

## **2010 AGM DISCUSSION WITH ANDREW LEWARNE AND BRENDA LOCKE REGARDING REGULATION OF MASSAGE THERAPY IN SASKATCHEWAN.**

### **Andrew Lewarne – V.P. of OMTA**

Firstly we need to be very clear about our terms. Regulation in Canada is **SELF-REGULATION**. A regulated College is not separate from you. With self-regulation you are represented and are part of the council and committees – you do not lose any say. A regulatory body brings huge benefits and a level of collective responsibility that cannot be denied. It will never be a relationship that is not contentious – that is a good thing. There is dynamic tension between the Association with a mandate of the profession, and the College with a mandate of the public. These two have to come together and find a way to make it work – this pushes the profession forward.

### **Benefits of self-regulation**

#### **1. Better health care for the public.**

The regulatory process weeds out anyone who is not fit to practice or who does not meet the standards of practice according to you – the advisors to the government. A discussion around competency NEEDS to happen – it can be informal within the Association (not definitive for the public) or it can be a provable process with a regulatory College. The first is suspect as it has no legal responsibility to prove results. The second, by legislative process, must be transparent and provable. It HAS to be legal and it HAS to be legally defensible. That is what it means to be regulated.

#### **2. Recognition as a health profession by other regulated jurisdictions.**

This leads to the ability of therapists to move to other regulated provinces, under the Agreement on Internal Trade (AIT). This will become quite desirable for many therapists who wish to continue their profession without barriers between provinces.

#### **3. Recognition as a health profession seen as credible by the public.**

This leads to an increase in the volume of clients. Regulation tends to also increase fees for services, as the supply of the service is limited by the regulation process. A therapist can refer a client to the College if the client has a complaint or problem, and the College will investigate it. This is not an Association issue – the Association **REPRESENTS** the therapist. The College is an independent body – it will look at what a therapist is doing and ask, “What are you doing, and why are you doing it that way?”, as opposed to this being handled by an Association who is supposed to be advocating for the therapist. The potential for conflict of interest is way too high.

#### **4. Recognition as a health profession by other health professionals.**

My business is 98% referral from clients, doctors, dentists, physiotherapists, osteopaths etc. When a new client asks if I am registered with the College and if I have a license number for insurance company receipts, I am able to say yes I am, and yes I do. If I am asked to write a note for a doctor to let him know what’s going on, I can do that, and the doctor will read it. This is possible because of the regulation process. It does not change the validity of what you do, or how you chart it, but the sheer **FACT** of regulation gives you something extra regarding other health professionals in your province.

**5. A higher level of confidence in RMTs based on entry to practice requirements.**

i.e. competency exams. This means that everyone must meet the minimum standards in order to become registered. So, what does that really mean? It means that if I decide to leave the profession and I refer my client base to someone else, or tell the clients that I will find them a new therapist, I know that at the base level, they are competent because they can't have the designation without passing the exams. RMT is a legally defended title and the College in Ontario pursues it vigorously so that no-one else can use it. Currently MTAS has permission from Ontario (they hold the national trademark) to use this designation, but at the moment there is nothing legal that you can do to stop someone from using these terms. Without regulation there is always a very large lever that you, as member of the Association have – that is the ability to shun. This works because for most of you, the highest part of your business is referrals, so if the members of the Association are saying "this person who is holding himself out to be a massage therapist actually has only 20 hours training over 2 weekends", that is not going to work for people, so you say exactly that to the public, that these people don't have appropriate levels of training. The public will probably believe you. But, you will always have those who will say "I don't care, I'll do what I want", and if you are not regulated you don't have the legal recourse, so there is not very much you can do about it. This is one of the main strengths that regulation brings you.

**6. Quality assurance program.**

Every College has to have this. It means that the College checks to ensure that everyone is maintaining their competency. Currently MTAS has in place a system of primary and secondary credits for courses that you can take for Con-Ed units (40 hours over 3 years). So it would be almost exactly the same – it would not be that much of a change, but what it does is get you recognized under the law.

**Brenda Locke – Executive Director of BCMTA**

Andrew covered much of what I was going to say, but I will go over some of it again. Thanks to Lori for inviting us – we really appreciate the opportunity to be here. I have to tell you that initially Lori asked for a comparison, and I can't do that because we have been regulated in BC for about 65 years, so we don't know what it's like to be in a non-regulated environment.

The role of the College is really clear and simple – it is to protect the public interest. It is mandated by the government – in BC it falls under the authority of the Ministry of Health and we are regulated under the Health Professions Act. The regulator is a quasi-judicial board in BC. It is made up of 3 members of the public, appointed by the Minister of Health, and 6 elected registrants (therapists). If the College gets into difficulty, the Minister does have the ability to step in and make changes. The College has the ability to discipline registrants, and they do. They also set the standards in educational competencies and they accredit the curriculum in the schools.

The role of the Association is to represent members and to advance the profession. There is lots of overlap and in BC right now there is a lot of that tension that Andrew was talking about. Hopefully that will dissipate soon! The Association is there to advance the profession. e.g. in

BC we have a research department and we also run Con-Ed programs. It is also there to assist the business of massage therapy – we offer courses at the request of our members. The Association is not bound by restrictions in terms of the public – we do have a requirement for transparency with our members, but certainly not with the public. The Association is accountable to the membership; the College is accountable to the public in general.

Regulation is important to the professionalism of massage therapy – it says to the government and other professions that we are a serious health care profession that takes our obligations seriously. In BC there are approximately 2500 RMTs and about 2100 members of the Association.

In BC we really want to see Saskatchewan regulated – it is a very selfish point of view because if we get 5 provinces regulated, GST (HST) is eliminated by the Canada Revenue Agency, so we are going to do what we can to support you if and when you choose to do this. More importantly it is for the greater good of the profession. Canada is recognized as having some of the highest standards for massage therapy in the world. BC just submitted a bid on the World International Fascia Conference (a research congress happening at Harvard Medical School). We won the bid for 2012 and we are very proud of that. It wasn't just BC that won however - it's kind of like our Olympics. They said to us that they recognize that Canada has the best trained massage therapists in the world. The theme of the conference is to take research and put it into practice, so we have to keep moving that agenda forward.

Regulation also brings recognition and moves massage therapy into mainstream healthcare. In BC we are not seen as CAM (Complementary Alternative Medicine) – we really are considered primary health care. It brings a newfound respectability to advance the profession through evidence-based practice and research. For example, there is currently a pilot program in Squamish, BC, where soft tissue management is going directly from the ER to the massage therapist because they really see that as a good option for them in a smaller community faced with challenges in their health care system. This kind of integrated health care model would not happen outside of a regulated environment. Regulation also acknowledges the good practitioners as health care providers, and it unblurs the lines between those people who are just pushing flesh and RMTs.

Saskatchewan is really well-positioned from a national point of view – because your standards are so high and you have such a well-organized team here, you are well-positioned to adopt the regulatory model if that's what you choose.

Preparing for this presentation, I thought about what would make you want to bite, make you want to regulate. One of the big issues for me is “How do you see yourself and where do you see yourself?”; “Do you consider yourselves as primary health care providers?” In BC we are, and in Ontario they are too. Clients come directly off the street to massage therapists for soft tissue issues. It is a really big question – something you have to ask yourself individually as a practitioner in addition to as a group.

Insurer relations is also huge. Lori and our president and I are heading to the National Claims Insurer Group (not sure of the actual name) conference in Montreal. I was there last year also. We are going to talk to them – the insurers **WANT** regulation. They want to know that when they are paying the bill, they are paying for medically necessary treatments and they don't know that now. The questions that came at us last year were really kind of shocking, things

like lots of fraud – 28% fraud in Atlantic Canada. They talked about Quebec and how low their bar is, and how we can help them adjust that. The only real way that can be dealt with is through regulation. I don't know how else we can avoid these things. There is always going to be some level of fraud, but certainly not at the level of 28%. They physically showed me invoices that had chocolate-covered strawberries on them, and as funny as it may sound, that's really scary because in BC, and I'm sure everywhere else, it's about 85-90% billing to third party insurance companies, so we want to make sure that those people are happy. They are our client too and we need to take care of their needs. The person on the table is the patient, in our opinion.

Finally, and this is going to be different across the country, I'm sure, I wanted to do the "show me the money" thing. In BC the Association sets the recommended fee guide for massage therapy. Our fee guide is in hours, because that's all we know. We are moving away from describing massage therapy in terms of time – we are in the middle of finalizing our agreement with Work Safe BC (which is your WCB), and there will be no reference to timeframes in it. In BC our fee schedule is based on 5 areas and it is clearly posted: administration (charting, receipting etc.); assessment; evaluation; patient treatment; education. The schedule starts at about \$50.00 for 30 minutes and goes up to \$90.00 for one hour. GST (HST) is on top of that. Patients in BC don't expect immediate hands-on – they understand that they are not going to a spa when they see a massage therapist. In BC we consider full-time work for RMTs to be 4 days per week and straight out of school practitioners can expect to earn about \$70,000 gross or \$50,000 net. Of course, some earn much more than that. One of the urban myths that we hear a lot is that massage therapy is a short-term career. This is not the case - at our AGM last weekend we gave away 20 and 30 year pins as well as the 10 and 15 year pins. It is a career, a profession, and should be respected that way. We had 43 RMTs working at the Olympics in BC, at the host medical site. One of the BCMTA members was the manager of hydrotherapy – that would not have happened if we were not regulated. They were working with a completely integrated team of chiro, physios and doctors, and there was lots of attention on massage therapy.

### **QUESTION AND ANSWER PERIOD**

**Lori Green** – Thanks to both Brenda and Andrew. This is one of our first steps to educating our membership and bringing them with us as we pursue regulation. Thanks very much for giving your time and expertise. I also want to let members know that part of the reason we have Andrew and Brenda here today is because of our affiliation with the national body. I know that our members often wonder why we are part of a bigger group than just Saskatchewan. This is why – it gives us the opportunity to not only share our ideas, problems and successes in Saskatchewan, but also the ability to work with the regulated provinces and other provinces, and I can tell you that it is the priority mandate of the national body to have all the provinces regulated in Canada.

**Jan Chzyk** – Question to Brenda Locke. What did you mean by overlap?

**Brenda** – I was referring to the overlap between the mandate of the Association and that of the regulatory College. The College is there to protect the public interest, and the Association is there to advance the profession. The meeting place is patient care. We care deeply, as the

College must, about patient care. Things like curriculum development are where there might be some input from the Association to the College.

**Sharon Dollansky** – Thanks to both of you for coming. I think it's the best thing that could have happened for us in order to get legislation going. I was on the ground floor of the beginning of massage therapy being regulated and I want it very badly. I've been working in this profession for 41 years, so I've been here a little while! I also want to thank Lori and Jayne – they have worked endlessly to make this happen – I can't wait for it. My question today is very simple – which provinces are currently regulated?

**Andrew** – If you came on board now, you would be the fourth. We need five provinces in Canada in order to be exempt from the rules of the GST (HST). At the moment BC, Ontario and Newfoundland/Labrador are currently regulated, but there is a number that are on the cusp – Alberta, Saskatchewan, New Brunswick and PEI.

**Sharon Dollansky** - Are you aware that the chiros have just been taken off the "gift list" of the health profession, so they are no longer covered by the provincial health plan? I'm wondering what influence is that going to have on us as massage therapists. I think we will get more work, but I don't know.

**Andrew** – This also happened in Ontario – they delisted chiros and physios. There was a massive outcry by the practitioners, but what it actually translated into was nothing happened. It did not change referrals at all; it didn't change the number of RMTs working with chiros. There was no gain and no loss – it was quite literally a non-event.

**Brenda** – Up until 2002 massage therapy was included in the BC health plan, as well as physio and chiro. Then we were all delisted except for people below the poverty line. I can tell you from a business point of view, there is not a massage therapist in BC that would want to go back – they are much happier being completely private and doing third party billing. The only challenge, of course, is with patients that can't afford treatment, but from a business perspective it is much better.

**Ken Ansell** – I want to make sure that people are completely aware that being legislated has nothing to do with government funding. There seems to be a lot of misconception that if we are legislated the government will tell us what we can charge, and we will get funding from the government. The delisting of chiros is a very good example – they are still a legislated profession nationally; they did not lose any legislative benefits with the delisting. Let's just make sure that we don't get this tying of legislation to funding – there is no overlap at all. With legislation we are trying to look at becoming a health profession and I think that for us to pursue this road, we need to take one thing into consideration – we are never going to be taken seriously if we don't take ourselves seriously. This needs to be the first step.

**Brenda** – That is absolutely true, but I will tell you that I am very jittery about where the third party insurers will be in the next 10 years. The last conference was entirely a fiscal theme and I can also tell you that, for example, with BC Blue Cross, 37% of what they pay out is for massage therapy. That is second only to pharma. There is no doubt there is a great big target on us saying yes, we do great work, and yes, our patients are utilizing the service, but it is also from a fiscal point of view something that we need to be quite aware of.

**Emil Schmuck** – How many active members are there currently in BC and Ontario and what are the current fees?

**Brenda** – 2150 members in the Association and 2500 registrants in the College (BC).

**Andrew** – 3600 members in the Association and 9800 registrants in the College (Ontario).

**Andrew** – We just switched to a brand new idea in Ontario. Here you have a set fee of \$300.00 which gets you certain things. We decided to go a different route because people were demanding more than they were willing to pay for, and demanding it quite loudly. So we said OK, \$86.00 gets you an annual membership; your insurance, because of our numbers, you get for just under \$100.00/year for \$3M liability/malpractice insurance. Anything else you want is \$15.00 per year. So we had a long list of other services – access to message boards, access to the library, download attachment pieces etc. etc. What happened is that everyone ended up at just about what they were paying before. The kicker is when you go to that kind of model you have to have a fair set of cohunes, because around the end of September we had only around 800 members, and were looking at the Association being destroyed. But it came back and is still growing. I don't like to gamble, and I'm bad at it, so I'm the guy who locks in my mortgage when the rates go below 4% because I like to sleep at night. Thankfully other people are good gamblers and now the Association is actually stronger because of it.

**Brenda** – Our Association fees are \$530.00/year – of that, \$200.00 goes directly into research and communications. We fund a research department with just over \$150,000/year, and we give to many other groups across the country, including the Holistic Health Research Foundation. We are also part of the Research Congress in Seattle in May.

**Emil Schmuck** – How have legal expenses increased and do these expenses continue to increase as you take issue with the people who practice and are not members?

**Andrew** – The main legal costs are from massage therapists doing not very good things. i.e. the complaints and discipline process, which is part of the reason you have a College. You need to understand that self-regulation means that you pay for it. Currently, I pay \$525.00 per year to belong to the CMTO (College of Massage Therapists of Ontario) and I pay to belong to the OMTA (Ontario Massage Therapist Association). Part of the money I pay to the College goes towards maintaining committees, councils, staff, the quality assurance program, competency exams and the legal bills. I also work for the College as an expert witness. We see everything from a member who broke a person's ribs, to sexual abuse, to mismanagement of records, to fraud, to professional misconduct. As soon as you open the door to being accountable to the public, you will incur more legal costs **BECAUSE** you are being accountable. It's almost impossible to get away from that. So yes, you do end up paying more, but the result is that the public know they can trust you. As we all know, when you work with a member of the public in your clinic, they have to trust you and believe in your care and believe in your ability to maintain confidentiality. It's easier for them to trust you if they know that someone is chasing down the bad guys.

**Brenda** – It is exactly the same in BC. The only difference is the fee schedule. The College is slightly lower – around \$250.00 per year.

**Lina Foster** – Repetition leads to clarity, so it's good to be continually hearing the message of legislation. We have been sitting with the right people to try to move this forward a few times. What we would really welcome is an actual strategy to get it through. The membership engagement I think is a very important part – these types of activities help and keep things moving forward. We do need the Association acting on behalf of our members and promoting massage therapy to the general public, promoting it as something to consume. It is good to have a body that protects the public, but is also helps us establish best practices through the core competencies, and the Association and a regulatory body working together. We have done a phenomenal job in Saskatchewan with our voluntary self-regulation, and having a seat at the all the right places, but it's the strategy to actually move it into the legislature where we would welcome support. We would welcome some of your members who have experience, and we also need to support the research aspect. When you are the second largest consumer of the insurance industry, they will always look at how to make a profit for their company, and yet also provide a service to their customers, and have that balance between the two. We need the research to say that massage therapy on a regular basis reduces other insurance costs and gets people back to work faster. These things all working together is what moves us forward. We need to keep the momentum building, but at some point we need the catalyst that triggers the reaction and we move it forward, then it's done. Then we are stressed with the worry of *keeping* our regulation.

I also want to know did your staff threaten to quit when you changed to the \$15.00 per service model, because they would have to administer people picking and choosing.

**Andrew** – Actually they didn't, but we did have to do some downsizing initially, because we weren't sure about numbers.

It's important to understand something from the start – a regulatory College is about competency, so when you talk about best practices, that's your job as an Association.

**Lina Foster** – Is it not professional individuals in the College who establish for the government what competency is?

**Andrew** – The College works with a psychometrician – this is a statistician who takes into account psychological effects, and they set up something called a cut score meeting. After the competency exam is created, they call together 12-25 RMTs and they pose a question, e.g. if you had 100 RMTs in a room how many of them would say you need to do this. So they build a percentile, which always miraculously comes out between 72.5% and 78%. That becomes your competency, your cut score. i.e. the score beneath which you are considered incompetent and above which you are considered competent. That's all it is, a line. Best practice is what the Association does – it says, "How do we make this incredibly effective?" and "How do we do the best job possible?" Competency is about public safety, it means that I am not going to hurt you. Best practice is about being the best at your job that you can be. That's why the Association is so important.

**Brenda** – BC will absolutely be there to help you every step of the way in this process. Whatever you need, e.g. someone to come out and work with you, we are there. I know Ontario has also been more than generous in the past in supporting your regulation. This in fact, just came up at our AGM last weekend – members were saying to us, "Go out and help other provinces so we have more leverage with the government re: HST". We truly have a mandate to assist you and will whatever we can, including financially. I was formerly a minister

and MLA, so I know how slow and arduous it is, but you have to start and get a foot in the door, even if you are not completely ready. Start the dialogue at the local level with MLAs – it's a long-term goal and can take quite a few years to get it accomplished.

**Lori Green** – It has been made very clear to MTAS that Ontario and BC are behind us – the Board has been aware of this for some time. What we need, they will help us to achieve; they will do anything they can, and to be frank, some of the things you have seen coming out of the MTAS office have been directly due to Ontario and BC saying we already have this, would you like to have a look and adapt it for your use. This is our first step – it is our priority. We are looking at doing consultations with small groups – if you want us to come and talk to you about regulation, we have some volunteers to help us.

**Jessica Fitzpatrick** – What does this do for those people who are calling themselves RMTs when they are masseuses or body workers etc?

**Brenda** – The College in BC has an unauthorized practice committee and they won't stop anyone using the term masseuse, but if they are advertising or using any kind of language that is within the scope of practice that we have, or using the words massage therapy, then absolutely they go after them, they send out cease and desist orders. The other thing that is interesting – the Association in BC actually owns the logo, so if anybody (charlatans, body workers etc.) use our logo, we have copyright on that, so we go after them legally.

**Jessica Fitzpatrick** – So if someone is running a spa and they say they have massage therapy in the spa, but not RMTs, can you go in and take that away from them?

**Andrew** – Spas can be interesting animals because they can advertise massage therapy if they have **ONE** RMT on contract.

**Jessica Fitzpatrick** – So it isn't going to do anything for that kind of stuff?

**Andrew** – Yes it is, because as an RMT you have a registration number.

**Jessica Fitzpatrick** – Which we have right now as an MTAS member, which gets us in with the insurance companies already. If you don't have an MTAS number you aren't covered through insurance, so how is the changing that?

**Andrew** – What this does is separate the Association from the regulatory body. Now, the Association represents the massage therapist and it also has its mandate to defend the public. There is conflict of interest built into this. So the registration number you would receive from the College is a registration number that is for the benefit of the public to use for insurance. It allows the College to go after people and say "you can't use that name, you can't use that title - the only ones who can are members of the College." It allows you as the Association to then fully represent your members without being in conflict of interest. Right now, legally, you can't go after anybody.

**Jessica Fitzpatrick** – I understand that, and I don't mean this to be rude at all, because I do seem to be the only person against this, but all you're saying is that for \$200.00 more per year, I'm just going to have one more person representing me?

**Andrew** – They are not representing you – the College protects the public.

**Jessica Fitzpatrick** – So now I'm paying \$200.00 more a year for the College to represent the public?

**Andrew** – Yes, that's correct.

**Jessica Fitzpatrick** – But MTAS is supposed to be helping me with that anyway.

**Andrew** – MTAS is supposed to be helping you by advocating for the profession. It is two totally different things and they come into conflict. So yes, what you are being asked to do for the regulating College is to pay for the responsibility of looking after the public.

**Jessica Fitzpatrick** – If we do this and it does become regulated, our costs as massage therapists will increase. Would the insurance companies in the province also raise their coverage so that people can afford it? E.g. you said that in Ontario rates are between \$50 and \$90. Here in Saskatchewan if someone has \$200.00 per year coverage, it's very important to people that they are able to use that, as not a lot of them have extra money for massage therapy, even though they know that they need it, so they use up as much of their coverage as they can. So is that amount going to increase as well because we are now regulated? Will the insurance companies look at that and say yes we will increase it?

**Andrew** – That would be up to the insurance companies. 9 times out of 10 they won't do that. The insurance companies respond to their clients, which for the most part are the corporations, and if a corporation turns around and says we've talked to our staff and they all say they don't care about unlimited physio, but we would like to have unlimited massage therapy, the insurance company will say fine, we'll take out the physio and put massage therapy in. The insurance companies can play around with all of that. When you become an employee of a company that has an extended health care plan, you get an extended health care book that tells you what is covered, what's not covered, what percentage you can claim etc. etc. e.g. the film actors union, which has 85% coverage up to \$1100.00 per year. Now they are changing that to \$1100.00 per year, but we only pay out \$40.00 per treatment. So now a patient comes to me for 1 hour at \$85.00, they are out of pocket \$45.00. They still have the same amount of coverage, but they now have to pay part of each treatment themselves. So the insurance company will play with that, on the understanding that it's a disincentive, because if they don't use up their coverage, the only people who make money are the insurance companies, because they're not paying out what's being paid in. That's the way they make money. So they are not necessarily going to increase anything unless your clients come together in their workplaces and ask for it. That's what the insurance companies will respond to, not to a regulatory College or an Association.

**Brenda** – To add to that, in Saskatchewan, just looking at where you qualify in terms of third party insurers, it's pretty extensive compared to some other jurisdictions that are not regulated. e.g. you have WCB coverage here, which is unusual for a non-regulated province. So, you are a bit of an anomaly – you're kind of half-way there already. In BC we have lots of insurers that are 100% and they are also unlimited. It's the same coverage that chiro and physios get.

I think though the whole issue around advancing the profession is a bigger issue than just a fiscal one. Having confidence in what you do and moving the whole profession forward is really a bigger question to ask yourself. I think that's really the key question – do you see yourself as a professional and do you see yourself as primary health care? In BC a patient doesn't need a doctor referral for massage therapy coverage – that kind of thing is important.

**Jessica Fitzpatrick** – I do see myself as a professional and massage therapy is a fantastic profession. I've been doing this for a while but I just don't understand some things. e.g. we already get referrals from doctors, dentists, chiro's; we already have WCB and SGI. Saskatchewan is a very small province and we already have so much going for us as massage therapists, this just doesn't seem to me something that we need to push for. To me, if we educated the doctors in the province a little more, that would be the same effect as getting regulated. Or meeting with chiro's and doing the same thing.

**Brenda** – I think that if you don't have the public safety component in there, which is a regulated part of what you do, you will never get over a certain level in terms of engaging a real integrated health care model – it won't happen. I can tell you that governments, not just in BC, but across the country and the world, are concerned about human resources in health care fields, so there will be a shift. In BC it's already starting, and it will be here too. "Personal responsibility for health care" – that is the big buzzword in BC. I'm sure it's the same in Ontario and it will be here as well. Massage therapists are going to be asked to step up – the public needs to have confidence – it's an important measure.

**Jessica Fitzpatrick** – But as massage therapists here in Saskatchewan, is there anyone who feels that their clientele does not think that they're professional or does not come to them because they have specific injuries and want those treated? Or who do choose massage therapy over chiro or physio because they feel they are getting better treatment already? That's how my clients feel.

**Andrew** – That's fine if it were static, if you weren't talking about a growing industry. The problem is, you are going to have to continue to make the same argument over and over and over, with your clientele as the number of massage therapists grows and the number of clients grows. So as your demand grows, you are going to have the exact same conversation over and over again. What regulation gives you is something right off the bat that says "They are an RMT. That means they have a regulatory body, which means that they are concerned about public safety", as opposed to them going in and having you reassure them that you are concerned about their safety.

**Ken Ansell** – I'd like to address this from a Saskatchewan point of view, and to do with the people in this room. We are all only considering ourselves here – we all know that we meet the standards, but there are a lot of people not in this room who call themselves massage therapists, with 200 hours of education, and the person going to them for treatment is the person we need to protect. We have to look at the bigger picture than our room and I don't think some of us are doing that yet – we are considering only ourselves, as therapists who know we are competent. It's the people out there who

**AREN'T** competent and there is no recourse right now. With legislation, they couldn't call themselves a massage therapist. I think we would have a better understanding if we look at the bigger picture. We are worried that our fees will increase by \$200.00...there seems to be a

reluctance from a financial standpoint – i.e. it will cost me more money. But if we have a solid profession, we are worth more. Look at BC and Ontario and Newfoundland – they decide what they're worth. The government doesn't decide that; it's **self**-regulation. We are the ones who choose what we are capable of, what we feel our treatment is worth, and we don't want other people out there with 200 hours of training calling themselves the same thing we are. That's the mindset we need to put ourselves in...it's the people that **DON'T** meet out standard that we are protecting the public from.

**Lori Green** – Here's another point to consider. Right now there is an initiative called the Agreement on Internal Trade (AIT) for labour mobility throughout Canada and there is a group called the Consortium of Massage Therapists. MTAS has been invited to go, and we have attended one meeting, and will be attending again. It's great – we get to talk about the competency standards, we heard that Newfoundland therapists can go to BC, Ontario therapists can go to BC, and BC therapists can go to Ontario etc., all because of internal trade. They wanted us to endorse this – I was excited to endorse it and asked what it means for us – they said “nothing”, because nobody from your province can work in the regulated provinces because you are not regulated, therefore you don't meet the basic competency standards. So if we don't start to move towards regulation, what we will find is that Saskatchewan has our unique little bubble that our massage therapists can work in, but after you've been working for 41 years (e.g. Sharon Dollansky) and then decide to move to BC to be with your grandchildren, you are no longer competent. I highly doubt that Sharon would like to challenge the BC or Ontario competency exams and go through a prior learning assessment. So, it also gives Saskatchewan a way to open up the doors to other therapists and it gives us an opportunity to work anywhere in Canada.

**Peggy Bell** – From a Board perspective, we are already a self-regulating association, which puts us part-way there already. I think it's because of the really hard work that the Boards have done over the years, to be a very accountable self-regulating association. But, we are in conflict – we try to do the best we can to look after the public and our members, but having separation is really key, and I absolutely agree with going in that direction. But the other things we do have – agreements with SGI and WCB and other insurance companies – that is because of the hard work we have done. We could lose that tomorrow – they could say you're not regulated, so we're not going to do this anymore. They could say we want the same regulations as in BC and Ontario and Newfoundland and we're not going to cover you anymore without them. That could happen tomorrow, so I think we have to be working towards this – I don't think there's a choice.

**Brenda** – At the national level, when we are all meeting, it's very clear that Saskatchewan is ahead of the curve in terms of the non-regulated provinces for those very reasons you mentioned, Peggy. I'm very excited that Lori will be in Montreal, as she will see and hear first hand from the insurers how concerned they are. We don't take it lightly in BC and I know for sure they don't take it lightly in Ontario. We really do need to see that massage therapy steps it up, so that the third party insurers are comfortable with this profession. We all know that there are charlatans out there – there's no doubt about that - and it's partly because we have this name “massage” which has been bastardized all over the place and we also have a lot of things that go on in the spa sector, so for all of those reasons, the words are well-spoken Peggy.

**Jessica Fitzpatrick** – Coming up here and saying these things is not speaking against the profession – I do find that massage therapy is professional and I love it very much. Yes, it's \$200.00 more a year, and I do get that, but what I don't understand from a Saskatchewan point of view, because we are a very small province, that if you are not going to be able to regulate things like masseuses, the spa sector, body therapy etc., if someone does do something, which will happen, in Saskatchewan it's going to go around anyway. Look at the chiro in Saskatoon who killed someone – did they really kill them, no, but that's what everyone talks about when they discuss chiro. That's what happens here – it's a small, small place, so is regulation really going to change that?

**Brenda** – Absolutely yes. We have similar problems in BC from time-to-time, where somebody who is a body worker or whatever has done something inappropriate and it gets on the front page of the Vancouver Sun and goes all over the province. They will ask me for comment – people in BC understand the word “regulated” fully and completely, and so we don't get tainted at all.

Regarding the size of Saskatchewan; at the national table you are pretty big – number 3 after Ontario and BC. You are significant in the national arena. You're right in the centre of the country, flanked by Alberta and Manitoba which we also want to see regulated. Don't undersell Saskatchewan – you are very important on the national stage. The people who have been on your Board for years are the ones who have really pushed and promoted the national body - we need to continue that because the national body is what is going to create a level playing field for massage therapy in Canada.

**Lina Foster** – I commend Jessica for standing up – you are very articulate and are probably raising questions that a lot of people want to raise, but are not able to come to the microphone for, so I thank you for that, as it has allowed for this opportunity for discussion and debate, which brings more information out. I also love the fact that you come up, relatively new to the profession, and say “we already have this”, because my advertising file folder for the first five years of my career would say “no, we're not that, this is what we do”. We spent a lot of time having to identify and separate ourselves from that whole other profession that we don't bring up. I love that you have a sense of pride and professionalism and that you're working and growing stronger in it. This is an evolutionary process – if we don't continue trying to move forward and continue our voice, there will come a point, as has happened in the past, where the government will reach a point themselves where they are going to want to take control of the meeting, e.g. at AIT meetings on labour mobility. They will go to the regulated professions to determine how to facilitate labour mobility, because we cannot **NOT** have labour mobility as Canadian citizens. But there can come a point when the government says the rest of you are not organized enough, we are going to go to the people we can talk to - BC, Ontario and Newfoundland – thanks very much the rest of you for coming, but we'll let those three provinces have input, so then it will be those three provinces who will set the standards and we will be in a position of having to respond. We are a big player and we want to stay sitting at that table, but there is a cost to that – a cost of the evolution of moving from a folk industry to a trade, to a profession. Some of it is population density some of it is density of practitioners, the more accountability you have to the public. If I were the only massage therapist in Saskatchewan, I would completely control my reputation and my standard of practice, but as soon as it starts getting bigger and beyond, and there are people working 5 minutes from the Northwest Territories to 5 minutes from the US border and everything in between, that's why everything becomes what seems to be a frustration and bureaucratic, but as you get working

with it, it just becomes the nature of what we do. BC doesn't even know what it's like to not be regulated – that's what we are hoping for. They don't know what it's like to have to constantly, every day, say "No, I'm not a hooker". Seriously, that's a reality. So it's the evolution of where we are. I love the fact that's where you are coming from, the platform that you can stand on. I'm very proud of that.

**Jessica Fitzpatrick** – It just worries me that we would go through all of this for nothing, that it won't really do anything different for our profession. Those are really just the questions I wanted to make sure that we are all looking at and thinking about, and again, it's not against our profession, because I love it.

**Guylaine Loiseau** – I always look at things from a public relations perspective. I know exactly what Jessica is saying and the biggest frustration from where we are standing is that there are people out there practicing with only 200 hours of training, and how do we separate the masseuses etc. out. Here's the biggest problem – those people who have not taken as much education as us, are claiming to be the **SAME** as us. From a public perspective, who do you believe? We know that we're different; we know we're better educated, but the public doesn't know that. How do we separate the men from the boys?

**Andrew** – Just to reiterate on thing – at meeting with the schools in Ontario, we are constantly asked about what is on the competency exam. We have to drive home again and again and again that the College is about competency. The schools, the Association, they are about excellence. The College works with the base level of competency. Everything else is about excellence and should be shooting far higher than the College shoots in terms of what you do for a living.

**Tanya Auger** – Absolutely I understand where Jessica is coming from, not being sure where we stand or what the difference will be. But I would like to know, and maybe the Board can address this – what's next? What do we do now? We want it, it's here, tell us what we need to do now.

**Lori Green** – We have been laying that out in the Reach newsletters, but right now we are sitting at the critical stage. The government has given us 12 questions to answer, so we can open door #1. If we open door #1 correctly, we will get another 12 questions – the secondary questions. They won't allow us to answer these questions at the same time because we have to "win" first, to get to those secondary questions. Ken Ansell, Cynthia Martin and I were the legislation committee last year, so we have been working on getting the right words for these questions. This the last chance we've got and so those answers will be going under review and then we will submit them to the bureaucrat. If any of you know Sandra Cripps, please let her know that we really want to be legislated. The government will then review our answers and we get to move on to the next set of questions. You know that a Bill has to be read three times in the legislature, so best case scenario if everything works as we believe it shall, we would still be a minimum of 2 years before regulation would be in place. Now, what we have, which Alberta used very effectively when they make their bid for regulation, all of the national MTAC members went to speak on their behalf, and it was very effective. They had another group speaking against it, and it was very interesting to witness that. We will keep you updated every step of the way because we will want your input.

**Tanya Auger** – Just one more thing – do you want to be distinguished from that person who is not asking for informed consent during breast massage, because I have encountered that this weekend. Someone said to be “He was massaging my breasts and didn’t say why”. Well, did he ask you if could first? No. Isn’t that what’s different about us?

**Diane Townsend** – What happens to the holistic association that has a number of members in this province? People have a right to earn a living, and in 2 years if this happens, do they just become body workers, and what about the aestheticians doing relaxation massage?

**Andrew** – they have to call themselves what they are. e.g. if they are a holistic practitioner or an aesthetician, that’s what should be on their card; if they are an RMT because they have a regulatory College, that’s what is on their card. It’s all about not holding yourself out to be something that you are not.

**Diane Townsend** – In Ontario do you crack down on people who are not members of the College? Are you closing down businesses?

**Andrew** – Every single person in Ontario who has passed an accredited course and has passed the College exams is called an RMT and ***HAS TO BE*** part of the College. The College membership is mandatory (but Association membership is not). There are just over 9000 RMTs in Ontario – the Association has a little over 1/3 of the RMTs as members. That’s a big selling job on our part that we have to try to do better, and that BC does really well – we wish we were as good at it!

**Brenda** – Just so there isn’t any confusion – if you are an RMT and you are also a member of NHPC, you are still an RMT and will still bill through the normal practices, regardless of whether you’re a member of the Association or not.

**Diane Townsend** – So is MTAS working with the holistic association to move jointly in a presentation to the government?

**Lori Green** – 2 points here. Firstly, we cannot advocate to put people out of work. Secondly, I think there’s a misconception that when we talk about regulation that we’re going to the government saying that MTAS members are the RMTs and MTAS doesn’t want anyone else to belong to the College. This is a myth. What MTAS wants is minimum competency requirements. So those people who are not currently members of MTAS would have to first meet these minimum competency requirements in order to become an RMT, totally mandated by the College. I think that the thing some of us are having trouble wrapping our heads around is the MTAS as it exists now, once regulated, will not exist. i.e. you won’t be getting letters from me asking where are your credits – that will move into the College.

Regarding meeting with the NHPC – we have had 3 meetings, and they are friendly meetings, we have good food and we agree to disagree. NHPC is very interested in legislation, but they have a 3-tier system, e.g. level A – under 500 hours; level B – 500-1000 hours; level C – over 1000 hours, and they think that the public should take responsibility to know and understand what level of therapist they need to see.

**Brenda** – In BC, the NHPC is absolutely not a factor. There are perhaps 10 people who are RMTs and a member of that group as well. The RMTs who are bona fide and want to be part of

a professional body, will join the body that is singly and only for them. They will not want to work to a different bar; they want to work at the health care level, so they are all members of the College, and I assume it is similar in Ontario.

**Andrew** – NHPC is not a factor at all in Ontario – I don't even know very much about them. An interesting fact at the moment in Ontario is that Shiatsu is currently considered within scope of practice of massage therapy, and so what's started to happen is the Ministry of Colleges and Education have begun going around to the schools that teach Shiatsu, making sure they have their letters of patent and that they are including in their curriculum enough parts that it fits with the scope of practice of massage therapy. i.e. it's bumping up the competency of non-regulated health care practitioners in Ontario.

**Diane Townsend** – My concern is that people who are working can continue to work and if we don't have to belong to an association in order to belong to the College, and the College is setting the standards, then I think that can be accomplished.

**Brenda** – That's also true for the body workers. In BC they were also delisted in 2002, as well as cosmeticians, which I think they are looking at re-regulating, just so the public knows, because of all the challenges with hygiene etc. So those people will all stay with that group and if they regulate, it will be separate.

**Marie Trafford** – Firstly, as we are members of MTAS with 2200 hours and a Board examination, if we become regulated with a College, will we have to re-take an exam or does our MTAS membership mean that we are qualified for the College?

**Andrew** – You will need to take that up with the government, but my suspicion is that you would be immediately grandfathered into the College. The transition from the Drugless Practitioners Act to the Massage Therapy Act in 1991 in Ontario looked at the specific qualifications they wanted massage therapists to have, and they looked at the "gold standard" of education that had been promoted by the Association and by the schools themselves, and they came up with the number of hours of training. I see no reason why this would not be the case here. You have already got the stuff – it just needs to be separated out in terms of conflict of interest so that you could apply the legal proceedings that you need.

**Marie Trafford** – Secondly, regarding the AIT. I practice in both Alberta and Saskatchewan, so I am a member of both MTAA and MTAS, so pay double fees etc. So if going to regulation for Alberta and Saskatchewan means that part is eliminated, that would be nice, but when it comes to third party insurers, practicing in Alberta there is no Board exam, and 1000 hours is the minimum educational requirement. On a daily basis I am continually educating clients – why am I assessing you, what am I doing while I am assessing you and why are you paying me to do that, before I treat you? If regulation means that I would not have to do so much of that, it would be great too.

**Andrew** - Your education of clients will never end. The other thing to be aware of is that with legislation you are now paying College fees **AND** Association fees, should you choose to remain a member of both.

**Brenda** – The one thing we do know in BC because we went from 1500 hour to 2200 hours to 3000 hours (1996) – all of our practitioners were grandfathered through that process. As the bar gets raised, generally professions do that. Physio is a good example – they are now at master's degree level, but probably 70% of those working are still at undergraduate level, but they are still considered competent.

**Sharon Dollansky** – I am concerned about the definition of massage therapy. In 1997 we had to grandfather in a group of people from 3 separate associations when we amalgamated into MTAS. Now you are saying that we have to do this again, and that we can have these 2 groups and still be legislated? Is that correct Lori?

**Cynthia Martin** – In the mid to late 90's, LCSP, SMTA and PSRMT each supplied members to a provincial licensing board development committee. There are some members in the audience here today. Those committee members were given lists from each association of those members who were handpicked to be grandfathered in, who each association considered competent. They also provided a list of members they saw as needing education or upgrading. They were sent letters and provided with a list of suitable upgrading course. Many of those people took them. Those grandfathered at that time were seen as competent by their own associations. MTAS has adopted the SMTA standard, which was the highest standard at that time, and the largest group. Everyone who was accepted into MTAS was seen as competent.

**Sharon Dollansky** - So what's going to happen now?

**Lori Green** – I think what you're asking is going back to minimum competency standards that would be part of regulation, so it's not possible for anyone to walk up and self-designate that they are a massage therapist. It's a case of the College setting the minimum competency standards, therefore in order to be part of the College and registered in Saskatchewan, you would need to meet those standards. There probably could be some sort of prior learning assessment and some people could be on the cusp, who would be given an extension of time during which to upgrade. But everyone will have to meet those minimum competency standards, and not only for Saskatchewan, but for Canada, because again, you go back to AIT and that's what we're trying to achieve.

**Sharon Dollansky** – My concern is with this other NHPC association and will they prevent legislation?

**Lori Green** – We have to show proof that we have tried to come to terms with other associations, that was told to us. We have met with them and sent out notices, but the short answer is no. MTAS will not lower our standards in order to become regulated. That isn't up for question. Keep in mind also that it's not just me doing this – it's you too. The membership will have to have input.

**Brenda** – Chapter 7 of AIT is pretty clear. When a jurisdiction decides to regulate, you regulate at the common competency level of the other regulated jurisdictions. We haven't quite got to that point where we have determined what that entry to practice level is, but once that is established, and I'm guessing it will be at the Ontario level of 2200 hours, the AIT will not allow you to regulate below that.

**Sharon Dollansky** – When do you think this agreement might happen?

**Brenda** – It's in the very near future. I suspect within the next year and a bit. There is a meeting in May that Lori is attending to discuss the comparison of the competencies. This is the BC, Ontario and Newfoundland regulatory bodies doing this negotiation.

**Ian Lueke** – It is important to remember that even though we are the dominant association, there are other therapists not currently MTAS members who are qualified to be and choose not to be. These people have to be included in the process and have the opportunity to become members of the College.

**Brenda** – They absolutely will have that opportunity.

**Amanda McNaughton** – Being a new therapist, I don't feel I'm informed and am just wondering with your Associations in BC and Ontario did you find a lot of people involved in the process and coming to meetings? How would you get people more informed? I think education is also a problem because people don't know, so they believe the myths they hear.

**Andrew** – It's an ongoing issue – it's really hard to get massage therapists to participate together. We're a strange group aren't we? By and large we are all socialists and yet we have a Republican dream of a profession – you don't work, you don't get paid! There's no vacation pay, no EI, no CPP – Sarah Palin would love us! It's difficult to get people out and it's difficult to get them educated if they won't come out. All your Association can do is try, and be as clear as possible. Keep pushing it, keep saying that you need to know this, this is why. Keep pointing out that the day legislation goes through you can turn around to your clients and say "By the way, I'm knocking 5% off the price" because you're the fifth province and we lose the GST (HST). That will be a great day for me!

**Brenda** – This is not a bad turnout for an AGM. We may have more members, but percentage-wise, we are probably no larger than this for meetings. I know education is part of what MTAS does, but we had a rule in government – you have to hit people 12 times before they hear it once. People's intake is not always as good as an Association's output. It's also up to the members to get out and talk to one another and the people they know. These are big issues about your profession and you have to take it seriously at some point.

**Jolene Rigg** – There has been information in the newsletters (Reach Bulletin) – make sure you read them, and the e-mails we send out; look at the website. If you can get groups together we will come out to different communities and present the legislation information to you. We **ARE** trying.

Thank you very much to Brenda and Andrew for coming today.

**Andrew and Brenda** – thank you for the invitation.

**Brenda** – One final point - we would love to get involved in sharing research with you. We spend a lot of money on it – knowledge transfer is a big deal, so let us know how we can facilitate that.