



CMTNL 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 to several of the CMTO policies and position statements.

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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 highest 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 drafting and approving Regulations and once approved by the Board of Directors of the College and the 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 detail or that 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 how 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) currently practising at the listed establishment. Advertisements must also identify that the therapist(s) are members of the College of Massage Therapists of Newfoundland and Labrador and the Newfoundland and Labrador 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,
- That a Registered Massage Therapist is certified in an area and that they have the education and proven credentials,
- Information on the types of services available at the Health Care Facility,
- Pictures, but consent must be received by individuals in the pictures, and
- Pictures must also be appropriate within the parameters of the scope of practice.

Advertisements may not contain the following:

- Testimonials by a client or former client, friend or relative of a client or former client,
- Any reviews on social media platforms may not be reshared or edited on the Registered Massage Therapist's personal or professional page,
- Claims or guarantees about treatment that cannot be verified,
- An endorsement of a product or line of products,

- Any term, title or designation that indicates or implies the RMT is a specialist in any aspect of Massage Therapy,
- 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 based on 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
 Indication of College membership
 Services offered by RMT
 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 several modalities that can be integrated into a treatment plan by a 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 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.

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

- following the Code of Ethics, the Standards of Practice, and the Regulations,
- determining the appropriateness of the complementary modality,

- ensuring that they have the knowledge, skill, and judgment to perform the modality competently,
- performing an assessment of clients before providing the treatment,
- 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,
- obtaining valid consent before beginning treatment, and
- evaluating the ongoing status of the client and the effects of the modality on the client's condition and overall health.

No complementary modality should be performed without the proper accreditation and the necessary insurance. It is the responsibility of the massage therapist to verify with their insurance provider which modalities may or may not be covered.

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 may not be billed as massage therapy if performed on their own. However, when a complementary modality is incorporated into a broader treatment plan in which most of the care falls within the scope of massage therapy practice, it may be billed as massage therapy. 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 separate insurance coverage may be necessary for these activities.

Category A Complimentary Modalities

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

- Active Release
- 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 client/client)
- Cranial Sacral Therapy (including unwinding)
- Deep Connective Tissue
- Deep Muscle
- Esalen Tissue
- Ethics
- First Aid
- Hot Packs
- 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
- Pregnancy Massage (including prenatal and postnatal)
- Proprioceptive Neuromuscular Facilitation (PNF)
- Policies and Procedures of CMTNL
- Remedial Exercise
- Research Literacy
- Rolfing
- Self-care (for the massage therapist)
- Shiatsu
- Sports Massage
- Strain/Counterstrain
- Structural Integration
- Swedish Massage
- Therapeutic Exercise (in terms of self-care for both therapist and/or client)
- Traditional Thai Massage
- Trigger Point Therapy
- Visceral Manipulation

Category B Complimentary Modalities

Modalities considered outside of the core competencies and/or Scope of Practice but are complementary to massage therapy include but are not limited to:

- Acupressure
- Acupuncture
- Alexander Technique
- Aromatherapy
- Cupping
- Dry Needling
- Electrical Therapy Techniques including:
 - IFC
 - TENS
 - Therapeutic Ultrasound
 - Pulsed High Frequency,
 - Low Intensity Laser Therapy
- Feldenkrais
- Graston Technique™
- Gua Sha
- Guided Imagery
- Healing Touch
- Hot Stone Therapy
- Inhalation Therapy
- Meditation
- Percussive Therapy (such as massage guns, or Thumper™ massage devices)
- Pilates
- Reflexology
- Reiki (1st degree only)
- Taping and Bracing
- Therapeutic Touch
- Touch for Health

- Trager
- Yoga

Category B Complimentary Modalities also includes the study of:

- Accounting and/or Billing Procedures
- Business/Business Management
- Business Practices and Procedures in Massage Therapy
- Computers
- Insurance Practices and Procedures in Massage Therapy
- Marketing
- Public Speaking

Study in the field of healthcare or enrolment in the field of study of a health-related program such as:

- Acupuncture or Traditional Chinese Medicine, including:
 - Cupping
 - Gua Sha
 - Tuina
 - Acupressure
- Chiropractic, Kinesiology, Physiotherapy, Occupational Therapy
- Personal Training or Group Fitness Instructor, Recreation
- Osteopathy, Homeopathy, or Naturopathy
- Nursing, Nutrition, or Dietetics
- Reiki, Reflexology
- Yoga, Pilates

Policy Statement 3

Record Retention

Policy

Client records exist as a guide for the therapist as well as their associates or successors. Registered Massage Therapists, when commencing employment or entering a 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 the closing, relocation, or sale of a practice. This agreement must be in accordance with the Personal Health Information Act.

Any agreement made between or among Registered Massage Therapists, or between a Registered Massage Therapist and other health care providers or 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 out in 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 they are leaving a practice. This may be done in person, by telephone, by letter, or by public notice in the clinic for no less than 30 days. The purpose of this contact is to assist clients with the transfer of care to another provider, if necessary, and to advise them on 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 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 Massage Therapy 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 a Massage Therapy 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 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 plan 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 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 his 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 treatment. This fee must be the same for all clients. If the Registered Massage Therapist or clinic is making a change to the fee schedule, the RMT must give 30 days' notice to clients.

Guidelines

- The fee schedule 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 of the public equally; they cannot discount the amount of treatment in any form to any group or individual.
- All Registered Massage Therapists must abide by the WHSCC Act with regards to WorkPlace NL client's treatment and fees.
- All Registered Massage Therapists must abide by the Automobile Insurance Act regarding DTPR client 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 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 the *Massage Therapy Act, 2005*, only members of the College of Registered Massage Therapists of Newfoundland and Labrador (CMTNL) are permitted to use the title Registered Massage Therapist, Massage Therapist, Licensed Massage Therapist, etc., as stated in the Massage Therapy Act.

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.
- Anyone who files an application for registration with the CMTNL with a complaint will be reviewed by the Registrar to determine if the application should be referred to the Registration Committee for a decision to refuse it.
- 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 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 with the Massage Therapy Act and Massage Therapy Board Regulations.

Guidelines

The Examination Committee must:

- Offer competency examinations once a year,
- Provide exam candidates 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 about 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,
- Ensure the location of the exam must be a secure, quiet, low traffic area,
- Ensure candidates will receive their exam results within 6 – 8 weeks,
- Review every candidate's 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,
- Provide travel reimbursement for Examiners where applicable,
- Any examiner who lives outside of 100 km's from St. John's area receives \$20 per 100 km's,
- Follow pay schedules for all examiners, support staff and standardized clients, and
- Provide a budget for the exam year.

Policy Statement 8

Death of a CMTNL Member

Policy

The CMTNL Board will recognize the death of any active or inactive member of whom it is made aware.

Guidelines:

- The Board will acknowledge any active or inactive member.
- 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 extend condolences.
- Any retired member will be acknowledged if the Board is made aware of their 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 until the day it is 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:

It is the responsibility of the Registered Massage Therapist to:

- Obtain 500 hours of therapeutic massage care in the three-year period in their current province and provide proof of those hours to the CMTNL,
- Provide proof of professional liability insurance,
- Maintain the CEU requirements of the CMTNL,
- Provide documentation to the CMTNL of transfer to another province.

To receive a letter of good standing, the registered massage therapist must obtain at least 500 hours of client care in a three-year period in Newfoundland and Labrador.

This policy does not apply to individuals who choose to stay in another province after the 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 or more) instructors with a massage therapy program in Newfoundland and Labrador over the three-year cycle are exempt from the 500 hours of direct client care required for an active licence.

Guidelines:

- The registered massage therapist must be a full-time instructor in an approved massage therapy program in Newfoundland and Labrador, and provide proof of the following:
- Hands-on client care at the education institution
- Total number of teaching hours at the education institution

Policy Statement 12

New Board Members

Policy

Any new board members must serve on the board of directors for at least one year before being voted to Chair of the Board.

Policy Statement 13

Hiring of CMTNL Exam Staff

Policy

Any Registered Massage Therapist who would like to be hired for the CMTNL examinations will have to go through the hiring process with the exam committee. A resume must be submitted, at least two (2) years as a Registered Massage Therapist in good standing, and a short interview.

Guidelines

Any Registered Massage Therapist seeking employment with the CMTNL examinations:

- Cannot be affiliated with or work for an examination preparation/massage therapy school nor have had associations with a massage therapy teaching institution within the last two years.
- Will refrain from teaching any massage therapy program or examination preparation courses for two (2) years after working for the CMTNL Exam.
- Agrees to commit to one year as an examiner and sign a legally binding contract with a review at year end.
- Must be available for all examination dates and commit to attending the three exams offered and mass training.
- Must be a member in good standing with the CMTNL

Policy Statement 14

Social Media Policy

Policy

The integrity and professionalism expected of a Registered Massage Therapist as a regulated health professional must be demonstrated when posting on social media platforms.

Registered Massage Therapists must ensure that any material posted on social media platforms follows the guidelines below.

Guidelines

It is the responsibility of the Registered Massage Therapist to:

- Ensure the information posted is void of any false or misleading information.
- Conduct themselves with personal and professional integrity, whilst following the applicable Standards of Practice.
- Responsibly use social media, booking platforms and other forms of electronic communication.
- Abstain from participating in any form of conduct, advertising, or promotion that discredits or reflects poorly on the profession or breaches public trust and confidence.
- Abstain from discussing client information via social media.
- Take reasonable steps to ensure that any social media account associated with their practice (e.g., a clinic's Facebook page) is used with professionalism.

Policy Statement 15

Treatment of Family Members, Friends and other Dual Relationships

Policy

It is inadvisable, except in exceptional circumstances, to treat friends and family members, as clinical objectivity may be compromised despite a registrant's well-meaning intentions to deliver the best possible care. ***Providing massage therapy treatment to spouses and/or romantic partners is strictly prohibited.***

Dual Relationships

The College acknowledges that dual relationships may be difficult to avoid in small, rural, and other communities. Registrants are strongly discouraged from forming personal (dual) relationships with clients where there is a risk that professional boundaries may be compromised.

Guidelines

It is the responsibility of the Registered Massage Therapist to avoid dual relationships and, where possible, to refrain from treating close friends or family members. Only in exceptional circumstances may therapists choose to treat family members or someone with whom they have a close personal relationship. Exceptional circumstances may exist where:

- There is no other similar or viable healthcare provider available.
- There is a demonstrated financial hardship on the part of the client.
- The client's level of distrust and/or discomfort is such that it would be impossible for him/her to seek treatment from a practitioner whom they do not know; or

If such treatment is deemed necessary, the Registered Massage Therapist must:

- Clearly communicate to the client in a professional capacity; and
- Maintain therapeutic relationship boundaries when acting in a professional capacity.
- Acknowledge the inherent power imbalance within the therapeutic relationship and take appropriate measures to maintain professional boundaries.
- Promptly address any unintentional or inadvertent boundary crossings by the RMT and/or the client and document the matter.

Policy Statement 16

Past Chair on CMTNL Board

Policy

The immediate Past Chair of the Board shall be appointed as an ex-officio voting Director. The Past Chair acts as a resource to the Chair and the Board providing input and raising awareness of policies, process and historical perspective as appropriate.

Guidelines

The key roles and responsibilities of the Past Chair are outlined below:

- Provide guidance to the current Chair, especially in a Chair's first year,
- Participate in the orientation of the new Board Chair,
- Contribute to Board orientation for returning and new Board Members and to ongoing training for board members as needed,
- Mentor and act as a resource to new Board members,
- Mentor and act as a resource to Chair succession candidates,
- May act as a Board Executive in their absence, to act in the best interest of their committee,
- Complete other tasks as assigned by the Chair or the Board of Directors,
- May only remain in the role if they are a member in good standing with the CMTNL, and
- Complete a minimum of one (1) three (3) year term and no more than three (3) consecutive terms.

Policy Statement 17

Vice Chair on CMTNL Board

Policy

The Vice Chair is responsible for supporting the Chair, undertaking specific assignments, and can be part of the Board's leadership succession plan.

Guidelines:

The following are the key roles and responsibilities of the Vice Chair:

- Undertake the Chair's role as designated by the Chair when the Chair is not available,
- Provide advice to the Chair on Board governance and other topics as requested by the Chair or felt by the Vice Chair to be appropriate,
- Assume the Chair's role in the case of an emergency absence of the Chair until the Chair's return to duty,
- Attend Board of Directors meetings, and any assigned meetings as required,
- In the event of succession, the vice chair will take part in a mentoring plan for no less than one (1) year prior to the end of the current Chair's term, and
- While the Vice Chair may succeed the Chair, succession is not automatic and is subject to election in accordance with the Board's Governance Policies and the Corporate By-laws.

Policy Statement 18

Fitness to Practice

Policy

Any member who does not meet the physical, mental, emotional, knowledge, or skill requirements expected of a Registered Massage Therapist—whether self-reported or identified through a complaint investigation—may be subject to review.

Any condition that may impair a member's ability to practice safely, to the extent that it poses a risk to the health or welfare of clients, shall be referred to the Fitness to Practice (FTP) panel.

The following conditions may impair a member's ability to practise and include, but are not limited to:

- Physical or cognitive limitations
- Unprofessional behavior or conduct, whether within or outside professional practice
- Emotional instability or impairment
- Substance use or substance abuse

Guidelines

- A referral to Fitness to Practice (FTP) can only come from the Complaints Authorization Committee (CAC) or the Registrar following the conclusion of the complaint process.
- The FTP panel may require the member to be assessed by a licensed professional (for example, a counsellor, psychologist, or addictions specialist) and to provide an assessment report.

- The licensed professional will have access to the member's file and the complaint investigation and/or outcome decision.
- The panel will review the recommendation of the professional regarding the member's ability to safely return to practice and any restrictions or safeguards that may need to be in place.
- All costs associated with the assessment will be covered by the CMTNL so that financial means do not limit the member's return to work.

Fitness to Practice (FTP) Panel

- The panel will consist of no fewer than three (3) and no more than five (5) individuals, one of whom will be the Registrar. The remaining members of the panel will consist of both RMTs and public members. Those involved must not have been part of the Complaints Authorization Committee or the Complaints and Discipline Panel associated with the FTP referral.
- Only the recommendations of the licensed professional are reviewed.
- Changes to the complaint process outcome in the way of disciplinary action, cannot be made by the panel.
- The panel must render a decision within 14 business days from receiving the licensed professional report and recommendations.
- The decision rendered by the panel is relayed to all parties involved. A copy of the panel's decision is placed on file with the Registrar.

Policy Statement 19

Registration Status

Policy

The CMTNL has the authority, under the Massage Therapy Act, 2005, to issue a licence to practise massage therapy to a person who meets the regulatory requirements. The public has a right to know the specific status of each member's registration. To promote transparency and hold members professionally accountable for mandatory registration requirements, the College has adopted a range of registration status titles that more accurately reflect each member's standing.

These registration status titles provide the public with notice when members are not in good standing and allow insurers to determine whether a member is eligible for direct billing services.

Guidelines:

The following registration status designations are used in the Massage Therapist Registry maintained by the CMTNL:

Active Status

Indicates that the member is licensed to practise massage therapy and is in good standing with the College.

Example: The member has met all registration requirements and complies with the regulations governing practice.

Inactive Status

Indicates that the member is registered and in good standing with the College but cannot practice massage therapy.

Example: the member is on parental or medical leave

Renewal Pending Status

Indicates that the member's licence renewal is incomplete. The member is therefore not in good standing with the College and cannot practise massage therapy until the renewal is complete. This status may be held for a maximum of 14 business days, after which the licence to practise massage therapy expires.

Example: The member is late with a renewal payment, delinquent in submitting a CE portfolio, has an expired first aid certificate, has not provided a vulnerable sector check, or has not submitted proof of liability insurance. A public flag of "Renewal Pending Status" indicates that the member is not in good standing with the College and cannot practise massage therapy until the missing requirements are received by the Registrar.

Expired Status

Indicates that the member has not renewed their licence to practise massage therapy and is therefore not in good standing with the College.

Example: The member has retired from the massage therapy profession

Suspended Status

Indicates that the College has temporarily removed a member's right to practise massage therapy. This status arises from a complaints and discipline outcome at the level of the Complaints Authorization Committee.

Example: An official complaint has been filed against a member who chooses not to comply with the Complaints Authorization Committee. The member may be deemed ineligible to practice massage therapy until remediation and/or compliance with regulations are met.

Surrendered Status

Indicates that the member has surrendered their licence to practise massage therapy. To return to practice in the province, the member must meet the entry-to-practice requirements established by the CMTNL.

Example: The member has moved to an unregulated province and no longer wishes to maintain a license with the CMTNL.

Restricted Status:

Indicates that the College has restricted aspects of a member's massage therapy practice. This status arises from a complaints and discipline outcome at the level of the Complaints Authorization Committee.

Example: An official complaint involving a criminal charge of sexual harassment has been filed against a member. The Complaints Authorization Committee, based on the evidence gathered during the investigation process, places a restriction on a member's practice, preventing them from treating under certain conditions without supervision.

Revoked Status

Indicates that the College has removed a member's right to practise massage therapy. This status arises from a complaints and discipline outcome at the level of the Complaints and Discipline Panel.

Example: Upon examination of the evidence relayed by the Complaints Authorization Committee, the Complaints and Discipline Panel has deemed a member ineligible to practice massage therapy until remediation and/or compliance with regulations are met.

Policy Statement 20

Proof of Liability

Policy

The CMTNL requires members to hold valid professional liability insurance, as required under the Massage Therapy Act, 2005. Professional liability insurance is provided by the Newfoundland and Labrador Massage Therapists Association (NLMTA) and is issued to members upon renewal with the NLMTA.

Members are required to promptly submit a copy of their professional liability insurance certificate to the CMTNL upon renewal with the NLMTA. This helps prevent Registered Massage Therapists from practising without liability insurance between October 1st and April 1st of each fiscal year and reduces the risk of members providing treatment while uninsured.

Guidelines:

- Proof of liability insurance must be submitted to the College by the member on or before October 15th.
- Failure to provide proof of liability insurance will result in the loss of Active registration status and the inability to practise massage therapy.

Policy Statement 21

Responsibility to Report

Policy

Members have a responsibility to uphold public safety and to protect the integrity of the profession. As such, if a member has reasonable grounds to believe that another member has engaged in unprofessional or unethical conduct or has provided client care that falls outside the standards of practice, the member has an obligation to report those concerns to the College.

If a member has knowledge, based on direct observation or objective evidence, of conduct deserving of sanction by another member, they must report the known facts to the Registrar. If the information pertains to another health profession, the member is responsible for notifying the appropriate governing body.

Information Disclosed by a Client

If a client discloses information that leads a member to believe another member has engaged in conduct deserving of sanction, the member must provide the client with information on how to file a complaint with the College. If the client does not wish to file a complaint, the member must report the information to the Registrar and may reveal the client's identity only with the client's consent.

For the purposes of this provision, the following procedure is recommended:

- Members may make this inquiry on behalf of the client. They may also, if they wish, file a complaint on the client's behalf, and with their permission.
- Reports are preferably to be made in writing.

Regardless of the above, where a member has information regarding a specific colleague, the following points should be clarified when reporting to the College:

- Where the information concerns or arises from a specific client, the identity of that client should not be revealed.
- The member will inform the client of their responsibility to report, and that confidentiality will be maintained.

Examples of “conduct deserving of sanction” include, but are not limited to:

- Failing to apply and maintain the standard of practice unless the departure was in accordance with specific conditions,
- Insurance fraud,
- Practicing while impaired,
- Falsifying a client record,
- Accepting from, or giving to, a client any gift of a substantial nature,
- Inappropriate comments or examination procedures reflecting a lack of respect for client’s dignity or privacy,
- Verbal abuse of a client,
- Any form of sexual activity with a client, even if initiated by the client and/or consented to by the client,
- Persistent or egregious unprofessional conduct towards professional colleagues,
- Incapacity/unfitness to engage in the practice of massage.

Members meet their responsibility to report by advising the College in writing of the following:

- their name,
- the name of the member about whom they have concerns,
- the specific concern, including all known facts relating to that concern.

After reviewing the report, the College will determine whether further action is required. Further action may include, but is not limited to:

- seeking additional information from the named member,
- initiating a quality assurance review,
- initiating a professional conduct complaint, or
- taking no action.

Position Statement 1

Age of Consent

Position

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. In Newfoundland and Labrador, the age of majority is 19 years.

The issue of consent is as much about the capacity to give informed consent as it is about age. For a client to provide informed consent to treatment, they must understand the nature of the treatment, its risks and benefits, and the risks of declining treatment. In some circumstances, a person under 19 years of age may be capable of making their own health care decisions.

Registered Massage Therapists should exercise judgment in each case where a person under 19 presents for massage therapy. Legal advice may be sought in uncertain situations.

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 practise. These guidelines are intended to assist members in meeting 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 each Registered Massage Therapist from the College, confirming Active status, should be displayed in the clinic. Proper signage must also be displayed in the clinic 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 the following:

- Staff performance and conduct
Examples: job descriptions, performance appraisals, supervision of students/volunteers
- Customer service
Examples: appointment scheduling, billing, contact with referral sources, funding
- Clinic operations
Examples: treatment setting, hygiene, equipment maintenance, safety
- Legal requirements
Examples: consent for treatment, release of records, termination of employment agreement.

All policies and procedures must comply 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 3

Practicing Prior to Registration

Under the Massage Therapy Act, 2005, massage therapy provided during client treatment is a regulated activity in the public interest. Only members of the College of Massage Therapists of Newfoundland and Labrador are permitted to use the titles Registered Massage Therapist, Massage Therapist, Certified Massage Therapist, and similar protected titles.

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.

Position

Massage therapy students or graduates who have not yet taken, or who have failed, the certification examinations are not members of the College. The College believes it is not in the public interest for students or unregistered graduates to practise massage therapy before they are registered. The College recommends that any offer of employment be conditional upon registration and that employment begin only after the therapist is successfully registered.

The College advises Registered Massage Therapists that they may not supervise the work of an unregulated individual and bill that service as massage therapy, and that they should not allow unregistered students or graduates to work as massage therapists in their practice.

If the College receives a complaint about the practice of a massage therapy student or graduate who is, or has been, practicing before being registered, the information will be investigated to determine if the student has contravened the title provisions of the Massage Therapy Act, 2005.

When the student or graduate files an application for registration the complaint will be reviewed by the Registrar to determine if the application should be referred to the Registration Committee for a decision to refuse to register the applicant or to impose terms, conditions, or limitations on the certificate.

The Registration Committee will consider the individual's decision to practice massage therapy while unregistered and may determine that the individual has not adhered to the four Principles of the Code of Ethics and does not meet the registration requirement to demonstrate that he/she has the required judgment to practice safely and ethically.

Position Statement 4

Treatment of Sensitive Areas

Position

Clients are entitled to make an informed choice about 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 the expected frequency and duration of treatment, proposed draping and positioning, the risks and benefits, alternatives to treatment or draping, and the right to refuse at any point throughout the care plan.

The chest wall musculature, breast tissue, inner thigh, and gluteal region may be considered sensitive areas of the body and may be vulnerable to both misunderstandings of intent and actual sexual abuse. It is the College's position that, when treatment of sensitive areas is proposed, 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 the chest wall musculature, breast tissue, inner thigh, and gluteal structures that exceeds reasonable professional practice may be concerning to the public and the College and may be grounds for allegations 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 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 hold a certificate of registration issued by the College are entitled to use the protected titles that identify their registration with the College. The College recommends using the protected title as the member's primary means of indicating professional status in Newfoundland and Labrador in connection with the practice of the profession.

The College recommends that academic degrees or certificates from recognized universities, colleges, and private vocational schools be used after, and in conjunction with, the member's protected title. The order in which protected titles and academic credentials are used should be appropriate to the member's role.

If a member is working as a Registered Massage Therapist, the College recommends that the protected title be used before academic credentials. If the member is working in an educational or other setting, it may be more appropriate to use academic credentials first.

The use of any other title, trademark, or designation that indicates or implies that 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 following the Standards 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 states 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 protected titles.

Section 9(3) of the *Massage Therapy Act, 2005*, forbids anyone who is not a registrant of the College from using the titles “Massage Therapist”, or an abbreviation or variation of that title:

Massage Therapist: MT
Massothérapeute

Registered Massage Therapist: RMT
Massothérapeute Inscrit(e)

Massage Therapy

Licensed Massage Therapist: LMT

Massothérapie

Therapeutic Massage
Massage Thérapeutique

The College recommends the use of the protected title (RMT or MT) as a registrant’s primary means of indicating their professional status in Newfoundland and Labrador in conjunction with their practice of the profession.

The use of any other title, term, or designation that indicates or implies that the registrant 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 in compliance with the Standards of Practice. Reference to these courses, or the title conferred by the completion of them, should not be used by the registered members of the College.

The public may misinterpret these other titles as specialized fields of knowledge with established professional standards of practice and licensing regulations.