

The purpose of this regulation is to define the standards to be respected by Members of the NBMA with respect to advertising and the marketing of their professional services.

Definitions

1. "Advertisement" means the use of space or time in any type of public medium including but not limited to the internet, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public or a segment thereof, for the purpose of promoting professional services or enhancing the image of the advertiser; "marketing activity" includes:
 - in an advertisement
 - any publication or communication in any medium with any patient, prospective patient or the public generally in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance or any other means by which professional massage therapy services are promoted,
 - contact with a prospective patient initiated by a Member, and
 - use of the name of a Member's clinic or business;
2. "Unprofessional" means a marketing activity that is contrary to the best interest of the public or tends to diminish the profession's ability to provide service of the highest quality.

General Rule

3. Any marketing activity undertaken or authorized by a Member in respect of his or her professional services shall not be
 - false,
 - inaccurate,
 - reasonably capable of misleading the recipient or intended recipient,
 - unverifiable.
4. The Discipline and Fitness to Practice Committee may find that marketing activity violates paragraph 1 above if a marketing activity
 - takes advantage of the weakened state, either physical or emotional, of the recipient or intended recipient, or is calculated or likely to do so;
 - creates in the mind of the recipient or intended recipient an unjustified expectation about the results which the Member can achieve, or is calculated or likely to do so;

- implies that the Member can obtain results
 - not achievable by other Members,
 - by improperly influencing a public body or official, or any corporation, agency or person having any interest in the welfare of the recipient, or
 - by any other improper means;
 - compares the quality of services provided with those provided by another Member,

Quality of a marketing activity

5. Any marketing activity undertaken or authorized by a Member in respect of his or her professional services
 - shall not tarnish the reputation, image or stature of the profession, and
 - shall be dignified and in good taste
6. Without limiting the generality of subsection (1), a graphic or other image used by a Member in his advertisement as a massage therapist should not suggest that some service is being provided other than massage therapy.

Speaking on behalf of the Association

7. A Member shall not state publicly or imply that he or she speaks on behalf of the NBMA or the Board unless the Member has been expressly authorized by the Board to state the official position of the NBMA or Board.

Endorsing a product or service

8. A Member shall not endorse or lend him/herself as a Member to the advertisement of any property, investment or service for sale to the public unless such property, investment or service relates directly to the profession.

Statement of fees

9. A Member who, in any advertisement, includes a statement of fees for a specific service shall
 - ensure that the statement sufficiently describes the fees and services so as to enable the recipient or intended recipient to understand the nature and extent of the services to be provided and the cost to the patient;
 - not compare the fees he or she charges to those charged by another Member;
 - state the period of time that the fee applies.

Use of titles in advertising

10. In a marketing activity or advertisement to promote his or her massage therapy practice, a Member shall use only those occupational titles that have been granted to Members under the Act or these Policies or otherwise have been approved by the Board.
11. For the purposes of the above, the Board may by resolution
 - establish a list of approved occupational titles which Members may use in addition to those titles reserved to Members under the Act, or
 - approve such other occupational title that a Member has requested the Board approve.
 - the College of Massage Therapy of Ontario has granted under licence the use of the following titles and terms to members of the NBMA:
 - Massage Therapist
 - Registered Massage Therapist
 - M.T.
 - R.M.T.
 - Massage Therapy
 - Therapeutic Massage
 - Massothérapie
 - Massage Thérapeutique

Restriction on specialist titles

12. Unless otherwise authorized by the Act, the Regulations, the Bylaws, the Policies or the Board, a Member shall
 - not use the title "specialist" or any similar designation, term or reference that suggests a recognized special status, accreditation or practice on any letterhead or business card or in any other marketing activity,
take all reasonable steps to discourage use, in relation to the Member by another person, of the title "specialist" or any similar designation suggesting a recognized special status or accreditation in any marketing activity, in any advertisement, identify him/herself as being responsible for the practice advertised

Permitted practice descriptions

13. In describing his or her practice as a massage therapist or as someone permitted to provide massage therapy, a Member may list
 - the services that he or she is trained in and is capable of providing as a Member,
 - the techniques that he or she has been trained to provide as a Member, or

- the typical types of injuries or health problems that he or she is trained to assess and treat as a Member, providing however that the services or techniques or the types of injuries or problems so listed fall within the scope of practice of a massage therapist as prescribed under the Regulation or as may otherwise be approved by the Board.

14. In complying with the above, a Member may state that the listed service or technique is a "preferred area of practice" but cannot otherwise use any other expression that might suggest or denote a specialty.

Advertising of services that fall outside the scope of practice

15. If a Member is also trained to provide a service or technique that falls outside the scope of practice of a massage therapist as prescribed by the Act or any Policy,

- that Member may advertise that service or technique so long as
 - that non-massage therapy service is not linked to or associated with his or her status as a Member, and
 - there is a clear separation of professional services that fall within and outside the scope of practice of massage therapists;
- that Member shall use separate letterhead, business cards, statements of account and similar documents for his or her non-massage therapy service;
- that Member shall not bill for massage therapy services while using an occupational title of the non-massage therapy profession.

Advertising if dual-registered

16. If a Member is also a licensed professional with another college or association, that dual-registered Member may use the other profession's occupational title in his or her advertising, but in so doing the Member must clearly distinguish between the services he or she provides as a member of the NBMA so that the public would not be confused by the dual listing.

17. A dual-registered Member

- shall use separate letterhead, business cards, statements of account and similar documents for each college that he or she is a member of, and
- shall not bill for massage therapy services while using the occupational title of the other profession.

Advertising with others

18. If a Member is advertising his or her services in conjunction with other persons, that Member shall ensure that there is a clear separation of their respective services so that the public would not be confused about which person provides which service.

Retention of advertisements

19. A Member shall

- retain for one year after the date of publication or broadcast any advertisement, and
- provide to the Board or the Complaints Committee upon request
 - a copy of any publication,
 - a recording of any broadcast over any electronic media, including radio, television and microwave transmission, and
 - a written record of when and where the publication or broadcast was made.

Duty to verify

20. It is the duty of the Member to verify the statements made in his or her marketing activity when called upon to do so by the Complaints Committee Discipline and Fitness to Practice Committee or the Board.