

Self-Employed Practice: Practice Advice for Registered Nurses

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Purpose

This practice advice provides guidance to registered nurses (RNs), graduate nurses (GNs) and certified graduate nurses (CGNs), herein referred to as registrants. The purpose of this document is to provide regulatory practice direction to registrants engaged in self-employed practice in Alberta. This practice advice cannot capture every potential self-employed practice setting. Registrants must consider all College of Registered Nurses of Alberta (CRNA) standards of practice and advice documents in their specific practice context.

CRNA registrants engaged in self-employed practice operate their own business while providing **PROFESSIONAL SERVICES**¹, and apply nursing knowledge, skill and judgment in the provision of professional services to clients in all domains² of **NURSING PRACTICE**. Self-employed registrants can also be referred to as registrants in independent practice or private practice, where they may or may not employ others.

This publication outlines key factors to consider for registrants pursuing or engaged in self-employed nursing practice in Alberta. Due to the evolving nature of self-employed practice, this document is subject to periodic updates.

Legislation and Regulatory Requirements

Registrants in self-employed practice have the same professional and ethical obligations that all nurses have to their clients.

The self-employed registrant must comply with the [Health Professions Act](#) (HPA), the [Registered Nurses Profession Regulation](#), the [Health Professions Restricted Activities Regulation](#) and all [CRNA standards of practice](#), practice direction documents and [code of ethics](#). Registrants must also be knowledgeable of and in compliance with other relevant health care, privacy and business legislation.

Registrants in self-employed practice are accountable for maintaining compliance with provincial legislation and may find it beneficial to consult additional resources, such as legal counsel or a professional liability protection advisor, for further guidance. Experts in this area

¹ Words and phrases displayed in BOLD CAPITALS upon first mention are defined in the Glossary.

² Registrants practice across five domains of practice: administration, clinical care, education, policy and research.

can help you identify, interpret and adhere to applicable laws in self-employed practice, such as those pertaining to privacy, employment standards and taxation.

Professional Liability Protection

All registrants are expected to obtain professional liability protection in accordance with regulatory requirements from the Canadian Nurses Protective Society for Core Services. Self-employed registrants will require additional liability protection for themselves and their business. Registrants should contact their professional liability protection advisor to discuss the appropriate business insurance, or supplementary coverage, required for their self-employed practice.

Scope of Practice

Registrants in self-employed practice must possess knowledge and skills in the practice area and take on clients whose health needs fit within the professional services they can offer. Registrants are expected to deliver care within their legal scope of practice and according to their personal knowledge, skills and competencies. Self-employed registrants must adhere to the [scope of practice document](#) that refers to the interventions that registrants are authorized, educated and competent to perform. Registrants must also adhere to the [Restricted Activities Standards](#) and [Supervision Standards](#) which identify the standards and expectations for registrants performing a restricted activity, who is permitted to perform the restricted activity under the supervision of a registrant, and how a registrant must supervise persons who provide restricted activities under the registrant's supervision. The [Supervision Standards](#) further outline the authorizations, expectations and principles of supervision.

Registrants should have clear policies for accepting new clients, ending nurse-client relationships and managing client care. Continuity of care processes such as consultation, referral, follow-up on tests and transfer of care must be relevant to the professional services provided. These policies and processes should all aim to meet client needs and ensure safe, ethical nursing care.

Continuing Competence

Registrants who have engaged in self-employed practice by providing professional services during the practice year, must meet the minimum expectations outlined in the [Continuing Competence Standards](#).

If selected, self-employed registrants must participate in a competence assessment. A competence assessment requires the participation of the selected registrant to meet any requirements directed by the CRNA to provide proof of competence, which may include a practice visit.

Informed Consent

Registrants engaged in self-employed practice are legally and ethically obligated to obtain informed consent from clients prior to the provision of professional services. Informed consent is a process that outlines shared responsibility and decision making between the client and the registrant regarding professional services and care. The risks and benefits of the intervention are discussed in an informational and meaningful way.

The informed consent process includes

- explaining the procedure or treatment including alternative options;
- disclosing risks, intended benefits and expected outcomes of the procedure;
- informing the client or, when applicable, the client's legal guardian or substitute decision maker – of their right to refuse or withdraw consent at any time;
- promoting the participation of the client who is incapable of providing consent in discussions and decisions that affect them;
- confirming that the client, legal guardian or substitute decision-maker understands the provided information; and
- discussing potential complications that could arise post-intervention, how the client can recognize them and what steps to take for contact and care during and outside of business hours.

If the treatment plan or client's condition changes before treatment begins, consent must be updated to remain valid.

In situations where it is determined that the client is unable to provide consent, consent must be obtained from the client's legal guardian or substitute decision maker. Registrants must be aware of and consult the legislation associated with alternate decision makers, such as the [Mental Health Act](#), [Personal Directives Act](#) and [Adult Guardianship and Trusteeship Act](#). In situations where the client is a minor or mature minor, where informed consent is obtained from a parent on behalf of the minor or the mature minor themselves, the registrant should consult the relevant legislation, such as the [Family Law Act](#), and the [Child, Youth and Family Enhancement Act](#).

In situations where the **CAPACITY** of the decision maker is a concern, an assessment must be completed. The determination of a client's ability to make a decision for informed consent is done through a [capacity assessment](#). Registrants in self-employed practice must be aware of and ensure that a capacity assessment is completed by a recognized capacity assessor as outlined by the [Office of the Public Guardian and Trustee](#).

Client Record Management

Documentation is a legal and professional requirement for all registrants and an integral part of nursing practice. The [Documentation Standards](#) outline the expectations for

documenting and maintaining client information as part of the provision of professional services. Adherence to the standards is a responsibility of all registrants.

Registrants who provide professional health services in self-employed practice may be considered health information custodians for records associated with the professional services they provide and for employees that work with the health record. Health information custodians have specific legal obligations pertaining to the collection, use, disclosure, retention and disposal of a client's personal health information.

Registrants must align their practice with the [Privacy and Management of Health Information Standards](#) and be aware of legislation as it pertains to their practice through resources such as the [Office of the Information and Privacy Commissioner of Alberta](#).

Consultation with a legal advisor could help to ascertain if you are considered a health information custodian and assist in establishing the necessary policies and procedures as required by legislation. Additional resources such as the [Privacy and Security Policies for Custodians: Information and Templates](#) document may also be useful.

Use of Title and Advertising

The use of the protected titles "registered nurse", "RN", "GN" or "CGN" is authorized under the *Registered Nurses Profession Regulation*. Registered nurses may utilize the initials "RN", graduate nurses may utilize "GN", and certified graduate nurses may utilize "CGN" in relation to their professional nursing practice. The criteria in the [Use of Title Standards](#) describe how registrants must align their practice with the use of their protected title.

Advertising that contains false and/or misleading content can compromise health-care choices, client trust and harm the integrity of the profession. Misleading content may become the subject of complaints and disciplinary proceedings. Registrants must ensure that any advertising of nursing health services limits or addresses perceived **CONFLICTS OF INTEREST**. Self-employed registrants must adhere to the [Advertising Standards](#).

Registrants in self-employed practice should avoid recommending or promoting unnecessary products and services to clients. When promoting your services to the public, you are responsible for

- giving a clear description of what you offer so clients can make informed choices;
- sharing only information that is accurate, factual, and can be verified;
- backing up your statements with evidence-based references; and
- including your name and protected title (RN or NP).

Additionally, you must not

- offer discounts, coupons or promotional deals for your services; or
- include endorsements or testimonials regarding your services or products.

Conflicts of Interest

Self-employed registrants are required to identify and address conflicts of interest with consideration for the client's best interests. This entails disclosing all relationships, affiliations or financial and personal interests that could potentially affect the provision of care; and refraining from conduct that places personal or business benefit above professional and ethical responsibilities.

Medication Management

Self-employed registrants are responsible and accountable to provide safe medication management as outlined in the [Medication Management Standards](#).

Self-employed registrants who use, recommend or provide advice for complementary and alternative health care (CAHC) as an adjunct within their nursing practice, have clients who wish to or are using CAHC, and/or, recommend or provide advice on the use of natural health products (NHP) must adhere to the [Complementary and Alternative Health Care and Natural Health Products Standards](#).

RNs in self-employed practice are not authorized to prescribe medication. The authorization of RNs to prescribe is intended to safely address client medication needs within a specific clinical practice area that the employer has determined has unique need for RN prescribing and requires employer support and policies. Only an authorized prescriber can procure drugs and the prescription provided should align with pharmacy standards and regulations.

Infection Prevention & Control (IP&C)

The [Infection Prevention and Control Standards](#) outline the minimum expectations for self-employed registrants providing professional services that incorporates IP&C best practices. The key purpose of any IP&C program is to break the chain of transmission to protect clients, staff and the public from infection. Registrants should be aware of new research leading to best practices in IP&C and advancing technology that changes the practice of IP&C to maintain protection of clients, staff and public in their area of self-employed practice.

Ending the Nurse-Client Relationship

Self-employed registrants may need to end the professional services they provide to clients. Some of the reasons include: boundary violations, aggressive or threatening behaviour or a lack of response from the client. The process of concluding the nurse-client relationship can be complex and may potentially lead to issues such as allegations of abandonment. It is essential to consider your client's unique circumstances.

Other circumstances for ending the nurse-client relationship include

- the client request to stop using your services; or
- alternative or replacement services are arranged.

Consulting with a lawyer or your professional liability protection provider prior to making the decision to end the relationship with a client could avoid a complaint. Registrants must maintain a documented process that is transparent to clients. Self-employed registrants should consult the code of ethics and relevant standards and guidance documents for ending the nurse-client relationship.

Leaving or Closing Self-Employed Practice

When a self-employed registrant discontinues their professional services by closing their self-employed practice, they must take steps to make their clients aware and provide continuity of care.

Self-employed registrants are responsible for developing a plan for closing self-employed practice that includes

- communication to clients, colleagues and other health-care providers;
- addressing any communication that would normally be addressed while providing services;
- ensuring continuity of care by retaining access to the client's record;
- providing a copy of the client's record to them to share with a new provider;
- providing written notice to clients in advance of leaving self-employed practice; and
- following regulation and legislation recording disposal and transfer of client records.

Self-employed registrants should consult a lawyer or their personal liability protection provider prior to leaving or closing their self-employed practice.

Business Matters

Setting up your business: If you are considering implementing your self-employed practice you should discuss your situation with an accountant and lawyer to determine the best way to set up your business to align with provincial and federal business laws. Additionally, contractual agreements, for example, as a contractor, or when hiring employees, should be reviewed by a lawyer to determine alignment with provincial and federal employment or business laws.

Employing staff: In situations where self-employed registrants employ staff, whether regulated member of a health profession under the HPA or unregulated worker, it is essential to understand the specific responsibilities involved. The self-employed registrant is responsible for ensuring the regulated members they employ are in good standing with their

regulatory body and work within their scope of practice. Additionally, establishing comprehensive policies for employees and ensuring their awareness and compliance with the policies is a responsibility of the self-employed registrant.

Self-employed registrants who employ staff should contact the Workers Compensation Board or Occupational Health and Safety to inquire whether these services apply to their practice.

Professional fees: Registrants engaged in independent practice determine their own fees for the services they provide in their practice. The College does not determine or approve fees.

Self-employed registrants must

- inform clients about fees and acceptable payment methods in advance;
- provide clients with an official receipt that details the professional services rendered and products sold;
- not submit charges for services that are false or misleading; and
- adhere to regulatory and legislative requirements regarding not selling medications and charging for insured services.

Resources

CRNA Resources

- [CRNA Frequently Asked Questions](#)
- [CRNA Practice Standards for RNs and NPs](#)

External Resources

- [Canadian Nurses Protective Society](#)

Glossary

CAPACITY – The ability to understand the information that is relevant to the decision and to appreciate the reasonably foreseeable consequences of (i) a decision, and (ii) a failure to make a decision (*Adult Guardianship and Trusteeship Act*, 2008).

CONFLICT OF INTEREST – A situation where a registrant's duty to act in the client's best interests may be affected or influenced by other competing interests, including financial, non-financial, direct or indirect transactions. A conflict of interest can exist even if the registrant is confident their professional judgment is not being influenced by the conflicting interest or relationship. Conflicts of interest can be:

Real conflict of interest: The registrant's actions directly benefit their own interests or those of a personal or affiliated connection.

Potential conflict of interest: A situation where a registrant's actions could lead to personal gain or benefit.

Perceived conflict of interest: A situation in which an informed person might reasonably believe a conflict of interest exists, even if none does.

NURSING PRACTICE - Refers to the activities listed in the legislated scope of practice statement in Schedule 24, Section 3 of the HPA (2000):

"3 In their practice, registered nurses do one or more of the following:

(a) based on an ethic of caring and the goals and circumstances of those receiving nursing services, registered nurses apply nursing knowledge, skill and judgment to

- (i) assist individuals, families, groups and communities to achieve their optimal physical, emotional, mental and spiritual health and well-being,
 - (ii) assess, diagnose and provide treatment and interventions and make referrals,
 - (iii) prevent or treat injury and illness,
 - (iv) teach, counsel and advocate to enhance health and well-being,
 - (v) coordinate, supervise, monitor and evaluate the provision of health services,
 - (vi) teach nursing theory and practice,
 - (vii) manage, administer and allocate resources related to health services, and viii. engage in research related to health and the practice of nursing,
- and

(b) provide restricted activities authorized by the regulations."

PROFESSIONAL SERVICES – "A service that comes within the practice of a regulated profession" (*Health Professions Act* [HPA], 2000). This refers to activities listed in the legislated scope of practice statement in Schedule 24, Section 3 of the HPA (2000, pp. 302-303).

References

Adult Guardianship and Trusteeship Act, 2008 <https://open.alberta.ca/publications/a04p2>

Health Professions Act, RSA 2000, c H-7. <https://open.alberta.ca/publications/h07>