



College of
Registered Nurses
of Manitoba

Practice Direction:

Self-Employed Practice

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

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

It is the responsibility of all registrants 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 of explaining why you did or did not meet these expectations.

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

NOTE: the use of the word registrant refers to registered nurse, registered nurse (authorized prescriber), registered nurse (nurse practitioner), registered nurse (graduate nurse practitioner), and graduate nurse.

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Background

Self-employed practice refers to different forms of business structures including, but not limited to independent contractors, sole proprietorship, limited liability partnerships, corporations, and health profession corporations. There are many factors that may be used to determine if you are engaging in nursing practice as an employee or self-employed registrant. Each situation is unique and must be assessed based on specific circumstances. To determine if you are self-employed, consider the following information:

- You own the business or practice for which you are claiming RN, RN(AP), or RN(NP) practice hours.
- You are financially invested (shareholder) in the business for which you are claiming RN, RN(AP), or RN(NP) practice hours.
- You are a **trustee** of client records (see Glossary for definition).
- You are hired as an independent contractor to work through an agency or other business for which you are claiming RN, RN(AP), or RN(NP) practice hours.
- You are responsible for managing your own tax obligations, contributions, benefits, and deductions.

If you are still unsure, please refer to The Manitoba Employment Standards Code, The Worker Recruitment and Protection Act or contact Employment Standards.

All registrants who declare that they are self-employed, or an independent contractor are accountable to:

- Federal, Provincial and Municipal Laws
- *The Regulated Health Professions Act*
- Practice of Registered Nursing Regulation
- College of Registered Nurses of Manitoba General Regulation
- College of Registered Nurses of Manitoba Practice Directions
- College of Registered Nurses of Manitoba Practice Expectations for RNs, RN(AP)s, RN(NP)s
- College of Registered Nurses of Manitoba, Entry Level Competencies for RNs, and RN(NP)s
- College of Registered Nurses of Manitoba, Competencies for RN(AP)s

- Code of Ethical Conduct
- All College of Registered Nurses of Manitoba Policies, including but not limited to:
 - AA-1 Health Profession Corporation
 - AA-5 Continuing Competency
 - AA-15 Accepted Practice Hours
 - AA-17 Opening, Closing, Leaving or Moving a Self-Employed Practice

Purpose

The purpose of the *Practice Direction: Self-Employed Practice* is to outline the minimum practice expectations for self-employed registrants and identify what the public can anticipate from self-employed registered nurse business practice.

Practice Expectations

Opening a Self-Employed Practice

1. As a registrant **you may only** open a self-employed practice if:
 - i. you have completed 2,015 registered nursing practice hours in a Canadian jurisdiction;
 - ii. you are in good standing with the College (see Glossary for definition);
 - iii. your practice is based on **current objective evidence** of benefits to health and the health system and determination of the most appropriate person to provide care. You must integrate critically appraised evidence with your experience and knowledge of contextual factors to decide, in consultation with clients, what best supports the clients' needs;
 - iv. you engage in professional development that builds on current, available evidence supporting any interventions performed as they evolve and change your practice as necessary to ensure safe, competent, and appropriate care;

- v. your practice falls within your 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 for ensuring in your practice that:
 - the collaboration is transparent to the client;
 - the collaboration is maintained throughout providing services; and
 - you have reasonable assurance that the practice expectations from all regulated health care professionals engaged in the collaboration are adhered to through the course of providing services;
 - vi. you can manage risks, emergent and negative outcomes within your self-employed practice and/or referral and consultation systems;
 - vii. you apply the entire nursing process including assessment, diagnosis or determination, planning, intervention, and evaluation;
 - viii. you obtain informed consent prior to the provision of care, including disclosure of all known risks, possible negative outcomes of the treatment plan, alternative, and cost of the proposed treatment(s).
 - ix. you obtain written consent before taking photographs for the purpose of before-and-after treatment, advertising or social media promotion.
2. Before providing any care or services you must notify the College as per AA-17 Opening, Closing, Leaving or Moving a Self-Employed Practice.
 3. When closing, leaving, or moving your self-employed practice, or if there has been a substantive change to your self-employed practice or the services you offer, you must notify the college and your clients (if applicable) per AA-17 Opening, Closing, Leaving or Moving a Self-Employed Practice.
 4. The regulated Health Professions Act (RHPA) outlines specific requirements for health care professionals seeking to incorporate. These include stipulations regarding the corporation's name, eligible shareholders, and the process of establishing a Health Profession Corporation (HPC) through the College. Compliance with the College Policy AA-1 Health Profession Corporation is mandatory. The College issued HPC permit requires annual renewal.
 5. You must maintain accurate up to date information for your self-employed practice in your College registrant profile and if you own a Health Professions Corporation, confirm that the information posted on the College Health Professions Corporation registry accurately displays your information.
 6. If there is a change in status to your certificate of practice that impacts your authority to practice registered nursing, you must ensure you notify the College and the public as per College Policy AA-1 and AA-17.
 7. Registrants are required to comply with clinic site visits, and policy and procedure audits of their self-employed practice conducted by the College.
- ### Practice Setting
8. As a self-employed registrant you may only practice in an appropriate practice setting(s) given the service being provided. An appropriate practice setting for your self-employed practice provides:
 - i. sufficient space for equipment and sufficient resources to manage negative outcomes;
 - ii. reasonable precautions to protect professional boundaries and the privacy, safety, and well-being of the client, which includes refraining from performing procedures or treatments on family and friends.

9. Services that meet any of the following high-risk criteria must be performed in a facility that meets Canadian accreditation quality and safety requirements, as permitted by the RHPA, due to the potential risk of client harm:

- i. sedation;
- ii. medical device reprocessing;
- iii. procedure complexity;
- iv. major nerve blocks.

10. The College of Registered Nurses of Manitoba General regulation requires certain reserved acts only to be performed by registered nurses in an approved practice setting. The reserved acts impacted are specific to Reserved Act#10: Apply x-ray for diagnostic imaging purposes at a federal nursing station and Reserved Act#14, Labor and delivery.

Approved practice for these reserved acts includes the following settings:

- i. a hospital designated under The Health Services Insurance Act;
- ii. a personal care home designated under The Health Services Insurance Act;
- iii. a hospital or health-care facility operated by the government, the government of Canada, a municipal government, a health authority or a First Nation;
- iv. a setting other than a hospital or health-care facility described in point (iii) if the registered nursing care provided at that setting is part of a program operated by the government, the Government of Canada or a health authority, or
- v. a health-care facility that is operated by a non-profit corporation and is funded by the government or a health authority.

More information about reserved acts requiring an approved practice setting can be found in the Scope of Practice documents on the College's resource page.

A registered nurse (authorized prescriber) with an approved patient population for Diabetes health may practice as such only in collaboration with a physician or registered nurse (nurse practitioner) in any of the following practice settings:

- i. a hospital designated under The Health Services Insurance Act;
- ii. a personal care home designated under the Health Services Insurance Act;
- iii. a hospital or health care facility operated by the government, the government of Canada, a municipal government, a health authority or a First Nation;
- iv. a setting other than a hospital or health care facility described in point iii) if the registered nursing care provided at that setting is part of a program operated by the government, the government of Canada or a health authority;
- v. a health care facility that is operated by a non-profit corporation and is funded by the government, the government of Canada, a municipal government, a health authority or a First Nation;

11. The decision to provide services at social events, hospitality events and other non-traditional clinical settings should be given careful consideration to their appropriateness, and must comply with:

- i. Federal, Provincial and Municipal Laws;
- ii. The Regulated Health Professions Act;
- iii. Practice of Registered Nursing Regulation;
- iv. College of Registered Nurses of Manitoba General Regulation;
- v. Practice Expectations for RNs, RN(AP)s, and RN(NP)s;
- vi. Code of Ethical Conduct;
- vii. College policies.

Liability

12. Self-employed registrants must at a minimum, consult the liability coverage provider to ensure you carry adequate liability coverage for your self-employed practice.
13. Self-employed registrants who own agencies are engaging in registered nurse practice when managing contractor placements at facilities. As an agency owner, you must ensure:
 - i. you have established procedures for registrant orientation and ongoing professional development;
 - ii. placements of employees or contractors reflect the competence level of the employee or independent contractor;
 - iii. you have a process in place to address any concerns you may have about the conduct, competence, fitness, and capacity issues of the registrants you engage with;
 - iv. you have a process in place to manage professional practice issues identified by your employees or independent contractors;
 - v. as an employer and registrant, you comply with your duty to report obligations to identify and manage registrant practice issues in accordance with 138(1) and/or 168(1) or the RHPA;
 - vi. ensure that employee or contracted registrants are adhering to the expectations established in the Practice Direction: Agency Registered Nursing Practice, and practice expectations applicable to their respective scope (Practice Expectations for RNs, Practice Expectations for RN(AP)s, and Practice and Prescribing Expectations for RN(NP)s;
 - vii. you have a reporting and follow-up process for near-misses and safety events that involve your employees and/or independent contractors.

Policies and Procedures

14. Self-employed registrants 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;
 - v. if using electronic health records, ensure the electronic records have comprehensive audit capability including a system that 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;
 - vi. request by the client to view their personal health information recorded in the client record.
15. You must also create policies and/or procedures to demonstrate compliance with practice expectations appropriate to your practice which may include, but are not limited to:
 - i. infection practice and control;
 - 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. the monitoring and reporting of adverse events and near misses in accordance with Health Canada requirements;
 - vii. monitoring, maintenance and use of equipment;
 - viii. safe management and storage of medication and substances.

Ethical Financial Dealings

16. You must be open and honest with clients about financial or commercial interests that could be seen to affect the quality of health care provided. Self-employed registrants must not:
 - i. solicit clients for tips or gratuities;
 - ii. accept tips or gratuities from clients for care provided;
 - iii. include tips or gratuities as part of the agreed upon fee for care provided.
17. When selling products at a self-employed practice setting you must inform the client that they may purchase the product or a reasonable substitute elsewhere. You must not require a client to purchase a specific product as part of the care plan unless:
 - i. the product or reasonable substitute is not available elsewhere, and
 - ii. the product is included in the informed consent process.
18. Registrants 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.

Competence

19. You must work only within the limits of your competence, scope of practice, and refer a client to another practitioner if you cannot safely or appropriately meet the client's needs.
20. If your self-employed practice involves performing a reserved act requiring additional education, you must submit proof of completing the required additional education for review and approval before performing the activity independently. See Practice Direction: Criteria for Reserved Acts Requiring Additional Education for additional information.

21. A registrant may perform a reserved act only if the member is legally permitted and competent to perform it and it is safe and appropriate for the procedure to be performed.

Directing Client Care

22. As a self-employed registrant, 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. implement adequate quality assurance and improvement programs;
 - ii. ensure a system is in place for the proper cleaning, disinfecting, calibration and maintenance of equipment used in the services your self-employed practice provides;
 - iii. retain maintenance records and refrigerator temperature logs for any equipment used in your self-employed practice;
 - iv. ensure the availability of appropriate client supports if procedures are performed that carry a risk of adverse events;
 - v. 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;
 - vi. ensure all medical devices, equipment, drugs, and other substances utilized in nursing care are Health Canada, Canadian Standards Association (CSA), or Food and Drug Association (FDA) approved.

Communicating Information about Procedures Offered

The Code of Ethical Conduct and practice expectations highlight the requirements of always maintaining client confidentiality and privacy both in-person and online. While social media (e.g.: Meta (Facebook), X (Twitter), LinkedIn and Instagram) are popular platforms for social networking, the practice expectations and Code of Ethical Conduct can be applied to all types of electronic communication, including personal websites, blogs, email, discussion boards, texting, and instant messaging.

This means that a registrant's conduct online and in-person would be judged and examined in the same way and held to the same standard.

23. When advertising or promoting procedures, including using social media, you must follow the applicable provisions in the [Practice Direction: Advertising Expectations](#).
24. You must use your full name and protected title, e.g. RN when advertising online and within legal documents pertaining to your self-employed practice.
25. If applicable, any professional self-promotional content, including websites, social media, and business cards, must provide the full name and protected title, e.g. RN(NP), of the authorized prescriber(s) you collaborate with for treatments that require an order.
26. You must not use the RN, RN(AP), or RN(NP) designation to market services that are outside of the RN, RN(AP), or RN(NP) scope of practice per the College of Registered Nurses of Manitoba General Regulation.
27. At all times you must be aware of the conflict of interest when exchanging money for health care services. Only those services clinically indicated and evidence-informed are to be offered to clients based on an assessment of the client and provision of informed consent.

Inter-professional Collaborative Care-Working with Employees, Contractors, and other Health Professions

28. Where you employ, contract or collaborate with another person to provide services, you must:

- i. have a position description for each employee;
- 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;
- vi. establish a process for managing professional practice issues;
- vii. ensure your self-employed practice is set up in a manner that enables other individuals involved in your business to be compliant with their profession-specific legislation and applicable practice directions/standards of practice;
- viii. establish a process to confirm that members of a regulated profession have established registration and are in good standing;
- ix. 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 the practitioner is authorized and has a plan in place to mitigate and manage any potential negative outcomes in a satisfactory manner. The client should be aware of and consent to their personal information being shared during an inter-professional collaborative relationship. If the RN is consulting with someone authorized to prescribe medication, the client should be aware that the consultation has occurred and with whom;

- x. when working with unregulated care providers you must adhere to the assignment and delegation practice direction and ensure appropriate supervision is in place. See [Practice Direction Assignment and Delegation to Unregulated Care Providers](#).
- 29. You must holistically consider the client's needs, e.g. psychological, and determine whether referral to another member or regulated health professional is appropriate.
- 30. Consideration must be given to all requests from a client to have a support person present during their assessment or procedure.

Glossary

Additional Education

- Additional education means a course, program of study, training or other structured process that meets the approved criteria and whose purpose is to provide a registrant with the competence to perform a reserved act.

Good Standing

- In good standing means the applicant(s) certificate to practice is not suspended, cancelled or voluntarily surrendered and there are no unfulfilled terms or conditions as a result of a decision of the Complaints Investigation Committee. Registrants who are censured or have a conduct matter referred to the College's Inquiry Committee are not candidates for self-employed practice.

Trustee

- A health professional, health care facility, public body, or health services agency that collects or maintains personal health information.

Current Objective Evidence

- Supported by evidence and science, and is in keeping with professional, ethical, and legal obligations.

References

AA-1 Health Profession Corporation <https://www.crnmb.ca/resource/health-profession-corporation-aa-1/>

AA-15 Accepted Practice Hours <https://crnm.mb.ca/resource/accepted-practice-for-accruing-hours-aa-15/>

AA-17 Opening Closing, Leaving or Moving a Self-Employed Practice <https://crnm.mb.ca/resource/opening-closing-leaving-or-moving-a-self-employed-practice-aa-17/>

Practice Direction: Advertising Expectations <https://www.crnmb.ca/resource/guidelines-for-advertising/>

Assignment and Delegation to Unregulated Care Providers <https://www.crnmb.ca/resource/assignment-and-delegation-to-unregulated-care-providers/>

CNPS (Canadian Nurses Protective Society) www.cnps.ca

Code of Ethical Conduct <https://www.crnmb.ca/resource/codeofethicalconduct/>

College of Registered Nurses of Manitoba <https://www.crnmb.ca/>

College of Registered Nurses of Manitoba General Regulation <https://web2.gov.mb.ca/laws/regs/current/pdf-regs.php?reg=114/2017>

Competencies for RN(AP)s <https://www.crnmb.ca/resource/competencies-for-rnaps/>

Continuing Competency <https://www.crnmb.ca/resource/continuing-competency-aa-5/>

Criteria for Reserved Acts Requiring Additional Education <https://www.crnmb.ca/resource/criteria-for-reserved-acts-requiring-additional-education/>

Employment Standards https://www.gov.mb.ca/labour/standards/doc,independent_contractors,factsheet.html

Entry-Level Competencies (ELCs) for the Practice of Registered Nurses <https://www.crnmb.ca/resource/entry-level-competencies-elcs-for-the-practice-of-registered-nurses/>

Entry-Level Competencies (ELCs) for Registered Nurse (Nurse Practitioner) or RN(NP)s <https://www.crnmb.ca/resource/entry-level-competencies-for-registered-nurse-nurse-practitioners-2/>

Practice Direction: Practice Expectations for RN(AP)s <https://www.crnmb.ca/resource/practice-expectations-for-rnaps/>

Practice Direction: Practice Expectations for RNs <https://www.crnmb.ca/resource/practice-expectations-for-rns/>

Practice Direction: RN(NP) Practice and Prescribing Expectations <https://www.crnmb.ca/resource/practice-expectations-for-rnnps/>

Practice of Registered Nursing Regulation <https://web2.gov.mb.ca/laws/regs/current/pdf-regs.php?reg=113/2017>

Scope of Practice for RN(AP)s <https://www.crnmb.ca/resource/scope-of-practice-for-rnaps/>

Scope of Practice for RNs <https://www.crnmb.ca/resource/scope-of-practice-for-rns/>

Scope of Practice for RN(NP)s <https://www.crnmb.ca/resource/scope-of-practice-for-rnnps/>

Self-Employed Practice Handbook <https://www.crnmb.ca/resource/self-employed-practice-handbook/>

Standards for Clinical Competence Assessment <https://www.crnmb.ca/resource/standards-for-clinical-competence-assessment/>

The Personal Health Information Act <https://web2.gov.mb.ca/laws/statutes/ccsm/p033-5.php?lang=en>

The Regulated Health Professions Act <https://web2.gov.mb.ca/laws/statutes/ccsm/r117.php?lang=en>

The Worker Recruitment and Protection Act <https://web2.gov.mb.ca/laws/statutes/ccsm/pdf.php?cap=w197>