

Questions and Answers re: Regulation of Massage Therapists

Q.1. Why is the Ministry of Health considering a proposal to regulate massage therapists in Saskatchewan?

A.1. The primary purpose for regulating a health profession such as massage therapists is to protect the public from potential harm resulting from the actions of incompetent and/or unethical practitioners.

All of the massage therapist associations agree that incompetent and/or unethical massage therapists pose a potential risk to the public (e.g., physical harm, sexual abuse).

Q.2. What potential risks does massage therapy pose to the public?

A.2. Given the intimate nature of the services provided, sexual misconduct is one risk that has been identified. We are informed by one or more of the associations of cases of physical harm resulting from massage therapy services being provided to patients where such services should have been contraindicated (e.g., due to a patient's medical history).

Q.3. How does the regulation of massage therapists protect the public from risks of harm?

A.3. Just as other health profession regulators such as the College of Physicians and Surgeons of Saskatchewan ensure there are robust practice standards in place for their members to protect the public from harm, the Saskatchewan College of Massage Therapists (the proposed name of the regulatory college) would do the same for massage therapists in the province by developing competency standards, a code of ethics, practice standards and an investigation/discipline process for the profession once it is established.

Regulation of massage therapy means that only members of the regulatory body can legally use the titles "Massage Therapist" or "Registered Massage Therapist" (or the initials RMT). This gives greater assurance to the public that the practitioner they are seeing meets established competency standards and if there are any concerns regarding the practitioner's competence and/or conduct that a complaint can be filed with the regulatory body.

Q.4. Didn't the Ministry put forward a proposal to regulate massage therapists a few years ago? Why didn't that proposal go forward?

A.4. Yes, the Ministry conducted consultations on proposed legislation in 2015. At that time some stakeholders raised concerns about how regulation of the profession would be implemented, specifically the grand-parenting of current practitioners into a regulatory college (i.e. how/if these individuals would be eligible for licensure with the regulatory college once established). As a result the Ministry decided not to move forward with the proposal and instead encouraged the massage therapy

associations to continue working collaboratively on a revised proposal to regulate massage therapy that would address outstanding issues such as grand-parenting. Once their work was completed, it was expected that the associations would provide the Ministry with an updated business case outlining possible options for regulating massage therapists.

Q.5. Why has the Ministry decided to proceed at this time with another proposal to regulate massage therapists? How is this proposal different than the original proposal?

A.5. No decisions have been made to proceed with legislation. This consultation is, in many respects, a continuation of the work started in 2015. Because these have been significant changes in the initiative, the Ministry wishes to re-engage to seek your views. Specifically, the four massage therapy associations have reached consensus on outstanding issues, specifically the issue of grand-parenting existing practitioners into a regulatory college once established. All of the associations have also confirmed their support for regulation of the profession in Saskatchewan.

The revised proposal addresses the key outstanding issue of grand-parenting for existing practitioners. The associations have agreed that the proposed grand-parenting model would not require current practitioners to pass any qualifying examinations (as originally proposed in the previous proposal but not supported by all of the associations) to be eligible for licensure. Rather, all members would be subject to an assessment process to determine individual competencies. Practitioners would then be required to take any additional upgrading (within three years or another timeframe as determined by the transitional council) if there are deficiencies in the individual's practice. All individuals would be assessed against the profession's National Competency Profile to ensure consistent standards with other regulated jurisdictions.

Q.6. Will all existing massage therapists in Saskatchewan be treated the same regarding eligibility requirements for licensure irrespective of the association to which they currently belong?

A.6. The associations are proposing that all practitioners who are members of one of the four recognized associations (MTAS, NHPC, RMTA and LCSP) will be subject to the same assessment standards and eligibility requirements for licensure with the Saskatchewan College of Massage Therapists.

As noted above, no current practitioner will be required to write an entry-to-practice examination. Rather all individuals irrespective of the association to which they currently belong would be assessed against the profession's National Competency Profile to ensure practice standards are consistent with other regulated jurisdictions. After they are assessed, some individuals may have to take additional upgrading if there are any deficiencies in their practice. The upgrading would be tailored to each practitioner depending on what deficiencies need to be addressed. Practitioners would have up to three years to address the deficiencies (or another timeframe as set by the transitional council of the college once established).

Q.7. As a current practitioner will I have to write a qualifying examination to be eligible for licensure?

A.7. No. As noted above the associations are proposing that no current practising massage therapist who are members of one of the four recognized associations will be required to write an entry-to-practice examination.

Q.8. Will new members have to write an entrance exam once the regulatory college is established?

A.8. Yes. Once the Saskatchewan College of Massage Therapists is established new applicants would be required to pass all entrance exams recognized by the college. This is consistent with all other regulated professions that require new applicants to pass an entrance exam (or exams) to be eligible for licensure.

Q.9. Will the government be able to set my fee rates, work hours, etc. if massage therapist are regulated? Will I be required to change the name of my business that includes the term “massage” if I do not become a registered member of the regulatory college?

A.9. The proposed legislation does not apply to business matters such as fee rates or hours of work. The intent of the proposed legislation is not to regulate the “business” of massage therapy. Rather, it is to protect the public against potential harms resulting from the practice of massage therapy (e.g., physical harm, sexual abuse) and to ensure the public has access to safe, competent massage therapy services.

With respect to the names of businesses if you have an already existing business that includes the term “massage” you should not have to change the name. If your business name is registered as per the requirements of *The Business Names Registration Act* then you have the legal right to use that business name. However, a practitioner would not be able to refer to themselves as a “massage therapist” or a “registered massage therapist” because those professional titles will be reserved under *The Massage Therapists Act*, unless they were registered with the new college.

Q.10. Will the government be responsible for setting practice standards for the profession if massage therapists are regulated?

A.10. No. Similar to other regulated health professions, the Legislature would delegate the day-to-day governance of the profession to the Saskatchewan College of Massage Therapists through legislation (i.e. *The Massage Therapists Act*). It will be up to the college to determine the appropriate practice standards for massage therapists.

It should be noted that the government does maintain a certain level of oversight over all regulated health professions by the appointment of public representatives to the councils of regulatory bodies and requiring all regulatory bylaw amendments to receive approval by the Minister of Health before they come into force. This

oversight helps to ensure transparency and accountability on the part of regulated health professions in Saskatchewan.

Q.11. What is the proposed name of the regulatory body for massage therapists? Will it be a stand-alone organization or will it be a spin-off of one of the existing massage therapy associations like the previous legislative proposal?

A.11. The proposed name of the regulatory body is the Saskatchewan College of Massage Therapists. This proposed name was agreed to by all of the massage therapy associations. It will be a stand-alone organization completely separate from any of the four massage therapy associations.

Q.12. What will happen to the four existing massage therapy associations once the regulatory college is established? Will I still have to be a member of one of the associations after the profession becomes regulated?

A.12. The massage therapy associations will continue to exist as advocacy bodies for the profession but would not be involved in the governance of massage therapists. That will be the role of the Saskatchewan College of Massage Therapists. This is similar to other regulated health professions, such as physicians, that have both a regulatory body (i.e. College of Physicians and Surgeons of Saskatchewan) that is responsible for licensing, governing and disciplining members of the profession and an advocacy association (i.e. Saskatchewan Medical Association) that advocates for the profession and its members.

While regulated health professionals are not required to be members of an advocacy body to be licensed, almost all do maintain membership in an advocacy body to access liability insurance and other member services/benefits.

Q.13. While the regulatory body is being established will there be a transitional council/steering committee that oversees this process? Who will be on this transitional council? How long will this transition period take?

A.13. There will be a transitional council that will be responsible for overseeing the establishment of the college and the transitioning of current members. It is proposed that the transitional council will be composed of equal representation from all four of the existing massage therapy associations. At this time it is unknown how long the transition period will take.

Q.14. What will the cost be for licensing fees/insurance if legislation goes forward? Will there be any costs for massage therapists for establishing the Saskatchewan College of Massage Therapists as the regulatory body or will those costs be covered by the government?

A.14. At this time it is unknown what the exact costs will be for licensing fees and insurance. It is anticipated that those costs will be determined after the transitional council for the regulatory body is established and develops an operational budget.

The establishment of the Saskatchewan College of Massage Therapists will be funded by the massage therapy associations. The government will not be providing any funding. This is the same for any profession requesting self-regulatory status.

Q.15. If regulated will my clients/patients be able to deduct massage therapy services from their income tax?

A.15. The Canada Revenue Agency (CRA) sets eligibility requirements for income tax deductions related to medical services and should be consulted regarding specific eligibility requirements.

Q.16. Would massage therapy services be Goods and Services Tax (GST) exempt if the profession becomes regulated in Saskatchewan?

A.16. Currently, the federal *Excise Tax Act* states that a health profession in Canada is eligible to be exempted from the application of GST if it is legislated in five provinces or territories. If massage therapy becomes regulated in Saskatchewan, it will be the sixth province to regulate the profession after Ontario, British Columbia, New Brunswick, Newfoundland and Labrador, and Prince Edward Island. Therefore, massage therapy services in Saskatchewan should be eligible for a GST exemption. However, the CRA should be consulted regarding specific eligibility requirements.

Q.17. What benefits would legislation provide massage therapists on a national level?

A.17. As a regulated massage therapist, members of the Saskatchewan College of Massage Therapists would be able to work in any of the other regulated Canadian provinces without having to write another examination. Through legislation, the profession will move towards common national competency standards.

The insurance uses the competency standards put in place by the provinces where the profession is regulated when paying out reimbursement claims to their clients.

Q.18. I work in a spa/gym and do not provide therapeutic massage therapy services. Will I be required to be regulated?

A. 18. The proposal to regulate massage therapy in Saskatchewan would only authorize individuals who are members of the regulatory college to legally use the title "Massage Therapist" or "Registered Massage Therapist". This is similar to other provinces where massage therapists are regulated.

Practitioners who currently provide non-therapeutic would not have to become members of the regulatory college but they could not use the title "Massage Therapist", "Registered Massage Therapist" or any variant of those protected titles. Instead they would use a term or title (e.g., body worker) that clearly distinguishes them from registered massage therapists.

Q.19. Who is the Ministry consulting with during the development of this legislative proposal?

A.19. The Ministry will continue to consult with all four of the massage therapy associations throughout this process. The Ministry will also consult with the three Saskatchewan-based massage therapy training schools, regulated health professions (e.g., College of Physicians and Surgeons of Saskatchewan), the Canadian Life and Health Insurance Association, Saskatchewan Government Insurance, the Workers' Compensation Board, the Office of the Saskatchewan Information and Privacy Commissioner, the Saskatchewan Health Authority, the Saskatchewan Cancer Agency and provincial/territorial counterparts.

Q.20. How many massage therapists currently practise in Saskatchewan?

A.20. Based on information provided by the four massage therapy associations we would estimate that there are approximately 1300-1400 massage therapists practising in the province.

Q.21. How many Canadian jurisdictions regulate massage therapists?

A.21. As noted above, massage therapists are currently regulated in five (5) Canadian provinces: Ontario, British Columbia, New Brunswick, Newfoundland and Labrador, and Prince Edward Island.

Q. 22. Will the regulation of massage therapists address the issue of massage parlours?

A. 22. No. As noted above the intent of this proposal is to ensure that massage therapists are regulated so that there are consistent training, competency and practice standards in place for massage therapists.

Issues related to massage parlours would not be a professional regulatory issue but rather a law enforcement issue.

Q.23. What are the next steps regarding the legislative proposal?

A.23. the Ministry will use the results of the consultation to help determine if and when to recommend proceeding with legislation. No dates have been set.