

the College STANDARD

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from the PRESIDENT



By this time you will all have received a copy of the Strategic Plan for the Profession. The College, OMTA and the schools have created a management team to develop a common strategic plan to move the profession forward towards an economically viable future with a compelling identity and as a valued member of the health community.

This is a process that will evolve over the next several years with the active contribution of all RMTs. We have recently completed a branding project with the assistance of a professional agency to create a dynamic new look for the profession. All the pillars of the profession will utilize this brand for their own purposes and will incorporate it into their communications, both internally and externally. This branding will emphasize the common purpose and goals for the profession and hopefully be a part of developing a clear and compelling identity.

A great deal of time, thought and dialogue has been devoted to this exercise in branding and you have been a part of this process. Various templates for the brand were put forth for you to comment upon and your response was overwhelming. More than 2,500 RMTs took part and provided us with a valuable tool to make a final decision. The public, both those who have had massage and those who have not, were also surveyed to gain their input into our decision-making. Once a final choice for the branding is made, all members of the consortium will incorporate this into their own communications. The next step in this process will be to identify a comprehensive communication strategy, utilizing a wide variety of media for both the short term and the long term. We look forward to your input here as well.

The second project for the Strategic Plan has also been recently launched – a comprehensive survey of compensation. This survey is strictly confidential and no one will have access to an individual's information. The results of this survey will form the base to measure the progress and effectiveness of our Strategic Plan to strengthen the economic viability of the profession. We have also been pleased to support the new pricing structure for joining the OMTA. The greater the number of RMTs that join the association, the greater will be its voice in promoting and advancing the goals of the profession.

Over the next year a number of exciting new initiatives will be undertaken to move our profession forward. We will need your support and we encourage your participation. We are all in this together.

A handwritten signature in black ink that reads "W Peter Roach". The signature is written in a cursive, flowing style.

Peter Roach, BA, RMT



from the REGISTRAR



Massage Therapy Act, 1991

For the first time since the inception of the *Regulated Health Professions Act, 1991* and the profession specific Acts, the *Massage Therapy Act, 1991* is being amended at the request of the College. Two key sections will change.

The first is Restricted Titles, Section 7, which specifies the restricted titles reserved for the profession. Prior to this time the title specified was “massage therapist,” a variation or abbreviation or an equivalent in another language. At the College’s request the title “registered massage therapist” is being added to the Act to consistently reflect the common usage of the term “registered” by the profession. In maintaining “massage therapist” as a specifically restricted title, the College will be able to continue effectively dealing with unregulated practitioners.

The second is Council Composition, Section 5, which provides for the composition of the College’s governing Council. With the changes to the *Regulated Health Professions Act, 1991*, which came into effect June 4, 2009, it had become increasingly difficult to assign Council members to staff all the committees without compromising the exclusions specified in the Act. A Council member who serves on the Inquiries,

Complaints and Reports Committee cannot also serve on the Discipline Committee and yet there must be at least two public members on each of those committees.

The College requested an increase in the number of both professional and public members to assist in adequately forming the committees and balancing the individual workloads of the Council members. The government has agreed to this request and will appoint more public members. There will also be additional electoral Districts for professional members.

To create the required electoral Districts and balance the numbers of therapists in the various Districts as much as possible, Simcoe County has been moved from District 3 into District 5 and the counties of Niagara, Haldimand-Norfolk, Brant, Hamilton-Wentworth, and Waterloo have been split off from District 5 and now form the new District 8. The new District 9 is a representative from the Board of the OMTA.

Note that in accordance with By Law No. 2, elections are scheduled for 2010 for Districts 3, 4, and 8. More information about District changes and the election process can be found in the Bulletin Board section of this newsletter.



Accessibility for Ontarians with Disabilities Act, 2005

This Act was created to benefit all Ontarians by

- (a) developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services facilities, accommodation, employment, buildings, structures and premises on or before January 2025; and
- (b) providing for the involvement of persons with disabilities, of the government of Ontario and of representatives of industries and of various sectors of the economy in the development of the accessibility standards.

This Act directs the creation of Regulations to establish Accessibility Standards that shall

- (a) set out measures, policies, practices or other requirements for the identification and removal of barriers with respect to goods , services, accommodation, employment, buildings, structures and premises or such other things as may be prescribed, and for the prevention of the erection of such barriers; and
- (b) require the persons or organizations named or described in the standard to implement those measures, policies, practices or other requirements within the time periods specified in the standard.

The government has indicated it intends to create Standards for Customer Service, Employment, Built Environment, Transportation, and Information and Communications.

To date, two Regulations have been passed: Accessibility Standards for Customer Service (O. Reg. 429/07) and Exemption from Reporting Requirements (O. Reg. 430/07). Both of these are available for review at www.e-laws.gov.on.ca.

The Information and Communications Standard has been drafted and referred to the Minister of Community and Social Services for review. To review this document in English go to: <http://www.mcsc.gov.on.ca/mcsc/english/pillars/accessibilityOntario/accesion/business/information>

in French

<http://www.mcsc.gov.on.ca/mcsc/french/pillars/accessibilityOntario/accesion/business/information/index>

In reviewing this, you will note that it is intended to apply to all health regulatory Colleges and their members. The College will keep you informed of the progress of this draft Regulation and any implementation requirements that may evolve from it.



Deborah Worrad, CAE, C Dir.

the bulletin BOARD



AGM & Council Highlights – May 22, 2009

Council held its Annual General Meeting and quarterly Council meeting at University of Toronto's Mississauga Campus, in conjunction with the Ontario Massage Therapist Association's (OMTA) annual education conference.

AGM

COMMITTEE UPDATES

Committee chairs presented the 2008 committee reports to Council. The Fitness to Practice Committee was not required to meet in 2008, as there were no matters for consideration.

AUDITED FINANCIAL STATEMENTS

Blair MacKenzie, Hilborn Ellis Grant LLP, presented the audited Financial Statements as at December 31, 2008. Council approved Hilborn Ellis Grant LLP as the College's auditor for 2009. The College's senior management team was thanked by Council for their management of the College's operations and finances over the past year.

RECOGNITION OF SERVICE BY NON-COUNCIL MEMBERS

Individuals who served as Non-Council members and on various College committees in 2008 were thanked by the presentation of Certificates of Appreciation to Catherine Moran, RMT, Parisa Moallemian, RMT, and Karen Redgers, RMT. Karen Redgers was present to accept her Certificate of Appreciation.

Council Meeting

BY-LAW NO. 7 – AMENDING THE ANNUAL RENEWAL DEADLINE

In 2008, members and several members of Council requested that the College consider moving the deadline date for renewal of registration to earlier in the year to avoid the Christmas and holiday season and the associated costs, and asked staff to study the matter.

In response, College staff considered a variety of dates within the context of the College's operational year. Members were surveyed and the majority supported moving the date to earlier in the fall. A proposal to amend By-Law 7, Fees, changing the renewal date to October 31st was reviewed by Council.



Following a presentation by the OMTA, and in consideration of the potential impact on OMTA membership, Council did not approve the amendment of By-Law No. 7 and the renewal date remains unchanged at December 31st annually.

BY LAW NO. 2 – ELECTION OF MEMBERS TO COUNCIL

In preparation for the College's submission to the government regarding increasing the number of seats on Council to assist with some anticipated caseload increases after June 4, 2009, the College proposed a revision of its electoral boundaries to enable the addition of a new district for another professional seat on Council. District 8 is the newly-created district and includes five counties previously in District 5. The district realignments, based on member representation, are as follows:

- Districts 1, 2, 4, 6, and 7 remain unchanged
- District 5 – retention of four counties and addition of Simcoe county
- District 3 – remains unchanged with the exception of the removal of Simcoe county
- District 8 is made up of 5 counties that previously were in District 5

Council also discussed amendments to By Law No. 5 – Committees and made housekeeping amendments to ensure language consistency with changes to the RHPA effective June 4, 2009, including the amendment of "Complaints Committee" to "Investigation, Complaints and Reports Committee." As well, amendments to the Schedule A of By-Law No. 5 were made to increase the number of members on Investigations, Complaints and Reports and the Discipline Committees.

BY-LAW NO. 8 – REGISTER

By-law No. 8 sets out what information the College will maintain about members of the College and what information will be made available to the public.

Registration numbers have been on the public Register so that insurers can verify that massage therapy services were provided by Registered Massage Therapists. Members have expressed concern to the College that if their numbers were to be easily accessible through the College's website, they would no longer be able to protect them as required by the College's Policy on Certificates of Registration. The College's Professional Conduct department and Complaints Committee also expressed concern regarding misuse of numbers.

The amended By-Law No. 8 and the rationale for amending the By-Law was circulated to members for feedback and the vast majority of members agreed with the proposed amendment. The response rate was 14%, an increased response rate over last year's By-Law 7 "Fees" Survey (response of 10%). Specifically, the proposed amendment was to move the Registration Number to the non-public portion of the Register. The results of the survey were as follows:

Do you agree that s. 3 j) of By-law No. 8, The Register, "the certificate number assigned to the member at the time of first registration," should be deleted and that "the certificate number assigned to the member at the time of first registration" should be added to section 4 to become paragraph f) of By-law No. 8, The Register?

- Yes: 1,219 – 91.70%
- No: 111 – 8.3%
- Total Answered: 1,330
- Skipped Question: 3

Council approved the proposed amendments.

APPOINTMENT OF COUNCIL MEMBERS AND NON-COUNCIL MEMBERS TO INQUIRIES, COMPLAINTS & REPORTS COMMITTEE (ICRC)

Due to the By-Law changes as a result of amendments to the RHPA, ICRC will require additional members to further the work of the Committee. Council passed a motion to appoint Romilla Gupta, Public Member and Peter Roach, RMT to the ICR Committee.

DEFINITION OF "IN GOOD STANDING"

For the purposes of the Agreement on Internal Trade, the College is required to define what being "in good standing" means for an applicant for Registration with the College from another regulated jurisdiction in Canada. The Registration Committee proposed the following:

An applicant is considered to be "in good standing" in Ontario for the purposes of the Agreement on Internal Trade if within their home jurisdiction they have no:

1. Current investigation into their practice or conduct related to complaints, discipline (professional misconduct), fitness to practice or registration
2. Finding from a complaint, or registration hearing or discipline conviction for which the penalty is unfulfilled (e.g. suspension still in effect, fine or finding of cost unpaid, course work not completed etc.)
3. Current suspension or revocation of certificate of registration for any reason
4. Unpaid fees
5. Quality assurance requirements unfulfilled
6. Terms, conditions or limitations on the certificate of registration, that would affect the member's ability to practice in Ontario.

Council adopted the definition of "in good standing" as presented.

STRATEGIC PLAN - BREAKTHROUGH CONNECTIONS 2008 – ACTUAL EXPENSES & 2009 – SCHEDULED TASKS

Council was provided with and reviewed a breakdown of costs and deliverables from the strategic planning process.

BUDGET – ADDITIONAL FUNDS FOR STRATEGIC PLAN

The 2008 audit is complete and indicates a positive year end position of \$278,164 with respect to revenues over expenses. With a surplus there is an opportunity to move the strategic agenda forward. The strategic plan projects that were originally budgeted for by the College and the OMTA are underway. A survey measuring the credibility of the profession had been scheduled for 2010 – 2011 due to lack of funding. This particular survey was considered fundamental to many other aspects of the strategic plan and will provide critical information on the performance of the strategy and strategic plan.

Council voted to apply \$90,000 from the surplus to completing this project (Credibility survey) in order to move the strategic plan forward.



BALANCED SCORECARD (BSC) EDUCATIONAL SESSION & BSC REPORT OUT

Council received a brief educational session on the Balanced Scorecard. The College is now using a balanced scorecard as a performance management tool to track and measure performance according to strategic priorities. It uses a variety of indicators and from multiple perspectives: Stakeholder, Internal, Foundation and Resources. Council was presented with the College's first-ever balanced scorecard report on progress against set targets for the previous quarter.

SCHOOL REPORTS

Council was provided with an overview of the exam candidate aggregate performance reports that were provided to each massage therapy school earlier in 2009, and was advised that the overall pass/fail statistical report would be published in the College Standard in the Spring edition. The reports were created with input from representatives of the community college and private massage therapy schools and were well received.

District Election January 11, 2010

The date of the election for a member to the Council of the College of Massage Therapists of Ontario for **Districts 3, 4** and **District 8** has been set for **January 11, 2010**.

This election has been called according to By-Law No. 2, The Election of Members to the Council. Please refer to By-Law No. 2, The Election of Members to the Council, or view it on the website at <http://www.cmta.com/regulations/bylaw.htm>

Election Process

All Massage Therapists, practicing (General) or residing (Inactive) in Ontario, are eligible for election to the Council. On January 11, 2010, one representative from each of District 3, District 4 and District 8 will be elected to sit on the Council. Further details about the voting process will be sent to members and posted on the website.

Important Notice about District Realignment in 2009

The opportunity to serve on Council and participate in the decision-making of the College is a key feature of the model of "self-regulation." Self-regulation is a privilege granted to the profession by the public of Ontario. Historically the College has had one of the smallest Councils in the health regulatory system. Knowing that amendments to the RHPA that would come into effect in June 2009 would create challenges for the College in having a sufficient number of Council members to form panels and decide matters, the College proposed to the government in 2007, that the size of Council be increased from 5 public and 6 professional members for a total of 11 members, to 6 or 7 public members and 8 professional members for a total of 15 members.

In anticipation of this change to the *Massage Therapy Act, 1991*, Council approved an amendment to the By-Law No. 2, *Election of Members to Council*, with respect to the electoral boundaries in Ontario at the Council meeting in May 2009. Under By-Law No. 2, electoral districts are established for the purpose of the election of members of the profession to Council. The province is divided into electoral districts comprised of various counties. In order to create more seats on Council for members of the profession, the electoral districts had to be re-configured and the boundaries redrawn. Click here to see an explanation of how the districts have been amended. [http://www.cmta.com/member/events.htm#](http://www.cmta.com/member/events.htm#District_Election)

District Election

Call for Non-Council Members

In accordance with By-law No. 6, Non-Council members, the College has positions for members at large to serve on various committees of the College as Non-Council members. Non-Council members are not members of Council, do not have to be elected to the position and are not required to attend Council meetings. Non-Council members serve on committees and participate in the disposition of matters involving Registered Massage Therapists, by rendering decisions and reasons and they participate in the development of policy, standards of practice and guidelines.

The College is now accepting resumés from members who are interested in participating in work of the College by serving on a committee of the College in 2010. At the first Council meeting of 2010, the Executive Committee will make the appointments of Non-Council members to various College committees.

Non-Council members are expected to have some or all of the following knowledge, skills, abilities and attitudes in order to carry out their responsibilities effectively:

- experience in interpreting and applying legislation with specific knowledge of the College's governing Acts and related law
- understanding of the professional, institutional and community context within which the College operates
- analytical, conceptual, problem-solving, decision-making and writing skills
- ability to listen and communicate clearly and effectively
- ability to formulate reasoned decisions
- impartiality and sound judgment to assist with fairly deciding matters involving conflicting verbal /written evidence and possibly the assessment of credibility
- self-confidence / self-control and sensitivity to diverse interests
- commitment to respect diversity and to maintain fair, transparent processes within the limitations set by legislation, that meet the highest standards of the College
- computer literacy
- ability and willingness to travel to meetings.

The position may involve preparation for meetings by reading briefs and summaries. Non-Council members are expected to attend all orientation and training sessions designated by the College and they can expect to contribute a minimum of 8 hours per month to the College. Non-Council members serve for a one-year term. This is a paid position. Interested members are asked to send a resumé to the attention of Corinne Flitton, Associate Registrar, Policy and Professional Practice, at corinne.flitton@cmta.com. For more information, please contact Corinne.

Investigators and Inspectors Needed

The Professional Conduct Department is looking to hire Investigators and Inspectors on a contract basis for 2010.

The College is seeking additional Registered Massage Therapists in the Toronto and Ottawa areas to assist the Professional Conduct department in its investigations. Investigators must have held a General Certificate for the last three years. For those interested in applying for this position, please see the attached link for a detailed job description and how to apply: https://www.cmta.com/pdfs/Contract_Investigators_2010.pdf

The College is also seeking Registered Massage Therapists throughout Ontario to assist the Professional Conduct Department in its Inspections Process. Inspectors must currently hold a General Certificate and have a minimum of 5 consecutive years of practice experience. For those interested in applying for this position, please see the attached link for a detailed job description and how to apply: https://www.cmta.com/pdfs/Contract_Inspectors_2010.pdf.

Important Health Notices

H1N1 Influenza

With the arrival of flu season in Ontario, the College has prepared a list of considerations that massage therapists should review in the event of an influenza pandemic. For an overview of these, see Pandemic Planning Information for Massage Therapists here <http://www.cmtto.com/regulations/Bulletin.htm> or visit www.cmtto.com. The MOHLTC is the main source of information for health care professionals in Ontario in a pandemic situation. Massage therapists should refer to the MOHLTC website on a regular basis to ensure they have the most up-to-date information <http://www.health.gov.on.ca/en/ccom/flu/h1n1/pro/>.

Ontario Emergency Planning and Preparedness

Emergencies can happen anywhere, anytime. Being prepared and planning ahead is critical to protecting public safety and safeguarding the public health care system in Ontario. Go to <http://www.health.gov.on.ca/en/public/programs/emu/> to learn more about emergency planning and the health emergency stock-piling program.

Other Helpful Links

For more information on the potential flu pandemic, go to www.pandemicportal.ca.

Review the Infection Control for Regulated Professionals document.

Participating in the Profession's Strategic Plan

In a recent survey by the RMT Management Team on branding, more than 2,000 members indicated they would be interested in participating in future research such as focus groups and surveys.

Participation in these opportunities is on a volunteer basis although they may be eligible for CEUs. Massage therapists who have been involved in activities at the College in the past report that they feel satisfied knowing that they have contributed to the development of the profession and welcomed the opportunities to increase their knowledge and skills, share experiences and network, particularly if they are sole practitioners.

Massage therapists who participate in activities related to the profession's strategic plan may also find themselves collaborating with members of the OMTA and OMTA Board and staff, school faculty and administrators, and interested members of the public.

The College wishes to thank all the members who indicated an interest. The RMT Management Team will contact these members as strategic plan projects commence over the next several years. If you are interested in participating in research but have not yet notified the College, email your name, contact information and preferred research types (e.g. survey, focus group) to volunteer@cmtto.com.



Support the Massage Therapy Research Fund

This Holiday season, please consider making a charitable donation to a cause which directly benefits you and your clients.

The **Massage Therapy Research Fund (MTRF)**, established in 2006 by the Holistic Health Research Foundation of Canada (www.HolisticHealthResearch.ca), funds high quality research regarding the safety, effectiveness and utilization of massage therapy. A secondary goal of the MTRF is to increase research knowledge and capacity among massage therapists through their engagement in research projects at all levels.

By the end of this year, the MTRF will have funded more than 10 innovative research projects in massage therapy, primarily through its annual research competition, open to multidisciplinary teams at academic institutions across Canada. Promising results obtained from these pilot studies will help lead to funding for follow-up research from larger funding institutions.

Advancing research in massage therapy directly supports your work as an RMT, by:

- Providing relevant knowledge you can access to improve clinical practice and client outcomes
- Increasing client and public awareness and understanding about the measurable benefits of massage therapy as part of overall health care

In the long term, this expanded body of scientific knowledge can also help influence health policy decisions.

Your Support Is Vital

The MTRF relies on contributions and support not only from the College of Massage Therapists of Ontario (and supporting organizations such as the Ontario Massage Therapist Association and the Massage Therapists' Association of British Columbia) but from individual massage therapists and members of the public. *Donations of any size are welcomed and important.*

You can donate directly to the MTRF by phone, mail or online at <http://www.canadahelps.org/CharityProfilePage.aspx?CharityID=63941> (you will be prompted to designate your gift to the MTRF on the second screen). One-time, monthly or memorial/tribute donation options are available.

There are also other ways you can help, including displaying information brochures about the Fund in your practice; inserting a pre-written article about the Fund in your newsletter; hosting a fundraising event or open house in your community; or volunteering your time to help promote the Fund.

Please visit www.massagetherapyresearch.ca to find out more or call 416-778-4443.

Research Literacy Course at Centennial College

Research literacy is the ability to critically evaluate research evidence for application in professional practice. Centennial College offers a course specifically designed for health care practitioners to help develop strategies for critically evaluating research evidence. For more information, visit: <http://db2.centennialcollege.ca/ce/coursedetail.php?CourseCode=THER-705>

For links to research literacy articles, please go to the Research page on the College's website at: <http://www.cmto.com/research/research.htm>.

In Memoriam

LYNN DOBSON, COUNCIL MEMBER

It is with great sadness that the College announces the untimely passing in September of Lynn Dobson, public member of Council and Vice-President of the College. Lynn was in the last year of her second term on the College's Council and has been a valued member leading the Discipline Committee during the past few years as well as serving on Executive. She will be missed. Our sympathies go to her husband and children.

Report on the Professionalism Workshop

The current professionalism workshop touches on many "grey areas" in massage therapy as a regulated health profession. These grey areas necessitate the use of professional judgment which can be challenging for any massage therapist.

During the College's one-day Professionalism Workshop, tools for effective, rational decision-making are explained and case studies are discussed in group format in a positive, supportive environment. Peers develop a wider base of understanding from experiential learning formats and group brainstorming in this structured program.

This workshop has been available at no charge to Registered Massage Therapists in Ontario since January 2008. Classes are offered in every electoral district throughout the province and welcome new graduates through to massage therapists winding down their clinical practices.

Participants in the workshop are often surprised that discussion of ethics and professionalism can be fun. Participants who have participated in this year's workshop have found the interactive presentation enjoyable and easy to follow. They described it as "a great class for everyone to take" and a "fresh look at our professionalism."

Workshop facilitator Robynne Tennant, RMT, observes: "With the volume of information a therapist has to retain while in school, it's no wonder that a refresher can be helpful. For long-standing Registered Massage Therapists, these concepts may never have been addressed in their training, and can drastically increase professional confidence when making ethical decisions or even recognizing there may be an ethical issue present."



College Review of Receipt Policy

Great West Life recently informed the College that it plans to change its policies regarding receipts received for massage therapy treatments. In an effort to reduce fraud, Great West Life will require receipts issued by massage therapists to display the name and address of the clinic the receipt was issued from, commencing on a date to be named in 2010. Currently the College's receipt policy does not require the clinic name and address to be displayed on the receipt.

As the regulator for the massage therapy profession, two of the College's strategic goals are to ensure the quality of massage therapists and to engage in principled policy development. As a result, the College will be reviewing all of its policies in future to strengthen their alignment with the College's mandate and philosophy, as well as stakeholder needs to provide greater assurance that fraud will be prevented or detected and investigated earlier.

The College of Massage Therapists of Ontario has a long history of involvement with the Canadian Health Care Anti-Fraud Association (CHCAA). The CHCAA's website <http://www.chcaa.org/blog/> states:

"Founded in 2000 to give a voice to the public and private sector health care organizations interested in preventing fraud in the Canadian health care environment. The CHCAA's Vision is to improve the Canadian Health Care environment by eliminating health care fraud and its Mission is to combat health care fraud and assist in restoring the integrity of the Canadian health care system. One of the key objectives of the CHCAA is to build public, private, national and international partnerships with insurance carriers, service providers, law enforcement, health regulatory bodies, consumer groups and provider associations to protect the Canadian health care system from fraud."

The College will be engaging in discussion with the CHCAA regarding how best to incorporate anti-fraud measures into the receipting process and will be proposing changes to the College's policy on receipts, which will include the requirement to provide the clinic name and address on the receipt.

Members are reminded that all General Certificate holders are required to provide their primary business address to the College and the names and addresses of all the other locations they provide care from. This is important not just from a public access point of view (as a regulated healthcare professional, the public has the right to know all the locations where you provide care), but is also an anti-fraud strategy. Changes in address must be provided to the College in writing within 14 days of the change. By-Law No. 2 states:

"A member must notify the Registrar within fourteen days of any change of name, location of principal place of practice, practice name, business telephone number, email address or principal residence in writing, including a certified true copy of proof of any change of name."

It is possible in the future that should a clinic location provided on a receipt not match what is in the College Register, reimbursement may be denied.

2010 initial and renewal of registration – IMPORTANT CHANGES

1. Health Professions Database (HPDB)

As a follow-up to an article in the spring issue of the College Standard, the Ontario Ministry of Health and Long-Term Care (the Ministry) is building a Health Professions Database intended to enable health human resource planning with a goal of improved healthcare for Ontarians.

Under section 36.1 of the *Regulated Health Professions Act, 1991* (RHPA), the Ministry can request that regulatory Colleges collect information, including personal information, from their members, and provide this information to the Ministry. To create the database, the health regulatory Colleges, **including the College of Massage Therapists of Ontario**, are collecting demographic, education and employment information from Ontario's health professionals, including massage therapists, to provide it to the Ministry in anonymous form.

Members may read more about this change here: <https://www.cmta.com/member/events.htm>

HOW THE HPBD AFFECTS REGISTRATION RENEWALS

As a result of changes required to the Health Professions Database, the initial and renewal of registration forms have been expanded to gather all required information from each member.

In order to make the renewal process as seamless and efficient as possible, the College has expanded its initial and renewal guides, and prefilled your 2010 renewal form with as much information as possible. As well, the College has created specific renewal forms for each certificate status, i.e. for General Certificate, Inactive Certificate, and new General Certificate holders (new members not yet working) so that each member provides only the relevant information.

2. Suspension notice period - REDUCED

Effective June 4, 2009, under Section 24, "Suspension for non-payment of fees," the "intent to suspend" notice period is reduced from 60 to 30 days. This means that if a member receives an "intent to suspend" notice from the College, the College may suspend this member for failure to pay the fee(s) 30 days after notice is given.



3. Self-Reporting Obligations

As reported in the Spring 2009 edition of the College Standard, existing mandatory reporting requirements remain, but as of June 4, 2009, and under Sections 24 and 85.6.1 of the RHPA, 1991, the reporting obligations are significantly expanded. Relevant self-reporting questions have been incorporated into the renewal and initial registration forms, however members are required to submit a mandatory report when it occurs, not just at annual renewal. Members should go to the College's Mandatory Reporting section here <http://www.cmta.com/ClientRelation/Mandatory.htm> to read more about self-reporting changes or to download a reporting form.

2010 Renewal of Registration Renewal Process

2010 Renewal of Registration is now available at https://www.cmta.com/imis_eseries/Source/security/member-logon.cfm?section=H.

All General and Inactive Certificate holders must renew their 2010 registration renewal by **December 31, 2009 11:59 P.M. ET**. Members are reminded that renewals done online (or post-marked) after December 31st will be charged a \$200 late fee. For information about registration renewal and fees, please click here <http://www.cmta.com/member/events.htm>

Important! Members must fill in the renewal form information carefully and completely.

Due to the longer form this year, members should allow extra time to do their renewal and consider renewing a few days before the December 31st deadline.

If you do not have access to the Internet in your area, please email memberservices@cmta.com or call the College (extension 130) as early as possible to request that a form be mailed to you.

RENEWING YOUR REGISTRATION: HELP IS AVAILABLE

- **Click here** <http://www.cmta.com/member/events.htm> for renewal information and to log in to your online renewal form - remember to choose the right form!
- **Extended hours.** As a result of changes to the 2010 renewal form, in addition to the College's regular business hours, staff will be available until 8 p.m. on Wednesday, November 25th and Wednesday, December 2nd to provide renewal assistance to members.
- **Tips on how to handle common renewal problems** <https://www.cmta.com/pdfs/RrenewalTips.pdf>. Information about deadlines for requesting a certificate change and using shared emails. *You must use a unique email address to do your online renewal* – replace an email you share with another RMT with your own unique email and send this to memberservices@cmta.com by **December 10th**.
- **Renewal Guide.** https://www.cmta.com/pdfs/2010_renewal_guide_2.pdf. The College's 2010 registration renewal guide is available in both an online (download) or paper format and we encourage you to review it as early as possible to be sure the requirements are clear. The initial registration guide is also available on this page.

DATES TO REMEMBER

Deadline for Renewal of Registration (2010): 11:59 p.m., December 31st, 2009.

Office closing dates: The College will be closed to members and the public from noon on December 24th, 2009 through January 4th, 2010, reopening on 9 a.m. January 4th, 2010. This closure is to permit staff to process renewals as efficiently as possible. Members who live in the Toronto area may come to the office between 9:00 a.m. and 6:00 p.m. on non-statutory holidays to slide a registration renewal form under the door. There will be blank forms outside the door.



Member Contact Information

To ensure the College has complete and up-to-date contact information for you, including email, you are encouraged to visit the College web site to verify your information and update it as needed.

HOW TO UPDATE YOUR CONTACT INFORMATION

Members may update contact information online by visiting www.cmta.com and clicking on 'Login Now' (or click here https://www.cmta.com/imis_eseries/Source/security/member-logon.cfm?section=H). Once there, if you do not recall your 5-digit login ID, click "Can't Remember Login or Password" and your ID will be sent to the email we have on file for you. If your email has changed and you have not notified the College, please send your new email address to memberservices@cmta.com. Ensuring your email address is current allows you to receive important College reminders and notifications throughout the year, including registration renewal notices.

update on the interjurisdictional competency PROFILE

Background

In June 2008, representatives of the three regulated jurisdictions for massage therapy in Canada (British Columbia, Newfoundland & Labrador and Ontario) met to begin the process of developing a new taxonomy (organized language) for the purpose of comparing the competency documents of British Columbia and Ontario (Newfoundland & Labrador uses the same document as Ontario). This process was led by Dr. David Cane of Catalysis Consulting who had been selected by the three regulatory Colleges in response to a tender process. British Columbia and Ontario had taken different approaches in creating their competency documents and as a result, the competencies were difficult to compare. The need for comparison was to renew the Mutual Recognition Agreement (MRA) between the jurisdictions as required under the Agreement on Internal Trade (AIT).

That summer (2008), the provincial Premiers met and declared that Full Labour Mobility (FLM) between the provinces would be required for all regulated professions in 2009. To achieve an exception to FLM for our profession, it would have been necessary to prove that registrants in one jurisdiction, upon moving, would place the people of another jurisdiction at risk. No such risk was demonstrable and the task shifted to creating a common interjurisdiction competency profile for massage therapy. This activity was supported by the three regulatory colleges and financed by Human Resources and Skills Development Canada (HRSDC).

Current Activities

The work continued through face-to-face meetings, conference calls, emails, consultations with regulatory boards or councils, an informational meeting with the professional associations of non regulated jurisdictions. In September 2009, the job task document was created.

In November 2009, the three regulated jurisdictions will work to define *complexity* of the tasks and to define *entry level proficiency*. Once this is completed, a job task validation survey will be made available online (early 2010) and the national data from this will be analyzed to finalize the job task profile. To this point, the project has been funded by HRSDC.

Future Plans

It is the intent of the three regulated jurisdictions to apply for funding for the creation of performance indicators which would be the criteria used to assess job task performance. The final phase of the project would be to again apply for funding for the creation of educational competencies, working in conjunction with educational providers.

How You Can Participate

The job task validation survey will take time to complete. The three regulated jurisdictions are asking for your time so that the largest and broadest base consultation can take place. More information will be added on College websites and the three Colleges are exploring participation incentives.

safeguarding registration – complaints CASE SUMMARY



CEU Questions:

1. How did this matter come to the attention of the College?
2. What actions did the Inquiries, Complaints and Reports Committee take?
3. What actions can the College pursue against the spa?
4. What actions can you take to safeguard your registration information?

The following summary of a decision of the Inquiries, Complaints and Reports Committee is provided to educate the membership about issues that might affect everyday practice.

The Complaint

The College received a letter of complaint from a client that attended a spa in the Mississauga area. She stated that she saw an advertisement outside the spa suggesting that massage therapy treatments were provided by Registered Massage Therapists and therefore arranged an appointment.

The client indicated that 10 minutes into the treatment, she knew that the therapist was not a Registered Massage Therapist, as she was a regular client of massage therapy and noticed the difference in the treatment techniques and quality of the touch involved. She indicated that despite her better judgment, she continued with the treatment until the one-hour session was complete. At the end of the treatment, she paid for the treatment and the therapist issued a receipt bearing the name, registration number and signature of another Registered Massage Therapist. The client questioned the therapist as to why the receipt had the name of another therapist and was advised that it was 'okay'— the insurance company would accept the receipt for reimbursement.

The client was further alarmed by the address on the receipt as it did not reflect the location she had visited. To add to the client's concerns, immediately following the treatment, she started to feel significant pain and stiffness in her neck and back from what she described as a very deep tissue massage. The client did not submit the receipt to the insurance company but contacted the spa to request a refund and advise them of her concerns stemming from her adverse reaction to the treatment. She advised that she did not receive a response from the spa and pursued filing a complaint with the College as she had concerns that the named therapist on the receipt may have knowingly permitted the spa owner to use her registration.

The Member's Response

In the member's response to the complaint, she denied treating the client involved, as well as practicing at the spa. She reviewed the receipt issued in the circumstances and noted that the receipt had her name spelled incorrectly and it was not her signature.

The member indicated that she had in fact attended the spa some weeks earlier for a job interview and during the interview, she was asked to provide a massage therapy treatment to the owner of the spa. The member stated that she did not think twice about the request for a treatment, thinking that this was part of a usual interview process. She stated, however, that after she provided the treatment, the spa owner stated that she would pay her for the treatment and requested a receipt for insurance purposes. The member indicated that she did not have her usual receipts with her and therefore issued a receipt on plain paper. She stated that immediately after completing the receipt, she had misgivings and knew something bad would come of her interaction at the spa. The member advised that she thought the insurance company might not accept the receipt as it was very generic and had minimal details, so she asked the spa owner to keep in touch with her to let her know if there were any problems with submitting her claim. The member advised she heard nothing further from the spa owner.

Panel's Decision

A panel of the Discipline Committee determined that a letter of recommendation to the member was an appropriate disposition in the circumstances.

The panel had significant concerns with the seriousness of the allegations levied against the member as it was alleged that the member may have permitted the use of her registration by unregulated individuals, and/or she failed to take appropriate measures to secure her registration from inappropriate or fraudulent use.

The panel noted that the concerns raised in this case present a number of public protection concerns. The panel was of the view that if the allegations were true, they could be found to constitute acts of professional misconduct. Firstly, issuing a false or misleading document in relation to a member's practice is a defined act of professional misconduct in accordance with Section 26, Paragraph 27 of the Professional Misconduct Regulations. Secondly, failing to take appropriate measures to secure one's Registration could reasonably be regarded by the profession as disgraceful, dishonourable and unprofessional, if not, conduct unbecoming a massage therapist which are also acts of professional misconduct, in accordance with Section 26, Paragraphs 44 and 49 of the Professional Misconduct Regulations.

As the panel found the allegations raised in this matter may constitute acts of professional misconduct, the panel had to then determine if the nature of the allegations and the information available to support the allegations warranted a referral to Discipline. In relation to making this determination, the panel noted there was no information obtained to suggest the member knowingly permitted the use of her registration in the circumstances. As the panel found a referral was not appropriate in the circumstances, it then determined that given the serious nature of the allegations, a letter of recommendation was warranted to set out for the member methods to better safeguard her registration and help her avoid similar concerns in the future.

The panel was very concerned by what appears to be the member's lack of appreciation for her obligations to protect her professional credentials, as well as the significant role and duty she has to herself, and the profession as a whole, not to help others abuse the designations afforded to this profession. The panel noted that by the member's own admissions, she



issued a receipt for payment of a massage therapy treatment, although the treatment provided was not intended for the purposes of providing care since no assessment occurred, nor was a client health record prepared in relation to this interaction. It is noted that by receiving payment and issuing a receipt as described in this case, the member put her registration at risk for the abuse that may have occurred. The panel was of the opinion that the member's involvement in this complaint, together with a letter of recommendation will provide the member with an opportunity to learn from this experience and to reflect upon her conduct.

The panel was very mindful of the significant difficulties experienced by the client in the circumstances and she was advised to review her right to pursue legal remedies in a civil court against the spa owners and/or therapist that provided the treatment in question.

As well the panel did not lose sight of the fact that the owner/operator and the individual that provided the treatment at the spa might have breached Section 7 of the *Massage Therapy Act, 1991* in relation to issuing the receipt in question. It is noted that Section 7 of the *Massage Therapy Act, 1991* states:

- "7 (1) No person other than a member [of the College] shall use the title "massage therapist", a variation or abbreviation or an equivalent in another language and;
- (2) No person other than a member shall hold himself or herself out as a person who is qualified to practice in Ontario as a massage therapist or in a specialty of massage therapy".

Accordingly, the panel made recommendations to the Registrar to review the College's ability to seek relief against the spa owner and therapist in question as a means of protecting the public interest and the credibility of the profession against any further conduct of these individuals.

Commentary

This case highlights some of the difficulties members may experience when seeking employment. Members are reminded that they have an obligation to ensure all measures are taken to safeguard their registration information. Methods to assist may include:

1. Standardizing receipts;
2. Ensuring that all receipts are signed (as required by the College's "Receipt" Policy)
3. Not including your registration number on any pre-printed forms and business cards;
4. Reviewing all billing invoices for services provided if they are prepared by other staff members at your practice location;
5. Keeping good and accurate records relating to all client interactions (use standard forms so that you can easily identify your client health records from others);
6. Keeping the College apprised of your primary business address and all other practice locations at all times; and
7. Maintaining for your own purposes a record of all your practice locations including the dates and times you have worked at each location.

Report on Prosecutions for Title Violations

Over the past two years, the College conducted an in-depth review of the College's enforcement processes relating to our title violations. Upon completing that review, it was noted that despite efforts taken to address the issue, there continued to be a growing number of incidences.

Given these growing concerns, a more aggressive approach has been taken to address concerns with unregulated practitioners holding themselves out as Registered Massage Therapists, individuals whose membership has been Registrar Revoked and continue to hold themselves out as members or individuals that fraudulently use the protected titles and registration numbers of Registered Massage Therapists without their knowledge to access insurance dollars.

This initiative serves to uphold the public interest in that such conduct puts the health and safety of the general public at risk while undervaluing the respect and credibility of the profession as a whole.

The College has two specific ways of dealing with illegal practitioners. Under the provisions of s. 7 of the *Massage Therapy Act, 1991* (MTA), only individuals who are members of the College of Massage Therapists of Ontario are permitted to use the protected title of "Massage Therapist" or use any variation or abbreviation and no person shall hold themselves out as qualified to practice in Ontario as a Massage Therapist (RMT) or in a specialty of massage therapy. Any person violating this section of the MTA can be prosecuted under the Provincial Offences Act and would be subject to fines in the amount of not more than \$25,000 for the first offence and not more than \$50,000 for each subsequent offence.

In addition, Section 87 of the Health Professions Procedural Code gives the College the power to commence an application for an injunction against unauthorized practice with the Ontario Superior Court of Justice. This court order against the individual and/or the clinic for violating the *Massage Therapy Act, 1991* requires them to cease immediately and refrain from committing any further violations in future or face a further fine or possibly jail time for violating the court order.

In the last two years the College has commenced 57 investigations into title violations and the misuse of a member's credentials and initiated court proceedings in 13 such cases, with another 5 likely to be commenced by the end of 2009. The College now posts the names of persons or clinics engaging in these illegal activities on its website, once an application has been commenced with the Ontario Superior Court of Justice or the Provincial Offences Court.

The following are summaries of four investigations which have been completed and court orders obtained.

CMTO vs. Active Therapy & Sports Clinic and Maureen Rutter

The College brought an application for an injunction against Active Therapy & Sports Clinic and its owner, Maureen Rutter, pursuant to Section 87 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18.

The clinic offered massage therapy services which were provided by a non-registered individual. The clinic and its director issued receipts in the name of an RMT who was not employed at the clinic and did not provide the services. Based on the evidence of the College investigator and the RMT whose name was being used, the College and the respondents agreed to a consent order, which stated that they:

- a) Violated s. 42(1) of the *Regulated Health Professions Act* (RHPA) by the clinic and its director employing individuals who performed Controlled Acts while not members of the College, and
- b) Violated s. 7(2) of the *Massage Therapy Act* (MTA) by allowing employees to hold themselves out as being qualified to practice massage therapy.

The court ordered Active Massage Therapy and Ms. Rutter to comply with s. 42(1) RHPA and section 7(2) of the MTA.

The clinic was ordered to pay \$3,750 of the College's legal costs incurred for the proceedings.

CMTO vs. George Workman

The College brought an application for an injunction against George Workman, pursuant to Section 87 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18.

Mr. Workman was a member of the College who had ceased paying his yearly renewal fees and whose membership was ultimately revoked by the Registrar. He continued to hold himself out as an RMT and provide massage therapy. He provided services both at his own practice and at a health centre set up by an employer for employees. Based on the evidence of the manager of the health centre and the College investigator, the court found that Mr. Workman:

- a) violated s. 7(2) of the MTA by holding himself out as qualified and licensed to practice massage therapy.

The court ordered that Mr. Workman cease and desist from holding himself out as qualified to practice as a massage therapist in Ontario.

Mr. Workman was ordered to pay \$2,500 of the College's legal costs incurred for the proceedings.

CMTO vs. Mandara Spa and Manvir Kooner

The College brought an application for an injunction against Mandara Spa and its owner, Manvir Kooner, pursuant to Section 87 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18.

Evidence obtained in the course of a College investigation revealed that employees of Mandara Spa offered to provide, and did provide, individuals receiving services at Mandara Spa with invoices bearing the name and registration number of a Registered Massage Therapist who was not employed by Mandara Spa and had not provided the treatment indicated on the receipt.

By giving clients receipts with the name and College registration number of a Registered Massage Therapist who had not provided the treatment specified on the receipt, Mandara Spa and its owner was found to have:

- a) violated s.7(2) of the MTA by allowing employees to hold themselves out as persons qualified to practice in Ontario as a massage therapist or in a specialty of massage therapy

The court ordered Mandara Spa and Manvir Kooner to cease providing and offering to provide massage therapy services, and to cease to advertise, offer to provide, or provide massage therapy services unless and until a Registered Massage Therapist ("RMT") was on staff and had registered with the College as being employed by Mandara Spa.

Mandara Spa was ordered to pay the costs of the College in this matter, in the sum of **\$3,500** for the College's legal costs incurred for the proceedings.





CMTO vs. Svetlana Kojeko

The College successfully prosecuted an unregistered person for holding herself out and practicing as a massage therapist. Svetlana Kojeko is not, and never has been, a member of the College. Based on information received from an insurance provider, the College initially obtained a search warrant and conducted a search of Ms. Kojeko's clinic. During the search, the College seized a number of Kojeko's business records, employee and personnel files, health history forms, stamps, business records, receipts and certificates.

As a result of the College's investigation, Ms. Kojeko was charged with violating the title provisions of the *Massage Therapy Act, 1991* (the MTA). The MTA prohibits persons other than registered members of the College from either using the title "massage therapist" or from holding themselves out as persons qualified to practice in Ontario as massage therapists. On May 29, 2008, Kojeko pleaded guilty in Provincial Offences Court to violating the MTA. Her sentence included a fine of \$1,500 per count.

In addition, to ensure that Ms. Kojeko does not repeat her conduct, the College obtained an injunction from the Ontario Superior Court of Justice prohibiting Kojeko from ever holding herself out as qualified to practice massage therapy in Ontario.

Ms. Kojeko was order to pay \$2,000 towards the College's legal costs incurred for the proceedings.

Commentary

The College will not hesitate to prosecute illegal massage therapy practitioners. These unregulated practitioners jeopardize the health and safety of the Ontario public, and serve to undermine the reputation of the profession of massage therapy. The College is authorized under the MTA to regulate the practice of massage therapy in the public interest. The penalties for violating the MTA are now significant – up to a \$25,000 fine for a first offence and a \$50,000 fine for a second and subsequent offence. The College intends to vigorously pursue illegal practices and unregistered individuals who misrepresent themselves as duly registered massage therapists.

calendar of EVENTS

Holiday Office Closure

The College office will be closed to the public so that Staff can process renewals of registration at noon on December 24, 2009 and will reopen on Monday January 4, 2010.

Council Meetings 2010

Monday, February 8, 2010	Orientation/Strategic Planning - retreat
Tuesday, February 9, 2010	Council Meeting
Monday, May 17, 2010	Council Meeting and AGM
Monday, August 30, 2010	Council Meeting
Monday, December 6, 2010	Council Meeting

The College wishes you joy and good health over the holiday season and throughout the New Year!



College of Massage Therapists of Ontario
1867 Yonge Street, Suite 810
Toronto, ON
M4S 1Y5