

CMTNB – Policy & Position Statements

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Acknowledgement

The College of Massage Therapists of New Brunswick (CMTNB) gratefully acknowledges the work of the College of Massage Therapists of Newfoundland and Labrador (CMTNL), and the College of Massage Therapists of Ontario. These policy statements are adapted by the CMTNB with honour and respect.

Introduction

Legislative Hierarchy

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

Federal legislation has the most authority, followed by provincial legislation. Examples of federal legislation that may be relevant to massage therapists are the Charter of Rights and Freedoms and the Criminal Code. An example of provincial legislation relevant to the practice of massage therapy is the *Massage Therapy Act, 2013*.

The *Massage Therapy Act, 2013*, gives the College of Massage Therapists of New Brunswick (CMTNB) the authority to make By-laws. There is a formal process for the drafting and approval of By-laws and once approved, members are required to comply with these rules.

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

Policy Statements

Policy statements articulate the CMTNB's opinion on specific issues relating to the practice of massage therapy. These statements provide members with a broader explanation of practice issues than can be found in the legalized format of the legislation or By-laws. **Members who violate CMTNB policies may be deemed to have violated the legislation or by-laws, and therefore are deemed to have committed professional misconduct.**

Policy Statement 1 - Advertising

Policy

Advertisements must clearly identify the massage therapist who is chiefly responsible for the practice and that the therapist is a member of the College of Massage Therapists of New Brunswick.

Guidelines

Advertisements may contain the following:

- General information about the practice, such as its location, accessibility, hours of operation, address and telephone number,
- Identification of the educational qualifications of the staff,
- Information on the types of services available, and
- Membership with one of the professional massage therapy associations of New Brunswick.

Advertisements may not contain the following:

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

Example:

- Clinic name and address
- Name of massage therapist and indication of College membership
- Services offered
- Clinic phone number and hours of operation
- Wheelchair accessibility / free parking available

Policy Statement 2 - Continuing Education Policy and Guidelines

1.0 Introduction

The Massage Therapy Act, 2013 requires members of the College of Massage Therapists of New Brunswick (CMTNB) to participate in continuing education activities as specified in guidelines published by the CMTNB.

The Continuing Education Committee has developed these guidelines, which have been approved by the board of directors, taking into account the CMTNB mandate and responsibilities and the needs of members.

The CMTNB is committed to the promotion of knowledge, skills, standards and proficiency through approval of continuing education in massage therapy. **Note: The latest revisions to the Policy are effective November 1, 2022.*

The CMTNB defines continuing education as:

Any learning experience, post graduation, which directly relates to a massage therapy practice and enhances a massage therapist's knowledge, skill or practice. The CMTNB respects a massage therapist's right to develop in their own unique direction and, therefore, this learning experience may include, but is not limited to: courses, workshops, conferences or self study.

Continuing education credits are given in Continuing Education Units (CEUs).

Important points to note:

- Members must obtain a minimum of 30 CEUs per credit cycle, of which a minimum of 20 CEUs must be from Category A
- Each credit cycle is 3 years
- 1 CEU = 2 hours participation in an activity
- All CEU records are to be kept in a member's professional portfolio
- CEUs cannot be transferred to the next cycle.

2.0 Credit Cycle

A Credit Cycle is a 3-year period, running from February 1 to January 31. All active members have the same amount of time in their credit cycle. Reporting periods are dictated by cycle numbers.

- Cycle 1 – reports January 1st, 2017, 2020, 2023, 2026, 2029
- Cycle 2 – reports January 1st, 2018, 2021, 2024, 2027, 2030
- Cycle 3 – reports January 1st, 2019, 2022, 2025, 2028, 2031

All active members are required to accumulate 30 CEU's within their 3-year credit cycle.

3.0 CEU Requirements for Various Groups of Members

3.1 Active members

Active members of the CMTNB are required to complete 30 CEUs in the credit cycle, of which at least 20 must be in Category A (**the remaining 10 CEUs can be from either Category A or B**). Active members will be assigned a CEU credit cycle and reporting date based on the date they joined the CMTNB.

3.2 New graduates

New Graduates who register within one year of graduation will be assigned a CEU Credit Cycle and a reporting date based on the date they joined the CMTNB. New graduates will be given a one-year grace period and will be required to begin accumulating CEU's one year after joining the CMTNB.

Only continuing education activities carried out following registration with the CMTNB will be given CEU credits.

30 CEUs are required in the credit cycle, of which at least 20 must be in Category A **(the remaining 10 CEUs can be from either Category A or B).**

1 CEU = 2 hours participation in an activity

3.3 New members registering during the cycle

New members (other than new graduates), including those who transfer from other regulated jurisdictions, who register during the credit cycle must obtain CEUs as follows:

Registration Date CEU Cycle Date Reporting Date:

CEU reporting dates were amended in February of 2022. All CEUs will now align with the members annual renewal date January 31st.

CEU cycles will begin on February 1st following a member's initial registration.

30 CEUs are required in the credit cycle, of which at least 20 must be in Category A **(the remaining 10 CEUs can be from either Category A or B).**

1 CEU = 2 hours participation in an activity

Only continuing education activities carried out following registration with the CMTNB will be given CEU credits.

3.4 Inactive members

Members holding an inactive registration are not required to complete continuing education activities while in inactive status.

However, members must complete any required CEUs before returning to practice should their 3-year cycle end while inactive.

Members who are inactive for less than 365 days in a 3-year cycle will still be required to complete their 30 CEUs.

Members who are inactive more than 365 days will have their CEUs pro-rated as follows:

- Inactive between 365 and 730 days = 20 CEUs required
- Inactive more than 730 days = 10 CEUs required

*Note: Regardless of the amount of time off, there will always be a requirement for a minimum of 10 CEUs required during a 3-year cycle.

4.0 Continuing Education - Category A

This section lists the topics that are included in Category A and the types of learning activities that will receive continuing education credits (CEUs).

Modalities and Activities

Modalities in Category A are directly related to the Inter-jurisdictional Competencies and Performance Indicators for Massage Therapists at Entry-to Practice (PC's/PI's), as well as advanced massage techniques. The PC's/PI's may be found online at www.cmtnb.ca.

Category A will consider competencies in Communication, Assessment and Treatment.

4.1 Category A- Activities

Category A activities include:

- Attending workshops, seminars or courses relevant to the Category A modalities and/or Scope of Practice that are approved by the CMTNB (attending includes on-site, on-line or correspondence learning).
- Presenting workshops, seminars or courses relevant to the Category A modalities and/or Scope of Practice that are approved by the CMTNB (including preparation time limited to the first time the presentation is made).
- Members teaching courses specific to Category A in an approved massage therapy program/school may not claim for teaching time, but they may claim CEUs for the preparation time for a course the first time that they teach it, or if the content of the course changes by more than 50%.
- Members on committees of the College of Massage Therapists of New Brunswick (CMTNB), New Brunswick Massotherapy Association (NBMA-AMNB), Association of New Brunswick Massage Therapists (ANBMT), College of Massage Therapists of Newfoundland and Labrador (CMTNL), College of Massage Therapists of Ontario (CMTO), College of Massage Therapists of British Columbia (CMTBC), College of Massage Therapists of Prince Edward Island (CMTPEI), Canadian Massage Therapy Council for Accreditation (CMTCA), or Canadian Massage Therapist Alliance (CMTA).
- Participation in CMTNB examinations such as; examiner training, mock client training, administrator, examiner or exam helper.
- Peer study group of topics relevant to Category A modalities and/or Scope of Practice
- Participation in conducting or collaborating in formal research with intent to publish results that is relevant to the Category A modalities and/or Scope of Practice.
- Submitting articles for publication in Massage Therapy publications that are relevant to the Category A modalities and/or Scope of Practice.
- Reviewing books, articles or videos that are relevant to the Category A modalities and/or Scope of Practice
- Volunteer event related to Category A modalities and/or Scope of Practice – maximum of 10 continuing education credits for the three-year cycle. An event includes an organized non-profit event. For example, Breast Cancer Retreat, The Relay for Life, Sporting events (ex: Triathlon), etc.

*Note: Self Directed Learning was implemented in May of 2020 as a Covid measure. In order to allow all members to have equal advantage of this opportunity, Self-Directed Learning will be extended until May 31st, 2023.

4.2 Category A

This Category includes core competencies that are directly related to a Massage Therapy Practice and the furthering of one's knowledge of the Inter-jurisdictional Competencies and Performance Indicators (PC's/PI's), and/or Advanced Massage Techniques and Treatments. This category includes, but is not limited to:

Active Release	Orthopaedic Assessment	Neurology
Acupressure	Charting/Record keeping	Pathology
Anatomy	Palpation	Myology
Activity of normal life intervention (ANLI) assessment	Remedial Exercise	Therapist/patient communication
Bowen	Manual Lymphatic Drainage	First Aid / CPR
Cranial Sacral Therapy	Myofascial Release	Infection Control
Integrative Manual Therapy	Trigger Point Therapy	Ethics
Orthobionomy	Joint Mobilization	Professionalism
Reflexology	Sports massage	Jurisprudence
Rolfing	Stage of Life Massage (Pregnancy, Geriatric, Infant)	Biomechanics
Strain / Counterstrain	Chair Massage	Self care*
Trigger Point Therapy	Pain Management	Skills for managing a Massage therapy practice
Visceral Manipulation	Hot/cold therapy	Critical Thinking
Ergonomy	Research Literacy	Medical reports (writing, and understanding)
Physiology		

Advanced massage techniques, Including: Releases (positional, soft tissue, etc..), Neuromuscular techniques, Deep Tissue Massage, Massage traditions (Shiatsu, Thai Massage, Indian Head Massage, etc...)

*Self care courses/books must directly relate to your massage therapy practice. For example: a book that explains how to manage the stress related to patient/therapist relationships, or courses that teach self-massage for a therapist's forearms to avoid injury would be acceptable.

All other topics are subject to approval by the Quality Assurance Committee.

5.0 Continuing Education - Category B

This section lists the topics that are included in Category B and the types of learning activities that will receive continuing education credits (CEUs).

Complementary Modalities and Activities

Category B will consider Remedial and Business-related modalities.

The CMTNB acknowledge that 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, can be deemed a completely separate practice or profession.

Massage therapists ought to be given reasonable and responsible latitude with respect to the use of complementary modalities, recognizing that they are accountable to ensure that the modality is integrated into a treatment plan that largely consists of modalities within the scope of practice as defined in *The Massage Therapy Act, 2013*.

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, Scope of Practice and the CMTNB By-laws,
2. determining the appropriateness of the complementary modality,
3. ensuring that they have the knowledge, skill, credentials 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.
8. no complementary modality should be performed without the proper accreditation and the necessary insurance. Please verify with your insurance provider to understand what modalities may or may not be covered.

Members teaching a complementary modality should note that teaching a course on a complementary modality is not considered practising massage therapy. Members are reminded that the complementary modalities that therapists engage in, under this policy, are not considered massage therapy and may not be billed as massage therapy if performed on their own. However, they may be billed as massage therapy if they are integrated into a massage therapy 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.

Therefore, any RMT including complementary modalities into their practice should have proper credentials and certifications when necessary and should ensure that their liability insurance covers the use of these modalities. They must also inform their patient that this modality is not generally included as part of a massage therapy practice.

Subsection 3(4) of *The Massage Therapy Act, 2013*, states:

"The practice of massage therapy is, subject to the exclusions contained in Section 72 of the Act, 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 mobilization to develop, maintain, rehabilitate or augment physical function, or relieve pain, and does not include manipulation or movement of the spine or the joints of the body beyond an individual's usual physiological range of motion, using a high velocity, low amplitude thrust."

5.1 Category B- Activities

Activities in Category B include:

- Attending workshops, seminars or courses Complementary (not in Category A) to massage therapy (attending includes on-line or correspondence courses)

- Presenting workshops, seminars or courses Complementary to massage therapy that are approved by the CMTNB (including preparation time limited to the first time the presentation is made).

Note: Members teaching such courses in an approved massage therapy program/school may not claim for teaching time, but they may claim CEUs for the preparation time for a course the first time that they teach it, or if the content of the course changes by more than 50%.

- Peer study group of topics complementary to massage therapy - maximum of 10 continuing education credits for the three-year cycle.
- Participation in conducting or collaborating in formal research with intent to publish results complementary to massage therapy
- Submitting articles for publication in Massage Therapy publications complementary to massage therapy
- Reviewing books, articles or videos complementary to massage therapy – maximum of 10 continuing education credits for the three-year cycle.

Complementary Modalities include, but are not limited to:

Remedial and Business

- Reflexology
- Pilates
- Yoga
- Guided Imagery / Meditation
- TCM manual techniques
- Business / Management
- Insurance
- Public Speaking
- Energy Work (Reiki, Healing Touch...)

Proper Training, certification or licencing, and insurance is required to incorporate techniques into a massage therapy practice. These techniques are sometimes used to treat conditions that do not fall under the massage therapy scope of practice, and therefore they are not deemed a core competency of massage therapy. These techniques can only be incorporated in a massage therapy practice when used within the Massage Therapy Scope of Practice.

6.0 Obtaining approval for specific workshops/courses

6.1 Members seeking approval of workshops/courses

Prior to attendance the CMTNB must approve each workshop or course offered in relation to the Category A and B modalities.

Also, all courses/workshops that are approved by the CMTO, CMTBC, CMTNL and CMTPEI will be recognized by the CMTNB. The credit hours may vary; therefore, it is advised to verify this with the CMTNB before registration in such a workshop/course.

If a member is interested in taking a workshop/course that is not on the CMTNB approved list or is not approved by CMTO, CMTBC, CMTNL or CMTPEI the following information must be submitted to the CMTNB for approval:

- Resumé or credentials of instructor(s).
- A course outline, detailing course content and learning objectives including relevance to Category A and Category B criteria, listed in section 4 of these guidelines.
- The specific number of hours of direct instruction (ex: 9:00-5:00 minus one hour for lunch is a seven-hour workshop eligible for 3.5 CEUs).
- Any other relevant information.

Requests must be submitted to the CMTNB at least four weeks prior to course attendance to allow for review. Later submissions will be accepted, however, without guarantee to review prior to course.

6.2 Training providers seeking approval of workshops/courses

The CMTNB must approve each workshop or course offered in relation to activities in Category A. Training providers may seek approval of specific workshops/courses by providing the following information to CMTNB:

- Résumé or credentials of instructor(s).
- A course outline, detailing course content and learning objectives including relevance to the Category A and Category B criteria, listed in section 4 and 5 of these guidelines.
- The specific number of hours of direct instruction (e.g. 9:00-5:00 minus one hour for lunch is a seven hour workshop eligible for 3.5 CEUs).
- Any other relevant information.

A request for workshop/course approval shall be written and submitted at least two months before offering the activity.

Instructors of approved courses can also help with the CEU reporting process by downloading the CEU Recording Form from the CMTNB website www.cmtnb.ca and complete this form for each member registered in their workshop/course. This will help with ensuring the correct information is included in the member's portfolio and submitted to the CMTNB at the end of the cycle.

7.0 Professional Portfolio

7.1 Forms

It is the responsibility of the member to keep a professional portfolio containing a detailed log of participation in continuing education activities, using one of the following forms as appropriate. Copies of these forms are attached in the Annex to these Guidelines and may also be found on the CMTNB website at www.cmtnb.ca under Continuing Education:

- CEU Activity Recording Form – for most activities
- Shadowing Form - When a massage therapist observes or shadows the practice of another health professional, in order to obtain a better understanding of other modalities, or to learn new techniques. A summary of this information should also be transferred to the CEU Recording Form.
- Self-directed Learning Form – for activities of independent study of professionally related journal articles, videos, monographs, texts and other materials, or a peer study group, in which two or more registrants meet, to discuss and study the same. A summary of this information should also be transferred to the CEU Recording Form.

7.2 Proof of activities

The following are examples of the type of proof you may retain and use to verify activities:

Activity	Proof of activity to be kept in portfolio
Attending workshops/courses	Course information, including name of organization and contacts for verification; receipt, written proof of attendance, certificate or diploma, CEU reporting form signed by the instructor
Presenting/teaching workshops/courses	Brochure from the course you teach, dates/teaching hours (excluding breaks), names of organizations and contacts for verification
Members on committees	Names of committees, meeting dates and number of hours for each meeting
Participation in college examinations	Written proof of participation and hours/CEUs by examination administrator
Peer study group	Written summary of topic of each meeting, initialed by a peer as proof of activity
Participation in formal research	Type of research and hours of activity
Submitting articles for publication	Copy of article and number of hours of preparation time
Reviewing books/articles	Brief synopses of articles, books or videos reviewed, record of learning that occurred.
Volunteer event	Event information, thank you letter from organization or participation certificate

Please remember to convert the hours to CEUs in your professional portfolio (two hours = one CEU).

8.0 Reporting CEUs to CMTNB at end of cycle

Each Credit Cycle reports in a different year. Members are required to report their CEU activity at the end of their 3-year Credit Cycle. Refer to section 2.0 for credit cycles.

Completed CEU Recording Forms, Shadowing Forms and Self-directed Learning Forms must be received by the CMTNB by December 31 in the last year of their credit cycle. If additional activities are completed after October 31 in the last year of your credit cycle, please include these in your next credit cycle.

All forms must be completed accurately, with sufficient detail as noted above on each activity, along with the hours for each activity and the equivalent CEUs (two hours of activity = one CEU). The form **MUST BE SIGNED**.

Please send copies of certificate or other proof of participation in activities – please keep the originals in your portfolio

9.0 Consequence of not reporting or not meeting requirements

Failure to provide proof of completion of the required CEUs may result in non-renewal of the license to practice massage therapy.

The Discipline and Fitness to Practise Committee has certain discretionary powers in these matters. A member who has not completed the required CEUs may apply for an extension by writing to the committee at the time that their CEU reporting form is due, explaining the situation clearly. The committee may grant an extension of time to complete the required CEUs and set out conditions related to the extension.

10.0 Frequently Asked Questions

1. If I have more than 30 CEUs in a cycle, can I carry them forward to the next cycle?

No. Members are expected to be continually upgrading their knowledge and improving their skills.

2. What happens if I was unable to obtain the required CEUs during my cycle?

The Discipline and Fitness to Practise Committee has certain discretionary powers in these matters. A member who has not completed the required CEUs must write to the Committee at the time that their CEU reporting form is due, explaining the situation clearly. The Committee will render a decision based on the information provided.

3. How do I get a course assessed for eligibility for CEUs?

Send information on the content, duration and a brief description of the modality to the CEU Committee.

4. Does record keeping and report writing that I do as part of my practice count for CEUs?

No. Only a learning activity related to record keeping or report writing (e.g. workshop, peer study) counts for CEU credit.

5. If I am a recent graduate, when do I have to start continuing education activities and report CEUs?

New graduates who register with the CMTNB have to adhere to continuing education policies- this means that they have to start accumulating CEU's one year after joining the CMTNB"

6. What happens if CEU Recording Forms are not filled out correctly?

The CMTNB will have to send the form back to members and charge an administrative fee if it is not correctly filled out. Please be careful to include the following information which is frequently missing on forms submitted (where applicable): Name of registrant, registration number, dates of activities, title of workshop/course, number of hours of instruction, (not including breaks), number of equivalent CEUs (two hours = 1 CEU).

Continuing Education Policy and Guidelines revisions are effective November 1, 2022 - College of Massage Therapists of New Brunswick

Policy Statement 3

Complementary modalities

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

Scope Statement

Subsection 3(4) of the *Massage Therapy Act, 2013*, states:

“The practice of massage therapy is, subject to the exclusions contained in Section 72 of the Act, 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 mobilization to develop, maintain, rehabilitate or augment physical function, or relieve pain, and does not include manipulation or movement of the spine or the joints of the body beyond an individual’s usual physiological range of motion, using a high velocity, low amplitude thrust.”

Policy

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.

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

Massage therapists who provide complementary modalities must understand their professional accountability and that they are responsible for following the Code of Ethics, the Standards of Practice, and the By-laws, determining the appropriateness of the complementary modality, ensuring that they have the knowledge, skill, and judgment to perform the modality competently, performing an assessment of clients before providing the treatment, explaining to the client the anticipated effects, the potential benefits, and the potential risks of the proposed modality so the client can make an informed choice, obtaining valid consent before beginning treatment, and evaluating the ongoing status of the client and the effects of the modality on the client’s condition and overall health.

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

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

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

Complementary Modalities:

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

Policy Statement 4 - *Record retention*

Policy

No agreement between or among massage therapists or between a massage therapist and other health care providers can supersede the individual massage therapist's duty to a client with respect to the keeping of health records.

The client records exist as a guide for the massage therapists as well as his or her associates or successors. Massage therapists when commencing employment or entering into group practice should develop an agreement that explicitly covers procedures for record storage in the event of termination of employment, partnership or other agreement, or closing, relocation or selling of a practice.

It is the duty of a health care professional not to abandon a client. It is the position of the CMTNB that a departing massage therapist has a responsibility to contact clients and notify them that he/she is leaving a practice. This may be done in person, by telephone or by letter. The purpose of this contact is to assist clients with transfer of care to another provider, if necessary, and to advise them of how they can access their health records in the future.

Guidelines on commencing employment or entering a group practice

Employment Agreement

When commencing employment or entering into a group practice, the massage therapist should develop an agreement that explicitly covers where records will be stored (by the facility or the massage therapist) upon termination of the relationship with the facility.

If the facility is maintaining the original records, a copy of the records should be kept by the massage therapist or an agreement reached allowing the massage therapist access to the records as needed.

If the massage therapist is keeping the client records, the facility should be provided with information on the massage therapist's new practice location so that clients who wish to access their records can contact the massage therapist to do so. In addition, the massage therapist may write to the clients advising them whom to contact to obtain a copy of their records.

Closing a practice

A massage therapist closing a practice due to retirement or relocation out of the area should: give clients as much notice as possible that the practice is closing, assist clients with the transfer of their care to another provider, and advise clients that the therapist is required to keep their records for 16 years. The retiring massage therapist may store the records or may appoint a custodian who will store and monitor access to the records. If the member has died, his or her estate may elect to store the records and respond to client requests for information, or may choose to transfer the records to another individual who will act as custodian.

Selling the practice

A massage therapist selling a practice should: give clients as much notice as possible that the practice is being sold, facilitate the transfer of care to the new practitioner or respect clients' wishes if they decide to choose a new practitioner not associated with the clinic, and advise clients of what arrangements have been made for storage and access to records and respect the wishes of clients who choose to have their records transferred to another provider.

Policy Statement 5 - Release of records

Policy

Massage therapists have a responsibility to respond promptly to requests for health information from clients or third parties. This information may be required to facilitate the client's care or settle employment or legal issues relating to the illness or injury.

Guidelines

When a request is made for information from a client's file, the massage therapist should ensure that proper procedures are followed:

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

Example:

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

John has spoken with all the current clients and has helped them to make arrangements for on-going care. He has agreed to provide a copy of the clients' records to their new massage therapists.

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

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

Position Statement 1 *Age of Consent*

Position

Generally, the law recognizes a parent's or guardian's right to make decisions, including health related decisions, for children until the child reaches the age of majority. The age of majority in New Brunswick is 19 years. The age of majority for medical consent is 16 years. (Ref: Medical Consent of Minors Act).

The issue of consent is as much about the capacity to give informed consent as it is about actual age. For a client to give informed consent to treatment, he or she must be informed as to the nature and the risks and benefits of treatment, as well as the risks of not having treatment. There are often circumstances where a person under 16 years of age is able to make his or her own medical decisions.

Massage Therapists should exercise judgment in each case where a person under the age of 16 presents for massage therapy. Legal advice may be indicated in uncertain situations.

Position Statement 2 - Conducting a clinical massage therapy practice

Position

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

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

Guidelines - Physical Setting

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

Staffing

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

Clinic policies and procedures

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

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

Equipment

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

Position Statement 3 - Practicing prior to registration

Under *The Massage Therapy Act, 2013*, the therapy provided by massage therapists during client treatment is in the public domain. Only members of the College of Massage Therapists of New Brunswick are permitted to use the title registered massage therapist, massage therapist, certified massage therapist, etc.

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

Position

Massage therapy students or graduates who have not yet taken, or have failed the certification examinations are not yet members of the CMTNB. The CMTNB believes that it is not in the public's interest for students or unregistered graduates to practice massage therapy before they are registered with the CMTNB. The CMTNB recommends that all offers of employment should be conditional to registration with the CMTNB, and employment should only begin after a therapist is successfully registered with the CMTNB.

The CMTNB advises massage therapists that they cannot supervise the work of an unregulated individual and bill that service as massage therapy and should not allow unregistered students/graduates to work as massage therapists in their practice.

If the College receives a complaint about the practice of a massage therapy student or graduate who is, or has been, practicing before being registered, the information will be investigated to determine if the student has contravened the title provisions of the *The Massage Therapy Act, 2013*. When the student or graduate files an application for registration the complaint will be reviewed by the Registrar to determine if the application should be referred to the Admissions Committee for a decision to refuse to register the applicant or to impose terms, conditions, or limitations on the certificate.

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

Position Statement 4 - Treatment of sensitive areas

Position

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

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

Guidelines

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

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

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

Position Statement 5 - Use of titles and credentials

The Massage Therapy Act, 2013 provides members with protection of title. Title protection of a regulated profession helps the public readily identify individuals registered with the CMTNB. It is a privilege extended to massage therapists who have met the entry to practice requirements and who maintain their accountability to a regulatory body.

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

Position

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

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

The use of any other title, term or designation that indicates or implies the member is a specialist in any aspect of massage therapy is not permitted. Members may take courses focused on a specific modality that is not recognized as a specialty or as being in compliance with the Standard of Practice. Reference to these courses, or the title conferred by the completion of them, should not be used by the member. The public may misinterpret these other titles as specialized fields of knowledge with established professional standards of practice and licensing regulations.

People who are not registered with the CMTNB cannot use the protected titles. Section 20 of the *Massage Therapy Act, 2013* forbids anyone who is not a member of the CMTNB from using the title "massage therapist" or an abbreviation or variation of that title.