

269 CMR 5.00: CODE OF PROFESSIONAL ETHICS AND STANDARDS OF PROFESSIONAL PRACTICE

Section

- 5.01: Code of Professional Ethics
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5.01: Code of Professional Ethics

A Massage Therapist shall:

- (1) Represent his or her educational and professional qualifications honestly to all clients and the public;
- (2) Inform clients of the limitations of the Licensee's practice;
- (3) Consistently take measures to improve professional knowledge and competence by a regular assessment of personal and professional strengths and weaknesses through continuing education training as required in 269 CMR 4.00: *Continuing Education*;
- (4) Communicate honestly, including, but not limited to, receiving a client's Informed Consent for treatment and any refusal, modification, or termination of treatment regardless of prior consent;
- (5) Keep the client well informed of procedures and methods that will be employed during the session;
- (6) Maintain the confidentiality of all client information, unless law or court order mandates disclosure or if the Massage Therapist reasonably believes that an individual is in serious foreseeable or imminent harm;
- (7) Respect the inherent worth and individuality of clients and act in the best interest of all clients by not discriminating or behaving in any prejudicial manner with clients;
- (8) Respect the client's bodily autonomy and right to make treatment decisions;
- (9) Take precautions to do no harm to the physical, mental, and emotional well being of clients and others;
- (10) Respect the client's physical, emotional social and intellectual boundaries with regard to privacy, disclosure, draping, exposure, emotional expression, beliefs, and client's reasonable expectations of professional behavior;
- (11) Maintain the right to refuse to treat any person in order to protect the mental, physical, emotional and professional boundaries and safety of the Massage Practitioner;
- (12) Conduct all business and professional activities with honesty and integrity;
- (13) Not engage in an interest, activity, or influence that conflicts with the Massage Practitioner's obligation to act in the best interest of the client;
- (14) Refuse to accept gifts or benefits that are intended to influence a referral or treatment or that are purely for personal gain and not in the best interest of the client;
- (15) Report to the Board if the Massage Therapist has first-hand knowledge or evidence indicating any unethical, incompetent, or illegal act that has been committed by another Licensee; and
- (16) Report to the Board if the Massage Therapist has first-hand knowledge or evidence of unlicensed practice.

5.02: Standards of Professional Practice

When engaged in the practice of Massage, a Massage Therapist shall:

- (1) Perform a written and verbal intake interview with the client to determine whether any contraindications to massage therapy exist and whether modifications, including pressure, technique, and duration of treatment, are appropriate;
- (2) Obtain and document Informed Consent prior to providing treatment;
- (3) Acknowledge the limitations of, and contraindications for, massage therapy;
- (4) Provide only those services that the Licensee is qualified to perform and that are within the scope of practice of a Massage Therapist;
- (5) Refer the client to other professionals or services if the treatment or service is beyond the Massage Therapist's scope of practice;
- (6) If a plan of care or treatment is appropriate, explain the plan to the client, to others designated by the client, and to appropriate professionals with the client's permission;
- (7) Provide massage therapy services that meet generally-accepted standards of practice of the profession;
- (8) Practice massage therapy in accordance with accepted safe, sanitary and hygienic standards, including, but not limited to, following all standards of practice for disease control;
- (9) Receive the written permission of either a parent or legal guardian for providing massage therapy services to a client younger than 18 years old prior to providing those services;
- (10) Provide massage therapy services to a client younger than 18 years old only when a responsible adult chaperone is in the room, unless the parent or legal guardian waives this requirement in writing;
- (11) Not perform massage therapy in bars and/or adult entertainment facilities;
- (12) Not initiate or engage in any behavior that is sexually suggestive or engage in any sexual conduct or activities with a client;
- (13) Only advertise in a manner consistent with M.G.L. c. 112, § 235, including not:
 - (a) knowingly aiding and abetting another person to use the term "Massage" as part of a professional title, or the initials "LMT" in a manner that implies to the public that the individual is a licensed massage therapist, when that person is not authorized to do so; or
 - (b) knowingly employing a person not authorized to use the regulated professional title in the course of such employment; advertising as a massage therapist, also known as a licensed massage therapist, muscular therapist, myotherapist, masseur, masseuse, LMT or a Massage Therapy Establishment unless a person in its employment holds a valid license under M.G.L. c. 112, § 229;
 - (c) combining advertising for a licensed massage therapy service with advertising for an escort or dating services;
 - (d) using any sexually suggestive language or images in advertising;
 - (e) advertising as performing massage in a form in which the person has not received training, or of a type that is not licensed or otherwise recognized by law or administrative rule; or
 - (e) advertising by using any term other than therapeutic massage or massage therapy to refer to the service.

The term "advertise" shall include, but not be limited to, the issuance of any card, sign, or device to another; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle or structure; advertising in a newspaper or magazine or on television or on the internet; any listing or advertising in a directory under a classification or heading that includes the word "massage" or commercials broadcast by airwave transmission.

5.02: continued

- (14) Unless prohibited by law, have the right to refuse to treat any person or part of a client's body at the Licensee's discretion;
- (15) Unless prohibited by law, be allowed to pool or apportion fees received with other members of a business entity in accordance with any business agreement; and
- (16) Adhere to the standards of documentation as provided in 269 CMR 5.03.

5.03: Standards for Documentation

- (1) The Massage Therapist and client shall agree upon the purpose of the Massage session;
- (2) No documentation is required if the Massage session is given during sports or other kind of public events, or given in a public setting as in chair Massage, unless the client is younger than 18 years old. If the client is younger than 18 years old, the therapist must obtain written permission of either a parent or a legal guardian for the minor client's receipt of massage therapy;
- (3) A Massage Therapist who provides a massage for the purpose of general relaxation shall document, at a minimum, their own name, the name of the client, the date and time of the session, any contraindications, and the client's Informed Consent for treatment.
- (4) If a written plan of treatment is requested or required, Massage Therapist shall document the following information in the client's file within 24 hours of service:
 - (a) The initial evaluation, which shall include:
 - 1. The client's name and date of birth;
 - 2. Date of the session;
 - 3. Pertinent medical history, including, but not limited to:
 - a. Client sensitivities and allergies;
 - b. Medical diagnoses, if available, and the source of the diagnosis;
 - c. Contraindications;
 - d. Medications as disclosed by the client, and
 - e. Informed Consent.
 - (b) Progress notes signed by a Massage Therapist rendering the massage therapy, which shall include:
 - 1. Subjective information, including the area of complaint as stated by the client and the date of onset;
 - 2. Objective information, including any observations, if applicable;
 - 3. Actions taken by the Massage Therapist;
 - 4. Client response to massage therapy treatment.
 - (c) Therapist recommendations, if applicable, consisting of:
 - 1. Goals or desired outcome of the treatment;
 - 2. Modalities to be rendered;
 - 3. Frequency and duration of treatment;
 - 4. Referral to other professionals, if indicated; and
 - 5. Client self-help education and instruction.

REGULATORY AUTHORITY

269 CMR 5.00: M.G.L. c. 13, § 99; c. 112, § 234.