

The purpose of this policy is to establish and define a code of ethics to be followed by the Members of the New Brunswick Massotherapy Association

### **General Duty to Patients**

- A Member shall:
  - act in the best interest of a patient;
  - only provide a treatment if the Member has a reasonable expectation that it will be of benefit to a patient;
  - only provide massage therapy treatments that fall within the scope of practice of massage therapy, as defined in the Act.
- A Member shall not take advantage of a patient's vulnerabilities for the Member's sexual, emotional, social, political, or financial interest or benefit
- A Member shall not contravene the Human Rights Act as amended from time to time.
- A Member shall not refuse to treat a patient unless:
  - the patient's condition renders the treatment unsafe, unnecessary or not beneficial to the patient,
  - the patient asks the Member to perform an illegal or unethical act,
  - there is a conflict of interest between the Member and the patient which cannot be resolved in accordance with the "Conflict of Interest" provisions of this code,
  - there is incompatibility of character between the Member and the patient,
  - the patient loses confidence in the Member, or
  - the patient fails to satisfy a statement of account for services rendered within 15 days or after 3 treatments.

### **Sexual Conduct Prohibited**

- A Member shall not:
  - engage in sexual conduct with a patient,
  - engage in sexual conduct with a former patient within one year of termination of massage therapy, or
  - make any inquiry into a patient's sexual history, unless such an inquiry is directly related to the assessment or treatment of the patient's condition.

### **Treatment of Family Members**

- Member massage therapists may not treat members of their immediate family or other persons living in their primary residence and claim the treatment for reimbursement by an insurance company. The immediate family is defined as the massotherapist's children, mother, father, sister, brother, and the spouse's parents, brothers and siblings-in-law. Spouse includes same-sex marriages and common-law relationships."

### **General Duty to the Public**

- A Member shall:
  - comply with all Federal, Provincial and Municipal laws and regulations pertaining to the business and practice of massage therapy, and
  - act in an honest, professional and courteous manner towards all persons.

### **General Duty to the Professions**

- A Member shall uphold and advance the honour, dignity and credibility of the profession and, without limiting the generality of the foregoing, shall:
  - use his/her knowledge and skill to improve the health and well-being of others;
  - respect the honour, dignity and credibility of other professionals;
  - promote harmonious working relationships with other professionals;
  - refrain from undue criticism of the qualifications or the therapies provided by other Members or Licensed Practitioners;
  - avoid competition for patients or professional services by methods that adversely affect the honour, dignity or credibility of the profession;
  - avoid comparing his/her competence or patient outcomes to those of other Members or Licensed Practitioners;
  - refrain from entering into a contract with any person or organization that diminishes the honour, dignity or credibility of the profession; and
  - abide by the Human Rights Act, as amended from time to time, in any dealings with Licensed Practitioners and other Members, including selection of a Locum.

### **Reporting of Members**

- If a Member has reasonable grounds to believe that another Member has
  - committed an act of Professional Misconduct,
  - engaged in Sexual Conduct with a patient, or with a former patient, within one year of termination of massage therapy,
  - practiced the profession while the Member's ability to do so was impaired by drugs, alcohol, a physical or mental ailment, emotional disturbance or addiction to any substance,
  - engaged in any unsafe, unethical or illegal activity related to the practice of massage therapy, or
  - permitted his/her office or clinic to be used for an unlawful purpose;
- that Member shall promptly file a written report with the Chair of the Complaints and Fitness to Practice Committee that contains the following information
  - the name of the Member filing the report,



- the name of the Member who is the subject of the report,
- details of the alleged professional misconduct, prohibited sexual conduct, incompetence, or incapacity, including the sources of information relied upon,
- the identity of any patient involved, after the Member has obtained the patient's consent to disclosure of the patient's identity to the Chair of the Complaints Committee.

### **Guarantees of a Cure Prohibited**

- A Member shall not claim that a treatment, or use of certain equipment, will provide a cure, nor shall a Member guarantee therapeutic value to a patient.

### **Practising if Impaired Prohibited**

- A Member shall not practice massage therapy when the Member's ability to practise is impaired by drugs, alcohol, a physical or mental ailment, emotional disturbance or addiction to any substance.

### **Conflict of Interest**

- A Member shall make every effort to avoid a conflict of interest while providing massage therapy or carrying out any other professional duty.
- Notwithstanding, where a Member is in a conflict of interest with a patient, that Member shall:
  - immediately disclose the nature of that conflict to the patient,
  - document this disclosure, and
  - resolve the conflict of interest in consultation with the patient, whether by terminating the therapeutic relationship with the patient or otherwise.