

Self-Employment

2022



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This document replaces *Self-Employed Registered Nurses and Nurse Practitioners (2016)*

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The College of Registered Nurses of Newfoundland and Labrador (CRNNL)¹, is the regulatory body for Registered Nurses (RNs) and Nurse Practitioners (NPs) in Newfoundland and Labrador (NL). The mandate of the College is to protect the public through self-regulation of the nursing profession in accordance with the **Registered Nurses Act, 2008**.

This document provides RNs and NPs with the principles that require reflection when engaging in self-employment and questions to consider when examining their self-employed practice.

Self-employed² RNs and NPs hold a current practicing licence and operate their own economic enterprise to provide nursing services. There are various forms of self-employment that may include non-traditional roles and domains that are outside traditional acute care hospital settings. Therefore, it is important to have a clear understanding of your individual employment arrangement and how you meet regulatory practice expectations. Review Appendix A for factors that indicate self-employment status.

Practice Expectations

As self-regulated professionals, RNs and NPs are responsible and accountable to practice in accordance with the current *Standards of Practice for Registered Nurses and Nurse Practitioners, Scope of Practice Framework, and Code of Ethics*. In particular, the *Scope of Practice* document provides definitions of practice as an RN or NP and outlines the accountability and responsibility for RNs and NPs to know what they are educated, authorized, and competent to perform.

RNs and NPs in self-employed nursing practice must adhere to the following principles:

Principle: Practise only within their legislated scope of practice, individual competence, and the range of roles, functions, responsibilities, and activities which they are educated, competent, and authorized to perform.

RNs and NPs must critically assess their nursing knowledge, skills, competence, and experience and ensure they possess the necessary knowledge, skills, judgement, and ability to manage the outcomes of the nursing services they provide.

Principle: Adhere to all regulatory requirements and evidence-informed best practices.

RNs and NPs must adhere to regulatory requirements included in the *Standards of Practice for Registered Nurses and Nurse Practitioners, Scope of Practice Framework, Code of Ethics*, and all other relevant College documents (e.g., *Documentation Principles, Virtual Nursing Practice*, etc.).

RNs and NPs must incorporate evidence-informed best practices in their self-employment practice setting. RNs and NPs should connect with national and/or provincial associations and/or special interest groups for any specialty standards (e.g., Canada Association of Self-Employed Nurses (CASE), Canadian

¹herein referred to as the "College."

²Self-employment is also referred to as independent practice, private practice, or independent contractor (CNPS, 2006).

Association of Footcare Nurses (CAFCN), National Competencies for Advanced Foot Care in Canada, Canadian Society of Aesthetic Specialty Nurses (CSASN), etc.).

Principle: Adhere to all relevant federal and provincial legislation, and applicable business standards.

Legislative requirements may include, but are not limited to, **Children, Youth, and Families Act, Controlled Drugs and Substances Act, Food and Drug Act and Regulations**, among others.

Self-employed RNs and NPs are accountable to comply with Canada Revenue Agency requirements and meet any provincial expectations such as HST, payroll, payers account number, Health and Post-Secondary Education Tax, Workplace Safety Registration, and annual filing of income tax, etc.

RNs and NPs must adhere to applicable business standards that may include employment standards, Workplace Health, Safety and Compensation Commission (WHSCC), etc. The examples provided above are not exhaustive.

Principle: Comply with the requirements for confidentiality and storage of personal health information.

A self-employed RN or NP who owns a business may be the custodian of the client record and must demonstrate compliance with the **Public Health Protection and Promotion Act**, and the **Personal Health Information Act (PHIA), Personal Information Protection and Electronic Documents Act (PIPEDA)**, and other relevant legislation. A self-employed RN or NP who is being contracted to provide nursing services for another party (e.g., providing nursing services at a dentist office, spa, etc.), must clarify who is the custodian of the client record.

Principle: Be able to clearly articulate the nursing role(s) and activities for the nursing services being provided and have policies and procedures necessary to guide the practice of nursing.

Submission of a position description to the College is not required. However, it is important to be able to clearly articulate the nursing role and activities performed, as the College may request a position description at a future date.

RNs and NPs must have policies and procedures to guide their self-employed nursing practice. Examples of policies/procedures include but are not limited to:

- documentation,
- record management,
- advertising nursing services,
- obtaining informed consent (written and/or verbal consent form),
- the procedure for cleaning/disinfection/sterilization of equipment and quality controls (e.g., autoclave, single use devices, ect.).
- management of potential or actual conflict of interest,

- payment for services,
- succession planning, closing a practice, referrals, etc.,
- adherence to occupational health and safety requirements,
- the safe storage, handling, and disposal of medications.

Review the most current versions of documents available on the College's website (e.g., *Standards of Practice for Registered Nurses and Nurse Practitioners*, *Scope of Practice Framework*, *Virtual Nursing Practice*, *Medication Management*, *Documentation Principles*, etc.).

Principle: Be aware of and manage actual or potential conflicts of interest.

RNs and NPs who provide nursing services both as an employee (i.e., employed as an RN and/or NP within a Regional Health Authority (RHA) or other organization), as well as in self-employment (e.g., the RN or NP also operates a footcare business or is under a contract with an organization outside an RHA), should inform their employer of their self-employment and should know the employer's conflict of interest policies/positions. It may also be beneficial to discuss appropriate methods for recruitment of clients with the employer.

Principle: Have appropriate professional liability protection and business insurances for the nursing services being provided.

It is prudent for RNs and NPs to contact the Canadian Nurses Protective Society (CNPS) (www.cnps.ca) to discuss issues related to professional liability protection.

It is also recommended that RNs and NPs consult with a business lawyer, accountant, or tax specialist to review possible business structures, and any tax and legal implications. The College does not provide advice on the business aspects of self-employment but expects it to meet all legal requirements.

Principle: Advertise in a manner that is ethical and consistent with the public image of nursing, the College's standards and guidelines, and other relevant documents.

Self-employed RNs and NPs advertise their nursing services in a manner that ensures the public is receiving accurate, factual, and verifiable information. For detailed information refer to the *Canadian Code of Advertising Standards* as well as the most recent version of the *College's Advertising Nursing Services*.

Principle: Maintain competence through ongoing participation in continuing nursing education and professional development and fulfill the requirements for the College's Continuing Competency Program (CCP).

RNs and NPs must identify educational opportunities and professional support systems (e.g., national/provincial groups, mentors, consultants, and other health care professionals) to assist them to identify, attain, maintain, and enhance competency in their area of expertise that is the focus of the self-employed nursing practice.

Principle: Provide sufficient notice to clients and public when closing the practice, and/or absent for an extended period of leave.

As part of the closure and/or absent from practice notice, RNs and NPs must:

- provide copies of client health records upon request and plan for the same after closure,
- assist clients to make alternate care arrangements and ensure all necessary follow-up of clients is completed,
- advise colleagues and other health care professionals within the circle of care (including those applicable within the RHA) of the practice closure and include new contact information, and,
- act in accordance with relevant legislation, regulation, and/or employer policy when retaining or destroying client records.

Principle: Notify the College of the addition of self-employment or any change in employment information within 30 days of any change or addition.

Employment information must be updated via the “My Profile” option in the Alinity Member Portal as per RN Regulations.

Information on Licensure Hours

RNs or NPs that are using the activities of their self-employment for their nursing licensure application or licensure renewal are required to meet the regulatory definition of practice as an RN or NP. Nurses are required to read the most current version of the College’s *Scope of Practice* document and complete the attached *Nursing Practice Checklist*.

RNs/NPs are required to self-report their hours of practice as an RN/NP in self-employment during licensure renewal in the College’s Alinity Member Portal under My Profile.

Please connect with the College for further information, or to address any questions or concerns.

Appendix A: Factors That May Indicate Self-Employment

The Canadian Nurses Protective Society (CNPS) (2006) describe two ways to work, one as an employee and the other as a self-employed individual (known in legal terms as an independent contractor). It is self-employment if an RN or NP is operating a business they own (e.g., a foot care business) or if an RN or NP is operating under contract to perform nursing services for another party (e.g., providing aesthetic services in a spa). As self-employed RNs and NPs generally do not operate under the direct supervision of an employer, health care institution/regional health authority (RHA), or physician, they are directly accountable for the entirety of the services provided.

Further, CNPS list factors that indicate self-employment including, but are not limited to:

- owning the business or practice,
- having a financial investment in the enterprise,
- profiting from the enterprise or risking financial loss,
- supplying business and/or personal equipment,
- having autonomy over the activities being performed,
- submitting invoices for the services provided, hiring employees, and
- not having to report to a supervisor. However, as a term of a contract, RNs and NPs may be required to follow certain policies and procedures.

Common misconceptions regarding self-employment include “I’m just doing this on the side,” “...but I only have one client...,” “I only do this once or twice a month” and “this is not my regular job.” However, if you are providing services, where the client is asking for these services from you because you are presenting yourself as an RN or NP, then it is considered self-employment.

Appendix B: Nursing Practice Checklist

When practising as an RN or NP in Newfoundland Labrador, ranging from initial orientation to traditional hospital-based practice, to any non-traditional role or domain, you must be registered and hold a current licence with the College. Use of the protected titles of RN and NP is reserved for license holders.

If you are currently self-employed, under a contract, or if you are planning to engage in self-employment you must be able to answer yes to the statements in the nursing practice checklist to determine if your individual practice is within the realm of practice as an RN or NP. Additionally, if you are not employed as an RN or NP, the nursing practice checklist can be used to determine if your employment activities can be applied towards maintaining your practicing licence.

If you answer no or are uncertain about any statement in this section, you must contact the College before commencing employment under contract or self-employment, and prior to your annual submission of hours for licensure renewal. This form has 2 sections. Section 1 is for all RNs and NPs; section 2 is for NPs only.

For RNs and NPs:

I introduce myself as a RN or NP.

Yes No

I sign my credentials as an RN or NP (e.g., client chart, business cards, etc.).

Yes No

My employer required me to be licenced as an RN or NP (e.g., the job description requires a licence to practice as an RN or NP).

Yes No

I would direct clients/public to the College website to validate my licence to practice.

Yes No

I am practising under my nursing registration even if I also hold a licence from another discipline(s) (e.g., also registered as an acupuncturist).

Yes No

I have ensured that my practice setting has liability protection for nursing practice.

Yes No

I use nursing philosophical and/or theoretical perspectives to guide my practice, as the recipients of my nursing services expect that I apply nursing knowledge and competencies in my role.

Yes No

I regularly apply my nursing knowledge, competencies, and judgement in the provision of my services (e.g., an RN a non-traditional role such as providing alternative and complementary therapies).

Yes No

I attend professional development opportunities (e.g., conferences, education sessions, etc.) that specifically add to my nursing knowledge to maintain my continued competency in my role.

Yes No

I have policies and procedures to guide/accomplish my role as RN or NP (e.g., evidence-based guidelines or best practice, collaborative teams, etc.).

Yes No

I reflect on and use the full nursing process as the focus of my employment/practice and I use nursing knowledge, competencies, and judgement if using interventions from another discipline based upon my nursing assessment and as part of my treatment plan (e.g., I am practising as an RN and using acupuncture as an intervention/modality/treatment option).

Yes No

I have reviewed my self-employed nursing practice, and I am not aware of any interventions that I use being exclusively recognized to be within the domain of another profession or a restricted activity by another health care profession (e.g., I am not practising within the legal domain of medicine).

Yes No

My practice as an RN or NP has a direct or indirect impact on clients,³ health care systems or the health of the public (e.g., an RN in an executive position in a health organization will have an indirect impact though their contribution to health system management).

Yes No

The healthcare services I provide require critical thinking, problem solving, professional judgement, and accurate interpretation of information from a variety of sources.

Yes No

³Client - Individuals, families, groups, populations, or entire communities who require nursing expertise. The term client reflects the range of individuals and/or groups with whom nurses may be interacting. In some settings, other terms may be used such as patient or resident. In education, the client may also be a student; in administration, the client may also be an employee; and in research, the client is usually a subject or participant.

Additional Statements for nurse practitioners (NPs):

In addition to the statements provided above for practice as an RN, NPs must also be able to answer yes to the following additional statements to determine if your individual practice is within the realm of practice as an NP.

If you answer no or are uncertain about any statement in this section, you must contact the College before commencing or continuing self-employment.

For NPs:

I apply the advanced **NP competencies** to independently diagnose and communicate a medical diagnosis (i.e., disease, disorder, injury, or condition), order and interpret diagnostic and laboratory tests, prescribe pharmaceuticals, non-pharmaceuticals and perform procedures, in care of the client population consistent within the category of NP licensure that I currently hold,

OR

I apply advanced NP competencies in one of the other domains of nursing practice (e.g., administration, policy, research, education) in which I practise as an NP.

Yes No

I apply advanced clinical knowledge, competencies, and advanced clinical decision-making skills in my NP nursing practice (e.g., primary health collaborative clinic, or occupational health setting).

Yes No

I am employed and practising as an NP (i.e., I am not employed as an RN).

Yes No

Signature: _____ Date: _____

Title: _____

Organization: _____

Annually, it is the responsibility of each RN and NP, prior to commencing any practice, to validate that a current practising licence has been issued in their name by checking CRNNL's Online Register at [Member Search](#).

Please forward the completed form to practiceteam@crnln.ca

Resources

- British Columbia College of Nurses and Midwives (BCCNM) (2021). *Self-Employment. Self-employed nurses: what do you need to consider?* Vancouver, BC: Author. Retrieved from <https://www.bccnm.ca/LPN/learning/selfemployment/Pages/Default.aspx>
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- College of Physicians and Surgeons Newfoundland Labrador (CPSNL) (2017). *Complementary & Alternative Medicine.* St. John's, NL: Author. Retrieved from <https://cpsnl.ca/wp-content/uploads/2020/11/Standard-of-Practice-Complementary-Alternative-Medicine-2017.pdf>
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- College of Registered Nurses of Manitoba (CRNM) (nd.). *Self-Employed Practice.* Winnipeg, MB: Author. Retrieved from <https://www.crnmb.ca/support/quality-practice-consultation/self-employed-practice>

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Nova Scotia College of Nursing (NSCN) (2020). *Self-Employed Practice: Guideline for nurses*. Halifax, NS: Author. Retrieved from <https://cdn1.nscn.ca/sites/default/files/documents/resources/SelfEmployed.pdf>



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