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## **Registration/Administration:**

### **What notification does the College want when I change my business or home address?**

The College does not accept changes of address over the telephone. All changes in primary business location and/or home mailing addresses must be sent to the College in writing. Emails, facsimiles and regular mail are all accepted.

### **Can I have an extra certificate for my secondary practice?**

No. The Certificate of Registration must be displayed at your primary business location. Only one certificate is issued to each registrant and it remains the property of the College of Massage Therapists of Ontario. This certificate may not be transferred, photocopied or duplicated in any manner. This certificate must be returned to the College when a member's registration expires or is revoked along with the I.D. card.

### **What do I have to do to change my name with the College?**

If you have had a recent legal name change due to a change in marital status, or any other reason, you must officially change your name with the College. Your current certificate and ID card must be replaced to reflect this change. The name appearing on your certificate and ID card must match your name on the register. Your name will not be officially changed unless the following are sent to the College:

1. Proof of your name change such as a photocopy of a marriage certificate, current driver's license, or court document,
2. Payment for certificate and ID card replacement (see fee schedule)
3. Your original wall certificate and ID card (they are property of the College),
4. One new citizenship-size color photograph (1 1/4" x 1 1/4").

### **Can I give you my credit card number over the telephone?**

The only way the College can accept a credit card payment is to have the cardholder's signature. You may fax your credit card number to the College with your card expiry date, the cardholder's name, and signature. Please note that you may not authorize (sign for) a credit card payment unless it is your card. If you are using someone else's card, the College requires the person's signature and written authorization to charge their card.

### **Do I have to inform the College of my home address?**

The College's Regulations state that every member must notify the College of the name and address of their primary place of business, principal place of residence and the addresses and telephone numbers of all locations in which the member practices the profession. Home addresses and telephone numbers are strictly for office use and are never given out to the public or insurance companies unless that home address is your primary business address. If you work from your home, you must, by law, submit your home address, as it is also your primary business address.

### **Why is there no more College Directory?**

The directory is expensive to produce and therefore can only be printed once per year.

The College has determined that an electronic solution will save the College money while ensuring that member information and address changes will be updated as soon as the College receives the information. Stakeholders, including the public, insurance companies and members will always have access to the most current information. This "Register" of members is accessed on the College's website by clicking on "Search for an MT" on the main page of the College's website at [www.cmtto.com](http://www.cmtto.com).

### **Why must I pay the College so much money in Registration fees?**

Massage Therapy is a self-regulating profession which is completely self-supporting like the other regulated health professions in Ontario. The government only provides funds for fees of public members who sit on Council. Massage therapist's fees are the sole source of funding for College's programmes, many of which are mandated by the RHPA. As a not-for-profit organization the College endeavours to keep the fees as low as possible while providing the greatest amount of professional guidance to members and information about massage therapists and practice standards to the public of Ontario.

Examples of other Colleges' 2008 fees are as follows:

College of Respiratory Therapists -- \$500.  
College of Dieticians -- \$500.  
College of Chiropractors -- \$850.  
Royal College of Dental Surgeons -- \$1,750.  
College of Opticians -- \$721.  
College of Occupational Therapists -- \$690.43  
College of Physiotherapists -- \$600.

The College believes that members' fees are at a reasonable level.

### **How often is the College Standard published?**

The College Standard is produced 2 times a year in electronic format.

### **What publications does the College have?**

Visit our Media: [television](#) , [radio](#) and [print](#) section on the College's website to see what the College has to offer. Examination results are available in the College's newsletter, the "College Standard".

### **I've decided that I no longer want to be a member of the College. Do I need to do anything?**

If you have decided that you are going to leave the profession, do not assume that that all you need to do is not renew your Registration. If you fail to renew your Registration, the College will send you a letter in January saying that it intends to suspend your Certificate of Registration for non-payment of fees. This will be followed by a suspension letter sixty days later. If you have still not paid the fees owing after two years, your Registration will be automatically revoked as specified in s. 12 (3) Ontario Regulation 864/93 as amended to Ontario Regulation 234/05. To avoid possible suspension, please send a signed letter of resignation to the College. This will allow you to leave the profession without a notice of default of payment on your record.

The College will accept signed resignations only in writing since this avoids malicious or fraudulent changes in members' registration status.

### Certificate and ID

You must return your certificate and ID card when you resign from the College. You may, however, wish to keep them as mementos of your massage therapy career. In that case, after to have returned them to the College you can request to have them returned to you. The College will add the word "Retired" to the documents and will return them to you.

### Re-Registering with the College

The College will securely destroy your member file two years after you resign but will keep your electronic record indefinitely. If you decide at a later date to re-register, you must file an application and meet the registration requirements in effect at the time you apply, including proving that you have substantially equivalent education. You will also have to prove that you meet the practice requirement and, if you have not been practising in another jurisdiction, you will probably be required to complete a refresher course. You would then be eligible for registration (no examinations required).

### Use of Title

We caution you that once you resign from the College you are no longer Registered and are no longer entitled to use the protected title "massage therapist", or to add the initials MT or RMT after your name, and you may no longer hold yourself out as a massage therapist in Ontario. If you are moving to another province or country the regulations of that jurisdiction will apply to you.

### **Where can I access a list of all the Massage Therapy Schools in Ontario?**

There is a list of all the current Massage Therapy educational facilities in Ontario on the main menu of the College's website. Click on "Becoming a Registered Massage Therapist". In the submenu click on "Massage Therapy Education in Ontario" and a page will open with a list of massage therapy schools. The direct link is <http://www.cmto.com/school/school1.htm>

### **I am interested in serving or becoming a part of one of the College Committees. How can I do this?**

If you are a member of the College and are interested in serving on one of the College's committees, there is information on the College's website under "Members" in the main menu. From there, click on "Non-council members" in the submenu. A page will open which outlines what is involved with being a non-council member and what the responsibilities of that role are. The direct link is <https://www.cmto.com/member/nc.htm>. Members can apply by e-mailing a resume to the College.

### **I am interested in taking the Professionalism workshop that the College offers, how do I register for that?**

Go to <http://www.cmto.com/member/work.htm> for more information on Professionalism workshops.

## **Regulatory Requirements:**

### **Do I have to maintain current CPR and First Aid if I am a member?**

Current CPR and First Aid Certificate submissions are required for examination candidates and initial registration only.

### **What happens if I do not want my business address given out to members of the public?**

The register shall contain each member's name and business address (RHPA, The Code, S.23 (2)(A)(3)1).

### **Do you put advertisements in your newsletter? Do you have job postings?**

No. The mandate of the College of Massage Therapists of Ontario as specified in the *Regulated Health Professions Act, 1991* is to protect the public interest by developing programmes that encourage and guide Massage Therapists to practice safely and ethically.

### **Who licenses Private Career Colleges and Community Colleges permitting them to operate massage therapy programmes?**

The Ministry of Training, Colleges, and Universities is responsible for licensing schools. The College of Massage Therapists is only consulted on whether the proposed academic programmes meet the College's Massage Therapy Competency Standards.

### **The owner of the clinic who is not a member of the College is asking me to do something that is contrary to the Regulations of the College. Can they do this?**

Business owners frequently have business demands that may run contrary to the provisions of the *Regulated Health Professions Act, 1991*. As a member of the College, the Massage Therapist is expected to uphold the Regulations of the College regardless of contrary demands. It is suggested that the Massage Therapist discuss their obligations with the business owner to determine if there are ways to satisfy the responsibilities and needs of both parties.

### **How do I get a new copy of the Regulations?**

Regulations and other pertinent information can be downloaded from Service Ontario at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) or through this website on the "Links" page.

### **What are the College's Regulations for massage therapists regarding their place of employment?**

Massage Therapists are required to uphold all the College's Regulations and policies regardless of the type of setting worked in. Professional judgment must be used to determine how to manage issues arising in the workplace in accordance with professional obligations. While College policies and Regulations are intended to govern the conduct of massage therapists in relation to their clients, implementation of them may have unintended effects on the workplace and the relationships between the associates of the clinic.

### **Where can I get access to the Massage Therapy Act or the Regulated Health Professions Act?**

These Acts can be accessed online through Service Ontario at <http://www.e-laws.gov.on.ca>. This website provides access to all legislation in Ontario as well as information regarding the process for

approving legislation. Once in the website, click on the "search or browse current or consolidated laws" button and this will bring up a search window. Legislation is stored in alpha order. For example, to locate the *Massage Therapy Act, 1991*, click on 'M'. You will also note the "+" sign to the left of the Act. If you click on this "+" sign, all Regulations associated with that Act will open. The College's professional misconduct Regulations are found by clicking on the "General" Regulation.

### **Where can I find the information on the College's Professional Misconduct Regulations?**

The College's Professional Misconduct Regulations are found by locating the *Massage Therapy Act, 1991*, by clicking on 'M' in the Service Ontario e-laws site, [www.e-laws.on.ca](http://www.e-laws.on.ca). You will also note the "+" sign to the left of the Act. If you click on this "+" sign, all Regulations associated with the Act will open. The Misconduct Regulations are found in the General Regulation (O.Reg. 544/94, section VIII). The direct link is [http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_940544\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_940544_e.htm).

## **Advertising/Discounts/Fee:**

### **Does the College have a guideline on standard fees for massage therapy services?**

The College does not offer any guidelines for fees. However, Massage Therapists may not charge or accept a fee or amount that is excessive or unreasonable in relation to the services performed or charge a fee in excess of the posted fees, without the prior agreement of the client. However, the Registered Massage Therapists' Association of Ontario (RMTAO) which is the professional association, does offer a fee guideline that is available to Massage Therapists and the public. This information can be accessed through the RMTAO's website at [www.RMTAO.com](http://www.RMTAO.com).

### **Can I charge a different fee from my posted fee?**

According to the *Massage Therapy Act, 1991* a member can charge a fee that is less than their posted fee as long as they note the amount charged and reason for the fee in the client's record. Members can also charge a fee that is greater than the posted fee with the client's prior consent. Please refer to Standard 2 - Inform the Client of the Fees and Obtain His/Her Agreement to a Fee Schedule and s. 26 paragraphs 31 – 36, Business Practices, of Ontario Regulation 544/94 as amended.

### **Can Massage Therapists provide discounts/promotions/free giveaways to clients?**

Massage therapy is a regulated healthcare profession in Ontario. The advertising of any type of discount/free giveaway is considered an inappropriate method to promote a practice and contributes to a sense that massage therapy is a service and has a value that can easily be discounted. The fact is that Registered Massage Therapists are responsible for providing high quality, safe and ethical care and in order to provide this they are often only able to treat a limited number of clients per day. Massage Therapists must also engage in a certain amount of continuing education on a regular basis to keep their knowledge and competence current. These two reasons make it difficult for massage therapists to advertise discounts. There is also a concern that if a discount were to be applied, the client paying the reduced fee may not receive the same attention and time that a client paying the full amount might receive.

The cost of the massage treatment is only one factor in the selection of a Massage Therapist and should not be the only piece of information considered by the public when choosing a Massage Therapist. Massage Therapists are encouraged to provide information about Regulation and how it helps to assure the public that they will receive safe and ethical care, through their advertisements. Please refer to the College's Advertising Policy at <http://www.cmta.com/regulations/adback.htm> and the Advertising Regulation (Part II Advertising) found at: [http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_940544\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_940544_e.htm)

### **What are the advertising guidelines for Massage Therapy?**

The College has a policy and Regulation on advertising. Please refer to:

<http://www.cmta.com/regulations/adback.htm>. Please refer to the College's Advertising Policy at <http://www.cmta.com/regulations/adback.htm> and the Advertising Regulation (Part II Advertising) found at:

[http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_940544\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_940544_e.htm)

One key feature of the policy is that advertisements may not make any reference to a discount or free giveaway in relation to receiving massage therapy care.

### **What are the average rates/fees charged by Massage Therapists and are they same across Ontario?**

The fees charged by Massage Therapists must be reasonable. Section 26, paragraph 31 of Ontario Regulation 544/94 as amended states that it is an act of professional misconduct for "Charging or accepting a fee or amount that is excessive or unreasonable in relation to the services performed". Paragraph 32 states that it is an act of professional misconduct for, "Failing to post, in a location within the practice premises that is readily visible to members of the public, the fees for professional services provided by the member". For a fee schedule, please refer to the Registered Massage Therapists' Association of Ontario's (RMTAO) website at [www.RMTAO.com](http://www.RMTAO.com).

## **Business Concerns and GST:**

### **Am I required to collect GST?**

All Massage Therapists with annual gross income exceeding \$30,000 are required to have a GST number and therefore pay GST annually. The best source of information regarding all details of GST collection and remittance is the Canada Revenue Agency website. Specifically, if you are looking for information on how to obtain a GST number, you can look at <http://www.cra-arc.gc.ca/E/pub/gm/2-1/2-1-e.html>.

### **Where can I get information about GST collection and procedures?**

Providing information regarding GST is not within the College's mandate. Excellent information on this topic is provided by the Registered Massage Therapists' Association of Ontario (RMTAO) at [www.RMTAO.com](http://www.RMTAO.com) and the Canada Revenue Agency website at: <http://www.cra-arc.gc.ca/menu-e.html>. Massage therapists should also obtain the services of an accountant for advice how to collect and pay for GST. Some accountants will include GST remittance in their services.

### **Will Massage Therapists have to pay the new Harmonized Sales Tax (HST)?**

Massage Therapists will be required to collect HST. However, this does not come into effect until July 1st, 2010. For further information regarding HST and its collection, please refer to the Canada Revenue Agency website at <http://www.cra-arc.gc.ca/menu-e.html>.

### **Can the College help me review the employment contract the employer wants me to sign?**

Contractual or business concerns do not fall within the mandate of the College. Whenever reviewing a contract or business agreement, Massage Therapists are advised to review their legislative requirements and consider how they can be implemented in relation to the business needs of the environment, especially in the situation where they may be working for/with an establishment that is not owned by regulated health professional. The Registered Massage Therapists' Association of Ontario (RMTAO) is a source of information or advice regarding the best practice when establishing a contract or business

agreement. Massage therapists are encouraged to seek legal advice from a lawyer familiar with the *Regulated Health Professions Act, 1991* and other relevant health law in Ontario.

### **Does the College have a template for a privacy policy that I can use?**

The College does not provide privacy policy templates because privacy policies must be developed in conjunction with the operating processes and policies of the business. Guidelines which will help Massage Therapists create their Privacy policies are found on the College's website at: <http://www.cmta.com/member/Privacy.htm> and <http://www.cmta.com/member/Privacy2.htm>

Information can also be found on the Information and Privacy Commissioner of Ontario's website, <http://www.ipc.on.ca>, which provides information on both the provincial privacy legislation, *Personal Health Information Protection Act, 2004* (PHIPA) and the federal privacy legislation, *Personal Information Protection and Electronic Documents Act, 2000* (PIPEDA). These pieces of legislation outline statutory requirements in relation and privacy of client personal and personal health information.

### **What do I need to know about working from my home?**

All the Regulations, Standards of Practice, policies, position statements and guidelines apply regardless of whether the massage therapy practice is located in a home, a spa or a mobile clinic. Refer to Standard 1 - Prepare the Treatment Area. Client health records and files must be kept in accordance with applicable Regulations, Standards of Practice, and policies, even working off-site such as when visiting a client's home for the treatment. Review all of the Standards and policies on the College's website at <http://www.cmta.com/regulations/standard.htm>. Regulations can be viewed at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

## **Conflict of Interest and Dual Relationship:**

### **Are Massage Therapists permitted to enter into a relationship with their clients outside of the therapeutic relationship?**

Having any type of relationship with a client outside of the therapeutic relationship is considered a dual relationship. Dual relationships are risky in that the potential for conflict of interest and abuse increases greatly as the principle of client-centered healthcare is jeopardized. The College has a position statement called, "Post-termination Relationships" regarding this issue. It can be accessed on the College's website at: <http://www.cmta.com/regulations/terminat.htm>. The position statement specifically refers to dual relationships of a sexual nature. The position statement discusses the importance of professional boundaries and how they are essential to maintaining client-centered care. It is the opinion of the College that dual relationships are to be avoided. Having a sexual relationship with a person while they are also a client is NEVER permissible. More information can be obtained by referring to the College's bulletin entitled, "Preventing Sexual Abuse" which can be downloaded from: <http://www.cmta.com/regulations/Bulletin.htm>

### **Are Massage Therapists permitted to treat family members?**

The College currently does not have a specific Regulation or policy on Conflict of Interest. Massage Therapists must use their professional judgment if treating family members. Treating a family member is considered a dual relationship and is often perceived as a conflict of interest, whether or not an actual conflict of interest exists. If treating a family member, Massage Therapists must make sure they are able to provide objective, client-centred care and ensure that all regulatory requirements are upheld. i.e. maintaining client confidentiality, applying the Standards of Practice. Many insurance companies have their own policies about this issue and may not reimburse claims submitted, particularly if the Massage Therapist and the client reside at the same address. Massage Therapists are responsible for their decision to treat a family member and must be prepared to explain their rationale for doing so.

## Leaving a Practice:

### **If I leave my current practice, what are my responsibilities to my clients?**

When a Massage Therapist decides to leave a practice, clients must be informed and arrangements must be made for the continuance of any necessary treatment.

Please refer to the College's policy on Record Retention at: <http://www.cmta.com/regulations/retent.htm> for information on managing the client files. The policy states:

The departing massage therapist has a responsibility to contact clients and notify them that he/she is leaving the practice. This may be done in person, by telephone or by letter. The purpose of this contact is to assist the client with the transfer of care to another provider, if necessary, and to advise them of how they can access their health record in the future."

In the event that the business owner will not permit the Massage Therapist to personally contact the clients, the therapist can make an arrangement to have someone from the clinic contact the clients to assist them with continuity of care. Massage therapists are advised that failure to make arrangements for continuing care that is needed is considered to be abandonment of a client and may be grounds for charges of professional misconduct. The professional misconduct regulations can be accessed on the e-laws (Service Ontario) site at: [http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_940544\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_940544_e.htm) .

### **What happens to my client files if I leave my current practice?**

Section 11 (5), Part III Records, of Ontario Regulation 544/94 as amended ([http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_940544\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_940544_e.htm)) states:

11. (5) "every client health record shall be retained for at least 10 years following,
- (a) the client's last visit; or
  - (b) if the client was less than 18 years old at the time of his or her last visit, the day the client became or would become 18 years old.

It is the RMTs' responsibility to ensure that their client's files are maintained in accordance with Regulation. This can be done by either retaining possession of the files personally, or in the case of a clinic retaining possession, ensuring that the RMTs have a copy of the original file or appropriate access to the files for the duration the Act specifies. Also, as mentioned in the previous question, it is important that all clients are made aware that they can access their files at any time should they wish to have a copy.

### **Am I allowed to sell my practice?**

Massage therapists are permitted to sell their practices. The College does not provide advice on how to go about selling a practice. Massage Therapists should speak to a lawyer, accountant or business consultant. However, when selling a practice, Massage Therapists must take particular care around the managing of client health history files. Refer to the policy on Records Retention at: <http://www.cmta.com/regulations/retent.htm>. It is important to remember that client files, while in the therapist's possession, are still the property of the client, and therefore cannot be "sold", only transferred. Information can also be obtained from the Ontario Massage Therapists Association (RMTAO) at [www.RMTAO.com](http://www.RMTAO.com).

**The employer/owner says I can't let my clients know that I am leaving or where I am going because they consider it to be solicitation of clients and they may sue me. Is this true?**

As a regulated health professional, Massage Therapists are required by the *Massage Therapy Act 1991* to notify all their clients of their intent to leave an existing practice. Failure to do so could be perceived as abandoning clients which is considered professional misconduct. The College also requires Massage Therapists to make arrangements with clients for continuing care that is needed. Simple provision of this important information may not necessarily be solicitation. If there is a concern, Massage Therapists are advised to make an agreement with the owner to have someone else from the clinic contact the clients to let them know the Massage Therapist is leaving the clinic and to make arrangements for continuing care and possible transfer of health history records. Refer to the Record Retention policy at <http://www.cmta.com/regulations/retent.htm>.

## **Modalities:**

**What distinguishes RMT's from other people who offer massage or massage related therapies?**

Massage Therapists in Ontario go through an extensive training program, concluding it with Certification Examinations which if successful, permit them to become registered with the College of Massage Therapists of Ontario and to use the protected title of Massage Therapist or Registered Massage Therapist (they mean the same thing). Massage Therapists are governed by the provisions of the Regulated Health Professions Act, 1991 (RHPA) in Ontario. Being a "member" or "Registered" with the College means that Massage Therapists are held accountable for the care they provide through the College of Massage Therapists of Ontario which is the Regulator (not an educational facility) of the profession. Regulation is very important to the public's safety and well being. Members of the public can feel more secure when choosing a Registered Massage Therapist knowing that they have the necessary training and accountability to ensure the highest quality standards and the safest and ethical treatment of their clients.

**Can I provide complimentary modalities as a massage therapist?**

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.

Section 3. of the Massage Therapy Act, 1991 states:

“The practice of massage therapy is 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.”

There are a number of 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 generally accepted practice of the profession.

Therapists ought to be given a 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:

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.

Massage Therapists 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.

### **How do I find out if a particular technique or modality is within the scope of practice of Massage Therapy?**

In the interest of client safety and to help ensure the competence of members, massage therapists are expected to practice within their scope of practice and are expected to use their professional judgment when deciding to use a particular modality. The scope of practice is a description of the expertise and training of the profession. The massage therapy scope of practice is found in section 3 of the *Massage Therapy Act, 1991*. [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_91m27\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_91m27_e.htm)

It is expected that when providing care, Massage Therapists rely on the Massage Therapy Competency Standards (the profession's knowledge base which can be accessed on the College's website at: <http://www.cmta.com/about/Compstand.htm>) obtained through their massage therapy training to determine the appropriate treatment plan for the client, based on the assessment. If, while developing the treatment plan, it is determined that a modality, not originally taught in the massage therapy program is more appropriate, the massage therapist must consider several factors before proceeding. The first thing that needs to be considered is whether or not the particular modality is the best choice for treatment for the client and why. Massage Therapists **must** then consider whether the new technique will provide an assessment of the soft tissue and joints of the body, treat and prevent physical dysfunction of the soft tissue and joints, develop, maintain, rehabilitate or augment physical function, or relieve pain through the use of manipulation. If the answer is affirmative then it can be argued that this new technique fits within the scope of practice and the Massage Therapist can proceed once they have received informed consent from the client.

### **Is acupuncture considered within the massage therapy scope of practice, and if so, can I do acupuncture and include it in a massage therapy receipt?**

Acupuncture can be practised by Massage Therapists only if it is provided within the massage therapy scope of practice and the Massage Therapist has successfully completed acupuncture training that has been approved by the College. Refer to the policies on Acupuncture <http://www.cmta.com/regulations/acupuncture.htm>

and Approved Acupuncture Educational Training Programs  
<http://www.cmta.com/regulations/acupuncture2.htm>

A massage therapy assessment must first be conducted in accordance with the Standards of Practice. If it is determined that acupuncture is an appropriate treatment for the presenting soft tissue condition, the massage therapist can incorporate this into the treatment plan design. Acupuncture becomes a modality used in the treatment. Because the Acupuncture policy requires acupuncture to be provided only within the scope of practice of the profession, acupuncture cannot be used for smoking cessation, for example. Massage Therapists must also provide acupuncture in accordance with [Standard 2 Perform an Acupuncture Treatment](#) of the Additional Technique Standards. If acupuncture is performed within the massage therapy scope of practice and in accordance with the Standards of Practice, it may be billed as massage therapy.

Massage therapists may not use the title Doctor of Acupuncture, an abbreviation or variation in another language as that title will be reserved only for members of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario. If massage therapists want to provide acupuncture outside the scope of practice of massage therapy, they must become members of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario. <http://www.ctcmpao.on.ca/>

## **Motor Vehicle Accident and other Insurance:**

### **Can the College provide information on the Motor Vehicle Accident Insurance claims process?**

No, the College does not provide information regarding MVA insurance claims. This information can be found through the Registered Massage Therapists' Association of Ontario (RMTAO) at [www.RMTAO.com](http://www.RMTAO.com) or through the Financial Services Commission of Ontario, specifically, the Health Claims for Auto Insurance (HCAI) website found at <http://www.hcaiinfo.ca/index.asp>. This website contains all pertinent information dealing with MVA claims.

## **Record Keeping and Receipts:**

### **Is there a difference in the receipts I provide based on practice type and location I am working at?**

The information to be recorded on receipts remains the same regardless of the practice type and location of the practice. You can refer to the College's policy on receipts at [www.cmta.com/regulations/receipt.htm](http://www.cmta.com/regulations/receipt.htm) to review the types of information that must be included on a receipt.

### **Should I write a receipt for someone redeeming a gift certificate?**

A receipt must be provided any time a payment is made to record details about the transaction. A receipt must be an accurate record of the transaction that took place. It is considered unusual to provide a receipt for redemption of a gift certificate because no payment was provided (the money would have been provided to purchase a gift certificate). If a receipt is provided there should be no dollar value given to the receipt and the receipt should state in the amount paid section "gift certificate redeemed". Refer to the policy on receipts at <http://www.cmta.com/regulations/receipt.htm>.

### **Must I retain custody of the files even when I leave a practice?**

The answer depends on what the contract with the clinic associates specifies about custody of files. Section 11 (5), Part III Records, of Ontario Regulation 544/94 as amended ([http://www.e-laws.gov.on.ca/html/regis/english/elaws\\_regs\\_940544\\_e.htm](http://www.e-laws.gov.on.ca/html/regis/english/elaws_regs_940544_e.htm)) states:

11. (5) "every client health record shall be retained for at least 10 years following,  
(a) the client's last visit; or

(b) if the client was less than 18 years old at the time of his or her last visit, the day the client became or would become 18 years old.

It is the Massage Therapist's responsibility to ensure that their client's files are maintained in accordance with Regulation. Regulation does not specify that the Massage Therapist must maintain possession of the health history records they created, only that they must be able to access them if necessary and that the files are maintained in a secure and confidential manner.

Maintaining access can be achieved in a number of ways such as by obtaining a written agreement indicating that the clinic will retain custody of the file, but will give the Massage Therapist access upon their written request for a period of 10 years. Custody of the files is a civil matter that does not involve the College. These types of disputes must be solved through your lawyer. For further information on what to do with client files upon leaving a practice, please refer to the policy on record retention found at <http://www.cmta.com/regulations/retent.htm>. Personal health information in the files must also be managed in accordance with the clinic's Privacy Policy.

## **Client Relations:**

### **I have a client who is behaving inappropriately, what can I do?**

In cases of **abusive** behaviour, massage therapists must discuss their concerns the client and let the client know that they will be unable to continue treatment if the abusive behavior continues. Refer to Standard 16 - Discharge a Client, at <http://www.cmta.com/regulations/standard.htm>. Massage Therapists are advised that it is professional misconduct to fail to make arrangements for continuing care that is needed when they are discharging clients from their practice. The professional misconduct regulations can be accessed on the e-laws (Service Ontario) site at: [http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_940544\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_940544_e.htm)

### **Can I limit my practice to only females or only males?**

Massage Therapists are expected to uphold Principle 1 - Respect for Persons, of the College's Code of Ethics, which speaks to the commitment to practice without discrimination. Massage Therapists are also responsible for upholding the provisions of Ontario's Human Rights Code [www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90h19\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h19_e.htm) This Code applies to all residents of Ontario and states:

"Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability".

As regulated healthcare professionals, Massage Therapists must treat all clients and potential clients equally and fairly and without discrimination.

### **Can I accept tips?**

The College has recently received a number of calls of complaint from massage therapists, other health care professionals and members of the public regarding tipping. While the College currently does not have a formal position on tipping, members are asked to carefully think about how accepting a tip contributes to the perception that massage therapy is not a regulated healthcare profession, but part of the service industry. The College is working with other provincial associations toward a future where

massage therapy is regulated across Canada, with national competency standards, and is respected and valued as a provider of safe and effective healthcare to all Canadians. Accepting tips is not in keeping with this vision.

Some of the tipping scenarios recently reported to the College included envelopes being handed to the client with strong suggestion that a tip was expected and to be placed in the envelope upon payment. Other scenarios included reports from massage therapists who heard media broadcasts discussing how much to tip the massage therapist as though it was a customary and established tradition. Tipping is not an established tradition in the profession and has only begun to increase through the association of massage therapists with spas. The Client Relations Committee of the College will be reviewing tipping with the view to creating policy.

## Resource List

| <u>Resource</u>  | <u>Description</u>   |
|--|--|
| <a href="http://www.RMTAO.com">www.RMTAO.com</a>               | Information regarding the <b>day to day practice</b> of a RMT, ex. fee schedule, GST, business contract issues).   |
| <a href="http://www.e-laws.gov.on.ca">www.e-laws.gov.on.ca</a> | Listing of all Ontario legislation, including <b>The Massage Therapy Act (MTA), The Regulated Health Act (RHPA), The Personal Health Information and Protection Act (PHIPA)</b> , etc.   |
| <a href="http://www.ipc.on.ca">www.ipc.on.ca</a>               | Office of the Information and Privacy Commissioner of Ontario which deals with the protection of personal privacy in Ontario, including privacy of personal health information. Offers many useful guidelines regarding personal health information privacy, including that of <b>client files</b> . |
| <a href="http://www.cra-arc.gc.ca">www.cra-arc.gc.ca</a>       | Canada Revenue Agency which offers valuable information regarding <b>GST/HST issues</b> , as well as information regarding <b>income tax</b> obligations.  |
| <a href="http://www.hcaiinfo.ca">www.hcaiinfo.ca</a>           | Health Claims for Auto Insurance Information Resource site which offers health care providers valuable information and aid when working with <b>MVA claims</b> .   |
| <a href="http://www.wsib.on.ca">www.wsib.on.ca</a>             | Workplace safety and Insurance Board which offers valuable information regarding <b>WSIB claims</b> .  |
| <a href="http://www.fsco.gov.on.ca">www.fsco.gov.on.ca</a>     | Financial Services Commission of Ontario which deals with general information regarding <b>auto insurance</b> , including filing guidelines for auto insurance.  |
| <a href="http://www.health.gov.on.ca">www.health.gov.on.ca</a> | Ontario Ministry of Health and Long-term Care which provides information for health care providers in the event of a provincial <b>health crisis/pandemic</b> .  |
| <a href="http://www.lsuc.on.ca">www.lsuc.on.ca</a>             | The Law Society of Upper Canada which offers information regarding <b>locating a lawyer</b> .  |

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| <a href="http://www.regulatedhealthprofessions.on.ca">www.regulatedhealthprofessions.on.ca</a> | Federation of Health Regulatory Colleges of Ontario.                                 |
| <a href="http://www.ctcmpao.on.ca/">http://www.ctcmpao.on.ca/</a>                              | College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario. |
| <a href="http://www.hprac.org">www.hprac.org</a>   | Health Professions Regulatory Advisory Council (HPRAC).                              |