



Practice directions assist practical nurses in understanding their responsibilities and legal obligations, enabling them to make safe and ethical decisions within their practice. Practical nurses are expected to comply with the information disseminated in practice directions. Failure to do so may result in investigation for misconduct and/or an audit of the nurse's practice.

### Purpose

The purpose of this practice direction is to provide licensed practical nurses (LPNs), employers, and the public with information about the professional expectations of LPNs who engage in agency nursing practice in Manitoba.

### Definitions

For the purposes of this document:

- Nursing agency refers to a private, for-profit organization that employs, brokers, contracts for, or assigns nurses on a temporary or contractual basis to provide nursing services on behalf of a different public or private entity, at a health care delivery site (e.g., hospital, personal care homes) that is not operated by or under the guidance of the agency. Nursing agencies are often engaged to address specific service needs or staff shortages. Nursing agencies may engage, employ, or contract with one or more nurses or businesses.
- Agency nursing practice refers to any registrant practising with a nursing agency, whether it is in the capacity of self-employment, or as an employee, contractor, or subcontractor.

- Agency nurse refers to any nurse, including a College of Licensed Practical Nurses of Manitoba (CLPNM) registrant, who engages in agency nursing practice.

### Agency Nursing

As an LPN, you must ensure you have met the following requirements to practise with a nursing agency:

- Obtain at least 2,015 Canadian LPN practice hours before you engage in agency nursing practice.
- Ensure agency contact information including the names, addresses, and phone numbers of all nursing agencies that you practise through are up to date in your online CLPNM registration profile.
- Provide any required details about your agency nursing practice if/when requested by the CLPNM.
- Meet all your professional responsibilities when practising through an agency, which includes those outlined in this practice direction.

In accordance with the CLPNM's Standards of Practice and Conduct, and Code of Ethics, all LPNs have a duty to provide compassionate, safe, ethical, and competent nursing care to their clients.

Your professional responsibilities outlined in legislation, the Code of Ethics, the Standards of Practice and Conduct, and the CLPNM Practice Directions apply equally to you in your agency practice as they would in any other practice environment. These responsibilities are not solely tied to your employment or employment relationship; they are tied to your status as a member of the LPN profession. As such, these responsibilities apply to you in your practice as long as you hold registration with the CLPNM.

Professional responsibilities apply regardless of a nurse's employment context. However, these responsibilities may be easier to meet when the LPN has access to structured supports from the employer, and when the practice environment is familiar. Conversely, the unique nature of agency work may present nurses with unique challenges.

LPNs who choose to work for, or in association with, a nursing agency are helping to fill a system need. However, they must recognize the risks associated with this type of practice and self-assess to ensure they are prepared to manage them.

All LPNs are accountable for their practice, regardless of the nature of their employment.

### Risks

As an LPN, there are several risks and challenges you could face when you choose to practise as an agency nurse:

- You might be asked to work in a practice environment where the expected nursing duties are beyond your knowledge, skills, and judgment.
- You might not have access to ongoing structured professional development through your employer.<sup>1</sup>
- Owners or managers of a nursing agency might not be nurses or regulated health professionals. This means they might not be

familiar with the requirements for safe, competent, and ethical nursing practice or the professional standards you are personally responsible for meeting.

- You might not have access to structured feedback on your practice from your employer, as the agency may not have first-hand knowledge about your practice. Feedback and regular performance appraisals promote self-reflection and your growth as a professional by informing you about areas of strength and areas for further development to improve the quality of care. Due to lack of direct and consistent oversight for agency nurses within certain practice settings/environments, concerns about your practice may not be adequately addressed or reported.
- You might often work with teams who do not know you and your level of competence. You yourself may not be familiar with the roles and responsibilities of the team members.
- Depending on the resources available at the sites you are referred or assigned to work in, you might not have a unit manager, clinical resource nurse, or charge nurse readily available for consultation. You may not know if this is the case before you arrive at the site.
- You might be working with clients of any level of acuity.
- You might be asked to work in a rural or remote area where you could face greater responsibilities and a broader scope of employment than you are used to, while having less access to resources and an interdisciplinary team for collaboration.<sup>2</sup>
- You might not be provided with clear and defined role expectations.<sup>3</sup>
- You might be unfamiliar with the equipment, supplies, medications,

informatics, policies and procedures, and method of documentation used in the practice environment.

- You might not be offered information on the protocols for escalation of care concerns.<sup>3</sup>

These risks may be present in a variety of practice contexts and some are not unique to agency nursing. However, the itinerant nature of agency work may present these risks more often.

In addition to these risks, nurses working in casual, contract, or itinerant positions have reported feeling professionally isolated, marginalized and not part of a team.<sup>1,2,4,5,6</sup> Some nurses have identified these feelings of professional isolation as barriers to obtaining skills and confidence in their roles.<sup>2</sup>

The CLPNM conducted a survey of agency nurses and learned about many positive and supportive agency experiences. However, some respondents indicated that, when faced with a clinical situation that they did not know how to manage, the clinical support available to them was inconsistent.<sup>7</sup>

Only 52% of respondents indicated they always receive orientation or instruction on policies, procedures, and clinical protocols at a new worksite.<sup>7</sup> In addition, when agency nurses were asked if the agency provided them with orientation or education, 45% indicated no.<sup>7</sup>

Each agency and assignment is different, which means some of these risks will be more or less present in an individual nurse's practice. When deciding to practice as an agency nurse, you must be prepared to manage these risks, if or when they arise, as any reasonable and prudent nurse would, to ensure you meet your professional standards.

Being prepared to mitigate these risks means you need to understand how the agency operates and have an advanced understanding

of what to expect when you are asked to work in a new practice environment.

## Your Responsibilities as an Agency Nurse

Like all LPNs, those who practise for, or in association with, an agency are accountable for their practice and their decisions. Here are a few examples of ways you can mitigate the potential risks associated with agency practice.

- **Practice Experience**

As noted on page 1, you must accumulate at least 2,015 Canadian LPN practice hours before engaging in agency practice as a Manitoba LPN. This number is equivalent to one year of full-time practice but may be reached over a longer period.

This minimum hour requirement exists to ensure that novices to the profession have an opportunity to consolidate their nursing knowledge, judgment and skill in a supportive and more consistent practice environment before engaging in agency practice where (as noted through this document) the practice risks and corresponding competency requirements are greater.

Once you have reached the minimum number of hours, you remain responsible for self-assessing and determining that you have gained the experience -- and developed the knowledge, skill, and judgment -- needed to work independently in a wide range of unfamiliar environments, and with clients across a wide range of acuity levels. As per the CLPNM Standards of Practice and Conduct, nurses must practice within their level of competence.

- **Critical Thinking and Judgment**

Practising as an agency nurse also requires exceptional critical thinking and judgment. You may be faced with circumstances where you do not have access to clear guidance

and are unfamiliar with the expectations in that setting. You may often need to problem-solve quickly in complex situations. Before taking on a role as an agency nurse, be sure to self-reflect and ask yourself if you are prepared for this and if you have the required knowledge, skill, and judgment to work in unfamiliar and complex practice environments.

As a professional, you are accountable for your decisions. If you take on responsibilities, such as an agency nursing role, that you are not competent to fulfill you may be in breach of your standards.

- **Communication**

You must know whom to advise when you identify that you have been assigned to work in a practice setting where the competencies generally expected are beyond your level of competence. As per your duty to provide care, you must continue to apply your competencies to meet client needs to the extent that you can. However, you must also be sure to communicate and collaborate appropriately with the team so that others are aware of the client needs you cannot meet without their assistance. If the agency is assigning you to practice in areas that are not an appropriate match for your competencies (e.g., your experience is in long-term care, and you are being assigned to work in labour and delivery) you must collaborate with the agency to ensure more suitable assignments.

When working for an agency, your practice location may change, but your obligation to practise in accordance with your professional standards does not.

Additionally, it is often not apparent to members of the public or colleagues when nurses are practising in association with a nursing agency. As a nurse who practises through an agency, you must at all times be transparent about your identity. It is not acceptable for an LPN to practise in any environment where their identity is not known to the management, team, and clients.

Be sure to review the CLPNM's Standards of Practice and Conduct and the Code of Ethics before taking on a role with an agency and reflect on how you will meet all of your professional expectations in an agency nursing context.

### Choosing an Agency

Once you have decided that agency nursing is appropriate for you, and you are comfortable addressing the potential challenges associated with this type of practice, your next step will be deciding on which agency to work for.

When choosing an agency, you are encouraged to seek information upfront to help you understand the degree to which the agency is prepared to support you in meeting your professional standards.

Although nurses are personally accountable for their practice, employers can play an essential role in supporting good practice. When choosing an agency, factors to consider include the following:

- Is the agency familiar with the CLPNM Standards of Practice and Conduct, Code of Ethics, Practice Directions, and competency documents?
- Is the agency run or managed by a nurse or another regulated health care

professional who understands your professional responsibilities as an LPN?

- Will the agency undertake a comprehensive assessment of your competence and experience to match you with appropriate assignments?
- Will the agency ensure that the management in the practice environments you are referred or assigned to are aware of your areas of competence?
- Will the agency complete a performance appraisal on your practice? How often? Will the agency obtain input from the management of the practice environments where you've practised?
- Will the agency arrange for you to have access to orientation to each new practice environment? Is orientation provided for each new unit?
- Will an agency nursing supervisor be available to you for support? If so, during what hours will you have access to support?
- Does the agency provide relevant in-services and continuing education?

The CLPNM strongly recommends that you ask about the following, as these are responsibilities you will be required to take on if the agency does not.

- Will the agency verify your nursing practice hours if required by the CLPNM? If the agency is not willing to do this for you, you will be responsible for tracking your practice hours in a way that provides evidence that is verifiable by the CLPNM.
- Does the agency hold general liability insurance that extends to you and your practice? If not, you are encouraged to

consult with the Canadian Nurses Protective Society (CNPS) for advice on whether supplemental liability protection is recommended. More information is available on the CNPS website.

- Will the agency facilitate monitoring of your practice, if monitoring becomes required by a direction or agreement with the CLPNM? Usually, monitoring is required when a nurse has unresolved concerns regarding their competence or professional conduct. Monitoring is usually facilitated by the LPN's employer, which submits regular employer practice reports to the CLPNM. The CLPNM has found that some nursing agencies do not identify themselves as employers, and as such, decline to facilitate monitoring. If this is the case, the LPN will be faced with the choice of either undergoing regular practice assessments or audits conducted by a third-party nurse, at the LPN's own cost, or discontinuing practice as an agency nurse.

### Preparing for the Practice Environment

Once you have made the decision to join an agency, it is a good idea to prepare yourself for being assigned to a new practice environment.

To help you meet your standards in this new environment, you are encouraged to ensure you know the answer to the following questions:

- How will I receive an orientation to the equipment, supplies, medications, policies, and protocols in use in the environment?
- What is the acuity level?
- Through self-assessment, have I determined that I have the knowledge, skills, and judgment to practise in this clinical area?

- Is there a physician or nurse practitioner on-site?
- Who do I contact for guidance and support when required?
- What method of documentation is used in this clinical area or practice environment?

### Communication with the CLPNM

Be sure that the CLPNM has current contact information for any agency you work for or in association with, whether you work as an employee or as a contractor.

As per subsection 7(2) of the LPN Act, you are required to provide to the CLPNM with your employer's business address and business telephone number. The CLPNM interprets this to mean that you must provide the name and contact information of all organizations you work for, whether you work as an employee or as a contractor. The CLPNM By-Laws require that any change in employment, business name, business address, business phone number, and business email address are provided to the CLPNM within 30 days of the change.

### Duty to Provide Care

All nurses have a professional and ethical responsibility to provide safe and competent nursing care to a client for the period that the nurse is assigned to provide service.<sup>3</sup> Nurses working in association with an agency have the same duty to provide care as nurses who work as employees (e.g., members of a facility's regular staff).

If circumstances arise that impact the nurse's duty to provide care, the nurse must allow the employer a reasonable opportunity to provide alternative or replacement services, regardless of whether the nurse works in association with an agency or not. For more information on the

duty to provide care, review the CLPNM's practice direction and guidance document on the subject, both of which are available on the CLPNM website.

### Operating an Agency

If you are an LPN who also owns and operates a nursing agency, be sure to review the CLPNM's [Fact Sheet for Nursing Agencies](#). This document will provide you with information on how to meet relevant obligations under the LPN Act and your professional standards.

Also bear in mind that if you own a nursing agency you are practising in a self-employed capacity, whether or not you also provide clinical nursing services through that agency.

This means you must meet all expectations outlined in the CLPNM's [Practice Direction on Self-Employed Practice](#). These expectations include submitting the Self-Employed Practice Business Registration Form to the CLPNM, prior to commencing self-employed practice.

This form is [accessible on the CLPNM website](#).

### Conclusion

Agency nursing is a growing area of practice for Manitoba's LPNs. If you choose to practise as an agency nurse, an assessment of the challenges associated with agency practice, and a reflection on your professional standards, will give rise to your ability to provide safe, ethical, and competent care in this unique practice context.

## About the CLPNM

The CLPNM is the governing body for the licensed practical nursing profession in Manitoba. Mandated to govern its members in a manner that serves and protects the public interest, the CLPNM establishes practice requirements for the provision of safe and effective nursing care.

## References

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## Resources

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