

Self-employed/Private Practice Resource

Introduction

In recent years, the New Brunswick Association of Dietitians (NBAD) has seen an increase in inquiries from dietitians who are choosing to work in a self-employed capacity. Self-employed dietitians work in private practice settings, as part of medical or multidisciplinary clinics, private consulting, or in business (e.g., project management). The purpose of this document is to provide support and guidance for registered dietitians who are considering work in a self-employed capacity, to ensure that they practice in a competent, safe and ethical manner.

Administrative/Business practices

The following are some of the administrative and/or business considerations for dietitians in private practice.

Office

Will you work from an office in your home or rent office space outside your home?

To answer this question, you need to think about:

- Whether you intend to meet clients virtually or in-person
- will you be providing healthcare services or other dietetic service?
- Does the office space you are considering provide space to meet with current or potential clients in private?
- How will clients get in touch with you? Does the space and phone setup ensure that calls and voicemail messages remain confidential?

Business registration and incorporation

As with any business you may want to consult an accountant and/or a lawyer for advice about whether to register your business for tax purposes or simply file your taxes as being self-employed. Contact an accountant and/or lawyer to understand advantages and disadvantages of each option to understand which is the best choice for you and your business. You may also refer to the Canada Revenue Agency website for more information about registering businesses.

Your lawyer and/or accountant can also provide advice about the advantages and disadvantages of incorporating your business. If you choose to incorporate your business, your corporation must be registered with NBAD. If you choose to incorporate your business, your corporation must also be registered with NBAD. The provisions of the Dietitians Act apply to professional corporations as well as individual registered dietitians. Consult the sections 18-21 of the [Dietitians Act, 1988](#), for information about Professional Corporations.

Employment Standards

Will you be hiring any employees to assist you with your self-employed business or private practice? If so, you must ensure that your employment practices and human resources (HR) policies are in compliance with all relevant laws and regulations (e.g. labour and employment laws, occupational health and safety requirements). Your lawyer can provide advice about appropriate employment/HR policies.

Insurance

You may want to seek advice from your lawyer about insurance for your practice, including business/office insurance and professional liability insurance.

Commercial business insurance provides coverage for business owners related to unforeseen events that may occur during day-to-day business operations, including property damage and bodily injuries. Business insurance may also include cyber-insurance, which protects the business against costs related to cyber attacks (e.g. replacing computer hardware, restoring data from backups)

Professional liability insurance protects professionals from claims and lawsuits alleging negligence or misconduct. NBAD does not currently require members to carry professional liability insurance, however some other provinces do. Should you be the subject of a complaint, lawsuit, or charges relating to your self-employed or private practice work, you would be responsible for paying any costs related to legal fees and/or fines or damages that might be awarded, unless you have professional liability insurance.

You may wish to consult with a lawyer, and with the provincial regulatory body in any other provinces where you intend to practice to determine whether you need professional liability insurance.

Fee structures

Determining your fee structure can be difficult. You need to understand the costs associated with your business, but you also need to ensure that your fees are fair, reasonable and appropriate for the services rendered ([see principle 1.0 – NBAD Code of Ethics](#)). Before establishing fees, you should be aware of standard rates for dietetic services in your area. Unreasonable or inappropriate fees or mismanagement of fees (including failure to claim income) may be considered professional misconduct. In addition to establishing fair and reasonable fees, your fees should be pre-established and communicated (including accepted methods of payment) prior to provision of any service. Fee guidelines are available free of charge from the Consulting Dietitians Network of Dietitians of Canada.

Charging Taxes

Because tax laws change from time to time, it is best to consult your accountant about whether you are required to charge taxes for your dietetic services.

Professional Standards

As a self-employed/private practice dietitian, you are the employer. This means that you are responsible for developing and implementing administrative policies to ensure that your business complies with all relevant laws, regulations, and standards.

Scope of practice

Under NBAD's Standards of Practice (Standard 1.3) you must practice within the limits of your individual level of professional knowledge and skills. This means that you will need to consider the types of services you plan to offer, and critically assess whether these services are within your personal competence and scope of practice.

You may be faced with a broad scope of issues requiring knowledge, skills and experience beyond entry to practice expectations. This means you will need solid clinical nutrition and/or food service experience, strong business aptitude, effective organizational and record keeping skills, marketing skills and strong communication skills are required.

If you feel a client needs services that are beyond your ability or scope of practice, you must refer your client to another dietitian or professional service. To help you decide whether to include a particular task or service as part of your practice, ask yourself the following questions:

1. Is the task within the dietetics scope of practice or reasonably related to it? Does the entry-level education and training ensure that dietitians develop the skills and competence required to perform the task? Refer to the definition of dietetic practice under section 2 of the [Dietetics Act](#), the [NBAD Standards of Practice](#), and the Integrated Competencies for Dietetic Education and Practice.
2. Are there any legal barriers? Consider both federal and provincial laws. If you intend to offer your services to clients in other jurisdictions (i.e. outside of NB or Canada), you will need to consider the laws the other jurisdiction as well.
 - a. Refer to the [NBAD Standards of Practice](#) and the Integrated Competencies for Dietetic Education and Practice (foundational knowledge).
 - b. If dietitians do not have the skills and competence to perform the task, how can they become competent?
3. Do you have the required knowledge, skills and judgment to perform the task? Although you may have acquired the knowledge and skills to complete the task during your education and training to become a dietitian, consider whether you have maintained the knowledge and skills through your practice and/or continuing competence activities.
4. Are you the most appropriate person to perform the task? If not, who can you refer to?

Cross-Jurisdictional practice

If you plan to provide services to clients outside of NB (either virtually or in-person), you must be aware of and understand the registration requirements in the other jurisdiction. For more information, consult NBAD's [Cross Border Dietetic Practice Position Statement](#).

Risk

As you develop plans to start your own practice, you should evaluate and develop a plan to mitigate risks. Although it is not possible to eliminate all risks in dietetic practice, as a registered dietitian and business owner, you have a responsibility to protect your clients from risk of harm as much as possible.

The College of Dietitians of Ontario has developed a [Framework for Managing Risk in Dietetic Practice](#) which may help you to evaluate and identify risks in your proposed practice and to develop and implement the best protective solutions for safe, client-centred services.

Social media and Electronic Communications

The New Brunswick Association of Dietitians (NBAD) supports the use of social media and electronic communication in dietetic practice, especially where it enhances services to clients and/or improves efficiency. These new communication platforms, however, also come with some risks and challenges. As a registered dietitian, you have a professional responsibility to critically assess your use of social media and electronic communications, and to take appropriate steps for ensuring compliance with all laws, regulations and standards.

For more information, consult NBAD's Social Media and Electronic Communications Position Statement.

Marketing/Advertising (including testimonials)

The following definitions are to present clarification of each term. Please see NBAD's Social Media and Electronic Communication Position Statement for further information.

- **multi-level marketing**- The practice of selling goods or services on behalf of a company in a system whereby participants receive commission on their sales as well as the sales of any participants they recruit (definition from Oxford Languages)
- **paid partnerships**- A brand pays an influencer for sharing a post or a story designed to promote them or their product (known as a 'sponsored post').
- **affiliate ships**- An advertising model in which a company compensates third-party publishers to generate traffic or leads to the company's products and service (definition from Investopedia)
- **Product reviews/social media influencers**- A report about a product written by a customer on a commercial website or social media platform to help people decide if they want to buy it (definition from Cambridge Dictionary)

Conflict of interest

You must be aware of and follow NBAD's conflict of interest guidelines. If you are working for another employer in addition to operating your business, you should be upfront and honest with them regarding your self-employment and ensure that you are in compliance with any conflict of interest policies that they have in place.

A conflict of interest occurs when an individual has a personal interest that could influence their professional judgment so that they consider their own interest over the client's interest when making a recommendation or decision. A conflict of interest, whether real or perceived, can be damaging to the dietitian's relationship with the client and to the public's trust in the profession.

Carefully review NBAD Regulation V – Conflict of Interest when considering the scope of services you will provide through your practice. The NBAD Code of Ethics includes an Ethical Decision Framework which you may find helpful in determining a course of action when faced with a situation of potential conflict of interest.

In some situations, you may be able to take steps to manage the conflict and ensure the client's best interest is maintained, provided the activity is not prohibited by relevant laws, standards, regulations, or guidelines. In other situations, the best action may be to avoid the situation altogether.

NBAD is currently working on a separate position statement to address dietetic practice related to the sale, marketing and endorsement of products. The Sales, Marketing and Endorsement Position Statement will focus on avoiding conflict of interest and compliance with advertising standards. The Sales, Marketing and Endorsement Position Statement is scheduled for release in 2023.

Boundaries

The dietitian-client therapeutic relationship depends on clearly defined professional boundaries to maintain the mutual trust, integrity, and respect essential for quality nutrition care. To ensure you set and maintain appropriate professional boundaries with your clients, refer to Principle 2 of the Social Media and Electronic Communications Position Statement.

The [College of Dietitians of Ontario has published several resources about boundaries](#) that you may find useful.

Record keeping, Confidentiality, and Privacy

You must ensure that your business and dietetic practice are in compliance with federal or provincial laws or regulations related to record keeping, confidentiality, and privacy. For guidance, members should consult the [NBAD standards of practice](#) and the [Personal Health Information Privacy and Access Act, 2009 and its regulations](#).

NBAD standards relevant for the development of a record-keeping policy include:

- Standard 1.1– Complies with federal, provincial / territorial and regulatory requirements relevant to dietetic practice (1.1.1, 1.1.3, 1.1.4)
- Standard 1.2 - Practices according to organizational requirements (1.2.2)
- Standard 1.9 – Ensures appropriate and secure documentation (1.9.1, 1.9.2, 1.9.3., 1.9.4)
- Standard 2.1 - Selects appropriate communication approaches. (2.1.3)
- Standard 2.2 - Uses effective written communication skills.(2.2.1, 2.2.2, 2.2.3, 2.2.4,2.2.5)
- Documentation must demonstrate that the overall assessment, treatment plan, and follow up adheres to the standards set out in standard 3.

Below are links to resources about New Brunswick's laws governing confidentiality and privacy of personal and health information.

- [Ombud NB - Right to Information and Privacy](#)
- [Ombud NB - Personal Health Information Privacy and Access](#)
- [Toolkit for Health Information Custodians](#)

Official Languages

Consult Ombud NB to confirm your responsibilities under section 9 of the Personal Health Information Privacy and Access Act.

[Ombud NB - Personal Health Information Privacy and Access](#)

Consent

You are responsible for developing policies for your business regarding informed consent for your clients. This includes consent for providing nutritional care and consent regarding the collection, use, and disclosure of the client's personal and health information.

Clients have a right to provide informed consent for healthcare treatment and for the collection, use, and disclosure of their personal and health information. They also have the right to withdraw consent at any time. The following websites and resources may help you to develop your consent policies.

- [Medical Consent of Minors Act](#)
- Advanced Health Care Directives Act
- [Mental Health Act](#)
- [Enduring Powers of Attorney Act](#)
- [Public Legal Education and Information Service of New Brunswick – Patients' Rights](#)