

Practice Guideline

Independent Practice

Introduction

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

Key practice components to consider

Scope of service

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

Conflict of interest

A nurse's primary obligation is providing professional care to her/his clients. Nurses are in a position of trust and cannot use their position to influence their clients for financial gain (for example, by selling products) or non-financial benefit (for example, by soliciting money for fundraising purposes). Nurses should avoid promoting personal interests, such as selling products or services, to clients they are treating. Selling products may give the appearance of fulfilling the nurse's personal interests over the client's needs. It is critical that nurses in independent practice avoid conflict of interest situations in their practice, particularly when it comes to the endorsement and advertising of products.

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 a personal interest in a commercial product or service. 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, RPN or NP to lead the public to believe she/he knows that one product is better than another, even if she/he believes it to be true. The endorsement of a product or service without providing information about other options could mislead the public and compromise trust.

Advertising

There are limitations on how a nurse can advertise her/his services. The College of Nurses of Ontario (the College) has a responsibility to regulate advertising by its members to ensure that the public is given relevant information, the advertising doesn't mislead the public and the public's trust in the nursing profession is maintained. The content in advertisements must be accurate, factual and verifiable, and must include a nurse's name and category of registration (RN, RPN or NP) as it appears on the College's Register. Advertising may take various forms, such as business cards, listings in telephone directories, announcements in newspapers and periodicals, and promotional materials. It can include information such as a description of services and nursing credentials, practice experience, fees, address and phone number. However, unsolicited testimonials, references to guarantees, comparative or superlative statements, and sensational advertising should be avoided, as should promotional devices such as premium offers, giveaways, discounts and coupons.

Fees

The College does not determine or approve specific service fees. According to the *Nursing Act, 1991* and the accompanying regulations, the following activities related to fees are considered professional misconduct:

- 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.

Before setting fees, a nurse 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 performed 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 the College's *Consent* practice guideline.

Documentation

An integral part of the service that a nurse provides is creating and maintaining accurate and complete health records and documentation. 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 the College's *Documentation, Revised 2008* practice standard.

Confidentiality

Nurses in independent practice are required to maintain the 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 the College's *Confidentiality and Privacy — Personal Health Information* practice standard.

Other issues and resources

Incorporation

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

Business/legal counsel

Nurses may want to seek legal advice before starting an independent nursing practice.

Liability protection

The College recommends that nurses in independent practice purchase liability protection to enable public redress should any problems occur.

Networking

Entrepreneurial/support groups for self-employed nurses offer assistance with peer feedback, idea and issue sharing, planning for vacation and sickness, etc.

For more information

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