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**NEWFOUNDLAND AND LABRADOR
REGULATION 67/05**

Massage Therapy Board Regulations, 2005
under the
Massage Therapy Act

(Filed September 2, 2005)

Under the authority of section 26 of the *Massage Therapy Act*, the Massage Therapists' Board, with the approval of the Minister of Health and Community Services makes the following regulations.

Dated at St. John's , August 15, 2005 .

Bea Courtney
Chair, Massage Therapy Board

John Ottenheimer
Minister of Health and Community Services

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Short title

1. These regulations may be cited as the *Massage Therapy Board Regulations, 2005* .

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Definitions

2. In these regulations
 - (a) "Act" means the *Massage Therapy Act* ;
 - (b) "approved college or university" means
 - (i) a college, university or school accredited or approved by the regulating massage therapy body in a regulated Canadian jurisdiction,
 - (ii) a college, university or school in an unregulated Canadian jurisdiction that meets the policies, standards and core competencies adopted by the board; and
 - (iii) a college, university or school in a foreign jurisdiction that meets the policies, standards and core competencies adopted by the board;
 - (c) "association" means the Newfoundland and Labrador Massage Therapists' Association Inc.;
 - (d) "board" means the Newfoundland and Labrador Massage Therapists' Board;
 - (e) "CEU" means a continuing education unit;
 - (f) "certificate of good standing" means a certificate from a regulatory body in another jurisdiction certifying that a person meets the professional and practice requirements of a massage therapist in that jurisdiction;
 - (g) "CMTA" means the Canadian Massage Therapy Alliance;

- (h) "competency examination" means an examination established, adopted or approved by the board;
- (i) "credit cycle" means a cycle consisting of 3 consecutive years; and
- (j) "good standing" means meeting the professional and practice requirements of a massage therapist under the Act and these regulations.

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Forms

3. An application for registration and a licence or an approval to practise massage therapy shall be in the form set by the board.

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Registration and licensing

4. (1) Registration and a licence to practise massage therapy shall be granted to a person
- (a) who
 - (i) submits proof of graduation with a diploma or degree in massage therapy from an approved college or university,
 - (ii) submits proof of successful passing of the competency examination,
 - (iii) pays the required fees,
 - (iv) satisfies the board that he or she has sufficient professional liability insurance,
 - (v) submits proof of membership in the association,
 - (vi) submits a certificate of conduct from the RCMP or local police satisfactory to the board,
 - (vii) submits proof of Canadian citizenship or permanent residence status in Canada ,
 - (viii) submits proof of a current first aid and CPR certificate,
 - (ix) demonstrates to the board a reasonable fluency in the English language and provides documents as required in these regulations in an English translation, if necessary, made by a person acceptable to the board, and
 - (x) submits a certificate of good standing from each jurisdiction where he or she previously held a licence to practise dated not more than 2 months before making the application, if applying from another jurisdiction; or
 - (b) who fulfills the requirements of subsection 9(3) of the Act and meets the requirements imposed by section 3 and paragraphs 4(1)(iii) to (x) of these regulations.

(2) Notwithstanding paragraph (1)(v), a person may provide proof of membership in the association within 30 days after the issuance of a licence.

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Proof of continuing liability insurance

5. For the purpose of being satisfied on licensing and renewal of licensing that a massage therapist has sufficient professional liability insurance, the board may require the massage therapist to give his or her consent for the professional liability insurer to provide periodic confirmation of continuing coverage during the period of licence.

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Letter of approval

6. (1) In accordance with subsection 9(1) of the Act the board may provide a letter of approval to practise massage therapy for one year after the coming into force of the Act to a person who

- (a) pays the required fees;
 - (b) satisfies the board that he or she has sufficient professional liability insurance; and
 - (c) submits proof of graduation from a program in massage therapy that the board considers to be substantially equivalent to the minimum CMTA standards.
- (2) An approval given under this section is not renewable.

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Inactive licence

7. An inactive licence may be granted to a massage therapist who

- (a) is in good standing with the board;
- (b) pays the required fees; and
- (c) does not maintain an active practice of massage therapy in the province.

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Renewal and expiry

8. (1) A licence to practise shall expire annually on June 1, and an inactive licence shall expire on the date specified in the licence.

- (2) A licence to practise may be renewed and granted to a massage therapist who
- (a) is in good standing with the board;
 - (b) submits an application for renewal of the licence;
 - (c) pays the required fees;
 - (d) satisfies the board that he or she has sufficient professional liability insurance;
 - (e) submits proof of membership in the association;

- (f) submits proof of completion of the required number of CEUs in the year when a continuing education credit cycle is ending; and
- (g) holds a licence and
 - (i) was in active clinical practice for a minimum of 500 hours of direct clinical care over the preceding 3 years,
 - (ii) has completed a program of review, assessment or training satisfactory to the board within the preceding 12 months, or
 - (iii) has graduated from a massage therapy program satisfactory to the board within the past 2 years.

(3) Where a massage therapist holds an inactive licence in the year immediately preceding the application for renewal of a licence to practise, he or she shall

- (a) meet the requirements stated in paragraphs (2)(a) to (e); and
 - (b) complete a refresher course satisfactory to the board, if the inactive licence was held for 2 or more consecutive years.
- (4) An inactive licence may be renewed and granted to a massage therapist who
- (a) submits an application for renewal of an inactive licence; and
 - (b) meets the requirements stated in paragraphs 7(a), (b) and (c).

(5) A person who allows his or her licence to lapse shall, for the purpose of registration and licensing, meet the requirements imposed on a new applicant and successfully complete a refresher course or exam considered necessary by the board.

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Examinations

9. (1) The board shall offer competency examinations once a year, or more frequently, if it considers it necessary.

- (2) A person is eligible to take a competency examination if he or she
 - (a) submits an application on a form provided by the board;
 - (b) pays the required fees;
 - (c) submits proof of graduation from an approved college or university;
 - (d) demonstrates to the board's satisfaction that he or she is reasonably fluent in English; and
 - (e) submits a document of identification containing a photograph of the person.
- (3) A person who fails an examination

- (a) may apply for re-examination up to 2 times within the 2 year period after the failure; and
- (b) shall provide proof of upgrading satisfactory to the board if he or she applies for re-examination after the 2 year period has elapsed.

(4) Notwithstanding subsections (2) and (3), a person who takes the competency examination and fails 3 times is not eligible to take the examination again without first obtaining another diploma or degree in massage therapy from an approved college or university.

(5) Subsection (4) does not apply to a person who applied to take, or who took and failed, the competency examination before May 9, 2005 .

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Continuing education

10. (1) A massage therapist holding an active licence shall complete a minimum of 30 CEUs in a credit cycle.

(2) Each credit cycle shall begin on June 1 of a year designated by the board and continue until May 31 of the third following year.

(3) Courses and activities of a credit cycle shall be divided into

- (a) Category A: primary activities; and
- (b) Category B: secondary activities,

and, for each 2 hours of either activity, one CEU will be awarded, within a minimum of 20 CEUs required to be completed in Category A.

(4) Only courses, programs and other activities approved by the quality assurance committee of the board and assigned to the appropriate category shall be eligible to fulfill credit cycle requirements.

(5) A massage therapist shall keep a record of courses, programs and activities completed in a professional portfolio file, which may be requested by the board as proof of continuing education activities, and which shall include

- (a) a continuing education reporting form provided by the board;
- (b) copies of receipts and educational materials, and proof of completion, including grade, assessment of performance, certificate or diploma from an eligible course, program or activity attended; and
- (c) proof of a course, program or activity developed and presented by a massage therapist including its title, outline, number of hours of preparation and delivery.

(6) A massage therapist shall submit a continuing education reporting form to the board when applying for registration renewal in the year in which the credit cycle ends.

(7) A massage therapist shall disclose his or her professional portfolio upon request of the board and in any event within 2 weeks of the board's request.

(8) At the expiry of a 3 year credit cycle, the licence of a massage therapist shall not be renewed unless he or she has

- (a) completed the required CEUs; or
- (b) applied for and been granted by the board an extension of time to complete the sufficient credit hours, on the conditions the board may stipulate.

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Licence conditions

11. It is a condition of a licence issued under the Act and regulations that a massage therapist shall

- (a) maintain professional liability insurance in an amount considered acceptable by the board;
- (b) notify the board of a change of name or address or telephone number of the principal place of practise, or of a conviction of the massage therapist of a criminal offence;
- (c) demonstrate to the board, upon request, evidence of satisfactory patient record keeping practices, and
- (d) adhere to the code of ethics established by the board.

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Records

12. (1) Clinical health records shall be kept in strict confidentiality for each client and, where applicable, shall include

- (a) client name and address;
- (b) date and duration of each visit;
- (c) name of referring health professional;
- (d) relevant medical history and presentation complaints, the reasons for initial visit, notes of examinations and treatments;
- (e) a copy of a consent to treat signed by the client and a treatment plan and needs assessment;
- (f) a record of progress or response to treatment; and
- (g) a record of referrals and advice given by the massage therapist.

(2) Accounting records shall be kept for each client and shall include

- (a) an appointment or day record of attendance showing date, and time of patient visits, and recording of cancellations or non-attendance; and

(b) a financial record of fees charged for services rendered and a copy of dated receipts issued.

(3) Client records, including clinical, accounting and financial records in relation to a client shall be retained for 10 years following the last visit of that client, and when destroyed shall be done in such a way so as to maintain client confidentiality.

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Conduct of board's business

13. (1) The seal of the board shall be kept in the custody of the registrar and shall be affixed to documents by the registrar as evidence of authenticity of board documents.

(2) Unless the board resolves otherwise, contracts, deeds, transfers, certificates, assignments, cheques, and other documents and instruments, involving an amount or amounts which singly or together are greater than \$500, shall be signed on behalf of the board by both the chairperson and the registrar, and for an amount less than \$500, either one of the chairperson or registrar may sign a cheque, draft or money order drawn on the board's bank account.

(3) The fiscal year of the board shall be from June 1 to May 31.

(4) The accounts and transactions of the board shall be audited after the completion of each fiscal year and made available to the all massage therapists and to the minister.

(5) The board shall hold at least one annual general meeting, and may convene other meetings it considers necessary.

(6) Only members of the board may participate in and vote at meetings of the board.

(7) A meeting of the board shall be conducted and votes taken in accordance with guidelines that the board shall establish.

(8) Notice of the time and place of each meeting of the board shall be sent to each member of the board by regular mail addressed to the member at his or her latest address as shown in the records of the board not less than 10 days before the meeting, or by telephone or other means of communication, not less than 3 days before the meeting, or delivered personally.

(9) Where mailed, the notice shall be considered to have been received on the third day following the date of mailing, where delivered by telephone or other means of communication, the notice shall be considered to have been received on the date of transmission, and where delivered personally, on the date of delivery.

(10) A member who participates in a meeting is considered to have received notice of it.

(11) A resolution in writing signed by all of the members of the board shall be valid and effectual as if it had been passed at a meeting duly called and constituted.

(12) Members of the board shall be paid the amount necessarily dispersed by them for expenses connected with attendance at meetings of the board or its committees, and for expenses connected with other business of the board, where that business has been authorized by the board.

(13) A claim for expenses incurred shall be submitted on an expense form to be provided by

the board and shall be signed by the person submitting the claim for payment.

(14) All members of the board shall be reimbursed according to provincial government standards.

(15) Members of the board shall adhere to the rules of conduct that the board may approve to govern their behaviour.

(16) A member of the board shall not permit his or her personal interests to compete or conflict with the business and responsibilities of the board, or the public interest, or use his or her position on the board to derive a personal benefit or financial gain, or disclose or benefit from the use of confidential information obtained by participating on the board.

(17) The board may establish committees necessary to assist it in the conduct of its business and may appoint the members of the committees from amongst board members, massage therapists or members of the public, and designate the chairs of the committees.

(18) The board may remove a member of a committee, and shall state the reasons for the removal in the minutes of the board meeting where that decision was made.

(19) A massage therapist shall not be appointed to or remain on a committee, subcommittee or panel,

- (a) if he or she is no longer in good standing;
- (b) if he or she is under investigation under section 15 of the Act;
- (c) if an adjudication tribunal has determined that he or she has engaged in conduct deserving of sanction; or
- (d) during a period of suspension or the completion of another term or condition imposed by an adjudication tribunal.

(20) At the end of the fiscal year, each committee shall submit a written report of its activities to the board.

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Repeal

14. The *Massage Therapy Board Regulations*, Newfoundland and Labrador Regulation 50/03, are repealed.

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