

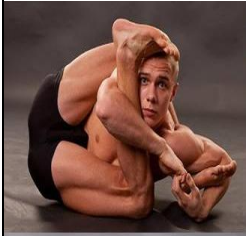



Ethics
Dr. Bryan Hawley DC



Housekeeping

- Recording will be sent out tomorrow
- Certificates
- Questions
- All presented today is based off OUR OWN CLINIC system
- Email (info@clublmt.com)
- Lets begin



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Slide 3

Ethics is the study of moral behavior

Ethical codes and standards translate moral values into guidelines for daily living.

Usually fall into 2 categories.

1. Professional

The perimeters of moral behavior set forth for a particular profession ie Massage Therapy

2. Business Ethics

Concern themselves with the commercial aspects of being a Massage Therapist and the treatment of clients as consumers.

[illegible]

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According to the ATMA

Principles of Ethics. The Principles of Ethics form the first part of the Code of Ethics. They are aspirational and inspirational model standards of exemplary professional conduct for all members of the association. These Principles should not be regarded as limitations or restrictions, but as goals for which members should constantly strive.

Rules of Ethics. The Rules of Ethics are mandatory and direct specific standards of minimally-acceptable professional conduct for all members of the association. The Rules of Ethics are enforceable for all association members, and any members who violate this Code shall be subject to disciplinary action.

[illegible]

Principles of Ethics (ATMA)

Massage therapists/practitioners shall:

- Demonstrate commitment to provide the highest quality massage therapy/bodywork to those who seek their professional service.
- Acknowledge the inherent worth and individuality of each person by not discriminating or behaving in any prejudicial manner with clients and/or colleagues.
- Demonstrate professional excellence through regular self-assessment of strengths, limitations, and effectiveness by continued education and training.
- Acknowledge the confidential nature of the professional relationship with clients and respect each client's right to privacy within the constraints of the law.
- Project a professional image and uphold the highest standards of professionalism.
- Accept responsibility to do no harm to the physical, mental and emotional well-being of self, clients, and associates.

Rules of Ethics (ATMA)

Massage therapists/practitioners shall:

- Conduct all business and professional activities within their scope of practice and all applicable legal and regulatory requirements.
- Refrain from engaging in any sexual conduct or sexual activities involving their clients in the course of a massage therapy session.
- Be truthful in advertising and marketing, and refrain from misrepresenting his or her services, charges for services, credentials, training, experience, ability or results.
- Refrain from using AMTA membership, including the AMTA name, logo or other intellectual property, or the member's position, in any way that is unauthorized, improper or misleading.
- Refrain from engaging in any activity which would violate confidentiality commitments and/or proprietary rights of AMTA or any other person or organization.

[illegible]

- Have a sincere commitment to provide the highest quality of care to those who seek their professional services.
- Represent their qualifications honestly, including education and professional affiliations, and provide only those services that they are qualified to perform.
- Accurately inform clients, other health care practitioners, and the public of the scope and limitations of their discipline.
- Acknowledge the limitations of and contraindications for massage and bodywork and refer clients to appropriate health professionals.
- Provide treatment only where there is reasonable expectation that it will be advantageous to the client.
- Consistently maintain and improve professional knowledge and competence, striving for professional excellence through regular assessment of personal and professional strengths and weaknesses and through continued education training.
- Conduct their business and professional activities with honesty and integrity, and respect the inherent worth of all persons.
- Refuse to unjustly discriminate against clients and/or health professionals.
- Safeguard the confidentiality of all client information, unless disclosure is requested by the client in writing, is medically necessary, is required by law, or necessary for the protection of the public.
- Respect the client's right to treatment with informed and voluntary consent. The certified practitioner will obtain and record the informed consent of the client, or client's advocate, before providing treatment. This consent may be written or verbal.

- Respect the client's right to refuse, modify or terminate treatment regardless of prior consent given.
- Provide draping and treatment in a way that ensures the safety, comfort and privacy of the client.
- Exercise the right to refuse to treat any person or part of the body for just and reasonable cause.
- Refrain, under all circumstances, from initiating or engaging in any sexual conduct, sexual activities, or sexualizing behavior involving a client, even if the client attempts to sexualize the relationship unless a pre-existing relationship exists between an applicant or a practitioner and the client prior to the applicant or practitioner applying to be certified by NCBTMB.
- Avoid any interest, activity or influence which might be in conflict with the practitioner's obligation to act in the best interests of the client or the profession.
- Respect the client's boundaries with regard to privacy, disclosure, exposure, emotional expression, beliefs and the client's reasonable expectations of professional behavior. Practitioners will respect the client's autonomy.
- Refuse any gifts or benefits that are intended to influence a referral, decision or treatment, or that are purely for personal gain and not for the good of the client.
- Follow the NCBTMB Standards of Practice, this Code of Ethics, and all policies, procedures, guidelines, regulations, codes, and requirements promulgated by the National Certification Board for Therapeutic Massage & Bodywork.

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These are basically principles such as Morals, honesty, compassion, trustworthy, that are there to provide meaning and direction to the profession. Ethics is designed to protect and enhance those values.

Ex.
Refusing any gift or bribe intended to influence a referral, decision of care, or treatment that is purely for personal gain and not for the overall well being of the client.



Inalienable Rights

Rights which are not capable of being surrendered or transferred without the consent of the one possessing such rights.

Example:

- Right to Privacy
 - Right to informed consent
 - Right to Confidentiality
 - Right to Safety
- 

[illegible]

Know Your weaknesses beforehand

For personal ethical development, it is important to know your weaknesses as well as your strengths. Issues related to money, power, sexual relations, are the normal culprits or tripping stones.



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Case Scenario

A practitioner was approached by a client who wasn't in psychotherapy and wanted to address her abuse issues through bodywork. The practitioner had very limited training in working with survivors but wanted to assist the client in her healing process. In the course of their work together, the client began to have flashbacks during the treatments. The practitioner felt she should let the client fully experience these memories and would process what happened afterward. After several weeks of treatment, the client began to experience more uncontrollable, intense and disabling flashbacks on buses, in the supermarket and frequently upon entering the practitioner's office

Case End Result

. The practitioner's lack of training in this area resulted in a damaging situation for the client and a lawsuit against the practitioner.

In this case, the practitioner did not understand the significance of the flashbacks and how to deal with them. She did not realize the client needed psychotherapy and other support systems in place. She lacked outside supervision to guide her work when questions or difficulties arose.

This harmful situation occurred because the practitioner did not understand that recovery from abuse proceeds in stages, and that her client was in a very early stage of this process. Therefore, the practitioner did not know what the client needed to proceed safely with her recovery. This client was not psychologically ready to delve into her past. The boundaries and support systems necessary for effective treatment were not adequately in place.

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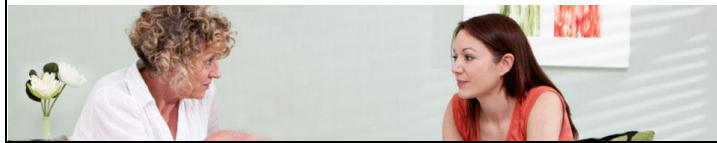
- When does this begin?
- When Does this end?
- Who Can break the relationship?

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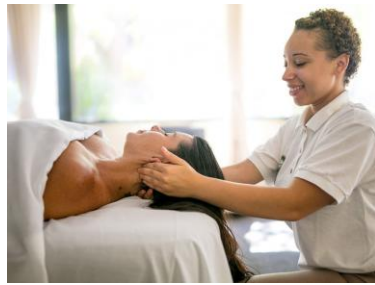
- When does this begin?

NOT when the first laying of hands occurs. This actually starts before.



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Clients commit to us in pain or in need of help. By virtue of just showing up for the appointment they make themselves vulnerable. They are hurting or needing relief and the therapist is catapulted into the authority position. Even though they may not be aware of it they may be looked upon as the parent, or doctor figure in the clients eyes. It is the therapists duty and responsibility to meet this with kindness, compassion, and upmost respect.

[illegible]

Direct Gossip



Indirect Gossiping (overhearing)





Ok now that I got your attention

Just Say No



The NCBTMB Code of Ethics states that “A massage therapist should refrain under all circumstances from initiating or engaging in any sexual conduct, activities, or sexualizing behavior involving a client, even if the client attempts to sexualize with the therapist.”

If one should develop under mutual consent the therapist should sever the professional relationship and not partake in a sexual relationship for 6 months after the severance. NCBTMB adopted September 1, 2000

The NCBTMB Standards of Practice offers advice and guidelines for special cases. See appendix G: Code of Ethics and Standards for Practice for Massage Therapists on page 335.

There are 2 main reasons for involvement of sexual partners

1. Current client who wants to take it to the next level
(or visa versa)
2. Current spouse or long term partner becomes a client.

First let's clear the air

***It is strictly prohibited among ALL HEALTH CARE PROFESSIONS
to be sexually involved with a current client.***



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Spouse or long term relationship

In this scenario the ethical boundaries may be a bit more blurred.

Dr. Hawley mentions personal relationship here!

Clear boundaries are a must in this scenario.
There exists a potential for developing an undercurrent of associating massage therapy with sexual activity. During the time allotted for Massage there should be NO PLACE FOR SEXUAL ACTIVITY.



Sexual Misconduct

Sexual Misconduct is usually defined as

“ Any sexualizing relationship between a treating Massage therapist and a current client. Sexual Misconduct can occur before, during, and or after a massage session and be perpetrated by either the therapist or the client”.



- Verbal
- Body Language
- Inappropriate touch
- Direct Sexual contact
- Sexual Assault



- Use only hands, forearms, elbows, or feet
- Never use head, chest, shoulder, hair, breasts or other parts of your body
- Never use pelvis (ant portion) for bracing use lateral hip and lower leg and sometimes shoulder (laterally)
- Never massage sexually sensitive areas (even if client asks)
- Get informed consent to work with areas around breasts, genitals, buttocks and abdomen



Inform client and get confirmation that the client understands the actions, or methods, that are to be used and on what body parts.

Go over with client what they should be expecting and able to feel

Even after the above steps before procedure begins ask the client for permission before starting to work in the involved area(s)

Written consent is strongly advised for areas involving orifices such as nasal passages (septal deviation), mouth (TMJ) , ear canals (candle, infections, blockages) anal (sacral deviation, sacral tuberos ligament release).
NOTE: Check with state laws for scope of practice.

Even after informed consent be aware of body language.



Example may be Pelvic Torsion Syndrome

Insertion points of lower limb muscles on the ischial tuberosity and sacral border to help

Working the pec muscles and axillary muscles to help with posterior shoulder issues (agonist and antagonist groups)

Informed Voluntary Consent (refer back to previous slide)

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[illegible]

If incident occurs during session

NOTE: If working by yourself, in a hotel, private room, their house or business always, always assess the area and have an escape route planned. Also let someone know where you will be and how long the session is to last and make sure you check in with them before and after the session if in a persons private residence.

FAKE A CALL: Make a call to an answering machine and state that you are about to begin session and you will call immediately when session ends, give a specific time.



Assess the situation

Document

[illegible]

Bob (the therapist) is getting his daily workout in when a client and her spouse approach.

[illegible]

Problem is that morning Mary woke up with the beginnings of the Flu. Chills, aches, fever

Now at \$60 per session that is a nice \$300 plus tips day for her

Rent is due Tomorrow as well as is her other bills.

Should Mary call to reschedule her clients?

A young man is lying in bed, looking unwell. He is wearing a light-colored robe and has his head resting on a pillow. His hands are clasped together near his face. On the bed next to him are several white tissues, a small thermometer, and a box of tissues. The scene suggests he is sick or recovering from an illness.

[illegible]

Mary has seasonal allergies, she has taken an antihistamine to help combat the symptoms. However it has made her feel groggy and not thinking clear.

Bobbie went to a bachelorette party last night and had a few too many. She is now dehydrated and groggy and to be honest still a bit buzzed.

Alcohol is dehydrating. The body wants to get rid of it quickly and works hard to excrete it through the kidneys. Extra fluid is needed and is drawn from cells to expedite the elimination. If overdone, this is what can influence the severity of a hangover.

Alcohol impairs judgment. It has many chemical effects on the brain, including increasing levels of norepinephrine, the neurotransmitter responsible for arousal and heightened excitement, and an increase in impulsivity as well as a reduction in impulse control.

Rules, Regs and put in P&P Manual

Prescribing anti anti-inflammatories and or other medicinal items are out of the scope of most all Massage Therapists. Duh! But what about.....

Home Exercises?

Treatment of care plans?

Drinking water?



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Be Careful about suggestions even though you are not actually diagnosing

A therapist whom was a regular work out buff (but had no formal training for certifications as a trainer) advised his client on strengthening his upper back and shoulder muscles and what exercises to perform. However the client had an undiagnosed rotator cuff injury (partial tear in the supraspinatus mm) and was immed sent to surgery after working out.

Therapist advised a client who was seeing a physical therapist for low back pain that they "should give massage a try" since it was less invasive. The client called and cancelled her next PT appointment and explained the reason for doing so. The PT took legal actions against the Therapist for practicing medicine without a license.

[illegible]

Health Insurance Portability Act passed in 1996 by US Congress

Providers must get written consent to contact insurance providers and or other parties that have records or information regarding clients care.

Records must be kept secure and out of reach of the general population

NOTE: Not all Massage offices will fall under the guidelines of HIPAA. Check with your state governing board. But HIPAA provides practical guidelines for client protection and confidentiality.

Informed consent procedures benefit both the client and the therapist because they clarify the expectations of both parties and provide guidelines for how sessions are conducted. Informed consent establishes the framework of the therapeutic relationship. This empowers the client to feel in charge of the session and supports therapists in setting good boundaries with clients.

If the client agrees with everything and wants to proceed it is good to have them sign an Authorization (permission) to treat and keep a copy in their charts.

P&P Manual/Guidelines

(Placed visibly in office) (give client copy before starting initial session)

- Written Policy regarding
- Missed appointments
- Payments
- Dismissal due to behavior etc.
- Hours
- Cell Phones
- Late Appointments

NOTE: On consent form have them initial that they received a copy of the policy and procedure form.

Is it ethical to accept tips?

There are no written rules or guidelines to this issue. It should be up to the attending therapists based on their clientele, settings, and beliefs if they are to accept tips for

[illegible]



The Key to maintaining good ethics is to hold your clients well being above your personal gain.



Final Housekeeping

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