

REGULATION: INFORMATION & FREQUENTLY ASKED QUESTIONS

It is MTAM's job as your professional association to make sure our members have the information they need to successfully register with the future Regulatory College. We are here for you – please contact the office if you have any questions or concerns not addressed in this document.

Since our application to become self-regulated under the Regulated Health Professions Act (RHPA) was approved in 2015, MTAM has grown considerably in membership. There are many members who may not recall or are not yet up-to-date on what it means to be self-regulated. This FAQ serves to answer basic questions about self-regulation, pros, cons and how it may impact your practice.

Q: When did MTAM members agree to pursue regulation of the massage therapy profession?

A: In 2012, the MTAM membership (747 members) was polled. 80% of our membership voted in favour of pursuing regulation.

On May 2, 2012, MTAM on behalf of its members made an application for regulation of the profession of Massage Therapy under the *Regulated Health Professions Act* (RHPA).

Q: What is self-regulation?

A: Self-regulation is a privilege delegated to a professional or occupational group by the Legislature only when it is clear that the public can best be served by regulating the profession or occupation.

Q: What is the purpose of self-regulation?

A: Self-regulation serves to protect the public against incompetence and misconduct that could affect the life, health, welfare, safety or property of the public.

The protection of the public is achieved in two ways:

1. The conduct of individual members of the profession is regulated in order to ensure that the public is properly served.
2. It is recognized that it is a valid objective to protect the profession itself, because a vibrant, self-governing profession which has the public's interests at its heart is itself in the best interests of the public.

Q: What is the difference between a Regulatory College and an Association?

A: Self-governing professions typically have two distinct bodies concerned with their activities: a **governance body** and an **advocacy body**.

- The governance body or Regulatory College is concerned with protecting the public interest through establishing entry qualifications, licensing and certification regimes, and disciplinary functions.

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- The advocacy body or Association is concerned with promoting the economic and professional interests of the profession's members.

Q: Will MTAM become the Regulatory College?

A: No.

MTAM is a member-based Association. As the group which has led the quest for regulation, we will help in any way we can to get the Regulatory College started.

We will collaborate and contribute knowledge and expertise to the regulatory framework that will benefit the public, the profession, and our members.

Currently, we have assumed both roles but look forward to the transition to two separate entities which will work together for the profession. Once the College is up and running, MTAM will continue to exist as an Association which provides members with liability insurance, business and practice support, continuing education opportunities, and advocacy.

Q: What are the pros to self-regulation for RMTs?

A: There are several pros to self-regulation.

- PROFESSIONAL STATUS** – Recognition of Massage Therapy as a bona fide healthcare profession.
- TITLE PROTECTION** - The titles *Massage Therapist* and *Registered Massage Therapist* (and perhaps other similar titles) will be reserved only for those who are eligible to register as an RMT with the Regulatory College.
- INSURANCE RECOGNITION** - Registered practitioners will be recognized as qualified massage therapy providers by all insurance companies. The Regulatory College would maintain an updated list of all registered therapists, and all insurance companies will use this registry list to process claims.
- LABOUR MOBILITY / CREDENTIAL RECOGNITION** - RMTs who practice in a regulated jurisdiction will likely have better labour mobility; their credentials will be recognized by other provinces (regulated or not). This can make moving and practicing in different provinces simpler.
- EDUCATION STANDARDS** - A Regulatory College will have input into the approval/registration of massage therapy diploma programs, and the recognition of their graduates as having the minimum education required to complete the provincial examinations for entry to practice.
- NATIONAL COLLABORATION** - The more provinces that become regulated, the larger the network of Regulated Massage Therapists becomes. This enables peer collaboration across provinces on best practices, support, and discussions about modalities, techniques, business practices, and research.

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Q: Why is self-regulation important for your clients?

A: There are several reasons.

- i. The more provinces that are regulated in Canada, the better protected the consumer will be from unsafe practices and maltreatment.
- ii. Regulation of a profession promotes accountability of the professionals by implementing minimum standards, procedures, regulations, and a code of ethics for safe and effective treatment of the public, and it imposes disciplinary actions for misconduct.
- iii. Once we are regulated clients/consumers will be able claim massage therapy treatments as a medical expense and write them off at tax time.
- iv. Although fees are set by the Massage Therapists individually, the regulatory body can prohibit the setting of ***unreasonable fees*** and implement mandatory policies ensuring that the public is safeguarded from unfair fee practices.
- v. The regulation of massage therapy improves the standards of education that Massage Therapists must undergo, so that consumers can feel safe knowing their healthcare professional has an extensive knowledge of the structure, function, and pathology of the human body, in addition to the massage modalities and techniques they can provide.
- vi. A regulatory body will have the legal ability and framework to take action against those who are not fully qualified but practicing or who are misrepresenting the profession, i.e., prevent damage by unregistered practitioners.

Q: Are there any cons to self-regulation?

A: Yes.

- i. **POTENTIAL BARRIERS TO ENTRY** - Standards developed may evolve to be entry barriers to those looking to become MTs. If all things are not considered, the education standards and the cost of that education could outweigh the long-term income potential.
- ii. **PRACTICE RESTRICTIONS** - Registered health practitioners cannot work outside of their scopes of practice. Certain activities become restricted and can only be carried out by those registered health professionals. *Note: MTAM members already practice with this in mind when they follow our Standards of Practice and Code of Ethics.*
- iii. **TOO MANY REGULATIONS & REGULATORY CAPTURE** - Threat of too much regulation and the potential that the regulatory body is out of touch with the needs of the practitioners. "Regulatory Capture" is a concept used to describe a situation whereby regulators become tools of the industry they regulate (vulnerable to political influence, etc.). *Note: It will be part of MTAM's job to advocate to the Regulatory College on behalf of MTAM members to help prevent this from occurring.*

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- iv. **PUBLIC DISCIPLINARY REGISTRY** - In a regulatory environment, information on those who have not adhered to the rules is made publicly available. Without a proper appeals process, this could have an impact on individuals in the profession.
- v. **COST** - There are additional costs to members associated with having to apply and register with a Regulatory College.
- vi. **EXAMINATION** - There is most often an examination process associated with a regulatory body. *Note: See Question: Will there be an exam, for more info.*

Q: How will regulation affect my practice?

A: For the majority of members, you are already following the base rules of a regulatory situation. For those who are not meeting the standards, the circumstances will be more severe.

While Colleges give some leeway and situational understanding when dealing with registrants, they are more stringent in applying their rules and the cost to appeal is much greater.

There is more onus on the registrant to pay attention to rules and deadlines.

As with MTAM, there is zero tolerance on abuse and sexual abuse.

There may also be some benefits from the Pros to regulation including:

- Increased legitimacy and public perception
- Ability of the College to shut down unregistered practitioners claiming to provide massage therapy or claiming to be RMTs
- More competitive market
- Potential to work with WCB and MPI/Autopac

Q: Will the Government be able to set my fee rates and/or work hours when massage therapy becomes regulated?

A: The Government typically leaves overseeing the day-to-day affairs of self-regulating professions to the regulator. Therefore, the government will not be setting work hours, fees, etc., for massage therapists.

Compliance with the Personal Health Information Act (PHIA) will be mandated to ensure the confidentiality and security of health care information. This is already a current policy of the MTAM, so there would be no change to your current practice.

Q: What will the college registration fee be?

A: Registration fees will be set by the Regulatory College based on their operational budget. The proposed budget that MTAM submitted as part of our application attempts to keep the registration fees reasonable to allow registrants to afford to register with the College as well as maintain their Association membership.

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At this point, we cannot definitively say what the final cost will be to register with the College or what the examination fees will be set at. Updates will be posted on this as more information becomes available.

MTAM membership fees will not increase (there may be a decrease), and we will continue to provide liability insurance, business & practice support and other benefits to members.

Q: Will there be an exam?

A: Yes.

For current MTAM members transitioning into the new College, it is MTAM's recommendation to the Government that all MTAM members who meet the Regulatory College's entrance criteria, be allowed to register with the College after successfully completing a jurisprudence exam. The jurisprudence exam demonstrates that registrants understand the new Massage Therapy Act under the RHPA.

MTAM will hold courses and information sessions for members to ensure they have the information needed to successfully complete any exam that is ultimately required by the Regulatory College.

New graduates entering the profession once the Regulatory College is in place, will likely need to successfully complete a multiple-choice exam (including a jurisprudence component) as well as an oral/practical exam.

Q: Will regulation mean I can practice anywhere in Canada?

A: Regulation in Manitoba will benefit labour mobility and make it much less complicated to move to/work in other regulated provinces.

Q: What are the next steps?

A: MTAM has begun the task of working to format and fill out the policy "workbook" for regulators. This workbook has been developed to assist Health Profession Regulatory Colleges (or MTAM in this case, as the original applicant for regulation) in preparing a policy draft for a College General Regulation. The policy draft will inform the legal drafting of the College General Regulation.

The workbook includes instructions for completion of each of the sections as well as the standardized provisions that are to be included in the General Regulations of all Colleges. As it is expected that the majority of Colleges will follow the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation as a template for their policy draft of

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their College General Regulation with modifications that are appropriate to each profession, this workbook is generally based on that Regulation.

Q: How long will this take?

A: We anticipate that the workbook will be completed by November of 2019. According to the timeline provided to us by the Manitoba Department of Health, Seniors and Active Living, our workbook will be reviewed in the fall of 2020.

MTAM will keep members updated along the way as more information becomes available.

Q: When will massage therapy treatments be GST exempt?

A: The first steps toward making an application to the Federal Government for GST/HST exempt status have already begun.

As of March 1, 2019, Prince Edward Island became the 5th province in Canada to achieve regulation of massage therapy, which allowed the Canadian Massage Therapist Alliance to initiate the process toward applying for tax exempt status for massage therapy treatments.

The entire application process may take several (3-5) years. In the meantime, members should keep collecting and remitting GST as usual.

Q: Is there anything else members can do to be prepared for working in a regulated healthcare profession?

A: Yes – Stay engaged with MTAM and take advantage of all of the essential business and ethics courses that are offered. These courses have been created to assist members in upgrading and maintaining business and practice skills so that members can consistently meet our standards of practice.

Open your monthly InTouch e-newsletter to stay up-to-date on key information and advisories. All newsletters and advisories are also archived on the MTAM website for your convenience.

As a final reassurance, the MTAM Board and Staff are dedicated to helping members prepare for working in a regulated healthcare profession and supporting them through the transition process. We are here for you – please contact the office if you have any questions or concerns that may come up along the way.