

## EDUCATION

# Be ever vigilant



Massage therapists particularly vulnerable to allegations

BY DONALD QUINN DILLON

**T**he media is steadily drawing increased attention to the misconduct of health professionals. In a March 25<sup>th</sup> article in the *Toronto Star*<sup>1</sup>, journalist Theresa Boyle reflects on a complaint against a particular physician, saying: “It’s cases like this that have placed Ontario’s oversight system for health professionals under the microscope. The self-regulatory system – which governs everyone from doctors, nurses and dentists, to homeopaths, naturopaths and Chinese medicine providers – is considered by many to be too protective of professionals, outdated, and not robust enough to achieve its central mandate: to serve and protect the public. There have long been calls for major reform and they are growing louder. They include demands to scrap self-regulation.”

With the conflation of numerous celebrity cases of sexual abuse – Bill Cosby, Harvey Weinstein – and the emerging #MeToo social outcry, the media is hypervigilant to draw attention to the issue.

Massage therapists may be particularly vulnerable to allegations, working as they do with clients of minimal dress and at a high level of touch contact. Unfortunate associations linking the profession to the sex trade, human trafficking and criminal activity still exist, affecting the public trust. This makes interactions for massage therapists with the media and police particularly sensitive.

Are massage therapists increasingly and disproportionately vulnerable to allegations of sexual misconduct? If so, how can they work to prevent allegations or defend themselves if innocent in this delicate and complex media climate?

## PUBLIC RELATIONS NIGHTMARE

In a 2017 Op-Ed in *Massage Therapy Canada*<sup>2</sup>, I presented with increasing alarm my concerns for not just the frequency of

**DONALD QUINN DILLON** (RMT) is a practitioner, practice coach and speaker in the field. Find him at [DonDillon-RMT.com](http://DonDillon-RMT.com)



media reporting of massage therapist allegations, but the style of coverage. The media used stark and threatening images – squad cars and police badges – in what appeared to be sensationalistic. In almost all cases, the media provided few details of the evidence, presenting the perspective the practitioner was guilty before a hearing could be held.

Media coverage rarely acknowledges massage therapy as a regulated profession, nor do they mention the regulatory body or the current mechanism in place for complaints and discipline. The coverage, I estimate, was damaging to both the massage therapist and to the business they were employed at, all before a sufficient investigation could be mounted.

Relations with police show signs of strain as well. A Quebec massage practitioner was surprised by a police officer’s dismissal of her concerns when she reported a client who masturbated during the session.<sup>3</sup> The officer stated, “it’s part of the business.”

When police are incognizant of massage therapists as regulated health professionals, the complaints process in place, and project ill intentions on the part of the practitioner, this reflects poorly for the profession and the professionals.

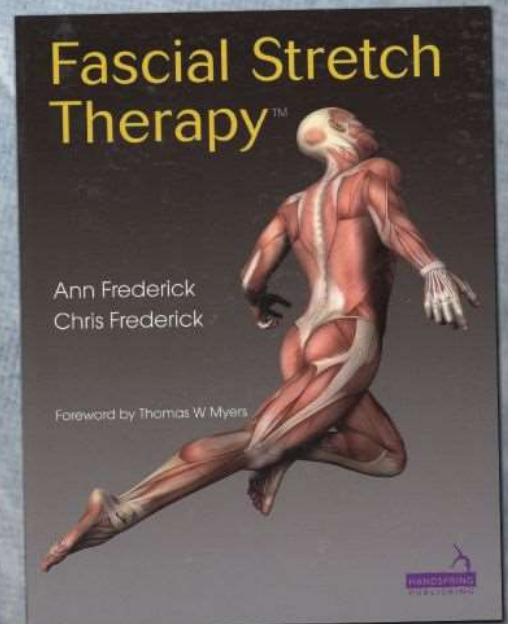
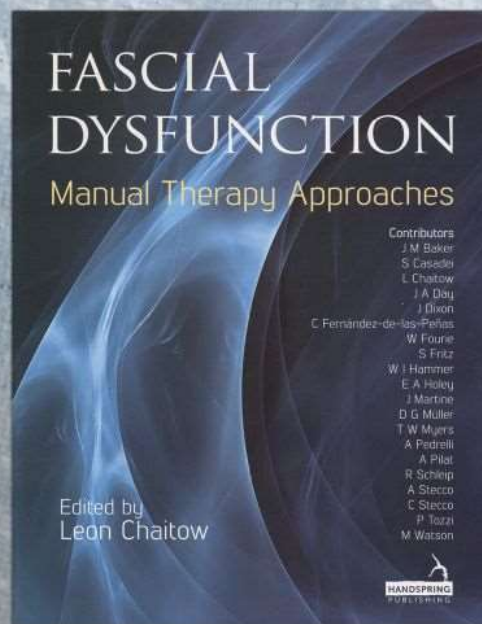
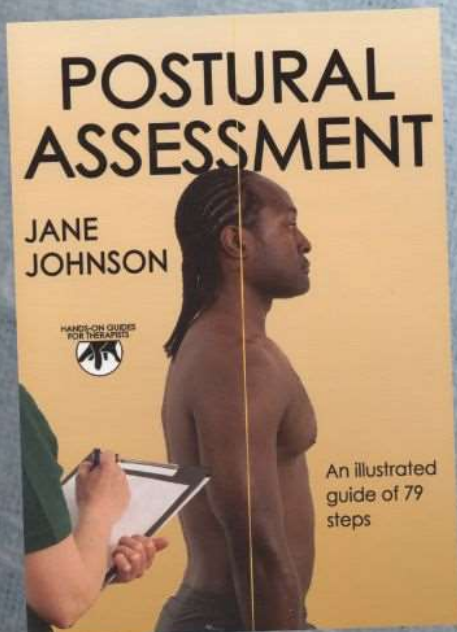
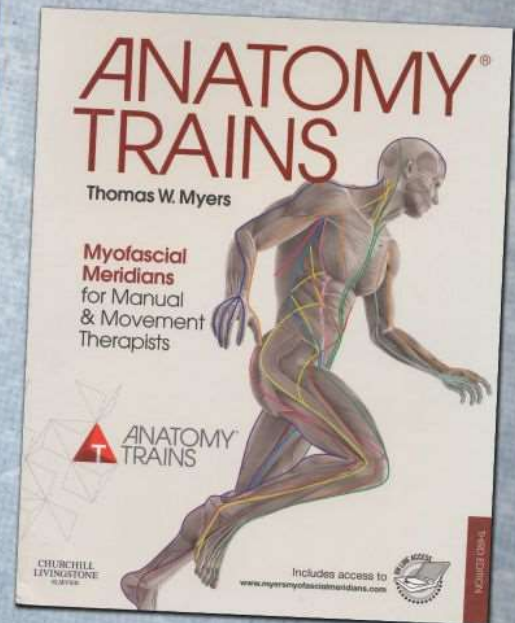
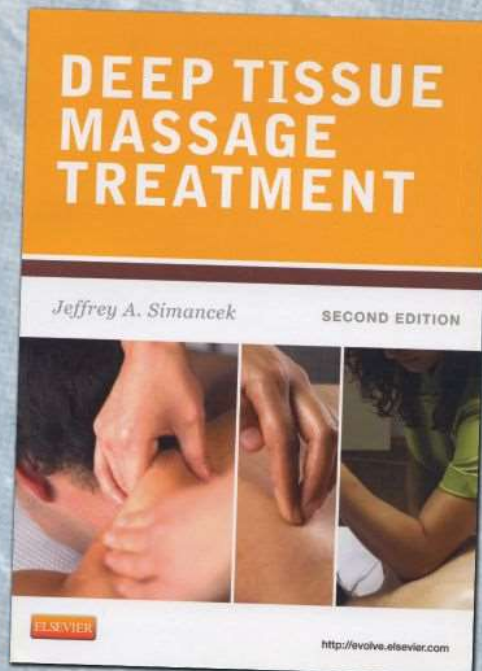
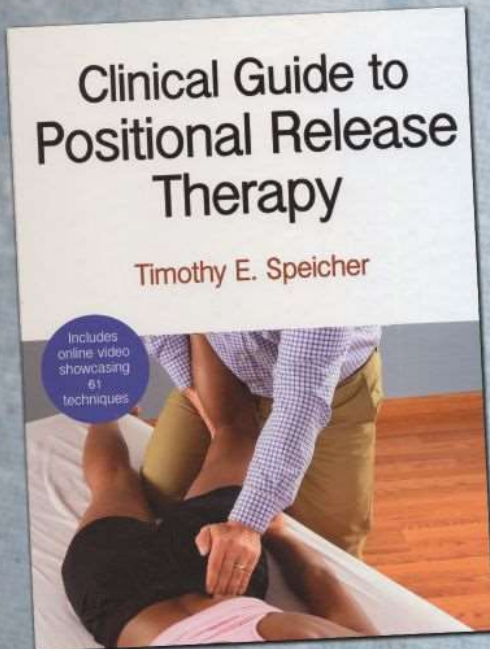
The author is aware of accounts when a practitioner is taken away (embarrassingly) in hand-cuffs, with his/her work is suspended until a hearing is scheduled. The practitioner may be completely surprised of the offence, and is often unaware of their rights. The outcome can be financially devastating and career-altering.

The College of Massage Therapists of Ontario (CMTO) has recently released new and revised standards related to maintaining professional boundaries, verbal and non-verbal communication, draping, engaging in relationships with clients, and mandatory reporting requirements, among others.<sup>4</sup>

Photo: Fotolia by Adcobe



# YOUR SOURCE FOR EDUCATION, TRAINING AND REFERENCE BOOKS FOR MASSAGE THERAPISTS



**[www.annexbookstore.com](http://www.annexbookstore.com)**  
Phone 877-267-3473 | Fax 877-624-1940



The CMTO also provides publications to assist massage therapists in understanding how to form professional boundaries ([cmta.com/key-publications](http://cmta.com/key-publications)). We can only speculate whether massage therapists are receiving sufficient training in these areas during or after their vocational education, and if therapists are confident in how to respond to inappropriate or aggressive behaviour by a client, or even an allegation.

### **DON'T BE 'TOO CHUMMY'**

Murray Allan is a retired police officer and previously worked in various investigative units spanning a twenty-six-year career, including four years in the Sex Assault and Child Abuse Unit as an investigator and shift supervisor. Allan is periodically employed by the Massage Therapy Association of Manitoba to advise members facing allegations. Allan works in tandem with a consulting senior massage therapist in order to prepare the member for the court hearing and charges of misconduct.

Allan admits male practitioners may be particularly vulnerable to miscommunication and charges of misconduct or incompetence. He expresses concern with what appears to be an inconsistency and deficit of massage therapy training and education.

Allan laments the problem frequently starts when the practitioner becomes "too chummy" with a client, and lax in maintaining professional boundaries. "The massage becomes routine and [the therapist] is less diligent in acquiring consent, applying proper draping practices, and in their intention with touch." When a complaint is lodged by client, it's a "huge wake-up call" for the therapist to examine their behaviour and practices.

Hiring a defence lawyer is necessary, and Allan cautions not to allow over-shadowing of one's own story. "The story – perceptions, intentions – is important for the judge and jury to hear directly from the practitioner."

Allan describes the most common complaints are related to "poor charting/failure to keep records, improper draping, inappropriate touch," or conversations that make a client "feel awkward and violated." Allan concurs the #MeToo movement has increased scrutiny of health professionals and focuses media and law enforcement on boundary



“There is a raised awareness of perceived transgressions... clients are emboldened to file a complaint.”

- Lad Kucis

violations. "If a person feels violated and makes a statement of complaint to the police, [they] are obligated to investigate," he says.

### **BE PREPARED TO ADVOCATE FOR YOURSELF**

Lad Kucis, a health law specialist and partner at Gardiner Roberts LLP in Toronto, provides advice and representation to health practitioners on a wide range of regulatory matters, including all types of college proceedings (i.e. complaints, investigations, discipline, appeals, etc.), health privacy issues, and matters that fall under the governance of Health Canada and the Ministry of Health and Long-Term Care.

The most common allegations Kucis sees against massage therapists include informed consent not being obtained for a particular treatment, sexual abuse (including inappropriate touching of a client and forming sexual relationships with clients), submitting false insurance

claims and misuse/misappropriation of registration numbers. As part of his role, Kucis will advise RMTs to make changes to their practices and behaviours where necessary to meet one's obligations.

Kucis isn't surprised by the increasing media coverage in allegations against RMTs. "There is a raised awareness of perceived transgressions...clients are emboldened to file a complaint." Kucis observes that health professionals who are required to touch clients in their professional role face the highest risk of a complaint." He concurs, RMTs are particularly vulnerable, "given the client is mostly unclothed during treatment."

Kucis recommends a practitioner must defend oneself in an appropriate manner if allegations are made and police show up at the practitioner's door. First, connect with a criminal lawyer to assist with bail conditions and in any potential police interview. "Sometimes RMTs [without counsel] agree to restrict practice/suspend work until the hearing. Retaining criminal counsel is essential to protect yourself when facing criminal charges."

Kucis cautions that the regulatory body may be notified of the police investigation – even if no charges are laid – and they have the authority to issue an interim suspension to practice.

"You have a right to make a written submission before such action would be ordered," says Kucis. "For this reason, you should also engage a lawyer specializing in health law if you are facing criminal charges as a health professional."

If police arrive to speak with a practitioner over an allegation, it's important for the practitioner to advocate for themselves prior to charges being laid. If the charges are false, Kucis recommends adamantly denying the charges and "affirm themselves as a regulated health professional, accountable and subject to the standards and policies set by their regulatory body." Kucis adds, should the police lay charges or ask the RMT to come to the station for further questioning, the RMT should immediately contact a criminal lawyer before engaging in any further discussions.

The RMT should also reassure their employer that there is no merit to the allegation. If the RMT has an unblemished prior record, this item should be raised as well. "RMTs should also

provide a full account of the event in question to their legal counsel. If you are required to meet with the regulatory body, engage a lawyer specializing in health law to ensure you are properly represented.”

So, how can massage therapists reduce the possibility of misconduct allegations?

“First, obtaining informed consent is essential,” Kucis says. “Consistently explain what procedures you propose to provide and be sure to obtain informed consent before proceeding. If the client requests treatment of a ‘sensitive area’ (as defined by the CMTO), ensure that appropriate written consent is obtained. The second area is billing. Protect your registration number, don’t pre-sign blank receipts and be aware of the fidelity of operations where you work. Don’t be duped by unscrupulous operators.”

### ALL STAKEHOLDERS HAVE A ROLE TO PLAY

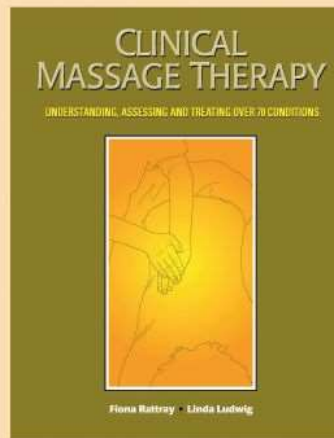
A number of large employers in the U.S. and Canada are taking steps to enact ethics training and education for their massage therapists. Training colleges would prudently spend more time in ethics training, theoretical concepts and role-playing to help trainees address inappropriate behaviour, maintain boundaries, and master verbal and non-verbal communication. We must rely on our professional associations and regulatory bodies to provide additional training and education in maintaining boundaries. Further, we need them to regularly engage the media, police and public to educate and inform, to transform negative associations and to build the public trust.

Practitioners working independently may consider gathering with other practitioners to review regulations, the regulatory body’s code of ethics and disciplinary cases posted in the regulatory body’s annual reports. Candidly discussing how to maintain professional boundaries, then role-playing and strengthening verbal and non-verbal communication with the support of others may help practitioners become less vulnerable to allegations.

### REFERENCES

1. Boyle, T. (2018, March 25) “The ‘radical paradigm shift’ that’s changing Ontario’s oversight system for health professionals.” Retrieved from: [thestar.com/news/canada/2018/03/25/the-radical-paradigm-shift-thats-changing-ontarios-oversight-system-for-health-professionals.html](http://thestar.com/news/canada/2018/03/25/the-radical-paradigm-shift-thats-changing-ontarios-oversight-system-for-health-professionals.html)
2. Dillon, D.Q. (2017, January 9) “PR nightmare.” Retrieved from: [massagetherapycanada.com/opinion/pr-nightmare-3486](http://massagetherapycanada.com/opinion/pr-nightmare-3486)
3. Dalton, M., Turnbull, J. (2018, May 11) “Massage therapist’s ‘happy endings’ incident spurs federation to take action.” Retrieved from: [cbc.ca/news/canada/montreal/massage-therapist-s-happy-endings-incident-spurs-federation-to-take-action-1.4659016](http://cbc.ca/news/canada/montreal/massage-therapist-s-happy-endings-incident-spurs-federation-to-take-action-1.4659016)
4. (2017, September) “Standards for Maintaining Professional Boundaries and Preventing Sexual Abuse.” Retrieved from: [cmto.com/assets/Standard-for-Maintaining-Professional-Boundaries-and-Preventing-Sexual-Abuse.pdf](http://cmto.com/assets/Standard-for-Maintaining-Professional-Boundaries-and-Preventing-Sexual-Abuse.pdf)

## Critically acclaimed...



*"I cannot think of anything that was left out of this massive work and I think every massage therapist who owns a copy will refer to it almost every day."*

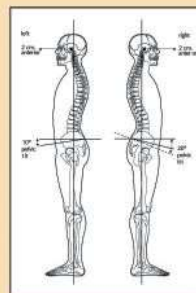
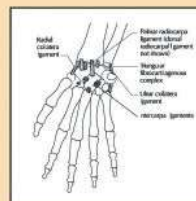
Lisa Mertz,  
*Massage Therapy Journal*

## Clinical Massage Therapy: Understanding, Assessing and Treating Over 70 Conditions

by Fiona Rattray, RMT  
with Linda Ludwig, RMT

**An essential resource for  
massage therapists and students**

*Over 70 conditions, over 100 illustrations, over 1,100 pages, fully indexed, extensively researched.*



Each condition includes:

- An explanation of the pathological or traumatic process and expected symptoms.
- An assessment protocol with expected outcomes. A testing appendix gives easy-to-follow, step-by-step instructions for all tests included in the book.
- Clear treatment plans including contraindications, specific massage techniques, remedial exercises and self-care.

**Finally, all in one text!**

**TO ORDER:**  
Call: **519-883-8286**  
Fax: 519-883-0265  
[www.clinicalmassagetherapy.com](http://www.clinicalmassagetherapy.com)

Discounts available for schools and bookstores.