



## College of Massage Therapists of Ontario

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November 22, 2017

Krystin Bokalo  
Chair, Board of Directors  
Registered Massage Therapists' Association of Ontario  
1243 Islington Avenue, Suite 704  
Toronto, ON  
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Dear Krystin,

I am writing to thank the Board of Directors of the Registered Massage Therapists' of Ontario (RMTAO) for your thoughtful input to the College of Massage Therapists of Ontario's new *Standards for Maintaining Professional Boundaries and Preventing Sexual Abuse* ("Standards"). I apologize for the delay in responding to you.

The College of Massage Therapists of Ontario (CMTO) has appreciated RMTAO's feedback throughout the consultation process for the new *Standards*, and I am pleased that we have been able to work together as organizations and with registrants to clarify our position with regards to video/photographic recording devices, supportive physical contact, and touch within a spousal relationship as opposed to within a clinical context. We have also incorporated your concerns about needing a written note from a primary care physician before specific treatments of a sensitive area. Thank you for these suggestions.

We share your priority of ensuring the safety and protection of clients who seek treatment from Massage Therapists in Ontario. As you know, our mandate as a College is to regulate the Massage Therapy profession in the public interest, and feedback like yours is essential to achieve that goal.

CMTO has received a significant amount of feedback on our new *Standards* since we released them on September 21, 2017. One of the primary points of feedback has been the written consent process, which is also the key concern raised in your September 25, 2017 letter to us.

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As you note, requiring written consent for treatment of “sensitive areas”, while already recommended in the past, is now a new requirement for registrants, and is a requirement of CMTO, but not one of government.

While CMTO already had the list of sensitive areas in the former “Treating Sensitive Areas” Position Statement, the areas do align with amendments made to the *Regulated Health Professions Act, 1991 (RHPA)* by the *Protecting Patients Act, 2017*. In the new legislation, touching of a sexual nature of a client’s breasts, anus, genitals or buttocks has been added to the list of acts for which the Discipline Committee must revoke a registrant’s Certificate of Registration where the conduct has been found to have occurred. While clients may have other areas that they deem sensitive, CMTO’s “sensitive areas,” were determined based on the conduct seen before Discipline at CMTO and to more effectively ensure that registrants take special care with the areas listed by the statute (as well as upper inner thighs).

Again, based on CMTO’s experience at the Discipline Committee, Council believes that written consent, as part of the consent process, will more effectively ensure that clients understand their rights, are agreeing to the treatment of these sensitive areas and there is a written record of what occurred should enforcement proceedings become necessary.

In your letter, you also raise a concern that the lack of anatomical parameters may cause confusion for Massage Therapists. CMTO did not provide strict anatomical definitions because each client’s body is structured differently, and clients have differing views on where their own sensitive areas begin and end. The RHPA also does not define these body parts. However, this list of body areas will be interpreted using common sense and should be interpreted more broadly rather than narrowly. Asking oneself what a reasonable person would view as the “buttocks” or “breasts” is likely to be more appropriate than applying a very narrow anatomical definition. CMTO recommends that RMTs discuss the boundaries of the sensitive area to be treated as part of the informed consent discussion/process. For example, if treating the buttocks, an RMT can show the client by touching the RMT’s own body where they intend to treat.

As part of your feedback about written consent, you raise a concern that Massage Therapy clients who have signed a consent form and are asked for consent on a more frequent basis may be less likely to withdraw that consent or to come forward if abused during treatment. The point you raise is an important one. I want to assure you that throughout the development of the *Standards*, CMTO worked closely with experts in the field such as health regulatory law,

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Massage Therapy, and abuse in the health professions to understand the impact of sexual abuse, the processes meant to ensure enforcement, and the ability of victims to come forward and tell their stories. In addition, CMTO's current sample consent form ensures that clients understand that their consent to be touched can be withdrawn at any time. We are steadfast in our commitment to client protection, and will continue to use an evidence-informed approach to guiding the Massage Therapy profession.

I can assure you that I have shared your concerns with our CMTO staff and Council and that we have considered your feedback, as well as feedback from other registrants, clients and stakeholders. In order to streamline the written-consent process, CMTO has developed a simplified sample written consent form that will be more user-friendly while protecting the public, and will send out additional practice guidance to registrants.

Going forward, we would also be happy to discuss educational approaches to ensure registrants have a clear understanding of the treatment of sensitive areas within Massage Therapy.

Once again, thank you for taking the time to share your feedback. Your input is helpful as we strive to protect the public interest.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Tucker".

Lisa Tucker, RMT  
President  
Council of the College of Massage Therapists of Ontario