must have a third-party assessment of your knowledge, skill and judgment and performance of the activity before performing the procedure as part of a self-employed practice. This should include assessment of your ability to:
 - i) recognize when clients are not suitable to undergo the procedure
 - ii) safely perform the procedure
 - iii) manage potential complicationsYou should maintain documentation of the objective assessment of your competence and education you receive over time.
12. You must not open a self-employed practice for the purposes of providing services that include a reserved act without prior experience performing that reserved act.
13. A plan to maintain competence must be in place for any service offered.

14. You must maintain a level of understanding of the available evidence supporting any procedures performed as it evolves and change your practice as necessary to ensure safe, competent and appropriate care.

Policies

15. As a self-employed registered nurse you must at a minimum have policies in place to demonstrate the self-employed regulations found in the *College of Registered Nurses of Manitoba General Regulation* including:
- i) accepting and refusing clients
 - ii) ending client relationships
 - iii) notice of required payment
 - iv) client record management including storage, disposition, retention, and transfer:
 - a. if using electronic health records, ensure the electronic records have comprehensive audit capability including a system which enters all access onto a permanent file log, identifying and recording where the access originated and by whom, and if alterations are made to the record, identifying whom, what was altered, and when the alteration was made.
16. You must also create policies to demonstrate compliance with practice expectations appropriate to your practice which may include, but is not limited to:
- i) infection control protocols
 - ii) conflict of interest
 - iii) informed consent
 - iv) continuity of care
 - v) management of emergent situations including but not limited to anaphylaxis, allergic reaction or acute embolic event
 - vi) quality improvement

Directing Client Care

17. As a self-employed registered nurse you are responsible for the safety and quality of client care provided through your self-employed practice. When providing or directing client care services, you are responsible to:
- i) enforce this practice direction and any other applicable practice directions or pieces of legislation
 - ii) implement adequate quality assurance and improvement programs, including the monitoring of adverse events and near misses
 - iii) ensure a procedures manual is available and maintained for any reserved act performed
 - iv) ensure a system is in place for the proper maintenance, cleaning and calibration of equipment used in the services your self-employed practice provides
 - v) if procedures are performed that carry a risk of cardiac arrest or allergic reaction, ensure the availability of appropriate resuscitation equipment and medications and the presence of yourself or staff who are appropriately trained to utilize the equipment and medications
 - vi) establish relationships and communication procedures to ensure continuity of care for the client including continuity of care with their primary care team and continuity of care should there be an expected or unexpected change to the availability of the health care services provided
 - vii) ensure all medical devices, equipment, drugs, and other substances utilized in nursing care are Health Canada, CSA, or FDA approved
 - viii) attend the practice setting for sufficient time to ensure that all practice expectations for all regulated health professionals involved in your practice are met

- ix) ensure your self-employed practice does not function to increase profit at the expense of good health care

Working with Employees, Contractors, and other Health Professions

18. Where you employ, contract or collaborate with another person to provide services, you must:
 - i) have on hand written job descriptions for each employee, contractor or collaborator
 - ii) clearly identify who within the practice will act as the trustee of health records responsible for the long-term storage, retention and access to the records
 - iii) follow any applicable legislation related to workplace safety and employment standards
 - iv) take reasonable steps to ensure that others involved in your practice are competent to provide the care
 - v) establish a process to manage competence issues/concerns
 - vi) establish a process for managing professional practice issues
 - vii) ensure your self-employed practice is set up in a manner that enables other individual(s) involved in your business to be compliant with their profession-specific legislation and applicable practice directions/standards of practice
 - viii) in cases where you are not providing a reserved act yourself within your individual scope of practice, establish clear accountability for the most responsible practitioner ensuring that practitioner is authorized and has a plan in place to mitigate any potential negative outcomes in a satisfactory manner
 - ix) when working with unregulated care providers you must adhere to the assignment and delegation practice direction and ensure appropriate supervision is in place

Communicating Information about Procedures Offered

19. When advertising or promoting procedures, including through the use of social media, you must follow the applicable provisions in the *Guidelines for Advertising*.
20. In all communications you must not minimize or trivialize the risks of procedures or claim that procedures are risk-free.
21. You must not mislead about the likely results of a procedure. You must not falsely claim or imply that certain results are guaranteed from a procedure.
22. You must accurately represent your education and experience when communicating with clients and advertising online.
23. In cases where you are required to collaborate with another health care professional to perform the service you must disclose same in all communications.
24. You must use your legal title when advertising online and within legal documents.
25. You must not use the registered nursing designation to market services that are outside of the registered nursing scope of practice.
26. You must not post pictures of your clients online.
27. At all times you must be aware of the conflict of interest inherent in exchanging money for health care services and take actions to ensure that only clinically indicated services are offered based on an assessment of the client.

Client Consent for Services

28. Informed consent must be obtained in writing. You must have documented evidence of discussing risks, benefits, any limitations to evidence, alternative options and possible negative outcomes and their management with the client. You must exercise additional scrutiny and caution when considering requests for procedures on minors or those with reduced capacity.

29. You must accurately represent your education and experience performing the procedure as well as any limitations to your individual scope of practice during the informed consent process.
30. You must consider the client's psychological needs and whether referral to another member or regulated health professional is appropriate (i.e. body dysmorphic disorder).

Honesty in Financial Dealings

31. You must be open and honest with clients about financial or commercial interests that could be seen to affect the way you care for clients.
32. You must not allow financial or commercial interests to affect the quality of health care received by clients.
33. You must not charge for a service before an assessment to determine appropriateness of the service for the specific client is completed. You may charge a consultation/assessment fee as long as you specify that payment of the fee does not imply a guarantee of a specific service.
34. You must not market your self-employed practice or recruit employees or contractors for your self-employed practice at another place of employment.
35. When selling products at a self-employed practice setting you must inform the client that they may purchase the product elsewhere if that is the case. You must not require a client to purchase a specific product as part of the plan of care unless it is:
 - i) not available elsewhere, and
 - ii) was included in the informed consent process

Liability Coverage

36. As a self-employed registered nurse you must consult the liability coverage provider to ensure you carry adequate liability coverage for your self-employed practice.

Clarifications for Agencies, Nursing Aesthetics, Laser and Platelet Rich Plasma

For greater clarity when providing the specific services below the following additionally applies:

37. Self-employed registered nurses who own agencies are considered to be practicing registered nursing when managing contractor placements at facilities. As an agency owner, you must ensure:
 - i) placements of employees or contractors reflect competence level of the contractor or employee
 - ii) you have a process in place to manage competence issues identified by the facility
 - iii) you have a process in place to manage professional practice issues identified by your employees or contractors
 - iv) you do not recruit employees or contractors for your agency at another place of employment
38. Any registered nurse providing aesthetic services must only provide services within a plan of care based on an assessment and diagnosis appropriate to the registered nursing profession. Because aesthetic procedures are not part of the *Entry-level Competencies for RNs* or the *Entry Level Competencies for RN(NP)s*, you must ensure you limit your practice only to minor procedures within the legislated scope of practice in which there is a reasonable link between your foundational knowledge, skill and judgement and the intervention. Interventions such as thread lifts are considered advanced aesthetic procedures that are not based on the entry-level competencies of the registered nursing profession.
39. Self-employed registered nurses who provide injection of fillers-soft tissue augmentation and botulinum toxin/neuromodulators must:
 - i) limit their practice to only those specific procedures in which they have had supervised experience to confirm competence and the ability to maintain competence over time

- ii) ensure only drugs/substances approved by Health Canada are injected
 - iii) RN(NP)s must not authorize the purchase, distribution, or providing of these drugs/substances, for use by other persons outside their self-employed practice, whether regulated health professionals or not
 - iv) RN(NP)s must not permit or enable any other person to inject these drugs/substances in a location other than their self-employed practice setting and only do so after they provide a direct client assessment and client specific order
 - v) RNs must not administer any schedule I drug without a valid client specific order from a regulated health care professional authorized to prescribe. RNs must be careful to limit their practice to administration of the drug or substance as allowable by legislation
 - vi) policies and procedures for the storage of aesthetic products including temperature control of drug products during storage and transportation must be in place
 - vii) there must be appropriate antidotes present when performing these injections
40. Registrants who use a laser device for client care and/or treatment must:
- i) have completed relevant and significant specific laser operation education and training prior to performing procedures with a laser
 - ii) only perform procedures for the purposes outlined in legislation regardless of the classification of the laser
 - iii) not delegate the use of class 3 or 4 lasers to unregulated care providers in keeping with the practice direction *Assignment and Delegation to Unregulated Care Providers*
- iv) follow best practices for laser safety such as CSA Z386-2014 Safe Use of lasers in health care, and ANSI Z136.3-2018 Safe use of lasers in health care
41. RNs who perform Platelet Rich Plasma (PRP) must have an order from a regulated health professional authorized and competent to order and perform PRP before performing it and only if they themselves are also competent to perform the PRP steps safely. A RN(NP) with requisite training and prior supervised practice for PRP may order PRP.
42. To maintain the sterility of technique and product, registrants performing PRP must ensure all steps of the PRP procedures are completed without contamination within one client visit. Registrants who offer and perform platelet rich plasma services must ensure they follow best practices such as the *College of Physicians and Surgeons of Alberta's Guideline Performance of Autologous Platelet Rich Plasma Therapy in Unaccredited Settings: A Guideline for Physician Office/Clinic Setting*.

Glossary

Approved Practice Setting

Approved practice settings include the following settings:

- a hospital designated under *The Health Services Insurance Act*
- a personal care home designated under *The Health Services Insurance Act*
- a hospital or health-care facility operated by the government, the government of Canada, a municipal government, a regional health authority or an Indian Band
- a setting other than a hospital or health-care facility described in clause (c) if the registered nursing care provided at that setting is part of a program operated by the government, the Government of Canada or a regional health authority, or
- a health-care facility that is operated by a non-profit corporation and is funded by the Government of Manitoba or a regional health authority

Individual Scope of Practice

An individual's scope of practice is comprised of the knowledge, skill and judgement an individual attains through their foundational nursing education, professional experiences and continuing education.

References

College of Registered Nurses of Manitoba (2018). *Assignment and Delegation to Unregulated Care Providers*.

College of Registered Nurses of Manitoba. *Guidelines for Advertising*.

The College of Physicians & Surgeons of Manitoba. *Accredited Facilities Bylaw*.