

**FORMAL SUBMISSION TOWARD THE
REGULATION OF MASSAGE THERAPY UNDER THE
HEALTH PROFESSIONS ACT**

Jointly submitted by:

Massage Therapist Association of Alberta (MTAA)
Natural Health Practitioners of Canada Association (NHPCA)
Remedial Massage Therapists Association (RMTA)

as

The coalition of Massage Therapy Associations (The Coalition)

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INTRODUCTION

This proposal has been prepared by a coalition of Massage Therapy Associations which consists of three massage therapy member associations in Alberta on behalf of their members, and authorized by their respective Boards of Directors. The three groups, Massage Therapists Association of Alberta (MTAA), Natural Health Practitioners of Canada Association (NHPCA), and Remedial Massage Therapists Association (RMTA), propose to use a definition that is consistent with other regulated jurisdictions in Canada and the Alberta Human Resources and Employment Occupational Profile for massage therapists.

This application has been prepared within the scope of the Application Preparation Guide questions and considerations.

SECTION 1 – SERVICES NORMALLY PROVIDED

Services normally provided by a person practicing the profession, including the complexity of the services, how they are carried out, and if any services are supervised by another profession. Include: number of practitioners in Canada and Alberta; description of national and provincial societies or associations; whether any restricted activities from Schedule 7.1 to the Government Organization Act are performed by the profession.

Services normally provided

The Canadian Massage Therapist Alliance defines the practice of Massage Therapy and the services normally provided as:

“The practice of massage therapy is the assessment of the musculoskeletal system of the body and the treatment and prevention of physical dysfunction, injury, and pain by manipulation, mobilization and other manual methods to develop, maintain, rehabilitate or augment physical function, relieve pain or promote health. Massage therapy is a clinically-oriented healthcare option that helps alleviate the musculoskeletal disorders with everyday stress, physical manifestation of mental distress, muscular overuse and many persistent pain syndromes.”

Massage therapy can be a very important part of health plans, for treatment of both acute and chronic conditions, for patients and key benefits of massage therapy include:

- Reducing or eliminating pain
- Improving joint mobility
- Improving circulation
- Improving lymph drainage
- Reducing muscular tension
- Reducing stress, anxiety and fatigue
- Injury prevention and rehabilitation

The Alliance goes on to define the Massage Therapists practice as:

“Massage therapists function in both individual practice and collaboratively through in inter-professional team-based approach. Massage therapy interventions complement those of other health professionals and massage therapists understand and respect the roles, responsibilities and differing perspectives of other health professionals. Massage therapists work collaboratively with other health professionals within interdisciplinary teams and communicate relevant information to those individuals within the patient’s circle of care to achieve the optimal level of patient care.”

The Registered Massage Therapists’ Association of Ontario additionally describes Massage Therapists as using “their knowledge of physiology and anatomy to combine traditional Swedish and modern massage therapy techniques with other therapies to treat their clients. There has been a wide variety of research, published in peer reviewed journals, proving the benefits of massage therapy for various conditions...Massage therapy can also be used as part of a preventative care program. This includes sports training, injury prevention, ongoing stress management, and more.”

Number of practitioners in Canada and Alberta

The three Alberta associations represented in this application have a combined approximate membership of over 7,000 in Alberta. Across Canada, there are approximately 30,000 practicing massage therapists.

Description of national and provincial societies and associations

There are four regulatory Colleges in Canada:

In Ontario, the massage therapy profession became regulated under the Drugless Practitioners Act in 1919. In 1991, the government established the College of Massage Therapists of Ontario under the Regulated Health Professions Act.

In British Columbia, the massage therapy profession became regulated under the Physiotherapy Act in 1946. In 1995, the government established the College of Massage Therapists of British Columbia under the Regulated Health Professions Act.

In Newfoundland and Labrador, the massage therapy profession became regulated under the Massage Therapy Act in 2002.

In New Brunswick, the massage therapy profession became regulated under the Massage Therapy Act in 2013.

Currently, the governments of Manitoba and Saskatchewan are contemplating regulation in their respective jurisdictions. Also, the government of Nova Scotia has asked associations to provide more information toward regulation.

In Alberta, the three associations in this application (MTAA – provincial, RMTA – interprovincial, NHPC – national) represent over 7000 massage therapy practitioners in Alberta.

Whether any restricted activities from schedule 7.1 to the Government Organization Act are performed by the profession

Massage therapists sometimes also provide other health practices such as acupuncture, reflexology, etc. These treatments are not reflected in the nationally accepted Inter-jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice and would not be regulated by a College for Massage Therapy in Alberta.

SECTION 2 – COMPETENCE

Qualifications and minimum standards of competence that are required for a person applying to practice the profession and how the continuing competence of practitioners is to be maintained. Include: list of educational programs for entry to practice; description of any existing continuing competence programs.

Standards of Competence

Massage therapists must demonstrate the professional ability to assess a client's treatment needs using their education, experience and ongoing competency development. They must also recognize when referral to other health professionals is required to best treat the client.

The Coalition proposes to establish Entry-to-Practice competencies based on the "Inter-Jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice" (Inter-Jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice) developed and approved by the College of Massage Therapists of British Columbia, the College of Massage Therapists of Newfoundland & Labrador, the College of Massage Therapists of Ontario and the College of Massage Therapists of New Brunswick. Following these recently approved guidelines will allow the Alberta College to meet the determined standards to allow for inter-jurisdictional mobility through the Mutual Recognition Agreement.

The Inter-Jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice defines Practice Competencies through 9 statements:

1. Definition: A Practice Competency is a description of a task that is performed in practice, and which can be carried out to a specified level of proficiency.
2. The Practice Competencies establish the minimum requirement for newly-registered Massage Therapists who are entering practice for the first time, and ensure their ability to practice in a manner that is safe, effective, and ethical. The attainment at entry-to-practice of additional competencies, and higher levels of proficiency, is nevertheless encouraged.
3. Entry-level Proficiency is the proficiency required of newly-registered Massage Therapists; it has the following characteristics:
 - a. When presented with routine situations, the entry-level Massage Therapist applies relevant competencies in a manner consistent with generally accepted standards in the profession, without supervision or direction, and within a reasonable timeframe. The Therapist selects and applies competencies in an informed manner. The Therapist anticipates what outcomes to expect in a given situation, and responds appropriately.
 - b. The entry-level Massage Therapist recognizes unusual, difficult to resolve and complex situations which may be beyond their capacity. The Therapist takes appropriate and ethical steps to address these situations, which may include seeking consultation, supervision or mentorship, reviewing research literature, or making a referral.
4. The performance of a Practice Competency requires application of a combination of knowledge, skills, attitudes and judgments.
5. A Massage Therapist's Level of Proficiency in performing any Practice Competency will, in general, develop over time based upon experience and ongoing learning.
6. The Practice Competencies should be viewed as an array of abilities that newly-registered Massage Therapists bring to their workplace, upon which they can draw as necessary, dependent on the needs of their practice setting. Massage Therapists should apply relevant competencies in a manner consistent with the context of their practice setting. Some competencies will not be applicable in certain practice settings.
7. The Practice Competencies are inter-dependent; each competency informs the other competencies. Competencies are not intended to be applied in isolation.
8. The Practice Competencies have been developed in an easy-to-understand and user-friendly format, to serve users both within and outside the profession. It uses plain, generic language, and as far as possible, non-technical terminology.
9. The Practice Competencies will be reviewed and updated over time, to reflect changes in practice.

The Inter-Jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice lays out several practice competencies and performance indicators in a grid for assessment; however, the top level competencies listed include:

1. Professional Practice
 - a. Communications
 - b. Professional Conduct
 - c. Therapeutic Relationship
2. Assessment and Treatment Planning
 - a. Assessment
 - b. Treatment Planning
 - c. Indications for Adjunctive Therapeutic Modalities
3. Treatment and Patient Self-Care
 - a. Treatment Principles
 - b. Modalities and Techniques
 - i. Massage skills
 - ii. Myofascial Techniques
 - iii. Therapeutic Exercise
 - iv. Joint Mobilization
 - v. Thermal Therapy

Entry-to-Practice

Once the Alberta College is operational and current practitioners have transitioned into the College, the Coalition proposes entry-to-practice proficiency assessment be conducted through two means identified in the Inter-Jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice and based on the Inter-Jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice Foundational Knowledge principles:

- Graduation from an approved education program
- Successful completion of a registration exam

Competencies for entry-to-practice, and for transitioning current practitioners, must ensure the safety of the public and establish standards for Alberta practitioners which reflect high-level understanding by the practitioner.

Provincial examination for new entrants

The coalition proposes that an entry-to-practice provincial examination for new College entrants be competency-based, rather than a “hours of instruction model”, which follows the Inter-Jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice requirements. The Coalition believes that a competency-based registration in the College is the best indicator of knowledge, judgment and skills of the massage therapist, rather than assumed through hours of instruction. This exam model sets practice standards that all candidates must demonstrate before they can enter practice.

The proposed competency-based model is already in use in the regulated jurisdictions. The competency assessment mechanism that is used assesses learner outcome-based, and not based on assumed knowledge factors from hours of instruction.

Transitioning current practitioners

Based on survey results with association members regarding the transition to the College where members support recognition of competency, the Coalition recommends that current practitioners be accepted to the College if their competency has been recognized in one of the following ways:

- MTAA – Substantial Equivalency process (SE) or
- NHPCA – Competency Equivalency Exam (CEE) or
- Graduation from an approved 2200 hour or two year program or
- Successfully completed a Prior Learning Assessment Review (PLAR) by insurance companies or a member of the coalition
- Successfully completed an entry to practise examination

List of Approved Educational Programs

The Coalition uses a process for approving schools based on Inter-Jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice:

“Education programs should involve learning in three environments:

1. Academic education that takes place in a classroom or through guided independent study, and which involves learning whereby students develop knowledge and thinking skills, and beliefs and values, that enables them to perform the required Performance Indicators. Assessment in the **Academic Environment** must take place through written and/or oral

evaluations designed to determine performance consistent with the definition of Entry-Level Proficiency.

2. Simulation involves students learning the practical skills required to perform the Performance Indicators, under the direction of an experienced professional, in a setting that simulates practice. Assessment in the **Simulation Environment** must take place in a manner that ensures repeated and reliable performance consistent with the definition of Entry-Level Proficiency.
3. Clinical education involves students working directly with a patient in a setting designed to provide patient care. Students must be supervised by an experienced Registered Massage Therapist throughout their clinical education, in a manner that facilitates their development of independent clinical abilities while ensuring that patient care is safe, effective, and ethical. Assessment in the **Clinical Environment** must take place in a manner designed to ensure repeated and reliable completion of Performance Indicators with a variety of patients and consistent with the definition of Entry-Level Proficiency.

Learning activities are commonly structured to move sequentially through these progressively more complex learning environments; for example massage skills, which may in the final instance be demonstrated clinically, will have been introduced first in the Academic setting, and later in Simulation.”

These competencies, as outlined in the Inter-Jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice shall be integrated, resulting in well informed and well trained massage therapists. Business management, accounting and clinical operation skills are included in a school’s curriculum, but not tested at the provincial level.

In addition to the Inter-Jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice education program specifications, a project began in 2013 through the Federation of Massage Therapy Regulatory Authorities of Canada (FOMTRAC) that aims to establish a national education accreditation program through the Canadian Massage Therapy Council for Accreditation (CMTCA). The Coalition proposes that education programs in Alberta would be assessed against the CMTCA education accreditation parameters once established. FOMTRAC recommends that accreditation for programs in regulated provinces will be “de facto mandated by the regulators. In the non-regulated provinces accreditation will be voluntary, although it is expected to be attractive to those programs that support a national standard and promoted by like-minded professional associations.” The schedule of activities of the CMTCA indicates that Pilot Accreditation program and finalizing the accreditation program would be in place in 2016, with accreditation for programs taking place through 2017/2018.

There are numerous schools of massage therapy in Alberta; however, not all produce graduates with the massage therapist competencies proposed for the new College.

As of May 2016, approximately 30 massage therapy learning institutions and programs are noted on the Alberta Learning Information Service website. The Coalition recognizes that approval as education institutions may need to occur for schools not currently listed, and they should not be excluded because they are not recognized at this time.

Upon regulation, the Coalition proposes the College works with identified educational institutions, particularly as the national accreditation program unfolds, to ensure compliance of the massage therapy programs with new education standards.

Description of Existing Continuing Competence Programs

The goal of any continuing competency program is to allow practitioners to continually improve their knowledge to serve their clients with the best, most up-to-date techniques and information available in an evolving profession.

The Coalition members currently support continuing competency programs for association members. These are consistent with the programs used by regulatory Colleges in regulated jurisdictions in Canada which the Coalition recommends should be the aim of the continued competency requirements for the Alberta regulatory College.

With regulation, massage therapy practitioners would be subject to the obligations in the Health Professions Act that ensure professionals maintain their competency and view their skills development as a life-long process. The HPA obligates all health professionals to view the maintenance of competence and the ability to apply advances in their profession as a life-long process.

SECTION 3 - RISK

Risk to the physical and psychological health and safety of the public from incompetent, unethical or impaired practice of the profession.

Coalition association members are currently subject to complaint investigation and discipline through their own associations; however, this self-policing can be perceived by the public as a conflict of interest.

While regulation through a College will not eliminate all risks, and will not remove incompetent or unethical people from the profession, a benefit of regulation is consistency of protocols, reporting mechanisms, investigation and discipline.

This streamlining is also important for protecting and providing the public with one-point-of-contact for filing complaints that may arise, rather than the current system where clients must determine which association the practitioner is associated with in order to file the complaint with the appropriate organization.

Risk mitigation is a high-priority for the practice of massage therapy. The profession's common risk areas revolve around two main areas: risk to persons and risk to the profession.

Currently, clients of Massage Therapy assume that if they have extended health benefits insurance coverage that they can be compensated for treatments. However, insurance providers, in an unregulated environment, are not consistent in reimbursing insurance receipts. Some Massage therapists are recognized by some providers but not others, while some are recognized by all insurance providers. This inconsistency creates confusion for clients and massage therapists alike.

In a regulated environment the confusion would be resolved. All Massage Therapist members of a regulated college of Alberta would be recognized by all extended health benefits insurance providers thereby eliminating the risk to clients and Massage Therapists as well as the uncertainty of reimbursement. Insurers have implemented this policy for all other provincial massage therapy regulatory colleges and other health professions in Canada.

Risk to Persons

Authority/Power Differential

Given the nature of therapist/client interaction where the client is normally disrobed, or partially disrobed, in a closed-room environment, for an extended period of time. The therapist in this particular environment has considerable authority. Misconduct in this environment, either client or practitioner, can pose a high-level risk. In recent years, Coalition complaint officers have seen an increase in the number of reported cases of sexual misconduct, often due to predators recognizing the opportunity that exists in this profession. The ability for the client or the practitioner to take steps, through a College reporting mechanism, supported by investigative and disciplinary policies and procedures can ensure this risk is managed to best protect persons.

Inappropriate Treatment

Massage therapy practitioners can potentially pose a risk to persons by virtue of the therapists inappropriate assessment and/or treatment of medical/pathological conditions. While massage therapy was initially limited to massage for relaxation and stress reduction, the scope of practice has expanded to include broader therapeutic purposes. However, if practitioners do not recognize contra-

indications or do not modify treatment and apply inappropriate treatments, the results may be serious. With competency-based Entry-to-Practice standards practitioners can be assessed in their ability to identify contra-indications, as well as the pathological, psychological and physiological limitations to treatment. Practitioners must provide services to clients within the scope of practice set forth by the regulation and they must refer clients to other health professionals when necessary for appropriate treatment.

Public Confusion about who is a qualified practitioner

“Masquerading” Massage Therapists

Currently, it is possible for unqualified, incompetent and unethical people, as well as sex trade workers, to claim to be “massage therapists” and practice in Alberta. While the College will not eliminate this reality, it will allow clients to verify practitioner credentials through the College and to report on “masquerading” practitioners. Coalition members have removed massage therapists from their memberships as a result of misconduct. However, these individuals most often continue to practice “massage therapy” on the unsuspecting public. These circumstances present serious, yet largely avoidable risks to the public. Within a College regulated environment, the ability to promote and enforce a competency standard for all therapists is very valuable, and if necessary investigating and disciplining members who contravene the standards, while discouraging sex trade workers from masquerading as professionals.

SECTION 4 – OTHER LEGISLATION

Whether the services normally provided by persons practicing the profession are regulated by any other legislation in Alberta.

At present, the services provided by massage therapists practicing in Alberta are not regulated under any other legislation.

SECTION 5 – MOBILITY

Regulation of the profession in other provinces/territories and the effect, if any, that regulation may have on practitioner mobility throughout Canada.

In 2001, Ontario and British Columbia regulators responded to the requirement to create a Mutual Recognition Agreement under the Agreement on Internal Trade and formalized the agreement regarding competencies and provincially specific regulatory differences when accepting candidates seeking entrance to practice in either jurisdiction.

In 2003, the Newfoundland and Labrador Massage Therapists Board became the third signatory to the Mutual Recognition Agreement.

If massage therapy is regulated in Alberta, the professional College would meet with regulatory Colleges in other provinces to discuss Alberta becoming a signatory to the existing Mutual Recognition Agreement under the Agreement on Internal Trade.

SECTION 6 – DISTINCT/IDENTIFIABLE PROFESSION

Whether, and how, the profession is distinct and identifiable from other professions.

The massage therapy profession includes a range of techniques and therapies, in a manner similar to other regulated professions. Massage therapists assess clients within the range of their competence, and apply appropriate treatments. These treatments include manipulation of soft tissues of the body including muscles, connective tissues, tendons, ligaments, and joints. Treatments may also include manual stretching, movement of joints, hydrotherapy, and suggestions for therapeutic self-care.

There are many similarities and differences among the professional practices of massage therapists, chiropractors, physical therapists and occupational therapists. The client is constantly being attended to on a “one-on-one” basis.

Massage therapy has been integrated into the health care environment by providing members of the public and healthcare professionals with a range of choices of therapy that are intense yet relatively inexpensive, drug-free, and non-invasive. Massage Therapists focus upon the best interests of their client’s health through assessment and treatment plans to address pain relief, restoration of function as well as prevention and maintenance.

SECTION 7 – PROPOSED PROTECTED TITLE

The proposed protected title, and why appropriately descriptive and unlikely to cause confusion to the public.

The proposed protected titles are Registered Massage Therapist (RMT) and Massage Therapist (MT).

We believe that the proposed titles accurately describes the profession, will assist the public and clients to distinguish between regulated and unregulated providers of massage therapy, and is consistent with protected titles elsewhere in Canada.

Section 33 of the HPA states that the College “must establish, in accordance with the regulations, a regulated members’ register for one or more categories of members who provide professional services of the regulated profession.”

Consistent with the HPA and other regulated jurisdictions, the proposed College of Massage Therapists of Alberta will make the names of all registered massage therapists known to the public through published lists, by telephone contact with the College office, and through a College website. As well, the protected titles found in the regulation will be used to register practitioners as “regulated”, “registered” or “licensed” and only those who are members of the College may bear that title in Alberta.

SECTION 8 – PROPOSED COLLEGE

Details of the proposed college of the profession and how it will carry out its powers and duties under the HPA. If an existing society or association is proposed to become the college, include: number of members and age of the organization; existing bylaws, standards and codes; a description of the board and committees.

The college would be a separate entity to any existing individual massage therapy member association. There is a pending application for a transitional Council signed by all three of the Associations to become the society that will act as the transitioning body to the regulatory College.

The coalition proposes that the College be developed in accordance with the national standards set out in the Inter-Jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice and with information from other Colleges in regulated jurisdictions in Canada. The competency profile for the entry-to-practice exam, once the College is operational, will be developed based on the Inter-Jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice currently used by other Colleges of Massage Therapy in Canada, and position Alberta to be ready for inclusion in the Mutual Recognition Agreement under the Agreement on Internal Trade.

SECTION 9 – COST BENEFIT ANALYSIS

Costs and benefits of regulating the profession, including the expected effect on practitioner availability and on education and training programs, the expected effect of quality of service and the expected effect on prices, access, and service efficiency.

Financial Impact to Massage Therapists and Their Clients

Costs and Benefits of regulating the profession, including the expected effect on practitioner availability and on education and training programs, the expected effect of quality of service and the expected effect on process, access and service delivery

Cost of the College

Seed money would be provided by MTAA, RMTA and NHPC, the three associations represented in this application, to start the process of development and support the cost of operations of the Alberta College of Massage Therapists. Maintaining the funding would be supported financially through membership fees once Massage Therapists members transition into the Alberta College of massage Therapists. Fees would be set accordingly. As an example, 7,000 members X \$100.00/year would generate \$700,000 annual income.

It will be the responsibility of the Board of Directors of the regulatory College to establish annual membership and other fees. However, depending on the cost of operating the Alberta regulatory College of Massage Therapists and the ultimate number of members, some Massage Therapists may need to pass increased costs on to the public purchasers of their services. Increased professional costs would be minimal as liability and medical mal-practice insurance as well as other member benefits are provided through member Associations and therefore not required to be purchased through the Alberta regulatory College of Massage Therapists.

Cost Benefit to the Province and Massage Therapists

There is a growing body of research that supports the reduction of primary health care costs through preventative techniques such as massage therapy. Massage Therapy is effective in reducing stress, increasing mobility, reducing pain, enhancing healing from trauma and surgery, and enhancing sleep. Massage Therapy reduces the demand for medical treatment and prescription drugs when used as pain management treatment.

Other health professions already work in an integrated fashion with massage therapists in fact many already work in the same clinics with the same clients.

Education and Training

The profession has been frustrated for some time by the arbitrary practice of using hours and/or years of education to measure the quality of education. Therefore, the regulatory college would use as its guideline the nationally accepted competency based Inter-Jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice to establish consistency in educational programs. A minimum requirement of competency

based education will provide a benefit in that there will be certainty within health professionals as well as the public.

As the transition plan encapsulates all existing practitioners within the province, there is no expected change to practitioner availability for the public.