

# ***Self-Employment Guidelines***



**ANBLPN**

Association of New Brunswick Licensed  
Practical Nurses

**AIAANB**

L'Association des Infirmier(ère)s Auxiliaires  
Autorisé(e)s du Nouveau-Brunswick

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## Mission

The Association of New Brunswick Licensed Practical Nurses (ANBLPN) is the regulatory body for Licensed Practical Nurses in New Brunswick. ANBLPN's mandate is protection of the public by promoting the provision of safe, competent, ethical, and compassionate care. ANBLPN sets, monitors, and enforces practical nurse education, registration, and professional conduct. ANBLPN creates Standards of Practice, establishes a Code of Ethics, and develops and implements a Continuing Competence Program. Additionally, ANBLPN publishes documents to support the practice of LPNs in New Brunswick.

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## Using this document

LPNs may choose to work in a self-employed capacity. Their practice, regardless of context, must be in accordance with the LPN Act and Regulations, Standards of Practice, Code of Ethics, and other Association policies.

Prior to establishing a business, LPNs considering self-employment should contact ANBLPN to ensure their work is recognized as nursing. LPNs should also review the practice guideline, [Am I Practicing Nursing?](#) to help them determine if their business is considered nursing practice.

## Assumptions about self-employed practical nurses

- Practical nurses, in every practice context, are always accountable for their actions and inactions.
- LPNs establish relationships with other care providers as outlined in the [LPN Act \(2014\)](#) increasing collaboration as their clients' needs become less predictable or exceed their individual capacities.
- Self-employed practitioners represent the practical nursing profession and as such are accountable to ensure their nursing and business practices are consistent with the expectations of the profession ([Standards of Practice](#), [Code of Ethics](#)) and the public.
- Self-employed practitioners are accountable to be aware of, and comply with, professional practice standards as set by the regulatory authority; local, provincial and/or federal legislation, and; best practice guidelines as they relate to nursing and business practices.

## Key Points for the Self-Employed Practical Nurse

### *Client*

For the purposes of this document, the word client will be used to refer to the person to whom services will be provided. In this context, client includes, the individual, significant others/family and /or substitute decision maker.

### *Scope of Service*

LPNs who wish to engage in the self-employed context must be practicing nursing and be able to clearly articulate, the nature and type of services they intend to provide, the context in which the services will be provided and the conditions in which they will consult with or, refer the client to other health care providers.

### *Informed Consent*

Practical nurses must obtain informed consent prior to providing any service to a client. Informed consent is the clients' agreement to allow treatment to occur. Consent must relate directly to the intended treatment/service (which includes fees, services and/or billing practices), be based on a full disclosure of the likely risks and benefits, be given voluntarily and must not have been obtained through misrepresentation or fraud. Information presented to the client as part of the informed consent process, must be clear and easily understood.

Consent can be implied or expressly stated and either can be withdrawn at any time. The practical nurse is accountable to ensure that the client is capable of giving consent or when a substitute decision maker is required.

### ***Documentation and Policies***

Self-employed practical nurses are expected to document care according to generally accepted professional practice and business standards, and comply with any local, provincial, or federal legislation. Accurate and complete health records must be created as part of the services provided.

The processes and procedures (both clinical and business) that make up the scope of service of the self-employed practical nurse are to be defined in internal policies. Policies are important in the self-employment context as they help the practice remain consistent from client to client which demonstrates the practical nurses' accountability to answer for their practice. Self-employed LPNs should consider developing policies specific to:

- procedures and guidelines around the delivery or care;
- documentation (including documentation of care, scope of service);
- client privacy and confidentiality;
- the management, storage, and security of client records;
- the appropriate procurement, maintenance, repair, cleaning, and storage of equipment and/or supplies;
- client recruitment and consultation with, or referral to other care providers, and;
- business management (including billing, product endorsement and insurance).

Self-employed practical nurses must also ensure they are keeping record of the hours they have worked. It is an annual registration requirement to ensure that you have accumulated 1000 practice hours over the last 5 years to maintain licensure. Each year as part of public protection, ANBLPN conducts an official random audit for practice hours. Therefore, if you are self-employed you must have a way of proving your practice hours to satisfy the requirements of the audit (i.e., spreadsheet, appointment book, etc.).

### ***Medication Administration***

Self-employed LPNs may administer client medications providing they have the necessary competency to do so and *it is a condition of the scope of service* which has been established with the client.

In the self-employment context practical nurses support clients' self-care by reviewing the plan or interventions used in the past to successfully manage their own needs. LPNs may not recommend specific over the counter (OTC) medications to clients to manage new or less defined care needs. Clients, who seek such recommendations, should be referred to an appropriate healthcare provider such as a Nurse Practitioner or Physician or the appropriate health care service.

## ***Conflict of Interest***

An LPN's primary responsibility is to provide professional care to the client. Practical nurses are in a position of trust and cannot use their position to influence clients for personal or financial gain. A conflict of interest occurs when an individual is involved in multiple interests, where one could possibly influence the other. Self-employed practical nurses must identify and ethically manage a potential conflict of interest. Failure to manage a conflict of interest may be considered professional misconduct.

## ***Therapeutic Relationships***

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

## ***Self-Employed Practical Nurse and Staff Practical Nurse***

There is nothing preventing a practical nurse from working in a facility as a staff practical nurse and maintaining a self-employed practice. There is, however, a potential for a conflict of interest and role confusion if the practitioner is providing service as a self-employed practical nurse in the same facility in which they are employed as a staff practical nurse. Collecting a specific fee for a service, while simultaneously being paid by an employer to provide that service, is a conflict of interest. Withholding elements of care within one's scope of employment in order to gain favour to provide that service as a self-employed practitioner (at a later date/time) is also a conflict of interest.

Practical nurses must take action to reduce or minimize the possibility of role confusion and conflict of interest. Failure to do so may be considered professional misconduct.

## ***Endorsement or Selling of Products***

Self-employed practical nurses may use a wide range of products when providing care to clients. However, LPNs must take precautions to ensure that the nurse-client relationship is not being used for personal benefit and recognize that endorsing or promoting products or services can be closely linked to a conflict of interest.

LPNs rely on their professional judgment to select products for their practice. Decisions to use (or not use) a product are made in consideration of the best interest of the client, the best available evidence from appropriate and objective sources and the client's individual needs and choices. Practical nurses must provide objective, evidence-based health education to clients about factors to consider when selecting a product. They must always discuss evidence-based options (especially if other products are available) with their clients.

LPNs are accountable to keep clear accurate records that make tracking the product from the point of procurement to the point of client care transparent and easy.

## ***Advertising***

The purpose of advertising is to provide information so consumers can make informed decisions and choices. Advertising must be truthful, accurate, professional, verifiable, and tasteful. Advertisements must maintain the dignity of the practical nursing profession. Practical nurses are required use their name and professional credentials in their advertising as in all client interactions. Guarantees of results, unsolicited testimonials or individual product endorsements are not appropriate in advertising material. LPNs are also not permitted to use ANBLPNs logo on any of their advertising materials.

## ***Fees***

Self-employed practical nurses are accountable to determine the fees for the nursing services they provide. Self-employed practical nurses should familiarize themselves with generally accepted accounting principles as part of being a business owner. Local resources, such as [Community Business Development Corporation](#), may be able to provide guidance.

## ***Liability Insurance***

Professional Liability Insurance is to protect LPNs from errors or omissions when providing professional health care services. Each practical nurse is provided this insurance as part of their annual licensing fee and this coverage is valid when practicing nursing in New Brunswick.

In addition to professional liability insurance, self-employed LPNs are **required** to obtain [Commercial General Liability](#) Insurance regardless of the size of their business or number of clients on their service roster. Commercial general liability insurance covers liability for accidents, injuries or property damage sustained by members of the public while they are receiving services from a self-employed LPN. LPNs may obtain commercial general liability insurance from their personal insurance broker or from ANBLPN Insurance Broker. The Association does not provide commercial general liability insurance.

## ***Legal Counsel***

Practical nurses who wish to become self-employed, should obtain legal and business advice as necessary. The Association does not provide legal advice.

## References

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