

Self-employment Practice Guideline

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COLLEGE OF
LICENSED PRACTICAL NURSES
OF NEWFOUNDLAND AND LABRADOR
LPNS - A PRACTICAL APPROACH TO QUALITY CARE



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COLLEGE MISSION

The College of Licensed Practical Nurses of Newfoundland and Labrador (CLPNNL), in accordance with the *Licensed Practical Nurses Act (2005)*, has the legislated responsibility for regulating the practice of Licensed Practical Nurses (LPNs) in Newfoundland and Labrador.

The mandate of the CLPNNL is to protect the public by ensuring the provision of safe, competent, ethical, and compassionate nursing care.

USING THIS DOCUMENT

Practice guidelines are documents that outline the LPN's accountability in specific practice contexts. These guidelines reflect relevant legislation and are designed to assist LPNs to understand their responsibilities and legal obligations. This practice guideline will describe the CLPNNL's expectations for LPNs when they are self-employed.

DEFINITION - SELF-EMPLOYMENT

A self-employed Licensed Practical Nurse applies nursing knowledge, skill, judgement and compassion in the provision of health care services to clients in a variety of settings in the areas of direct care, education, administration or consultation. Clients may be individuals, families, groups, communities, educational institutions, corporations or other health care agencies. Self-employed LPNs may provide health services independently or in partnership with other care providers.

LEGISLATIVE / REGULATORY / ETHICAL ACCOUNTABILITY

A self-employed LPN must comply with the *Licensed Practical Nurses Act (2005)* (<http://www.assembly.nl.ca/legislation/sr/statutes/l12-1.htm>), the *Licensed Practical Nurses Regulations (2011)* (<http://www.assembly.nl.ca/legislation/sr/annualregs/2011/nr110002.htm>), the *Standards of Practice and Code of Ethics (2013)* (<http://www.clpnnl.ca/images/standards.pdf>) and the CLPNNL Policy and Position Statements (www.clpnnl.ca).

The LPN must be knowledgeable and in compliance with other relevant healthcare, privacy and business legislation. The self-employed LPN must have appropriate educational preparation and nursing experience to provide nursing services safely, competently, compassionately and ethically.

LPNs must not exploit any relationship they have established as nurses to further their own physical, emotional, financial, political or business interests at the expense of the best interest of the client.

LPNs are accountable for their own actions (as well as inactions) at all times. Self-employed LPNs are accountable to be aware of and comply with professional practice and standards (regulatory, local, provincial or federal legislation) as well as professional business practices.

RESPONSIBILITIES OF THE SELF – EMPLOYED LPN

The self-employed LPN must comply with the following:



- Hold an active license;
- Practice within the boundaries established by legislative, regulatory, business, ethical, and professional standards;
- Have written description of their nursing practice which is congruent with the LPNs knowledge, skill and experience;
- Have written policy statements appropriate for their practice;
- Maintain competence to practice through participating in ongoing continuing education and professional development;
- Have a system acceptable to the CLPNNL to record nursing practice hours; and
- Obtain appropriate insurance for business.

SCOPE OF PRACTICE

The Scope of Practice of the self-employed LPN is as broad as their education, knowledge, and competence. The self-employed LPN must comply with the CLPNNL's Competency Profile and have completed education and training in the desired field of employment. The LPN must maintain the knowledge and skill required to engage in safe, competent, compassionate, and ethical nursing care.

COLLABORATION

When providing care, LPNs must consider the complexity of the client. If the needs of the client are beyond the LPN's individual capacity (beyond the limits of his/her scope of practice) or the client become unstable or unpredictable, the self-employed LPN must consult and/or refer to another health care provider with authority to provide the necessary care.

MEDICATION ADMINISTRATION

Self-employed LPNs may administer client medications provided they have the required competency and it is a condition of the scope of service established between the client and the self-employed LPN. Prior to administering medications, the LPN should ensure the following:

- That it is appropriate for the LPN to administer the prescribed medication to this particular client at this time;
- The medication is in its original container and has an affixed, valid prescription label (the medication instruction label provided by the pharmacist based on the physician prescription);
- If there is a discrepancy between the prescription label and the clients understanding of the administration directions, the LPN should consult with the medication prescriber;
- The client has given informed consent to receive the medication;
- The LPN has the competency to provide the medication service; and
- Communication with other health care providers has taken place if necessary.



THERAPEUTIC NURSE CLIENT RELATIONSHIP

LPNs are expected to develop and maintain professional therapeutic relationships with clients regardless of the practice context. LPNs should determine the appropriateness of providing service to a client in the context of their business in the same manner they would if the care was being performed in a health care setting.

LPN's in private business, particularly in rural communities, may find themselves in a position where a relative or close acquaintance requires care and the LPN is the only available provider of that care in the area. In this situation, the LPN should acknowledge the presence of a potential conflict of interest, and be fully aware of the differences between the professional nursing role and the role as a family member or friend. The LPN must assure the client that while a personal relationship exists, the client can expect to be treated professionally and in the same manner as other clients who do not have a personal relationship with the nurse.

FEES AND SERVICES

Self-employed LPNs are accountable for setting fees for the services they provide. The CLPNNL does not control fees for this service. Fees must be reasonable and comparable to those charged by other nurses or health care providers who have similar competencies and experience, and who provide similar services. Unreasonable or inappropriate fees or mismanagement of fees may be considered professional misconduct or conduct unbecoming.

The self-employed LPN is responsible for:

- Informing clients in advance of the fee and accepted methods of payment;
- Informing clients in advance of fees for missed appointments or late payments;
- Providing clients with adequate notice before changing fees; and
- Providing clients with an official receipt listing the services provided and/or products sold, fees paid and the time nursing care was provided (e.g., 45 minutes).

CONSENT

LPNs must obtain consent from the client or the substitute decision-maker prior to providing services. Informed consent is a clients' or substitute decision-makers' written or verbal agreement that they understand the services being provided, the fee for the service and the risks involved in the services rendered. The individual providing consent must have the legal and mental capacity to do so.

DOCUMENTATION

Self-employed LPNs are expected to document all nursing care provided to the client. Documentation demonstrates commitment and accountability for delivery of safe, effective and ethical care.

RECORD KEEPING

The self-employed LPN is accountable to maintain client records according to generally accepted professional practice and business standards and in compliance with legislation. The LPN must comply with PHIA (Personal Health Information Act) (2011). <http://www.health.gov.nl.ca/health/phia/>. All confidential records must be stored and physically secure 24 hours a day. Self-employed LPNs must



develop appropriate policies and procedures for all aspects of information gathering, management, storage, and security.

POLICIES

The self-employed LPN must clearly define the processes and procedures (both clinical and business) that make up the scope of service that will be provided. These internal written policies provide a clear articulation of the service provided, support consistency in care between clients, and demonstrate accountability for nursing practice. LPNs should consider developing policies specific to:

- Scope of service provided;
- Procedures and guidelines around the delivery of care;
- Documentation;
- Client privacy and confidentiality;
- Management, storage and security of client records;
- Appropriate procurement, maintenance, repair, cleaning and storage of equipment and/or supplies;
- Communication and consultation with other care providers and referral processes; and
- Business management (billing, product endorsement and insurance).

ADVERTISING

Advertising and promoting professional nursing services must be consistent with the Canadian Code of Advertising Standards (ASC) <http://www.adstandards.com/en/standards/thecode.aspx>. The ASC is designed to help set and maintain standards of honesty, truth, accuracy, fairness and propriety in advertising. When advertising services to the public the LPN must:

- Include a description of the services provided;
- Include only accurate, factual and verifiable information;
- Provide evidence-based references to support statements; and
- Include his/her name and title.

LICENSURE VERIFICATION

LPNs must confirm nursing hours for licensure renewal. Documentation confirming hours of practice through self-employment must be verified by an independent third party (non-relative) such as an accountant, tax specialist or office manager.

PROFESSIONAL LIABILITY

Self-employed LPNs are expected to have professional liability protection in accordance with current regulatory requirements. LPNs who are licensed in Newfoundland and Labrador have professional liability protection through Lloyd Sudd Insurance. The self-employed LPN should also obtain commercial general liability insurance. This is required for all self-employed practical nurses regardless of the size of their business or number of clients. LPNs may obtain this type of commercial insurance through their personal insurance broker or through Lloyd Sudd Insurance Brokers (<http://www.lloydsadd.com>).



HELPFUL ADVICE

Deciding to start a self-employed nursing practice is a very important decision. LPNs are advised to invest time in research and planning before starting. When considering self-employment, consider these suggestions:

1. Contact CLPNNL to discuss the status and maintenance of your license to practice.
2. Analyze your resources prior to making a business commitment. Decide how much time, money and energy you have to invest into your practice.
3. Consult a lawyer to understand the legal responsibilities.
4. Consult an accountant about the tax implications and other tax related issues.
5. Consult with an insurance specialist about additional insurance needs.
6. Discuss your proposed business with potential clients and referral sources.
7. Acquire basic business skills such as book keeping and financial management.
8. Contact your municipal government to inquire the need for a business license.
9. Develop internal policy documents to outline your scope of service, guide your practice and to help your practice remain consistent.
10. For income tax and auditing purposes, keep all invoices and receipts for costs and payments beginning in the business development phase.



GLOSSARY

Accountability

The obligation to answer for the professional, ethical and legal responsibilities of one's activities and actions.

Client

An individual, family, group, population or community who requires nursing care and with whom the nurse has a professional relationship.

Conduct Unbecoming

Conduct unbecoming includes conduct exhibited, inside or outside the actual practice of the profession that would be reasonably regarded by members of the profession as dishonorable, disgraceful or unprofessional.

Professional Misconduct

Professional misconduct is an act or omission that is in breach of the Standards of Practice or Code of Ethics and includes

- (a) Abuse of a client (sexually, physically, verbally, psychologically, financially or otherwise), or
- (b) Practicing in a manner that constitutes a risk to the health or welfare of clients, or
- (c) Delegating components of care to another caregiver without due concern regarding the competence of that other caregiver to provide that care, or
- (d) Practicing in contravention to the Standards of Practice or a Position Statement made and/or adopted by the college, or
- (e) Has been found guilty of an offense, by a court of law that is relevant to the member's suitability to practice.



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