

5. Policy and Position Statements

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Acknowledgement

The College of Registered Massage Therapists of Newfoundland and Labrador gratefully acknowledges the kind permission of the College of Registered Massage Therapists of Ontario (CMTO) to adapt a number of the CMTO policies and position statements.

Introduction

Legislative Hierarchy

There is a hierarchy of authority governing the practice and conduct of health professionals in Canada. Health professionals, like all citizens, are expected to comply with federal and provincial laws.

Federal legislation has the most authority, followed by provincial legislation. Examples of federal legislation that may be relevant to Registered Massage Therapists are the Charter of Rights and Freedoms and the Criminal Code. An example of provincial legislation relevant to the practice of massage therapy is the *Massage Therapy Act, 2005*.

The *Massage Therapy Act, 2005* gives the College the authority to make Regulations. There is a formal process for the drafting and approval of Regulations and once approved by the Board of Directors of the College and Government, members are required to comply with these rules. Regulations, like legislation, are written in a legal format.

The College has also developed policy statements, and position statements to assist members in understanding their professional responsibilities, and to articulate the College's position on topics that may require further details or which are not covered in the legislation or Regulations.

Policy Statements

Policy statements articulate the College's opinion on specific issues relating to the practice of massage therapy. These statements provide members with a broader explanation of practice issues than can be found in the legalized format of the corresponding Regulation. **Members who violate College policy may be deemed to have violated a Regulation and therefore to have committed professional misconduct.**

Position Statements

A position statement provides the collective opinion of the College's Board of Directors relating to practice issues that may not be covered by a Regulation or policy statement. Position statements are often developed in response to members' questions and provide a framework within which practice decisions can be made. Members whose practice is not consistent with the position outlined by the College, may be required to justify their conduct or actions. Guidelines provide a more detailed description of the way in which a policy or position is translated into practice. They are intended to provide guidance to members.

Policy Statement 1

Advertising

Policy

Advertisements must identify the Registered Massage Therapist (s) who is currently practicing at the listed establishment. Advertisements must also identify that the therapist(s) is a member of the College of Registered Massage Therapists of Newfoundland and Labrador or the Newfoundland and Labrador Registered Massage Therapists' Association.

Guidelines

Advertisements may contain the following:

- General information about the practice, such as its location, accessibility, hours of operation, address and telephone number,
- Identification of the educational qualifications of the staff,
- A statement that a Registered Massage Therapist is certified in an area if they have the education and credentials to prove it.
- Information on the types of services available at the Health Care Facility

Advertisements may not contain the following:

- A testimonial by a client or former client or by a friend or relative of a client or former client,
- Claims or guarantees about treatment that cannot be verified,
- An endorsement of a product or line of products,
- Anything that is false or misleading,
- Any reference to discounts or free giveaways,
- Any sexual innuendo or language of a sexual nature,
- Any statements that discriminate on the basis of a protected status under human rights legislation, and
- Any wording that would imply that staff of the Health Care Facility are members of the College when they are not.

Example:

Clinic name and address

Name of Registered Massage Therapist and indication of College membership

Services offered

Clinic phone number and hours of operation

Wheelchair accessibility / free parking available

Policy Statement 2

Complementary Modalities

The College has determined that there are some modalities which, while not fitting the definition of the scope of practice, may be complementary to massage therapy treatments.

Scope Statement

Section 2 of the *Massage Therapy Act, 2005* states:

“Massage therapy means the assessment of the soft tissue and joints of the body and the treatment and prevention of physical dysfunction and pain of the soft tissues and joints by manipulation to develop, maintain, rehabilitate or augment physical function or relieve pain or to promote health.”

Policy

There are a number of modalities that can be integrated into a treatment plan by a Registered Massage Therapist, and may even be accepted and taught in recognized massage educational institutions, that, if used exclusively in and of themselves, would not fall within the generally accepted practice of the profession.

Therapists ought to be given reasonable and responsible latitude with respect to the use of complementary modalities, recognizing that they are accountable to ensure that the modality is integrated into a treatment plan that largely consists of modalities in scope.

Registered Massage Therapists who provide complementary modalities must understand their professional accountability and that they are responsible for:

1. following the Code of Ethics, the Standards of Practice, and the Regulations,
2. determining the appropriateness of the complementary modality,
3. ensuring that they have the knowledge, skill, and judgment to perform the modality competently,
4. performing an assessment of clients before providing the treatment,
5. explaining to the client the anticipated effects, the potential benefits, and the potential risks of the proposed modality so the client can make an informed choice,
6. obtaining valid consent before beginning treatment, and

7. evaluating the ongoing status of the client and the effects of the modality on the client's condition and overall health.

Members teaching a complementary modality should note that teaching a course on a complementary modality is not considered practising massage therapy.

Members are reminded that the complementary modalities therapists engage in under this policy are not considered massage therapy and that they may not be billed as massage therapy as such if performed on their own. However, they may be billed as massage therapy if they are integrated into a treatment plan. Activities carried out by a therapist or a health profession corporation beyond the strict practice of massage therapy may not be covered under the member's professional liability insurance and it may be necessary to make arrangements for separate insurance coverage for these activities.

The attached annex is a schedule of modalities that the College considers to be outside the scope of practice for the profession but which may be used as complementary modalities.

Annex – Complementary Modalities

Category A Modalities

- Active release
- Acupressure
- Acupuncture
- Anatomy and Physiology
- Aquatic massage therapy
- Activity of normal life intervention (ANLI) assessment
- Baths
- Cardiopulmonary resuscitation (CPR)
- Clinical and orthopaedic assessments
- Cold Packs
- Communication and the therapeutic relationship between therapist and patient
- Cranial Sacral Therapy including Unwinding
- Deep Connective Tissue
- Deep Muscle
- Esalen Tissue
- Ethics
- First Aid
- Hot Packs
- Hot Stone Therapy
- Infant massage
- Integrative Manual Therapy
- Joint Mobilization
- Jurisprudence
- Labour support
- Lomi Lomi
- Manual Lymph Drainage
- Muscle Energy
- Myofascial Release
- Neuromuscular Therapy
- Neuromuscular Integration and Structural Alignment (NISA)
- Orthobionomy
- Pain management
- Pathology
- Perinatal and pregnancy
- Proprioceptive Neuromuscular Facilitation (PNF)
- Policies and Procedures of CMTNL
- Reflexology
- Remedial Exercise
- Research literacy
- Rolfing
- Self care
- Shiatsu including Moxibustion
- Sports Massage including athletic taping & bracing
- Strain/Counterstrain
- Structural Integration
- Swedish

- Therapeutic exercise
- Traditional Thai
- Trigger Point Therapy
- Tuina
- Visceral Manipulation

Category B Modalities

Modalities considered complementary to massage therapy include but are not limited to:

- Alexander Technique
- Aromatherapy
- Feldenkrais
- Electrical therapy techniques including:
 - IFC
 - TENS
 - Therapeutic Ultrasound
 - Pulsed High Frequency
 - Low Intensity Laser Therapy
- Guided Imagery
- Healing Touch (not yet approved by CMTO)
- Inhalation Therapy
- Kinesiology
- Meditation
- Pilates
- Reiki (1st degree only)
- Therapeutic Touch
- Touch for Health
- Trager
- Yoga

Category B also includes the study of:

- Business or insurance practices and procedures in massage therapy
- Accounting
- Computers
- Business/business management
- Marketing
- Billing procedures
- Public speaking
- Study in the field of healthcare or enrolment in another health related program

Policy Statement 3

Record retention

Policy

Any agreement made between or among Registered Massage Therapists or between a Registered Massage Therapist and other health care providers / employers, must be in writing. No such agreement can supersede the individual Registered Massage Therapist's duty to a client with respect to the keeping of health records as set by the Privacy Health and Information Act.

The client records exist as a guide for the therapist as well as his or her associates or successors. Registered Massage Therapists when commencing employment or entering into group practice should develop an agreement that explicitly covers procedures for record storage in the event of termination of employment, partnership or other agreement, or closing, relocation or selling of a practice. This agreement must be in accordance with the Personal Health Information Act.

It is the duty of a health care professional not to abandon a client. It is the position of the College that a departing Registered Massage Therapist has a responsibility to contact clients and notify them that he/she is leaving a practice. This may be done in person, by telephone, by a letter or a public notice in the clinic for no less than 30 days. The purpose of this contact is to assist clients with transfer of care to another provider, if necessary, and to advise them of how they can access their health records in the future.

Guidelines

On commencing employment or entering a group practice

Employment Agreement

When commencing employment or entering into a group practice, the Registered Massage Therapist should develop a written agreement that:

- Designates the custodian of client files
- States where records will be securely stored upon termination of the relationship with the Health Care Facility.

Without a written contract between the Registered Massage Therapist and the Health Care Facility, there is no clearly defined custodian. Any disputes regarding custodianship will be on a case by case basis as per PHIA.

Where a custodian has been designated, a non-custodian may retain a copy of the client file only if written consent has been given by the client.

Closing a practice

A Registered Massage Therapist closing a practice due to retirement or relocation out of the area should:

- give clients as much notice as possible that the practice is closing,
- assist clients with the transfer of their care to another provider
- advise clients that the therapist is required to keep their records for 7 years
- provide the client with custodian contact information so they may access their file at any time during the 7 years.
- store the records in a secure location as per PHIA

If the custodian has died, his or her estate may elect to store the records and respond to client requests for information, or may choose to transfer the records to another individual who will act as custodian.

Selling the practice

A Registered Massage Therapist selling a practice or shares in a practice should:

- give clients as much notice as possible that the practice is being sold
- facilitate the transfer of client files to the new practitioner

Clients may request a copy of their file if they do not wish to remain with the new practice

Policy Statement 4

Release of records

Policy

Registered Massage Therapists have a responsibility to respond promptly to requests for health information from clients or third parties in accordance with the Personal Health Information Act. This information may be required to facilitate the client's care or settle employment or legal issues relating to the illness or injury.

Guidelines

When a request is made for information from a client's file, the Registered Massage Therapist should ensure the proper procedures are followed:

- A signed consent (from the client or the client's representative) authorizing release of the information to the particular individual, is in the client's file. The consent form must be dated within the last 6 months.
- If no consent exists or if the date on which it was signed is outdated, the requesting party must be contacted and advised that a new consent will be required.
- Once consent has been obtained, the requested copy, summary, report, or medical/legal report should be prepared within 60 days in accordance with PHIA. If an extension is needed, the request must be put in writing.
- A fee that reflects the cost of materials used, the time required to prepare the material, and the cost of sending it to the requester should be established. The Registered Massage Therapist may request payment of the fee prior to providing the documentation.

Example:

A Registered Massage Therapist, John, is relocating out of province and sells his practice to a chiropractor who plans to operate a multi-disciplinary clinic. The new owner plans to hire a Registered Massage Therapist, but this person will not have started work by the time that John moves.

John has spoken with all the current clients and has helped them to make arrangements for on-going care. He has agreed to provide a copy of their client record to their new Registered Massage Therapist with the client's written consent.

Part of the agreement between John and the new owner includes a provision for the storage and maintenance of all of the past client records, making the new clinic owner custodian of the files. The new owner/custodian will store the documents and agrees to provide copies to John and the clients or their agents, as necessary. John has written to all of the former clients advising them of the sale of the clinic, and how they can access their client records should they need them in the future.

In this way, John has provided for the on-going care of active clients, providing a copy of their file to the provider of their choice, storage of the clinic's original client files, and future access to the information for himself and his clients as necessary.

Policy Statement 5

Rates & Fee Schedule Changes

Policy

The Registered Massage Therapist must charge a fair and reasonable fee that is clearly explained and posted for the client prior to treatments. This fee must be the same for all clients. If the RMT or clinic is making a change to the fee schedule, the RMT must give 30 days notice to clients.

Guidelines

- Price list must be posted/ visual in clinic for clients to see.
- Clients must be made aware of how much time is being allocated for health assessment / reassessment.
- Registered Massage Therapists have a responsibility to charge all members for the public equally
- All Registered Massage Therapists must abide by the WHSCC Act with regards to WHSCC clients treatment and fees.
- Any fees charged for reports, missed appointments or photocopies must be considered fair and reasonable and must apply to all clients equally within the clinic.
- The clients must also be made aware of fees before treatment.
- Registered Massage Therapists cannot discount the amount of treatment in any form to any group or individual.
- Registered Massage Therapist's must make their best effort to ensure that the client is notified of the changes to their fee schedule before their next appointment

Policy Statement 6

Practicing prior to registration

Policy

Under *Massage Therapy Act, 2005*, only members of the College of Registered Massage Therapists of Newfoundland and Labrador are permitted to use the title Registered Massage Therapist, Massage Therapist, certified Massage Therapist, etc.

Position

The public has a right to safety, the right to be informed, the right to choose, the right to be heard, the right to information, and the right to redress. Clients receiving services

from unregulated individuals may not realize that the services will not be covered by their insurance plan or that the provider has no professional liability insurance. Unregulated individuals are not required to adhere to the Code of Ethics and Standards of Practice, and the College has no jurisdiction over the individual if the client is not satisfied with the conduct or actions of the person and wishes to file a complaint.

Guidelines

- Massage therapy students or graduates who have not yet taken, or have failed the certification examinations are not yet members of the College.
- It is the position of the CMTNL that it is not in the public's interest for students or unregistered graduates to practice massage therapy before they are registered
- Employment should only begin after a therapist is successfully registered with the College.
- Registered Massage Therapists cannot supervise the work of an unregulated individual and bill that service as massage therapy and should not allow unregistered students/graduates to work as Registered Massage Therapists in their practice.
- Any complaints received about a massage therapy student or graduate who is, or has been, practicing prior to registration, will be investigated to determine if the provisions of the Massage Therapy Act, 2005 have been contravened.
- Any individual who files an application for registration with the CMTNL with a complaint on file will be reviewed by the Registrar to determine if the application should be referred to the Registration Committee for a decision to refuse the application.
- The Registration committee will consider the individuals decision to practice massage therapy while unregistered and will determine if he/she meets the registration requirements that demonstrate the he/she has required judgment to practice safely and ethically.
- Any massage therapy student or graduate who is advertised as a Registered Massage Therapist will have their application reviewed by the Registration Committee

Policy Statement 7

Examination Procedure

Policy

The Examination Chair and committee must follow all procedures outlined in the examination handbook in accordance to the Massage Therapy Act and Massage Therapy Board Regulations.

Guidelines

The Examination Committee must:

- Offer competency examinations once a year
- Provide exam candidate's with an examination handbook
- Provide a reasonable amount of notice for examination dates
- Provide adequate training for all examiners
- Use an appropriate location for the exams
- Send all candidates confirmation of exam application receipt
- Send all candidates notification of exam and time slot within a reasonable amount of time to prepare for the exam
- Give all candidates the opportunity to voice any concerns with the exam procedures on the day of the exam
- Only hire Registered Massage Therapists who are in good standing that meet the qualification of an examiner
- Location of exam must be a secure, quiet, low traffic area
- candidates will receive results of their exams within 6 – 8 weeks
- review every candidate application to ensure they meet the requirements outlined in the Massage Therapy Act, 2005
- review any appeal of exam results
- conduct standardization for new material for OSCE & MCQ
- **Travel Reimbursement for Examiners**
 - Any examiner who lives outside of 100 km's from St. John's area receives \$20 per 100 km's
- Must follow pay schedule for all examiners, support staff and standardized patients
- Must provide a budget for the exam year

Policy Statement 8

Death of CMTNL Member

Policy

The CMTNL Board will recognize the death of any active or inactive member that they are made aware of.

Guidelines:

- The board will acknowledge and active or inactive members
- The board will return pro-rated fees to the member's estate
- The board will send flowers if accepted by the family within reasonable cost
- The board will not make monetary donations in lieu of flowers
- The board will send an email to the membership to acknowledge the passing and send condolences

- Any retired member will be acknowledged if the board is made aware of the passing.

Policy Statement 9

Letter of Good Standing

Policy

The CMTNL will issue a letter of good standing to members for a fee of \$25.00. The letter of good standing only validates the members standing with the CMTNL up until the day it's issued.

Policy Statement 10

Canadian Armed Forces & RCMP Exemption

Policy

A Registered massage therapist who is an active member of the Canadian Armed Forces or RCMP or is the spouse of the same will be exempt from requirement of obtaining 500 client care hours in Newfoundland and Labrador if stationed/posted outside of the province.

Guidelines:

- Must still obtain 500 hours of therapeutic massage care in the three year period in their current province
- Must provide proof of hours to the CMTNL
- Must provide proof of professional liability insurance
- Must maintain CEU requirements
- Must provide documentation to the CMTNL of transfer to another province
- In order to receive a letter of good standing, the registered massage therapist must obtain at least 500 hours of client care in Newfoundland and Labrador
- Does not apply to individuals whom choose to stay in another province after contracted time or in the case of retirement

Policy Statement 11

Newfoundland and Labrador Massage Therapy Instructors Exemption

Policy

Registered massage therapists who are full time (30 hours +) instructors with an massage therapy program in Newfoundland and Labrador over the three year cycle is exempt from the 500 hours of direct client care for an Active license.

Guidelines:

- Must be a full time instructor in an accredited massage therapy program in Newfoundland and Labrador
- Provide proof of hands on client care at the education institution
- Provide proof of hours at teaching institution

Policy Statement 12

New Board Members

Policy

Any new board members must be on the board for a minimum of one year before being voted to Chair of the Board.

Position Statement 1

Age of Consent

Position

Generally, the law recognizes a parent's or guardian's right to make decisions, including health related decisions, for children until the child reaches the age of majority. The age of majority in Newfoundland and Labrador is 19 years.

The issue of consent is as much about the capacity to give informed consent as it is about actual age. For a client to give informed consent to treatment, he or she must be informed as to the nature and the risks and benefits of treatment, as well as the risks of not having treatment. There are often circumstances where a person under 19 years of age is able to make his or her own medical decisions.

Registered Massage Therapists should exercise judgment in each case where a person under the age of 19 presents for massage therapy. Legal advice may be indicated in uncertain situation

Position Statement 2

Conducting a clinical massage therapy practice

Position

The College believes that massage therapy practice should be client centred. This means that to the extent possible, the client should be in control of the encounter and the attitude of the staff and physical setting of the practice should facilitate client comfort.

All Registered Massage Therapists are expected to adhere to the College's Standards of Practice in whatever setting they practice in. These guidelines have been drafted to assist members in conforming to College standards and expectations in the operation of a massage therapy practice.

All custodians and non-custodians must also adhere to the Personal Health Information Act.

Guidelines

Physical Setting

The physical setting should be consistent with the public's expectations for an

encounter with a health care professional. There should be adequate space for reception, waiting area, individual treatment, storage and washroom facilities. The office must be clean, well maintained, well lit, and arranged to allow sufficient privacy for clients and staff. Clients should be offered choices regarding the use of aromatherapy products, oils or lotions and/or background audio sound, if any of these are provided by the Registered Massage Therapist. The setting should not contain inappropriately placed mirrors or video cameras.

The Certificate of Renewal for the Registered Massage Therapist(s) from the College stating that they are active should be displayed in the clinic. Also, proper signage must be displayed in the clinic area in accordance with the Personal Health Information Act.

Staffing

Hands-on massage therapy treatment is to be provided only by the Registered Massage Therapist. Individuals involved in treatment to clients should be readily identifiable.

Clinic policies and procedures

A clinic with substantial staffing should have written policies and procedures relating to:

- 1) Staff performance and conduct; e.g., job descriptions, performance appraisals, supervision of students/ volunteers.
- 2) Customer service; e.g., appointment scheduling, billing, contact with referral sources, funding.
- 3) Clinic operations; e.g., treatment setting, hygiene, equipment maintenance, safety.
- 4) Legal requirements; e.g., consent for treatment, release of records, termination of employment agreement.
- 5) All policies and procedures must be in accordance with PHIA.

Equipment

Equipment must be cleaned and maintained on a regular basis. A written record of all repair and maintenance activities must be kept. Sheets and towels must be available in the treatment area to provide adequate draping. Linens including towels, pillowcases, sheets etc. are to be changed as described in the College's Standards of Practice document.

Position Statement 4

Treatment of sensitive areas

Position

Clients are entitled to informed choice concerning all proposed treatments and treatment plans. All clients regardless of age or gender who receive massage therapy are entitled to a complete explanation of the proposed treatment including: prediction of both frequency and duration of treatments, proposed draping and positioning, risks and benefits, alternatives to treatment or draping, and right of refusal throughout the care plan.

The chest wall musculature, breast tissue, inner thigh and gluteal region may be considered sensitive areas of the body and could be potential targets for both misunderstandings of intent and actual sexual abuse. It is the College's position that for proposed treatment of sensitive areas, consent should be obtained and recorded in the client's treatment notes.

Guidelines

Registered Massage Therapists must obtain and record verbal consent for all procedures, including massage to sensitive areas.

The client has the right to a re-assessment of the treatment plan, and when the treatment plan outcomes have been met, treatment of the sensitive area is to be discontinued. When a condition does not respond to the proposed treatment plan, it is the responsibility of the therapist to discontinue the plan and refer the client to the appropriate care provider.

Registered Massage Therapists must conduct themselves responsibly and understand that treatment of chest wall musculature, breast tissue, inner thigh and gluteal structures that exceeds reasonable professional practice is disconcerting to the public and the College, and may be considered grounds for charges of professional misconduct.

Position Statement 5

Use of titles and credentials

An Act Respecting the Practice of Massage Therapy, 2005 provides members with protection of title. Title protection of a regulated profession helps the public readily identify individuals registered with the College. It is a privilege extended to Registered Massage Therapists who have met the entry to practice requirements and who maintain their accountability to a regulatory body.

The use of titles, designations or credentials that are inappropriate, unclear or inconsistent may undermine the purpose of the protected title by making it difficult for the public to determine whether a person is a member of the profession.

Position

Registered Massage Therapists who have been issued a certificate of registration by the College are entitled to use the protected titles that indicate their registration with the College. The College recommends the use of the protected title as the member's primary means of indicating his or her professional status in Newfoundland and Labrador in conjunction with their practice of the profession.

The College recommends that academic degrees or certificates from recognized universities, colleges and/or private vocational schools be used after and in conjunction with the member's protected title. The order of using protected titles and academic credentials should be consistent with the position of the member. If a member is working as a Registered Massage Therapist, the College recommends that protected titles be used before academic credentials. If the member is working in an educational or other setting it may be more appropriate for them to use their academic credentials first.

The use of any other title, term or designation that indicates or implies the member is a specialist in any aspect of massage therapy is not permitted. Members may take courses focused on a specific modality that is not recognized as a specialty or as being in compliance with the Standard of Practice. Reference to these courses, or the title conferred by the completion of them, should only be used to say that they are certified in that modality. If the registered massage therapist is stating they are certified in a particular modality, they are required to have a copy of the certificate on file with the CMTNL and be able to provide proof of the certifications if asked. An RMT cannot state extra focus or training in any area without certification.

People who are not registered with the College cannot use the protected titles. Section 9 (3) of the *Massage Therapy Act, 2005* forbids anyone who is not a member of the College from using the title "Registered Massage Therapist" or an abbreviation or variation of that title