

The Learning Company Communications and Ethics

MTA - Massage Therapy Act Highlights of MTA

Examinations

- Examinations must be offered at least twice a year
- A candidate that fails the examination may re-apply
- If the candidate fails 3 examinations they must obtain another diploma from a massage therapy program (refresher program available at Centennial college in Scarborough)

Advertising

- Advertising can not contain ...
 - Anything that is false or misleading
 - Anything that because of its nature can not be verified
 - An endorsement other than an endorsement by an organization that is known to have expertise relating to the subject matter of the endorsement
 - A testimonial by a client or former client
- Should not imply that the member practices regularly and actively in a location if, in fact that is not the case
- Must be readily comprehensible
- The member who is chiefly responsible for the practice must identify him/her self as a member of the college

Records

- A daily appointment record that sets out the name and time of appointment for each client
- An equipment service record
- Financial records must contain ...
 - the particulars of the treatment
 - the fee charged for the services
 - a copy or record of the receipt issued for payment
- Health records must have ...
 - Client's name and address
 - Date, time and duration of each visit
 - Name and address of primary health care professional and any referring health care professional
 - Relevant medical history and history of massage therapy
 - Particulars of every examination and clinical finding assessment
 - Every written report received with respect to the examinations, tests, consultations or treatments performed by any other person
 - Particulars on advice given
 - Particulars of every referral to another health care professional
 - Particulars of every fee or charge
 - A copy of every written consent
 - A copy of every needs assessment
 - A copy of every treatment plan
 - Particulars of treatment applied and the name of the member that applied the treatment

- o The health care record must have reference identifying the client on every page
- o Every entry must be dated and initialled by the person making the entry
- Health care records must be kept for 10 years ...
 - o After the clients last visit
 - o If under the age of 18, after the date in which the client turns 18
 - o Client records must be destroyed in a manner that maintains confidentiality
 - o Records may be stored electronically but must ensure that all reports are secure from loss, tampering, interference or unauthorized use or access
 - o Copies must be provided from a client health record upon receiving a written request from ...
 - Client
 - Their representative who is authorized in writing by the client
 - If the client is dead, the clients legal representative
 - If the client lacks capacity, either a committee appointed under the Mental In-competency Act
 - Their spouse
 - Conjugal partner if they have cohabitated for more than 1 year
 - Son/daughter/parent
 - o It is not an act of professional misconduct to refuse to provide copies if the member has not received payment of the fees
 - o It is not professional misconduct for a member to refuse to provide copies from a client health record until the member is paid a reasonable fee
 - o A member can provide information from a client health record if...
 - The information is to be used for health administration or planning or health research
 - The use of the information is in public interest
 - And anything that could identify the client is removed

NOTICE OF MEETINGS AND HEARINGS

- If a meeting is open to the public :
 - o It must be published in a daily newspaper no less than 14 days before the meeting
 - o Must include the intended date, time and place
 - o Must include the purpose of the meeting and the contact address or phone # where further information can be obtained

PROFESSIONAL MISCONDUCT

Advertising

- Advertising or permitting advertising with respect to the member's practice in contravention of the regulations under the Act.

Records

- Allowing any person to examine a client health record or giving any information, copy or thing from a client health record to any person except as required or allowed by law.
- Failing to provide copies from a client health record for which the member has primary responsibility, as required by the regulations under the Act.
- Failing to make arrangements with a client for the transfer of the client's records in the care of the member,
 - o when the member retires from practice,

- o when the member changes office location and the client requests that the records be transferred, or
- o when requested to do so by the client.

The Practice of the Profession and the Care of, and Relationship with, Clients

- Contravening a term, condition or limitation imposed on the member's certificate of registration.
- Contravening a standard of practice of the profession or a published standard of the College, or failing to maintain the standard of practice of the profession.
- Doing anything to a client for a therapeutic, preventative, palliative, cosmetic or other health-related purpose in a situation in which consent is required by law, without such a consent.
- Abusing a client, verbally or physically.
- Practising the profession while the member's ability to do so is impaired by any substance.
- Discontinuing professional services that are needed unless,
 - i. the client requests the discontinuation,
 - ii. alternative services are arranged,
 - iii. the client is given a reasonable opportunity to arrange alternative services, or
 - iv. the client is abusive, and the member has made all reasonable attempts to arrange alternative services.
- Practising the profession while the member is in a conflict of interest.
- Breaching an agreement with a client relating to professional services for the client or fees for such services.
- Receiving any form of benefit from the practice of massage therapy while under suspension unless full disclosure is made by the member to the College of the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee.
- Employing or otherwise benefiting from a suspended member with respect to the practice of massage therapy unless full disclosure is made by the member to the College of the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee.
- Failing to maintain the member's practice premises in a safe and sanitary manner.
- Failing to reveal the exact nature of a secret remedy or treatment used by the member following a request to do so by a client, a client's representative or the College.
- Making a claim respecting the utility of a remedy, treatment, device or procedure other than a claim which can be supported as a reasonable professional opinion.
- Inappropriately using a term, title or designation in respect of the member's practice.
- Using a name other than the member's name as set out in the register in the course of providing or offering to provide services within the scope of practice of massage therapy.
- Failing to identify himself or herself, by name or certificate number, on the request of a client, a client's representative or another health professional.
- Failing to pay any money owing to the College.
- Failing to take reasonable steps to ensure that any information provided by or on behalf of the member to the College is accurate.
- Failing to reply appropriately or within a reasonable time to a written inquiry made by the College that requests a response.
- Failing to attend an oral caution of the Complaints Committee or an oral reprimand of the Discipline Committee.

- Failing to permit entry at a reasonable time or to co-operate with an authorized representative of the College conducting an inspection or examination of the member's office, records, equipment or practice.

Record Keeping

- Failing to keep records as required.
- Falsifying a record relating to the member's practice.
- Failing, without reasonable cause, to provide a report or certificate relating to an examination or treatment performed by the member, within a reasonable time, to the client or his or her authorized representative after a client or his or her authorized representative has requested such a report or certificate.
- Signing or issuing, in the member's professional capacity, a document that the member knows contains a false or misleading statement.

Business Practices

- Submitting an account or charge for services that the member knows is false or misleading.
- Charging or accepting a fee or amount that is excessive or unreasonable in relation to the services performed.
- Failing to post, in a location within the practice premises that is readily visible to members of the public, the fees for professional services provided by the member.
- Charging a fee in excess of the posted fees, without the prior informed consent of the client.
- Charging a fee less than the posted fees without noting the reduction and the reasons for it in the client's financial record.
- Charging or accepting a fee or amount under any agreement, if the fee or amount is excessive or unreasonable having regard to the services to be performed or that may be performed under the agreement.
- Failing to advise, in advance of services being rendered, of the fees proposed to be charged for the services to be rendered.
- Failing to abide by a written undertaking given by the member to the College or to carry out an agreement entered into with the College.
- Offering or giving a reduction for prompt payment of an account.
- Failing to itemize an account for professional services, if requested to do so by the client or the person or agency who is to pay, in whole or in part, for the services.
- Selling or assigning any debt owed to the member for professional services. This does not include the use of credit cards to pay for professional services.

Miscellaneous Matters

- Contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts.
- Failing to comply with section 27 respecting the use of a practice name.
- Contravening a federal, provincial or territorial law, a municipal by-law or a by-law or rule of a hospital, within the meaning of the *Public Hospitals Act* if,
 - i. the purpose of the law, by-law or rule is to protect the public health, or
 - ii. the contravention is relevant to the member's suitability to practise.
- Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

- Treating or attempting to treat a condition beyond the member's competence.
- Failing to refer a client to a qualified medical practitioner where the member recognizes or ought to have recognized a condition which requires medical examination.
- With respect to the information return required under Ontario Regulation 864/93 (Registration) made under the Act on the renewal of a certificate of registration, making a false or misleading statement or declaration or failing to fully provide the information required.
- Verbally or physically abusing an employee, agent, officer or other representative of the College.
- Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a massage therapist.

If a member practices under a practice name, the member shall notify the College in writing of the number and names of the persons working in the practice who are providing care to clients and, if they are members of the College, of their certificate number. The member shall notify the College of any change in the information referred to in subsection (1) within 30 days of the change. If a member practises under a practice name, the member shall use a practice name that is reasonably referable to and describes the location of the practice or that has been approved by the Executive Committee.

Quality Assurance Program

- Every member shall participate in and fulfil the requirements of the quality assurance program
- Includes the following components:

Professional Portfolio

- Shall maintain a professional portfolio consisting of the self assessment and professional activity log (CEU's)
- Must complete a self assessment document in a form provided by the college once every three years or at the request of the committee
- Shall submit a professional portfolio to the committee member within 30 days after the request or to an assessor immediately upon request

Credit Components

- Shall participate in continuing education so as to accumulate a minimum of credits in every credit cycle
- Credit cycle is a three year period
- Shall provide the registrar with proof of having accumulated the minimum number of credits in each credit cycle no later than on the December 31 that follows the end of that cycle
- The proof shall be in the form provided by the registrar

Peer Assessment and Remediation of a Members Practice

- Each year the college selects at random the names of members required to undergo a peer assessment
- A member is required to undergo the peer assessment if
 - their name is selected at random
 - has been referred by the executive committee or complaints committee
 - has failed to complete the minimum number of credits

- o has failed to provide proof of successfully completed the credit requirements
- The purpose of the assessment is to evaluate whether a member's knowledge, skills and judgement are satisfactory through adherence to the standards of practice and code of ethics
- The committee will assign an assessor
- The member may request a different assessor
- The assessor shall prepare an assessment report and submit it to the committee and the member who is assessed

Remediation of behavior or remarks of a sexual nature (member towards client)

- Applies where a complaint or report is made alleging that a member has demonstrated behaviour or made remarks of a sexual nature toward a client, the member has admitted to such behaviour and the matter is referred to the committee
- If a matter is referred to a committee, they may require the member to undergo a psychological assessment or another assessment specified by the committee
- After receiving the report of an assessment, the member may be required to undertake specific measures such as education, therapy or counselling
- These measures must be completed in a specific time frame
- If the member refuses to undergo the assessment or undertake the measures specified, the registrar may impose limitations or conditions on the member's certificate of registration for a period not exceeding 6 months
- The registrar must give the member 14 days notice if limitations are going to be placed