



ETHICS & THE MASSAGE THERAPIST

Continuing Education E-Book



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MASSAGE CEU

Massage therapy is a field built on trust, and you will, therefore, be expected to establish, maintain, and uphold a code of ethics in your professional practice.

Melissa Wood, ND, MTI, LMT

ETHICS & THE MESSAGE THERAPIST



CONTINUING EDUCATION UNIT CLASS



ETHICS & THE MASSAGE THERAPIST

Welcome to the Ethics and the Massage Therapist Online Continuing Education Class!

Class Objective: This online class has been developed to educate Licensed Massage Therapists on the Ethics of Massage Therapy. The course materials and length are designed to meet the CE requirements for Ethics. It outlines the importance of ethics in the massage industry and discusses various ways in which massage therapists can implement ethics within their businesses. It is my hope that this material will be interesting, educational, and a valuable resource to assist you with your massage therapy clients and to help you maintain a long and rewarding career in this industry.

About the Instructor



My name is Melissa Wood, and I am a Naturopathic Doctor, Massage Therapy Instructor, and Licensed Massage Therapist located in Sherman, Texas. I have been studying alternative and natural medicine for over 25 years.

My mission is to enable everyone on this planet to be healthy and to be actively involved in their health and healing. My goal is to offer information that will provide you with new insights that are useful in your path to wellness. I envision a time when everyone will seek out herbs, essential oils, vitamins, minerals, nutritional supplements, and whole foods (not processed food!) to help heal themselves, as these are very powerful tools for enhancing your health and well-being.

APPROVED MESSAGE THERAPY INSTRUCTOR

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Disclaimer

I am a Naturopathic Doctor (N.D.), Massage Therapy Instructor (MTI), Licensed Massage Therapist (LMT), and an Approved CE Provider in the State of Texas. I am NOT a Medical Doctor (M.D.). I have been trained in holistic and natural therapies for the body and do not diagnose any medical condition nor prescribe any medications. Should you need immediate medical or psychiatric assistance, please telephone 911 or seek immediate treatment at an emergency room hospital. Nothing listed within this e-book class should be considered medical advice for dealing with a given problem. You should consult your health care professional for individual guidance for specific health problems. It is understood that the author is solely responsible for the content of this work and is **NOT** responsible for your usage of said information, either personally or professionally, with your clients. In addition, you should ALWAYS encourage your clients to see their health care professionals for help with any medical issues they are having.

This is an educational e-book class designed to be instructive and informative in nature. I encourage you to make your own health care decisions based on your research and in partnership with a qualified healthcare professional. The use of this information, suggestions, recommendations, products, or services should be based on your own due diligence, and you agree I am not liable for your success or failure.

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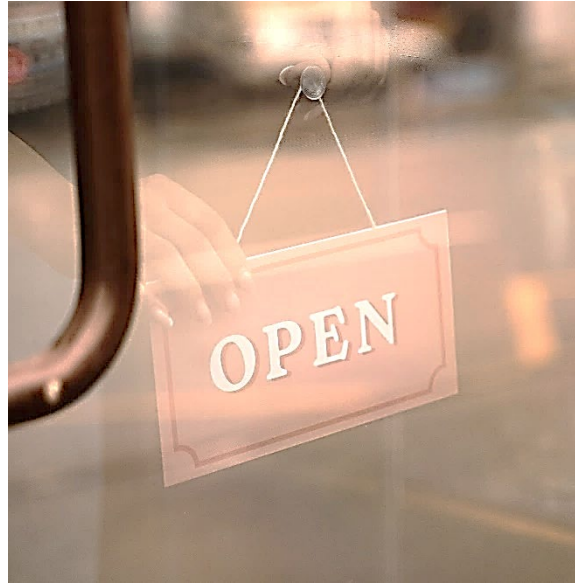
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Course Objectives

Upon completion of this Continuing Education Course, participants should:

1. Have a better understanding and increased awareness of complicated issues that may arise in your massage practice and how to handle them in a professional, ethical manner.
2. Be more familiar with the expectations, laws, licensing, and rules of an ethical massage practice.
3. Get insight into establishing, maintaining, and improving ethical rules and boundaries to grow your business and keep both the therapist and the client secure.
4. Identify and assess personal beliefs, biases, and attitudes that may conflict with or confuse ethical issues that may arise in your massage practice and gain personal development and strategies for professionalism.
5. Recognize ethical dilemmas in work and personal relationships that may arise and find ways to improve interactions with those whom you work with and for from an ethical perspective.



Let's get started!



**"The most important
human endeavor is the
striving for morality in our
actions. Our inner balance
and even our very existence
depend on it. Only morality
in our actions can give
beauty and dignity to life."**

- Albert Einstein

Introduction

Ethics is the applied philosophy of using methods of reason to determine what one should do in a given situation. More simply, ethics are considered guidelines for success. This ancient branch of philosophy dates at least as far back as to the time of the ancient Greeks, like Socrates and Aristotle. There are codes of righteous behavior that are



Themis, the Greek Goddess of Justice

even older - the Code of Hammurabi in ancient Sumer included lengthy lists of punishments for various illegal actions and religious texts like the Hebrew and Christian Bibles include both moral codes and historical records.

Ethics is also an essential part of any business. As a massage therapist, ethical decision-making may enter your day-to-day practice in both the clinical and business aspects of your work. You may be asked to make tough decisions about how to treat a specific client one day, and the next day may have to navigate exactly how to advertise your business to your town or city. Decisions like these involve you figuring out the best course of action - in other words, applying ethics to your career.

This continuing education course will outline some of the ethical issues you may encounter and provide an overview of the massage profession's codes of ethics in order to help you in your decision-making and providing the best care to your clients.

Chapter 1: Ethics Versus Morals

While the terms “ethics” and “morals” are often used interchangeably, there are important distinctions. Often, morality is perceived as a more personal guiding view of right and wrong that impacts an individual’s identity and self-worth. In contrast, ethics are often regulated concepts or codes for larger groups or societies that lend themselves to specific rules and precepts for



actions. Morals are considered guidelines that affect individuals and can be heavily influenced by family, religion, and previous experiences, at times making it difficult to tell the difference between an ethical principle and a moral part of one’s upbringing.

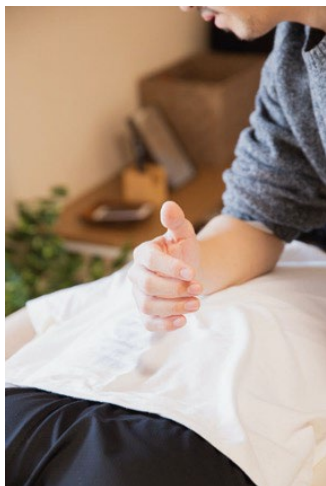
Sometimes, a person’s own morals might contradict the ethical codes of their profession, religion, or society. Modesty, bravery, and loyalty are moral principles that mean different things to different individuals. Truth, respect, and justice are ethical principles that are considered universal within a society and are generally regulated with established consequences.

Accepted definitions of what is ethical and moral have changed throughout time and different groups can have distinct ethical guidelines that don’t apply outside of that group—like Catholics or the police—but the collective goal is to make a better culture for all. Maintaining a societal standard of ethics allows moral people to live and work successfully in groups and societies with a commitment to the “greater good.”

In addition, the definitions of ethics and morals take on different meanings depending on the context in which they are used. People view what is moral and what is ethical by the standards of their own society. Encyclopedia Britannica describes these differences, stating, “*morality* has a Christian connotation to many Westerners since moral theology is prominent in the church. Similarly, *ethics* is the term used in conjunction with business, medicine, or law. In these cases, ethics serves as a personal code of conduct for people working in those fields.”¹

Ethics and Morals Matter to the Massage Profession

In the context of business, establishing and maintaining an ethical framework sets the tone for how a qualified and professional employee should represent that business. Any action that goes against the code of ethics can be considered laziness, a mistake, or even a mark against that individual’s character and reputation—or ill-applied to massage in general. Without an established code of ethics, there can be no true measure of professionalism.



Ethical codes for massage therapists and some professions like law or medicine have more stringent requirements for the given field’s workers that go above and beyond the requirements for the rest of society. For example, healthcare workers may have specific ethical demands to not use the power dynamic between a caregiver and a sick person to their advantage.

To practice good ethics is to be concerned about the public welfare, the welfare of individual clients, your reputation, and the reputation of the massage profession you represent.

It is unreasonable to have a clearly defined explanation of what is right and what is wrong for every possible scenario, so having a code of ethics as a guide for what defines professionalism will help a moral person make good judgments in any scenario. When we make decisions, those decisions have consequences, and we must take responsibility for them - this is why both a person's morality and the ethical codes of society are so important.

Guidelines of ethical behavior are especially compelling in the field of massage therapy due to the intimate contact with the client during a massage session, so much so that the National Certification Board for Therapeutic Massage & Bodywork (NCBTMB), which licenses and certifies massage therapists, and the American Massage Therapy Association (AMTA), the largest non-profit professional association for massage therapists, each have outlined a Code of Ethics to help define the ethical requirements necessary to meet the highest standard of care for massage clients.

These guidelines can be found at the end of this course, but we'll be reviewing several of them throughout the course as well. The importance of these guidelines cannot be underestimated, as they form the foundation of your practice as a massage therapist. Therefore, regardless of whether you're just starting your massage therapy business or you're re-assessing your existing business, it is imperative to establish, commit to and apply the requisite ethics applicable to your field. For massage therapists, ethics are all about having "a sincere commitment to provide the highest quality of care to those who seek their professional services."²

Chapter 2: Why Ethics are Important to You and Your Business

Humans are complex beings with interlocking sets of values, virtues, norms, and practices. Being a licensed massage therapist is a fantastic title to have, but there is so much more to you than that! Will your clients describe you as dependable? Respectful? Caring? Compassionate? Having high moral standards and demonstrating ethical behavior will help you in your daily aspirations and will contribute to a more successful organization.



Happiness, Health, & Fulfillment

Have you ever done something that, in hindsight, you realized you shouldn't have? I think we all have at one time or another. Maybe it was something minor ... or maybe it was something that had a much more negative impact than you would have expected. In either instance, you likely felt bad, perhaps not just in your mind; you may have become physically ill.

On the other hand, most people "feel good" when they do the right thing because positive feelings actually cause physiological responses in your body. But as a massage therapist, you already know how the body reacts to feelings - following that logic, it only makes sense that having a strong business ethic can actually help you to maintain your own health and well-being and the health and well-being of your clients.

Aristotle, the great Greek philosopher, equated living a virtuous life to happiness.³



Aristotle, Greek Philosopher

Scientific studies show that feeling more joy promotes a healthier lifestyle, boosts the immune system, fights stress and pain and supports longevity.⁴ Likewise, lower morality is proven linked to having higher chronic stress.⁵ Therefore, practicing ethically might mean you not only avoid troubling feelings or difficult situations, but other facets of your health and daily life will improve as well.

In addition to being healthier, living the basic principles of ethics can help us lead a more fulfilling life on both a personal level and a professional level. A life filled with purpose and satisfaction comes from prioritizing relationships over possessions, being accountable for our words and actions, and being disciplined in accomplishing goals.

Workplace pressure, peer pressure, time constraints, and so on can put tension on our commitment to do the right thing and make it more difficult to act in a proper manner. Lead by example and strive to improve a lit bit each day. Life is too short to harbor ill will toward anyone: hate will consume you, exhaust you and distract you from the positive aspects of your life.⁶

Forgiveness, humility, and empathy will give you objectivity and help to resolve conflicts. Respect and value yourself and set appropriate boundaries in your personal and professional life.

Ethicists—those who study morals, principles, and ethics—have identified virtues that are believed to be the path to true happiness. The virtues below will also make a positive impact on your business!



- “Autonomy: the duty to maximize the individual’s right to make his or her own decisions.



- Beneficence: the duty to do good.



- Confidentiality: the duty to respect privacy of information.



- Finality: the duty to take action that may override the demands of law, religion, and social customs.



- Justice: the duty to treat all fairly, distributing the risks and benefits equally.



- Nonmaleficence: the duty to cause no harm.



- Understanding/Tolerance: the duty to understand and to accept other viewpoints if reason dictates.



- Respect for persons: the duty to honor others, their rights, and their responsibilities.



- Universality: the duty to take actions that hold for everyone, regardless of time, place, or people involved.



- Veracity: the duty to tell the truth.”⁷





The Real Reason Why

It is logical to associate how those virtues help an individual achieve true happiness, and as such, it is reasonable to apply the same virtues to a group, business, community, area, country, and even the world.

As utopian as global happiness sounds, humans often do not act in accordance with the above list of virtues. To establish criteria for what is right and wrong, people need well-defined morals, rules, and, yes, codes of ethics! Furthermore, having morals, rules, and ethics is only effective if they are regulated and enforced by some governing entity...Therefore, we institute organizations and governments to establish standards, limits, and penalties to give order to society. Indeed, universal happiness *should* be the goal of all ethical codes, rules, and laws!

You are probably laughing at the idealistic goal of universal happiness, but the concept should spark a desire to be a part of it. As you complete this continuing education course, hopefully, you will recognize the reasons *why* an ethics class would be required for massage therapists. Realizing the codes of ethics set forth in this class have been established to protect and improve the massage therapy industry will hopefully empower you with JOY, a renewed sense of pride, and a duty to uphold ethical principles.

Using Ethics to Build Your Career

So, what motivates an individual to be moral and ethical? We have already reviewed many ways that being moral and ethical helps you to be happier and healthier on a personal level. It should go without saying that the massage therapy field is very rewarding as a career simply because there is great satisfaction in helping others to

be healthier and happier. Furthermore, there are numerous benefits to being ethical in running your business; we'll get to some of them in just a bit. Likewise, for those of you who would say that you



don't run your own business, perhaps use this course to identify ways you can improve your work ethic and better support your employer in running the company you work for. Most people change jobs (not careers!) every 4.2 years,⁸ so think of how you are building your own brand on a grander scale. Your brand is your business identity, reputation, perceived value, etc. Remember that whether we like it or not, we are constantly being judged and evaluated by our clients, co-workers, managers, and others to determine our character, what we stand for, and how we represent our business and the entire massage industry.

Consider that being honest, honorable, upstanding, trustworthy, sincere, dedicated, and respectable (these are just other words for being moral and ethical!) at work is perhaps the single most important thing you can do to support yourself and your company. These characteristics will influence your actions, and your actions will influence your success in business.

Reasons to Run an Ethical Business

Business ethics enhance laws and promote integrity by outlining appropriate behaviors beyond the control of the legal system. Not everything that is unethical is illegal, so it is worth repeating that the codes of ethics set by national organizations have been established to protect and improve the massage therapy industry—which will also help *your* business.

According to business ethics author David W. Gill, “We can’t assume or take for granted that everyone wants to do the right thing or run an ethical organization.”⁹ It’s a very competitive world with many unkind and unethical people, so why should you be any different? Or instead, take the positive approach: in this very competitive world, how can running an ethical business set you apart from the competition?



Gill gives 12 reasons to be ethical in business:

1. Litigation & Penal System Avoidance

2. Regulatory Freedom

3. Public Acceptance & Reputational Capital

4. Environmental Sustainability

5. Investor Confidence

6. Partner Trust

7. Customer Loyalty

8. Employee Performance

9. Pride, Honor, and Conscience

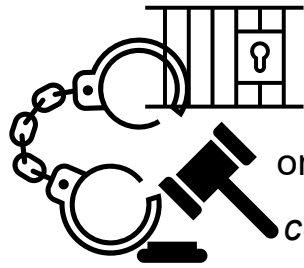
10. Business Excellence & Success

11. Corporate Citizenship

12. “Just Because It’s Right”¹⁰

Let's review those twelve reasons and how they apply to your business.

Reason #1: **Litigation & Penal System Avoidance**—Ethical laws are in place to improve business for all; therefore, illegal acts have serious consequences to deter violations. Company and career-wrecking



penalties like fines, lawsuits, termination, license suspension or revocation, or even prison are imposed on those who get caught. *“Simply having an ethics and compliance program can significantly reduce any fines and penalties if you do get caught doing something wrong.”*¹¹ Businesses

that practice good ethics face less risk of fines and other legal troubles. As with any profession, massage therapists face several legal concerns, such as difficulties with licensing, contracts, confidentiality, injuries, sexual harassment, assault, and misconduct. Undeniably, the laws and regulations are complicated, but somebody can avoid a lot of trouble by doing what is ethically correct.

Reason #2: **Regulatory Freedom**—In other words, “red tape avoidance.”¹² With the laws' intent to improve fairness across the industry,

excessive regulation occurs as businesses abuse freedoms by doing that which is technically legal but unethical. To prevent more businesses from abusing that “loophole,” new rules, laws, and

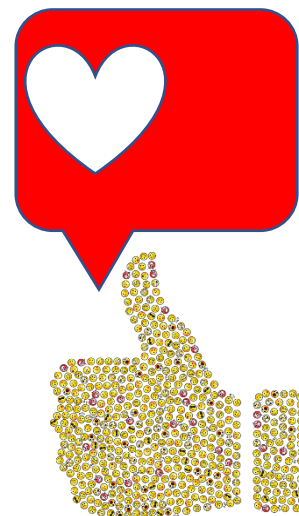


regulations go into place. The cycle has evolved until there are so many regulations that it can drain a company's resources. Establishing, practicing, and enforcing ethical principles at the employee-level helps the company comply on the corporate and industry-wide levels.

Reason #3: **Public Acceptance & Reputational**

Capital—Your reputation as a licensed massage therapist and the reputation of your business as a part of the entire massage industry has value in and of itself.

“Build a reputation for being ethical, and you will likely win public praise, a favorable press, and the conditions and environment conducive to experimentation, expansion, and business success.”¹³ Do not give the press or anyone on the internet anything scandalous or unethical to report. The massage industry has enough “chips on our shoulders” with issues like human trafficking and Covid-19! Clients and staff who believe in your company will want to support it. News media, social media, magazines, and so forth will want to offer you special recognition. Trade and community organizations will wish to have you as a member and will want to host or showcase your business or events.



Reason #4: **Environmental Sustainability**—It is unethical to harm the earth. This world is ours to care for; we must be good environmental stewards today and for future generations. We can minimize the use of chemicals we use and limit the waste we create. We can recycle and be conscious of the water we use. Choosing organic and sustainable



products is better for the clients’ health as well as for us as massage therapists.’ Instead of using paraffin wax, which is a petroleum product, beeswax or soy are good options. Even using LED lights takes less power and lasts longer than incandescent bulbs. We can do more in

terms of eco-friendly practices and demand more of the companies we affiliate with. People want to spend money on ethical businesses. In fact, “[in a] 2017 study by Morgan Stanley, 75 percent of individual investors describe themselves as interested in sustainable investing, and investor attention to sustainability factors is now growing faster than that of consumers as a whole.”¹⁴ Helping the environment takes a coordinated effort, but every small decision we make adds up. It feels good to do good, and our clients want to see us building a better, healthier world!

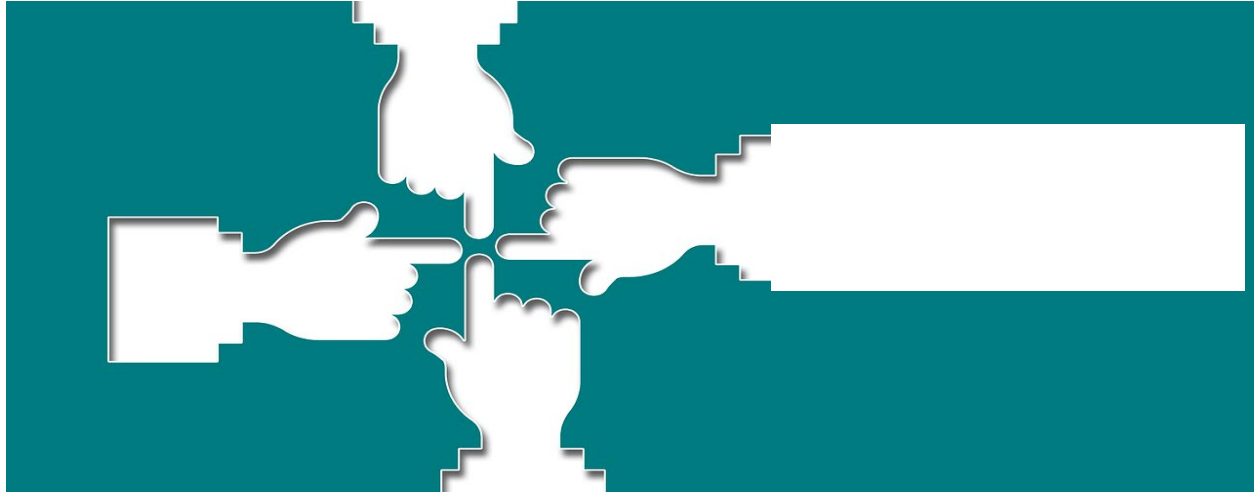
Reason #5: **Investor Confidence**—Investors care about the ethics of the companies they provide funds to. “They do not want to profit from or support unethical behavior toward employees, customers, the environment, or anything else.... If investors cannot trust a company to have honest, ethical accounting and financial management practices, and if they can’t really count on a fair, just return on their investment, they will move their money elsewhere.”¹⁵ This also applies to clients and organizations that would promote and support your business.



Reason #6: **Partner Trust**—Like most other organizations, massage businesses regularly interact with other businesses. Forming and maintaining strong business partnerships will increase your ability to focus on what each of you does best. Many massage therapy businesses work with other companies to do their billing, appointment scheduling, website services, advertising, and so on. Additionally, building symbiotic partnerships with spas, chiropractors,



acupuncturists, medical professionals, sports facilities, product distributors, and the like can help you attract new clients and be very beneficial for both businesses.



Partnerships can only be successful, however, when both sides are ethical in their dealings, independently and with each other. Both sides must fulfill their side of the agreement and share the same values about client services, managing employees, shared expenses, and other business affiliates. All the while, you will need to be maintaining your licenses, keeping insurance, paying taxes, and meeting other legal obligations. Aligning your goals will also help avoid circumstances such as your partner wanting to build up the business as quickly as possible and sell in a few years versus one who wants to expand to another location.

Partnerships should also work within a structured framework for situations like referrals with ethical and legal rules to avoid receiving kickbacks. Kickbacks are considered a type of bribery and fraud that involves paying somebody to do business with you; in a partnership, it could entail preferential treatment or collusion. Our business-to-business relationships must be based on shared values, responsibility, integrity, and trust.

Reason #7: **Customer Loyalty**—“Customers are attracted by price, quality, convenience, and such factors. But they are also attracted by how they are treated (including fairness, honesty, ethics) and by brand image and reputation (ethics included).”¹⁶ *Customers will go where they feel respected and can share similar values and ethics, and perhaps more importantly, they’ll return...repeatedly.*

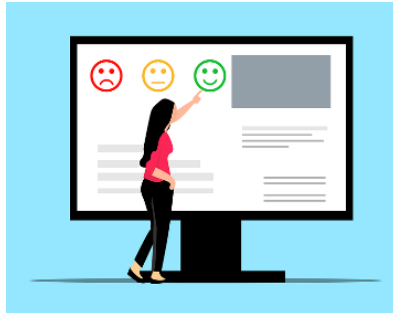
Although making ethical decisions can sometimes be challenging, the more often you choose the right path, the more confident you will feel. As clients perceive that confidence, it will translate into their growing faith in you as a massage provider. This is a win-win situation: “When a client is comfortable



with the way you do business – or with your code of ethics – you’ve likely opened the door to client retention and referrals.”¹⁷ It’s your clients’ faith in you that will help build the foundation of your business.

Massage therapy, on principle, is built on trust between you and your client. Without that trust, your business cannot succeed. “According to Jean Middleswarth, a licensed massage therapist and ethics instructor, by behaving ethically, massage therapists are acting as responsible role models who help build public trust and establish a ‘standard of expectation for a professional therapeutic massage.’ Ethical conduct also helps provide consistency in the professional behavior of massage therapists, thus maintaining the integrity of the profession.”¹⁸

Ethics are not only personally important to help create client trust, but following ethical behavior can also help your business financially. The majority of consumers care about fairness and the individual. Harness this consumer attitude by ensuring your business is ethical in all aspects. In fact, studies have shown that about a third of those whom you do business with will post or express support for an ethical company on social media.¹⁹



Additionally, customers are likely to spend 140% more after having a positive experience with your business and are likely to tell at least nine people about it!²⁰

“Customers who enjoy positive experiences are likely to remain customers for five years longer than customers who had negative experiences.”²¹ Running your business ethically fosters integrity and cultivates trust among people, which strengthens branding and promotes future sales.

Reason #8: **Employee Performance**—Every organization wants to hire and retain top talent. They want to know the people they are hiring will get the job done in the manner they want it done. They also want those employees to stick around; so generally, a lot of effort goes into vetting, selecting, and hiring employees. If that organization is unethical, the workers will likely resign quickly or give an inferior performance with low job satisfaction. On the positive side, “great people want to work at places where they can actually use their talents, where they are treated with dignity, trust, and respect, and where they are engaged by the values and culture of the organization.”²²



When employees see you leading by example, they'll know that you'll do right by them and your clients, which boosts morale and will draw in more good people as word spreads about how well you treat your employees. Fair and ethical companies that hire principled employees will reap the benefits of increased efforts from trusted employees who will stick around.

Reason #9: ***Pride, Honor, and Conscience***—Personal integrity, self-



worth, and pride in the work we provide are more components to a happy, successful life. “Even if we don’t agree on all the details, we all have a conscience that tells us when something is wrong. The ninth reason to operate an ethical

business is to keep this conscience clear, untroubled, and not pointing an accusing finger at us. Conscience, pride, and honor are about who we are as human beings. Doing the right, ethical thing is about getting into alignment with our deepest, best self...Certainly, there are lots of pressures to cut corners and not enough pressures and not enough praise for doing the right thing and living with pride, honor, integrity, and a clear conscience. But what is truly most important often comes out at the end of our lives and careers— e.g., in retirement speeches and, even more, funeral eulogies. Most of the time it is our kindness, generosity, integrity, toughness under challenge, that sort of thing, that gets lauded and praised. No one seems to want to mention or take pride in the scandalous behavior or duplicity of their lives and careers. It is a powerful argument, an inspiring call—when someone challenges us to live with pride and honor, with integrity, ‘no matter what.’”²³

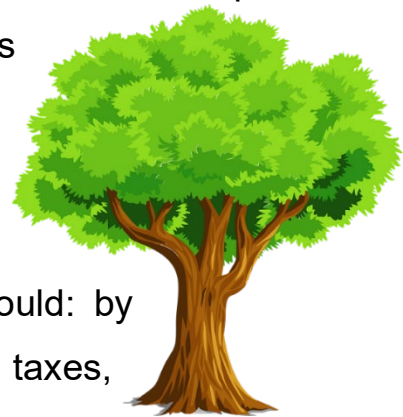
Reason #10: **Business Excellence & Success**—This reason is more of an all-encompassing “summary” of all the above reasons. Business excellence



is based on leadership, achievement, competitiveness, relationships, sustainability, and momentum to help a business become the best it can be. Defining what business excellence means to your massage business is the *vision and purpose* that will *motivate* ethical practices and performance in your day-to-day operations and for maintaining and improving your business in the long run. Success is far more than financial achievement or happy employees; success is the fulfillment of an overall ambition to always do better and aspire to the highest level of excellence. “Doing the right thing’ and ‘doing things right’ are tightly intertwined.”²⁴ Simply put, success and excellence mean little when separated from being good and doing right.

Reason #11: **Corporate Citizenship**—“Corporate citizenship sees the ethical responsibility of business based not on business benefits, personal values, or grand philosophical or theological theories

but on the necessary relationships among citizen-participants in civil society.”²⁵ This means a business



takes it upon itself to be a contributing part of a community in all the ways an ethical individual would: by obeying the laws, being a good neighbor, paying taxes, supporting good causes, serving others by contributing time and talent, caring for the environment, making a business aesthetically beautiful inside and out, and being a source of pride to the community.

Corporate citizenship builds meaningful relationships and can be an altruistic form of marketing that will inspire clients and employees to choose your business over the competition.

Reason #12: **“Just Because It’s Right”**—David W. Gill completes this



long list of reasons to run a business ethically with the simple explanation of “just because it’s right.” The big question is, “Shouldn’t we do the right thing ‘just because it’s right,’ i.e., even if there is no benefit to us or our business? The short answer is ‘Of course!’ We shouldn’t need a business or personal payoff to get us to do the right thing. In fact, we shouldn’t even need the reward of feeling pride or honor or a clear conscience. We should do the right thing ‘just because it’s right.’ It certainly simplifies things if this answer is convincing. For one thing, it could be a real distraction to stop and calculate probable benefits each time before deciding whether to do the right thing. Such a calculating approach to the moral life would soon be very tedious personally and impossible for organizations in our high-speed society.”²⁶

The famous writer C.S. Lewis is (possibly falsely) attributed to saying that **“Integrity is doing the right thing, even when no one is watching.”**²⁷

Regardless of whether C.S. Lewis said it or not, the concept is valid. We should be honest and ethical in our actions, regardless of whether there’s an audience or reward of some kind. Although, “nobody can make the case

that every ethical act will result in a personal (or business) benefit in the short term. Another way of explaining this argument is to say that it is really more about “when” to do the right thing than about “why” to do it. In other words, do the right thing even if/when the benefit of being ethical is unclear or deferred. Sometimes being ethical will cost us one way or another; sometimes, it will pay off in many different ways, but sometimes, we just can’t tell. The best we can say is that being ethical will often bring benefits to you and your organization, especially in the long-term view. So, the best ‘working’ rule of thumb is always ‘do it just because it’s right.’”²⁸



What is “legal” and what is “ethical” are not the same, but the distinction between the two is easy to identify. What is legal is not necessarily ethical, and what is unethical should not necessarily be illegal. For example, gossiping about your coworker’s personal life is unethical; however, this type of gossip should not be against the law or subjected to legal penalties. Since right and wrong are not always black and white, navigating the ethical “gray areas” and legal loopholes can be difficult. Additionally, an organization cannot obtain excellence by picking and choosing a few ethical principles to implement and only doing them occasionally or unenthusiastically. We earn respect through honesty, integrity, consistency, and transparency in our daily practices.

Chapter 3: Reflection of Ethics in Your Business

As you can see, ethics isn't just something you practice when the client is present. How you run your office, how you market and brand your business, and how you document sessions with your clients are just as important as direct interactions with your clients. Additionally, professional ethics means maintaining respectful and collegial relationships with your fellow massage therapists and office staff.



As a business owner, you may well spend as much or more time running your business than in an actual client massage session! Therefore, maintaining a strong sense of professional ethics is important

for both your actual massage sessions and your work as a business owner. Let's discuss some of the ways in which you can practice ethics when no one is looking.

Working With Staff and Your Peers

The work environment should be a place that demonstrates mutual respect, collegiality, and professionalism. Unfortunately, that's not always the case. In order to create such an environment, it actually takes effort from everyone involved - yourself, your clients, your peer therapists, and your office staff. How you treat your staff and your peers is manifested through the application of your code of ethics.



Discrimination, Prejudice, Bias—Discrimination and prejudice have no place in society and also must not be tolerated in the workplace. The NCBTMB explicitly prohibits massage therapists from “unjustly discriminat[ing] against clients and/or health professionals” and mandates therapists “respect the inherent worth of all persons.”²⁹ Therefore, all clients must be treated equally, regardless of differences in race, creed, culture, religion, or socioeconomic status or background. In general, adhering to professional ethical conduct means that massage clinics should be safe spaces for staff and clients, with respectful interaction that maintains professional boundaries and with open dialogue that respects people’s opinions and unique backgrounds, no matter how different they are from the therapist.

Healthcare, in general, has researched and combated prejudice against clients. As professional healthcare providers offering care and nurturance to clients of all genders, cultures, religious backgrounds, sexual orientations, and nationalities, massage therapists might consider themselves immune to biases. “Yet, we all have biases,” according to psychologists, including Samantha C. Sweeney, Ph.D., who specializes in multiculturalism in her Washington, D.C., practice at Family Psychological Services of Capitol Hill. “Everyone does, she said—including health care practitioners.”³⁰

Dr. Sweeney continues, “If you have biases or judgments, they happen so automatically in the brain that you don’t realize you have any type of reaction because it feels natural, and it’s what you have experienced your entire life. Part of being a service provider is making sure you are treating your clients with the utmost care and equity—and that’s really difficult to do if you have these biases.”³¹



So how do we recognize and counter the implicit biases we might have toward clients? First, understand having biases does not make you a bad person! It is a very natural response. Understanding the effects of the subtlest of prejudices when presented with a client of a certain age, race, gender, or background will only benefit your business as you can work to eliminate those biases.

You strive to make everyone feel comfortable when they enter your massage therapy business. One way to help stop biased behavior is to recognize when it happens. Micro-inequities, similar to microaggressions, are offhand gestures, comments, and body language that can make clients feel either included or excluded. Examples include a non-Black therapist making a comment to a Black client about their hair extensions or deliberately talking slowly to an older client. As in most cases, you are not attempting to be rude! However, research shows the comment may highlight differences between you and the client, and it is best to steer clear of such comments to keep the trust intact.

Ann Blair Kennedy writes, “It has been documented that there are disparities in who seeks massage therapy in the United States. Yet, there are few conversations about the race and ethnicity of the massage therapists who provide these services. We must examine the diversity, equity, and inclusion within the massage therapy profession and consider how the profession can improve the landscape for clients/patients and for those who feel called to work within this field.”³²

Research, particularly in the massage therapy industry, “...from the National Health Interview Survey (NHIS) which specifically asked questions about complementary and integrative health (CIH) utilization in 2002, 2007, and 2012 showed there was a widening gap in who sought these services by race/ethnicity. While non-Hispanic whites were increasing usage of CIH, Hispanic adults and non-Hispanic Black adults saw a decrease in usage.”³³



Being cognizant of these issues and imbalances and willing to have difficult conversations is necessary when running an ethical business. We cannot sweep diversity under the rug and expect all our clients to feel welcomed. We want to create a welcoming environment, certainly!

Continuing education courses, such as this one, are a great place to continue to learn about ethics and diversity. You might consider participating in diversity or cultural training to gain more insight into helping each client feel comfortable.

Also, to increase diversity amongst clients you see, you can join ranks with a trusted medical doctor in your area to discuss with their patients the benefits of massage and refer their clients to you. As more primary-care doctors reference the benefits of massage during their sessions, we will see an increase in clientele—and clientele of all backgrounds. In the end, each of your clients is a human being and just wants to be respected and treated as such!



Inter-professional Conduct—There are strong ethical mandates for inter-professional conduct as well. Gossiping, skipping meetings, talking about someone behind their back or besmirching their reputation or character is not only inappropriate, but these disruptions will eventually damage your business. For example, there may be situations where your clients have seen massage therapists in the past and have not been happy with other therapists' services. As you likely already know, the provider-

client encounter is a complex space with many potential places for error, struggle, or misunderstanding on the part of the provider and client alike. It is important to remember that professionalism involves showing support for other therapists and avoiding negative statements about the practices of other therapists whenever possible. This component of collegiality helps maintain the overall strength of and trust in the profession.

It would be helpful to have a written policy of professional conduct so that your staff and peers have a clear understanding of what is expected of them. In addition, when conflicts arise, the policy can be used to reinforce the guidelines and be the basis for any coaching opportunity or reprimand necessary to resolve the situation. Displaying professionalism through competency, reliability, honesty, and integrity will attract the right people to your business and make it stand out from your competitors.

We will touch again on professional communication later in this course, but within the framework of managing your team ethically, professionals speak and write effectively. That is, they do not add personal opinions where none are needed, insult the team, or make any team member feel inferior. Communication is clear, concise, and limited to approved workplace methods. For example, you would not want to text a team member after-hours unless it is a dire emergency or you have permission to do so.



As stated above, gossip has no place in managing a massage therapy business. Ethical and professional management includes being a team player while managing a team. You cannot ask your staff to consistently work overtime, for example, if you yourself are not also willing to put in the work. Leading by example ensures you are not taking advantage of your staff.

You may have heard the old adage, “leave your personal life at the door.” While it is wonderful to feel personally close to your staff, where you can professionally discuss your weekend activities or your child’s accomplishments, be wary of oversharing and venturing into nonprofessional territory. It would be unethical to lament about personal financial problems to the point where your staff feels obligated or is explicitly asked to help you. Just as you would prefer your staff leave any personal negativity at the door and focus on their job while they are working for you, you, as the business owner, should strive to do the same.



Marketing, Advertising, and Branding

Especially in today’s fast-paced society where the internet can spread news like wildfire, it is imperative to promote yourself to the public in an ethical manner.

Business communications are an important way by which massage therapists make their mark on the world and develop a client base; without the ability to advertise, one might be limited purely to word-of-mouth in order to generate referrals. Ultimately advertisement and marketing are subject to the same ethical demands as any other aspect of massage practice. Given that advertisements and branding may be the first way a client encounters a new therapist, advertisements must be clear about your capabilities and credentials as a therapist and honest and realistic about the benefits of massage therapy.





Especially in today's world of social media, if you are going to advertise on a website, a podcast, Instagram, Facebook, Twitter, or any other platform, make sure you are advertising the truth about what you can and cannot provide.

You ought to make sure that you are honest and forthright regarding your credentials, education, affiliations, and the scope of your abilities. It is not only critical for you to know your strengths and limitations, but it is just as important to be able to convey that information honestly to the public. Part of this process is re-assessing your personal and professional skills on a regular basis. Increasing and sharpening your knowledge and talents through continuing education, seminars, and the like. It is not just about doing the minimum required to keep your license; it is investing in your success and, thus, in your ability to provide the best possible care for your clients.

WHAT EVERY GOOD MARKETER KNOWS:

- ANTICIPATED, PERSONAL AND RELEVANT ADVERTISING ALWAYS DOES BETTER THAN UNSOLICITED JUNK.
- MAKING PROMISES AND KEEPING THEM IS A GREAT WAY TO BUILD A BRAND.
- YOUR BEST CUSTOMERS ARE WORTH FAR MORE THAN YOUR AVERAGE CUSTOMERS
- CONVERSATIONS AMONG THE MEMBERS OF YOUR MARKETPLACE HAPPEN WHETHER YOU LIKE IT OR NOT. GOOD MARKETING ENCOURAGES THE RIGHT SORT OF CONVERSATIONS.
- YOU CAN'T FOOL ALL THE PEOPLE, NOT EVEN MOST OF THE TIME. AND PEOPLE, ONCE UNFOOLED, TALK ABOUT THE EXPERIENCE.
- WHAT PEOPLE WANT IS THE EXTRA, THE EMOTIONAL BONUS THEY GET WHEN THEY BUY SOMETHING THEY LOVE.
- PEOPLE ALL OVER THE WORLD, AND OF EVERY INCOME LEVEL, RESPOND TO MARKETING THAT PROMISES AND DELIVERS BASIC HUMAN WANTS.
- GOOD MARKETERS TELL A STORY.
- MARKETING THAT WORKS IS MARKETING THAT PEOPLE CHOOSE TO NOTICE.
- CHOOSE YOUR CUSTOMERS. FIRE THE ONES THAT HURT YOUR ABILITY TO DELIVER THE RIGHT STORY TO THE OTHERS.
- LIVING AND BREATHING AN AUTHENTIC STORY IS THE BEST WAY TO SURVIVE IN AN CONVERSATION-RICH WORLD.
- ONE DISAPPOINTED CUSTOMER IS WORTH TEN DELIGHTED ONES.
- MOST MARKETERS CREATE GOOD ENOUGH AND THEN QUIT. GREATEST BEATS GOOD ENOUGH EVERY TIME.³⁴

--SETH GODIN

Through your marketing and advertising, you are setting an expectation for your clients, and that translates into your brand. According to the Journal of

BRAND: The name, intangible identity, strategy, promise, perception, reputation, and responsibility of a business.

Business Ethics, “Ethical brands also increase customer satisfaction, service quality, financial performance, and customer retention.”³⁵ In

contrast, misleading or unrealistic claims of treatments or cures, as well as using terms that could be construed in a sexually suggestive manner, is unethical and could harm both your business and your clients.

Additionally, the NCBTMB Code of Ethics demands providers establish treatment paradigms that have a “reasonable expectation that [treatment] will be advantageous to the client” and that therapists clearly communicate the “indications and contraindications for treatment.”³⁶ Business communications and advertisements must, therefore, promise not only realistic massage treatments but also be able to provide benefits to the average client. Although the occasional client may not derive benefit from a massage therapy course, the expectation should be there that benefit is possible. If you are advertising services based around a particular trendy device or therapeutic technique, for example, be sure that you would use that device or technique because it benefits clients and not simply because it has become popular.

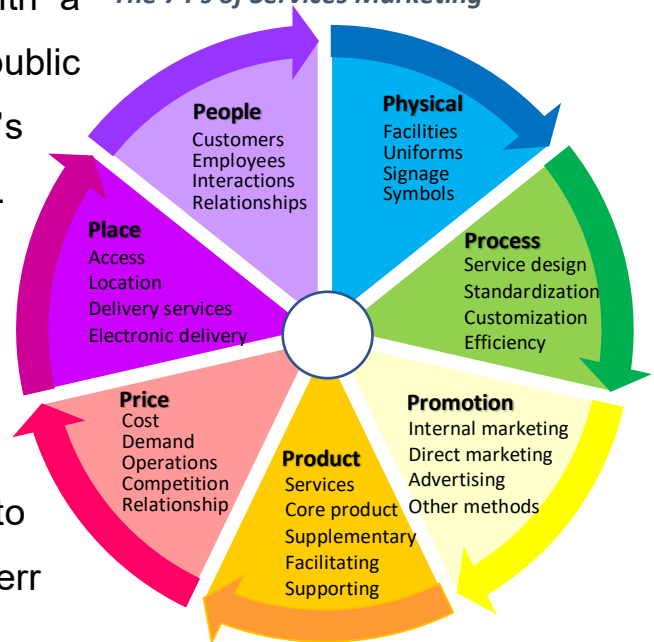
Additionally, within the clinical encounter, careful consideration should be taken when determining if massage therapy is contraindicated, and this should be communicated clearly to the client. For



example, massaging a client’s leg after they have had a femur fracture would be a total contraindication due to the risk of worsening the injury.

An attention-getting advertisement with a powerful message can educate the public and pique a potential (or current) client's interest and consideration. Unfortunately, sometimes marketers can go overboard with their appetite for clients or influence that they resort to unethical marketing practices. Therefore, it's essential to know what to avoid so your marketing tactics don't err into unscrupulous territory.

The 7 Ps of Services Marketing



Unethical Marketing

In this media-rich world, it can be challenging for a company to stand out, but an effective marketing strategy should not fall foul of unethical practices. In marketing, it is less about whether you think your marketing practices are ethical and more about whether your clients believe your marketing is relevant, honest, and genuine.

What cost does a company incur when its marketing “crosses the line?” Deceptive marketing practices send the wrong messages about your services to your prospective (and current) clients and can be a major turn-off. These practices can wipeout trust, destroy your brand, discredit the benefits of massage, tarnish the massage industry, and can lead to serious legal problems. When marketing defies the core values of honesty, responsibility, fairness, respect, transparency, and or citizenship, it should be deemed unethical, regardless of the legal gray areas.

In order to be savvy consumers and businesspeople, we have to be aware of some of the unethical methods marketers use to snag customers, and we should certainly avoid implementing them or associating them with our brand. Some additional examples of unethical marketing include the following:

Spamming – Contacting clients or potential clients repeatedly in an unethical manner via mail, email, phone, social media, door-to-door sales, and so on, with the “primary purpose of which is the commercial advertisement or promotion of a commercial product or service.”³⁷ Just like honoring a “no soliciting” sign on someone’s door, remote recipients must be able to opt-out of receiving future messages from unwanted advertising. These are



annoying marketing tactics that drive away customers rather than reel them in. The Federal Trade Commission enforces the CAN-SPAM Act, “a law that sets the rules for commercial email, establishes requirements for commercial messages, gives recipients the right to have you stop emailing them, and spells out tough penalties for violations. Despite its name, the CAN-SPAM Act doesn’t apply just to bulk email.”³⁸ The law has steep penalties for every email sent that makes misleading claims or services has misleading header information, has deceptive subject lines, is sexual in any way, is fraudulent, doesn’t include the sender’s mailing address, doesn’t provide an option to unsubscribe or be removed from the contact list and/or fails to honor requests not be contacted. The penalties are even steeper for email that uses false information to register for accounts or domain names.



Exaggeration

Exaggeration – You do not want to be an advertiser who exaggerates your claims. Authenticity will win over embellished hyperbole. You have to be confident in your services. Yes, massage therapy has many, many proven health benefits for clients. Can you promise that 100% of clients will experience a particular benefit? That is just not possible.

Puffery – You cannot rely on subjective claims vs. objective claims. You can certainly use testimonials your clients provide, and that is a great marketing strategy! You cannot, however, say you perform the “best massage in the whole state.” While that very well may be true, it is a claim that cannot be substantiated. Most people see through the puffery and may disregard the whole business based on a single sentence.

Plagiarism – Copying someone else’s ad and using it—or part of it—as your own is an obvious unethical marketing act can result in hefty fees, awkwardness, and damage to your brand. Of course, using the concept of an existing ad as the inspiration for the creation of a new ad is acceptable as long as the differences are identifiable and distinct.

Divisive or Sensitive Populations – Marketing can certainly be targeted to a certain audience but should not be exclusive to any specific gender, religion, political affiliation, body type, age group, financial status, or any other



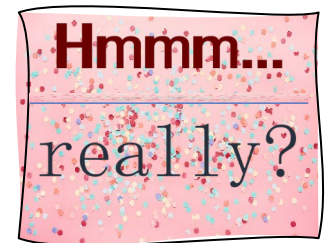
identifier that could be understood to be disrespectful or discriminatory. Advertisements and promotions should strive to make all feel welcome and should be considered applicable to all.

Bashing Competitors – The U.S. has a free market that encourages competition, and competition encourages improvement. It is bad business to discredit, smear, or harm your rivals. Instead, rise to the challenge and use the rivalry as motivation to improve your marketing strategy.

Unverified Claims and Twisted Facts – Deceptive marketing tactics increase cynicism, whereas transparency increases confidence. You want to be careful providing any unverified claims or twisted facts. Misleading marketing of only one aspect of a service or product by disregarding all of the other relevant information will not fool people for long. These practices will only result in client complaints and damage to your reputation. A stark example



was when VitaminWater marketed bottles of their drinkable product with fruit flavors, despite not containing any fruit juice, and labeled: “vitamins + water = all you need.” To make it



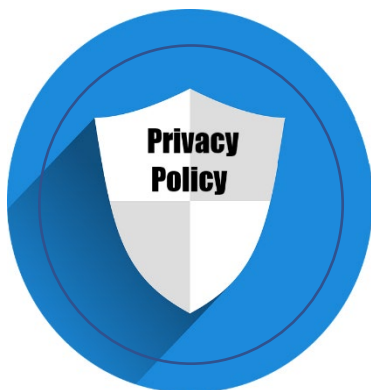
worse, VitaminWater hyped its product as being healthy compared to soda. However, their product was loaded with eight teaspoons of sugar in a single bottle.³⁹ To compare sugar content, a can of original Coca-Cola has seven teaspoons of sugar.⁴⁰ While neither product could be deemed healthy, it was unethical for VitaminWater to make such bold claims, and they were sued for it. VitaminWater has since had to make changes in the drink contents, labeling, and advertising.

Likewise, especially take caution when making any health claims. For example, if you state medical facts, you should be sure they are accurate, verifiable, and from a licensed and reputable medical source—not an uncredentialed random channel from YouTube. Or, if you are advertising how your particular type of massage targets a specific health issue, it is best to provide verifiable background research when possible, so clients understand the reason why you are making a certain claim. In today’s internet-savvy world, where such claims are easily refuted, using unverified claims or twisting the facts would not prove to be a very effective approach as a marketing tool anyway.

Again, ethics and ethical marketing boil down to trust with the client. The [Institute for Advertising Ethics](#) (IAE) counts nine principles to follow for ethical advertising. They are all worth a look, but two here apply to massage therapy business most:

“PRINCIPLE 6: Advertisers should never compromise consumers’ personal privacy in marketing communications, and their choices as to whether to participate in providing their information should be transparent and easily made.”⁴¹

As we will go into more detail about privacy and confidentiality later in the



course, it is important now to remember to always respect a client’s privacy with any advertisement. Obtaining written permission via an online or paper form is one way to ensure you are not using any information the client would not want as public knowledge.

“PRINCIPLE 7: Advertisers should follow federal, state, and local advertising laws, and cooperate with industry self-regulatory programs for the resolution of advertising practices.”⁴²

This is a self-explanatory principle in the fact that keeping within any laws and regulations in your area is essential to advertising, marketing, and branding. If you are unsure about a particular advertising point, consider consulting with a public relations professional in your area who can provide expert insight into the world of advertising and marketing. Your business is a fantastic one, and clients should know about it, so you want to make sure all your advertising and marketing material is ethical.

Your personal brand on social media and the like may seem like it is free from any advertising laws – after all, it is your business account run by you! Why can't you say anything you'd like on there?



Similar to any print or other marketing, your social media brand should also be transparent and honest and not divulge any private information you are not permitted to expose. Consumers value authenticity, so making sure your brand reflects that is very important. Authentic social media posts have something to contribute, not just looking for “likes” or “follows.” On a somewhat more extreme level, honesty in posts is also important. You never want to pose as a client or competitor to interact with your own posts. This situation has happened! The results almost always reflect poorly on the business owner. Be sure to stick to the facts, and your clients will appreciate your honesty.

Branding Sensitivity – Finally, consider sensitivity in your branding.

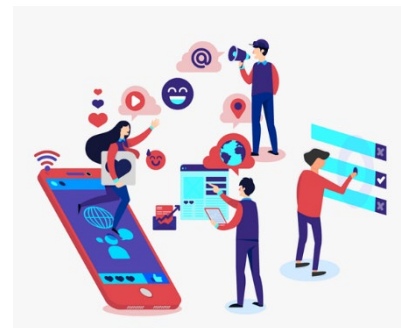


“Sensitivity means taking a moment to do your research, consider your audience and their feelings, and truly evaluate whether your brand needs to post or if it would be more effective to stay silent. On Twitter, specifically, take a

moment to research trending hashtags that may relate to your brand (even just clicking through to see what people are saying) before composing your own tweet, even if you are unaware of an event.”⁴³

Both major and minor brands have committed this mistake. “Shortly after the Aurora, Colorado, shooting, a UK retailer saw that ‘#aurora’ was trending and used it to promote their ‘aurora’ style dress.”⁴⁴ Obviously, a moment of research would have saved a lot of negative and hurt feelings, even though the retailer did not intentionally mean any harm. If you are unsure, ask a family member or colleague to look into the background of a hashtag or social media trend to see if it is applicable to your business.

In addition to posting your hours and any exciting information regarding your business, testimonials, and new offerings, a great way to begin on social media is to share trusted information already out there, such as articles or tips from AMTA. You’d



want quality over quantity in your social media posts, so tackling too much too soon can backfire, leaving you with little time to check your sources and inundating your followers with information they may not want. Instead, try choosing one or two platforms to focus on that make the most sense with your client base, and happy posting!

Documentation & Record-keeping

The day-to-day management of your practice records must also reflect your ethics. The accuracy, legibility, and details of a client's records is critical for the understanding of the client's physical condition and the ongoing appropriateness of massage therapy. Furthermore, your records could be useful, or necessary even, in the event there is a conflict with the client in the future.



For each client, a licensee shall keep accurate records of the dates of massage therapy services, types of massage therapy and billing information. Such records must be maintained for a minimum of two years.

A licensee must obtain the written consent of a parent or guardian to provide massage therapy services to a person under the age of 17.

- Texas Administrative Code - RULE §117. 90

Intake Process – One of the most important processes in your practice relative to record-keeping is the intake interview. First and foremost, you'll want to dedicate extra time to this process with a first-time client. This is where communication skills will need to be their sharpest. The questions you ask and the client's responses will not only set the tone for your massage session but for your entire relationship.

The client's reason for their visit, their medical history, emergency contacts, and insurance information are just some of the data that needs to be gathered during this comprehensive interview. Have they had past surgeries? Injuries? A previous surgery or injury can affect the type of



message treatment plan that you create for them. This is also the time to discuss your fees and massage recommendations. This session should not be rushed! Take your time, listen and leave plenty of time for the client to ask questions. Be sure you ask them open-ended questions like “what areas would you

like to focus on today?” or “what other health care providers have you seen recently and for what?”

AMTA echoes these actions to take during the initial interview with your client, as well as established clients. “During the intake process, mirror back information you just received from the client to make sure you clearly understood what was communicated. For example, if a client says, ‘I’m not sleeping well; I have back pain and pain in my left shoulder,’ then say, ‘So you want a full body massage and a little more time on your left shoulder and back.’ And then ask, ‘How does that sound to you?’ to reconfirm you heard correctly. Even before asking a client to turn over on their back, ask, ‘Have I addressed everything on your back before you turn over?’”⁴⁵

Creating a form for this process will help you to stay focused, and if the conversation strays off-topic, you can easily find your place again. A form will also help you not to skip an important question or subject. The form should become part of the client’s confidential file that will be kept secure.



Rightfully, there are several disclaimers and policies that should be agreed to in writing before a session. Often called the client agreement, the intake paperwork (even digitally) should include the consent form, the cancellation, late arrivals, and no-show policies, draping policy, privacy policy, liability waiver, and a list of guidelines, scope of practice, expectations, and contraindications for your services. After this process is completed, it needs to be clear that both the therapist and the client have the right to refuse to move forward. This is for the protection of both parties, and neither should feel pressured by their decision or concerned about repercussions.

During the massage – Assuming you move forward with the massage, you'll

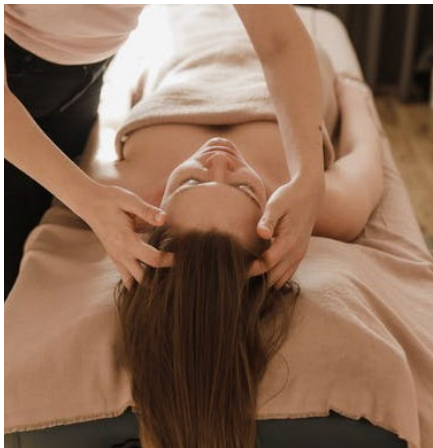


continue your communication with the client. This again will show your client that you are coming from an ethical place, ensuring that they are comfortable, explaining what you're going to do, getting feedback from them about appropriate pressure, and letting them know what to expect

after the massage are just some of the things to discuss during the massage.

After the massage – Once the massage is finished, more questions are in order: you might call this an “exit interview.” You want to get feedback from them on how the session was for them, and this is yet another opportunity to let them know that you genuinely care about them. Try to encourage them to communicate with you about their feelings and how they interpreted the massage. Don't ask yes or no questions; try to ask open-ended questions (i.e., “how does your back/neck/shoulder feel now compared to when you came in?” or “you mentioned during your intake that you are under a lot of stress ... can you tell me how your stress level is now?”).

You might take this opportunity to give them some self-care tips: extra water, getting enough sleep, taking hot baths for relaxation, stretching, etc. Lastly, this is a great time to ask if they would like to schedule another appointment with you. At this point, the client should sense that you care about their well-being and they are comfortable with you as their therapist and the way you conduct your massage business (your code of ethics); this can ultimately open the door for a long relationship with that client and one that will send you referrals.



In addition to your exit interview, you also want to keep a confidential record of anything massage-related the client mentioned or experienced. Did they say they did not like the scent used in the room? (More on your room and presentation ethics later in this course.) Did your client love the music playing? Did the client note any allergies?

All of this information can be kept secure, so you can refer back to it the next time you service that client. They will definitely appreciate the same music after mentioning how relaxing it was the first time!

Record-keeping after the intake visit should also be maintained in an organized and concise-but-thorough fashion. To ensure continuity of care and to maximize massage effectiveness, as well as to minimize any potential sources of confusion or conflict, records should include how the client is tolerating treatments, the appropriateness of your massage sessions, and how the client feels their massage therapy course is progressing.

Record protection – Records and client conversations must also be kept confidential (we will discuss confidentiality in detail in a later section as well). It is imperative to maintain records in a safe, secure place; in the case of electronic records, the database should be encrypted and password-protected to ensure the safety of documentation. Clients trust you as their therapist, and part of that trust includes the safety of their personal information.

Backup system – As much of our record-keeping these days is electronic,



it is also important that records are backed-up frequently. You would not want to come into your business and find your record system has crashed (as technology can sometimes do) and there are no backups of your client records.

Updated files – Records should also be accurate and updated to the best of your ability and knowledge. During your initial interview, a client may not have yet had a surgery or injury. If over the course of their visits with you, they do end up sustaining an injury or needing surgery, it is important to update your records to reflect this.

Electronic payments – Also, please check local laws in your area regarding the record-keeping of any electronic payments. Many clients will pay for your services using their credit cards or other electronic payment (like Apple Pay). It is important to dispose of credit card numbers and information in a responsible manner if you are unable to keep them in a secure manner.



According to Pearson Centered Tech, “Also vital to consider is that anyone who accepts credit cards in the United States agrees to comply with PCI DSS (aka ‘PCI’) ... This is not a law but rather an industry standard that everyone agrees

to when they contract to accept credit cards (if you accept credit cards, you agreed to comply with PCI as part of the registration process).”⁴⁶

What exactly is PCI? “Introduced by the major card brands, the Payment Card Industry Security Standards Council (PCI SSC) formulated a set of guidelines to enforce a robust card data security process. Any merchant storing, processing, transmitting, or affecting credit or debit card information must always adhere to the standards and certify compliance annually. Regardless of your payment processing method, PCI compliance is a requirement for every business that accepts credit and debit cards.”⁴⁷ A breach of PCI compliance is very serious and will likely land you and your business in very hot water. Therefore, it is best to check your PCI compliance status and keep up to date on your compliance paperwork to ensure your business is running its credit card and debit card transactions ethically.

Chapter 4: Laws, Licensing & Malpractice

Laws & Licensing

We live in a litigious society, and making sure that you are properly licensed and practicing within the scope of that license by abiding by the laws of your state and managing your business in an efficient, thorough, and concise manner will go a long way toward safeguarding you, your staff and your practice. Each state has its own laws regarding licensing requirements and the treatments a therapist can or cannot do. Therefore, you will have to research your state board's specific requirements for initial licensure and relicensing. For all my fellow Texas massage therapists, our licensing information can be found on the [Texas Department of Licensing & Regulation \(TDLR\) website](http://www.tdlr.state.tx.us).

Keeping your license current requires forethought and planning. Continuing education is required in most states in order to renew your license each renewal period, and there are deadlines that must be met—waiting until the last minute can be problematic. Something may arise unexpectedly in your business or personal life that may demand your attention and could cause you to miss your renewal window - so don't procrastinate. You may also incur penalties or fines if you fail to renew your license in a timely fashion. The risk of continuing to practice without a license is more than just a poor reflection on your ethics - it is illegal! State laws regulate the massage therapy industry, and it is part of the ethical framework of your practice to know and comply with these regulations.



National Associations for Massage – Joining professional organizations like [AMTA](#), [ABMP](#), or [NCBTMB](#) is a great way to expand your horizons as a massage therapist. These organizations have an extensive library filled with information related to the massage therapy profession. You'll have an opportunity to attend events, connect with your peers, and stay up to date on the latest news affecting the massage therapy industry. These organizations protect public safety by ensuring the competence of their members. Accreditation, licensing, and other professional affiliations show accountability to clients, colleagues, and the profession.

AMTA notes a few benefits to licensing. Besides it being necessary to practice massage therapy, licensing helps both the client and you, the massage therapist.

“AMTA believes that the following are some specific benefits of professional licensing:



- Protection of the public through the establishment of high standards for entry into the profession.
- Protection of the public through the regulation of practice and recourse to effective disciplinary action.
- Fair and consistent regulation applies to the entire state, regardless of location within the state.
- The right of massage therapists to define their practice through proposed legislation and regulation under an authoritative or advisory board of massage therapy.”⁴⁸

Reliability and Consistency – Licensing also allows for uniformity among massage therapists – a common set of expected guidelines, language, and culture. Your license requirements help guide your business to run ethically.

Keeping your license current shows a commitment to your profession and helps your clients verify you are licensed to do what you claim. Massage therapy is governed on a state-by-state basis instead of at the national level. Most states have a state board of massage therapy that regulates the licensure and disciplinary actions; the board also provides a quick verification (usually even on their website) to check that a therapist is indeed licensed and even gives the status of the license—active, expired, etc.—so any person can confirm a therapist is currently licensed.

As time-demanding as massage therapy continuing education requirements are, the state boards mandate the types of courses and the number of hours needed to ensure therapists are making efforts to further their knowledge and skills. In addition to meeting the requirements for renewal, continuing education adds credibility to our field.

Furthermore, having a massage therapy license prominently displayed for clients to see may be required for compliance; and having that honorable piece of paper on display also helps in building trust with customers by establishing a professional environment where they can truly relax and be at ease knowing that license represents education, dedication, and a code of ethics.

Beware of people posing as inspectors. State inspectors “will never request or accept money under any circumstances while calling, visiting, or conducting an inspection.”⁴⁹ –Texas Department of Licensing and Regulation

Scope of practice – You also may have heard “scope of practice” throughout your training as a massage therapist. Scope of practice refers more to your skills rather than a legal definition of practice.

In the United States, individual state boards define and regulate the specific activities that a licensed therapist is permitted to perform. Increasingly, the range of permissible activities is determined by statutes and rules enacted by state governing agencies. National organizations like AMTA are also trustworthy resources for clarifying ethical legalities. “Massage therapists need to know their scope of practice and be aware of their professional limitations. This includes knowing when to terminate treatment and refer out.”⁵¹ “When progress has stopped, but pain persists, it might be time to refer them to a different health care provider,” according to Jean Middleswarth, a licensed massage therapist and ethics instructor.”⁵² Knowing and acknowledging the limits of your scope of practice is ethical.

In Texas, the Texas Department of Licensing and Regulation sets the general scope of practice for the state with the following definition:

“Massage therapy means the manipulation of soft tissue by hand or through a mechanical or electrical apparatus for the purpose of body massage. The term includes effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics. Massage therapy may include the use of oil, lubricant, salt glows, heat lamps, hot and cold packs, or tub, shower, jacuzzi, sauna, steam or cabinet baths. Massage therapy is a health care service when the massage is for therapeutic purposes, and a licensed massage therapist may receive referrals from a physician to administer massage therapy.”⁵⁰

Researching your state licensing is the best and absolutely necessary measure to take when defining the scope of your practice. However, licensure in and of itself is not perfect. As an indication of such, *Massage and Fitness Magazine* cites the use of acupuncture needles as an example. “State licensed professions may become fearful of ‘losing out,’ and they aggressively lobby to define their scope of practice in state law. For example, acupuncturists have successfully staked a claim to the exclusive use of acupuncture needles — a move that has been fought by the physical therapists whom this deprives of offering dry needling treatments. These fights sometimes devolve into disputes over the nitty-gritty details of practice and create even more ambiguity.”⁵³



“Scope of practice questions often showcase a tension between clarity and flexibility. Massage therapists’ scope of practice is enshrined in their practice act, offering the benefit of clarity. [For example,] personal trainers typically are not licensed by the state, and they arguably enjoy the benefit of flexibility in that freedom from regulation. Personal trainers (and other professions, too) have veered away from licensure and have effectively taken a ‘free market’ approach. That is, they educate and certify from within, and for the most part, only those who are ‘brought up’ through the profession will succeed professionally.”⁵⁴

Misrepresenting your education, credentials, or abilities can have detrimental legal ramifications. There are a few measures you can take to ensure you are within your scope of practice. Think of the below as a checklist of sorts.

This checklist is from *Massage and Fitness Magazine* and lays out five points to consider when defining your scope of practice.



“1. Familiarize yourself with your practice act and its regulations and understand how they are enforced. Don’t worry about other professions; you’re only bound to comply with your own.

2. Know your ethical rules. Ethical rules are sometimes in your practice act or its regulations. Occasionally, your practice act will direct you to follow a national trade organization’s ‘model rules’ instead. But be careful: unless your practice act says otherwise, the ‘model rules’ aren’t dispositive as to your ethical obligations.

3. Create detailed written policies and procedures that govern your practice. Clarify what activities are within your scope of practice. Describe how you maintain your compliance with the various aspects of your practice act, ethical rules, and any other applicable regulations. Include the ways that you ensure ongoing compliance with your liability insurance policy, lease, business associate agreements, municipal zoning requirements, and business license.

4. Educate your patients or clients. Explain how your work jives with that of your patient’s other providers and give your patient reasonable expectations for what they should and should not gain from your treatments. By setting expectations at the outset, you can clarify potential misunderstandings as to what services you can and cannot offer.

5. Be sure you have comprehensive professional liability insurance. Your insurance policy does not govern what is within your scope of practice, but it does articulate what claims are covered. Read your policy for specific exclusions. If your insurer doesn’t cover a modality, that doesn’t necessarily mean it’s outside of your scope of practice. Rather, it could mean that, in your insurer’s opinion, it’s too risky to be covered. Either way, ask: why does my insurer think the modality is risky?”⁵⁷ *Massage Magazine*

Liability, Negligence & Malpractice

Much like licensing, liability laws vary from state-to-state. It is incumbent on the therapist to research and become familiar with the laws in their state in order to avoid liability.

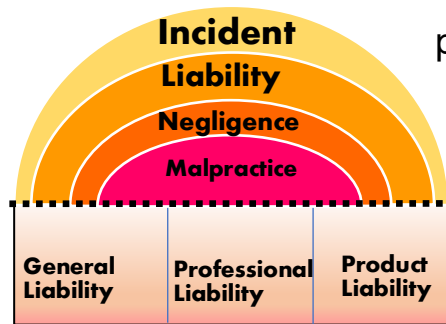
Liability – Liability is the over-arching term for being legally blamed for an incident and assigned the responsibility to appease the situation (usually financially). Notwithstanding if it is a requirement



by state boards, employers, or landlords, therapists should keep an insurance policy for liability to protect themselves from the financial responsibility should an incident happen within the scope of their business. Of course, massage therapists will try to do everything in their purview to prevent incidents, but accidents happen in every industry, massage included, even under the care of the most experienced practitioners. Some incidents may include falls, complaints of inappropriate touching, bruising, or equipment-related injuries. Other incidents can range from massage oil getting spilled on a client's designer handbag to extensive hospitalizations but can be defined as "any error or omission in professional services that have resulted in a client injury or client complaint."⁵⁶

Liability Waiver Form – As part of the intake client agreement forms, a waiver of liability form should also be included. This form relays potential risks and side effects and sets boundaries for the relationship with the client. The standard waiver can remove many liability concerns about being sued by a client; however, lawyers can work around a liability waiver.

Legal Vocabulary – In order to further clarify the legal definitions: An accident or incident is anything that harms a client, damages property, etc. Liability is an umbrella legal term that means you are the responsible one in a legal incident but not necessarily the guilty one. The circumstances of the situation could be categorized into general liability,



professional liability, or product liability. When the cause of an incident falls below the level of care established by professionals, liability becomes negligence. The method causing the incident could also be further classified as malpractice.

Negligence or malpractice are actually two different things. Negligence can be defined as any error that results in harm occurring to a client. Malpractice, on the other hand, is negligence that represents a deliberate deviation from standards of care.⁵⁷ Negligence is a broader term, while malpractice is more specific and implies a professional level of skill and intent.

Negligence – Basically, a massage professional commits an act of negligence if that action *accidentally* causes harm to a client by being careless. Negligence could also be a lack of action that was needed to enhance safety.

Malpractice – Additionally, while a massage professional should never intentionally cause harm to a client, it could be malpractice if the massage professional was aware of potential harm that could happen before the incident occurred and could have potentially prevented it. Generally, malpractice is caused by not following proper protocols.

The common assessment to determine whether someone is guilty of malpractice is to ask whether a trained professional in the same field would have done the same thing in similar circumstances.

In order to be legally considered guilty of malpractice, lawyers must prove both negligence (i.e., harm occurred) and deviation from the standard of care. More specifically, lawyers must establish the occurrence of four



essential elements: First, there must be a duty of care owed at the time of the alleged incident, meaning the therapist-client relationship must have existed, therefore, forming a responsibility to protect the client.

Second, the massage therapist negligently breached this duty of care by violating that responsibility in a way another professional would not have.

Third, the incident must be a direct result of the actions of the breached care by the massage therapist. Fourth and lastly, specific harm, injury, illness, suffering, or damages must have occurred as the outcome of the incident.

Consulting an experienced malpractice or personal injury attorney can help you if any of the above criteria ever apply to your situation.

Outside the standard of care, but within the law – A therapist can sometimes do things outside the standard of care without doing harm, which would not be considered malpractice. For example, using a massage technique outside of usual practice may actually benefit the client, even if it is not the “standard of care.” Another example might be doctors using drugs “off-label;” that is, drugs can be used for conditions for which they are not approved if the drug is known to benefit patients.

Additionally, a client may be harmed by an incident occurring in the massage clinic/spa, but without deviation from the standard of care, it would not be considered malpractice. An example of this kind of incident might be a surgeon whose patient suffers a complication due to the surgery. Still, the surgeon followed the standard of care - the harm is unfortunate, but a risk of the surgery (and therefore not negligence, let alone malpractice).

The law can be complicated, and, unfortunately, lawsuits are a threat. There are risks to any business, but as a massage therapist, it is important to know which situations may be more likely to occur in your field. “Remember, having a client sue doesn’t automatically mean the massage therapist has been negligent; it means that the client *perceives* negligence.”⁵⁸

Once again, it’s important for you to have guidelines and processes to document incidents. It’s not the time to be trying to figure out what to do when you’re under the stress of being sued. Think ahead...this is your livelihood!

Standards of care become critically important when a client feels they have been harmed by massage therapy. That’s why it’s crucial for you to be mindful of your specific scope of practice and always alert in order to prevent situations that could lead to a breach of care, negligence, or malpractice. In addition to following all of your state’s laws, statutes, and rules regarding massage therapy, it is a good bet to follow the NCBTMB Standards of Practice, their Code of Ethics, and all policies and procedures recommended by the National Certification Board for Therapeutic Massage & Bodywork. Making sure that the Standards of Practice and Code of Ethics are being followed not only helps you provide the best possible care but also protects you in the event you are sued.⁵⁹

Liability Insurance

What is liability insurance? Why do you really need it? What does insurance have to do with ethics?

We've mentioned that you should have an insurance policy and that some state boards, employers, or landlords require therapists to keep a policy, but insurance can be complex. Insurance is a "just in case" invisible safety net to help lessen the financial cost of an emergency, incident, lawsuit, or other unfortunate scenarios that could happen. When you purchase insurance, you pay a smaller fee at regular intervals (called the premium) to an insurance provider who legally contracts to cover a large amount of money should you need it. Having a comprehensive insurance policy is an ethical way of taking responsibility for your business while simultaneously giving you credibility and peace of mind that you won't be financially ruined should an incident arise.



As a massage therapist, your focus is on running your business. You do NOT have time to deal with the sticky legal world if, worst case scenario, you are sued by a client. Here are a few more reasons why liability insurance is important:

- First, because you charge for your service, you can be sued for negligence even if you did nothing wrong.
- Secondly, you're 'hands-on' with your clients. This means sexual misconduct lawsuits are a potential hazard.

- And third, as careful as you are, accidents happen. Damage someone's property, or cause them injury, and you could find yourself facing a claim for compensation. ⁶⁰



“The number of people receiving massages has increased over the past twenty years, as more people seek this treatment for a variety of ailments. With approximately 38 million people receiving a massage at least once a year, it is clear that this form of therapy will continue to increase in popularity over time. With this, however, comes the massage professional's increase in the risk of being sued. Fortunately, massage liability insurance can help protect touch therapists and bodyworkers and provide them with peace of mind to practice their profession.” Massage Magazine

Liability insurance, like most insurances, is not one size fits all. You certainly want to do your research and choose an insurance that works for you and your business. Every insurance policy is extremely particular in what it will and will not cover financially. Policies can be customized and added to for higher premiums. There is an overwhelming array of insurance policies that massage therapists could get, so do not be pressured into getting a policy or add-on that doesn't cover what you would actually use it for. However, most massage therapists will want to have coverage for the two most common kinds of claims: general liability and professional liability (also called malpractice insurance). Coverage for products, *your* property damage, workers' compensation, commercial auto, theft, cyber-attacks, and more are typically add-ons.

General liability insurance – General liability insurance is essential whether you treat clients at their homes or at your office or spa.

General liability insurance covers client injuries that happen on your business's property but is not related to the massage itself (sometimes referred to as trip-and-fall insurance):

- “Claims where you caused accidental damage to someone or their property (that includes fire damage at the premises you rent)
- The cost of medical treatment, legal defense fees, and compensation (regardless of fault)
- Claims made worldwide as long as they're lodged in the US or a US territory.”³⁹



An example of a general liability coverage scenario includes bodily injury. Say a client is getting themselves off the massage table, and they use the headrest as leverage, and the headrest breaks. The client receives medical treatment for the ensuing injury. In this case, your insurance could cover the client's bills and compensation for hours missed at work. Depending on your policy, general liability may even cover your broken headrest.

Professional liability insurance – Client claims resulting from your massage therapy practice, and usually the associated legal fees, can be covered by professional liability insurance. Also referred to as malpractice insurance, it covers claims including, but not limited to:

- “Bodily injury caused by your massage
- Negligence – making a mistake, giving the wrong advice, or not delivering what you promised
- Libel or slander
- Sexual misconduct and abuse”⁶¹

In this case, let’s look at a bodily injury claim centered around your massage practice. Let’s say in this scenario, “you perform a deep tissue massage on a client complaining of shoulder pain before treatment. During a shoulder stretch on the massage chair, he winces and asks you to stop. You do so immediately. The next day, your client accuses you of causing a torn ligament in his shoulder. He needs surgery, he says, and is suing you to recoup the cost. In this situation, your professional liability policy could take care of the costs of such a claim. If the case goes to court, it’ll hire you an attorney and pay your legal fees. And if it turns out compensation is due, it could cover that too.”⁶²

The average cost of a trip-and-fall accident, including legal fees and medical bills, is \$46,297, according to the National Safety Council.⁶²

Other types of insurance – As stated above, there are many additional policies you may want to have. Commercial property insurance will cover the cost of replacing physical assets such as massage tables, computers, and furniture in the event of theft, vandalism, fire, etc. Product Liability covers claims caused by products you used or sold. Workers’ Compensation covers medical bills for employees and contractors who suffer work-related injuries. Commercial auto insurance covers the cost of an accident while using your car for business purposes. Consider what you would want to be insured.

For insurance purposes, liability is usually divided into two categories: general liability, and professional liability; product liability is recommended as well.

“**General liability** coverage applies to instances where a client may sue a massage therapist due to an accident that occurred on practice premises, such as tripping on a doormat and ending up with a chipped tooth.



“**Professional liability** coverage, also known as malpractice insurance, applies to instances where a client may sue a massage therapist due to damages or injury incurred during the course of a session. Reasons cited in malpractice lawsuits basically boil down to misconduct or lack of ordinary skill.



“**Product liability** coverage applies to instances where a client may sue a massage therapist due to damage or injury resulting from use of a product, such as a massage lubricant that causes an allergic reaction or a faulty table that crashes to the ground in the middle of a massage.”⁵⁰



-Massage Magazine



Don't forget, as we discussed, digital records and copies must be kept confidential and insured as well. Consider cyber or data security insurance to combat any breaches in client information.

Insurance is no business owner's favorite topic to discuss, but it is necessary throughout your business practices to protect yourself, your staff, and your clients.

Chapter 5: Self-Assessment

Professional Development

When we wrote earlier about marketing and branding yourself, we discussed the importance of re-assessing your skills and sharpening your knowledge in order to succeed. Certainly, practicing within the scope of your competence is crucial and required by the NCBTMB - it ensures that you are using your training correctly and not potentially using new techniques without supervision as you learn. The NCBTMB requires that therapists “maintain and improve their professional knowledge.”⁶⁴ This CEU course you’re taking right now is part of that maintenance!

Professional education, skills workshops, and reading academic work like research articles keep you abreast of new developments in the field and help guarantee your clients receive the best possible treatments from you. Not only will this benefit your clients as you can provide informed, up-to-date massage therapy, but it also keeps you sharp on your skills as a therapist and leads to a more fulfilling career as you constantly challenge yourself.



Professional development is required and provides great benefits to you as a massage therapist, including the ability to charge more for a practiced, refined technique on an up-and-coming massage trend, for example.

Annalisa Zisman, author of [*The Importance of Continuing Professional Development as a Massage Therapist*](#), writes, “Clients who find a quality massage therapist with credentials to back up their services will be willing to pay more for a massage. You can also increase your business by offering different types of massages. If you were trained in Swedish massage, consider looking to other types of massages to help expand your massage repertoire.”⁶⁵

In addition to massage categories, there are additional specialties you can utilize to improve your clients’ experiences. Some of these from [Indeed](#) include:

- “Craniosacral therapy: Craniosacral therapy is a form of manual therapy that applies light touch to manipulate the spine and head.
- Cupping therapy: Cupping therapy uses heated cups to apply suction to the skin to facilitate healing in the blood flow.
- Lomi lomi massage: This type of massage uses the forearms and hands to create wave motions on clients and emphasize free flow in the body.
- Shiatsu: Shiatsu applies deep pressure on particular parts of the body using fingers and palms to relieve areas of pain.
- Trigger point massage: Trigger point massage uses firm pressure on tender muscles to influence healing and eliminate pain in an area.”⁶⁶

You may choose any of these specialties or a different specialty that speaks to you and hone your skills through professional development! Clients could also pay higher premiums for your expertise, lending benefits to both you and your business. Clients who are happy to have found such an accomplished therapist will continue to book appointments! A happy client is a returning client.

Personal Fulfillment

On a deeper, more personal level, have you ever asked yourself questions like these:

“What am I good at?”

“What impact do I want to have on the lives of my clients?”

“What will my legacy be?”



The answers to these questions require you to look inward to spend time in self-reflection. This is not just about “book knowledge.” Yes, continuing education is critical, but being in touch with who you are and knowing how you want to be perceived by others is equally important.

What areas can you improve upon that will reflect your moral compass and project your ethical foundation to those around you? What are your strengths, and where can you improve? Perhaps you’re a strong communicator, but you’d like to hone your leadership skills. Maybe clients perceive you as a good listener, but you feel you could be more empathetic. Trying to see yourself through other people’s eyes is a great way to become the person you ultimately want to be.

Continuing to learn on personal and professional levels shows initiative and dedication. You owe it to yourself, the profession, and your clients to seek knowledge, maintain and improve professional skills, expand your abilities, and keep pace with new developments in the field.



Aristotle was one of the great thinkers who emphasized the importance of cultivating virtues in order to become a good person; his virtue ethics is one of the three major normative ethical theories taught in philosophy curricula.⁶⁷ Introspection and self-reflection after client encounters can

help you direct where to hone your own strengths and correct weaknesses as you work as a therapist. This type of self-improvement is yet another way of reflecting your ethical code.

The fact that you are even thinking about if you are a good person or a good worker makes you one. Virtue ethics does not give “rules” about how to be an ethical person – instead, it emphasizes the question, “How do I become a better person?” To become a better person, we must perform acts of virtue in everyday life. Eventually, these acts will become habits. What ethical habits do you perform as a massage therapist? As we discuss in this course, most actions involve serving your clients in the most ethical way possible.

You have also, consciously or unconsciously, chosen a career dedicated to helping others. The health benefits of massage therapy have been researched over and over again. “Massage therapy can alleviate bothersome symptoms, treat nagging conditions, and assist in preventing aches and pains. If you want to make a lasting impact on the lives of other people, you will likely find massage therapy to be a very rewarding career.”

⁶⁸ The reward of helping others combat pain and feel their best means the fulfillment you receive from being a massage therapist is both external and internal.

Unfortunately, stress will always be present in most people's lives. However, with your healing touch and regular visits, your clients can experience immense stress relief, better sleep, and reduced physical pain. Is there any better gift at work?

Your Room, Appearance & Image

As a massage therapist, your personal appearance, as well as the appearance of your massage room, are interpreted by your clients as part of the image you portray. Personal and professional hygiene is not just about looking or feeling "nice." Healthcare professionals have a duty to avoid harm to those they come in contact with and, yes, a duty to protect themselves as well. Proper environmental sanitation, as well as thorough hand hygiene and body washing, are essential to reduce germs and prevent the spread of infection or disease.



Personal hygiene – Many people cringe at even just the thought of their massage therapist having bad body odor, strong perfume, or dirty fingernails, let alone open sores or a bad cough. It goes beyond the senses, though. Imagine how a client would

feel if they thought the sheets were unwashed or if the therapist touched their face with dirty hands. Even the slightest impression of such will disgust a client and make them very unlikely to return. Viruses, bacteria, fungi, and parasites are invisible yet very harmful; any time a massage therapist fails to comply with proper hygiene or sanitation practices, they are putting the client's health at risk as well as their own.

Hygienic Practices for Massage Therapists

- Shower daily
- Wear antiperspirant and avoid scented products
- Wear clean uniform/clothes (keep a spare set available)
- Wash hands and arms often
- Keep nails clean, short, and smooth
- Never work on a client while under the influence of alcohol, drugs, or any substance that affects mental or physical abilities
- Use only clean linens (without stains or strong scents)
- Use containers with spill-reducing dispensers for oils and lotions.
- Disinfect all containers often
- Sanitize equipment before and after each session (follow the directions on the labels of the cleaning supplies)
- Wear vinyl gloves over any open cut, break in the skin, or skin infection (hangnail, papercut, scratch, crack, bite, wart, rash, ringworm, scabies, measles, etc.)

The best way to control disease is to stay healthy by getting enough sleep, rest, and exercise, eating a healthy diet, using proper body mechanics, and living a healthy lifestyle. If a client comes in who clearly has a viral, bacterial, or fungal infection, it's often best to err on the side of caution and not treat them. Not only is it vital to prevent cross-contamination, but you could make the client's condition worse. Kindly ask if they could get advice from a doctor first, as you would not want to cause them further harm.

Safety checks and housekeeping – By making the ethical commitment to put safety first, you will be more aware of your surroundings and avoid potential hazards and unnecessary dangers, which will translate to helping your clients feel more at ease. The little things speak volumes when it comes to cleanliness and safety. Things that are easily overlooked, like a dusty side table, a broken window, or a frayed extension cord, can give someone very negative vibes about a space. In other words, the appearance of your front door, your waiting room, your restroom, and your massage room will send a strong message to your clients and all who visit that you care about them.

Clients need to be given every reassurance that they are safe in your care. A safe, clean, and fresh space can set a relaxing mood and boost positivity and comfort for all who enter it. The task of maintaining a clean and safe workplace requires time, diligence, and dedication to the health and well-being of all who will be in that space.

Establishing thorough cleaning routines and safety inspections for your spaces takes educating yourself and your staff on efficient and effective techniques. Having a daily checklist for cleaning tasks and safety checks with a record of when each job has been carried out and by whom will ensure you are maintaining high standards that will help your business run smoothly and prevent putting anyone's health at risk.





From the floor to the massage table, to the toilet, to the reception area, and everywhere in between, every space needs to be tidied, meticulously cleaned and checked for safety hazards at regular intervals. The floors should be free of dirt, debris, and clutter; they should be regularly checked for uneven or slippery spots and tripping hazards. Every surface should be disinfected and be as aesthetically pleasing as possible, free of clutter and dust. Lotions, oils, and products should be labeled and stored in proper containers in a designated place. It should be noted if any of them are nearing their expiration or are running out. Linens should never be left damp to harbor mold or bacteria.

All machines and equipment should be in safe operating condition. There should be first aid kits and fire extinguishers readily accessible that have been adequately checked with a current inspection date. Emergency exit signs should be present where required and functioning properly. Smoke alarms and security systems should also be regularly tested for proper working order. Windows and door locks should be inspected regularly to ensure they open and close properly. Emergency procedures and strategies should be in place and reviewed regularly for fires, earthquakes, lockdowns, gas leaks, etc. Laws are in place to ensure that every workplace is a safe, fully hygienic environment. Healthcare-acquired infections and injuries can have substantial financial penalties, could lead to lawsuits, and will understandably damage the client's trust and desire to return. Keeping your workspace safe and clean will also lower stress, increase productivity and help prevent unwanted dangers.



The sensory experience – A clean, presentable clinic or spa “affects the client experience, client satisfaction, perceived service quality, and actual quality in terms of infection prevention.”⁶⁹ It gives the client a sense of comfort, safety and confidence that you not only have their best interests in mind but you take the quality of their experience seriously. Cleanliness and care don’t just extend to cleaning up and wiping down massage tables. To avoid skin reactions to detergents, it would be best to wash sheets with fragrance-free detergents, for example. Cleanliness is just one part of the massage therapy experience, however. Since massage is often intended to be a relaxing time for clients, you should consider the sensory experience of your clinic and massage session rooms as well.



We’ve all had moments when one or more of our senses have triggered a powerful emotion, maybe even one from our past. What feelings are provoked by the colors, smells and textures you have “prepared” for your clients? Comfort, safety, happiness, joy? You might not think the colors you choose for your room impact your client, but studies would prove otherwise. Studies have found that “certain colors have been associated with increased blood pressure, increased metabolism, and eyestrain.”⁷⁰ The influence of color on emotion is similarly noticed in interior design and the arts. Pablo Picasso remarked, “Colors, like features, follow the changes of the emotions.”⁷¹ Therefore, creating a therapeutic environment where clients can feel calm, at ease, and cared-for is useful for a therapist. Studies have shown that warm tones may be associated with warmth, but colors like red or yellow may provoke anger or anxiety in some people. Similarly, cool colors like blue may be “calming,” but can also be associated with sadness.⁷²

The sounds a client hears during a massage session can likewise impact their physiology as well as their psychology.⁷³ So, whether you play music, nature sounds, or chimes, spend some time researching the responses these auditory influences invoke and choose them wisely.



The Institute for Integrative Healthcare lists additional benefits to sound healing. Some include:

- “Sleep: Using classical, relaxing music, chanting, or soothing sounds have all been shown to relax people enough to improve sleep. Those who use relaxing sounds and music fall asleep faster, stay asleep longer, and wake up less.
- Stress Reduction: Stress is reduced when appropriately relaxing sounds and music are played at low to moderate volume throughout the day. Breath slows down and heart rates are reduced as the body relaxes. This can be especially potent for those who are suffering from hypertension and cardiovascular conditions.
- Pain: It is believed that because music is perceived through our senses, specifically through our nervous systems, those sensory signals act to block the slower-moving pain signals, reducing our perceptions of pain. Studies have confirmed that pain is reduced when sound and music are used.”⁷⁴

You can choose to change the experience of your client in a number of other ways, such as dim, relaxing lighting or soothing scents like incense or lightly scented essential oils. As with any other sensory input, however, be aware that some clients may prefer less, and this can be a point of communication with your clients.

Ultimately, these sensory experiences speak volumes about your sensitivity to the well-being of your clients, which, once again, reflects your ethical code. “Countless studies have stressed the role of aesthetics and ambiance in our well-being. So, if you want your clients to forget their woes and de-stress, you have to make them relax the moment they enter your massage space.”⁷⁵

Your ambiance for your clients begins at the door. How do they enter your spa or massage space? Is the entryway brightly lit? Calming? Is there a large or narrow hallway? Decorating and managing the entry space is the first step to creating a peaceful ambiance for your clients. All of these aspects and more can encompass a safe, warm, welcoming, and ultimately ethical and considerate experience for you and your clients.



Then, as we mentioned, there are a myriad of options for your room. Continuing on the idea of color, Mark A. Miller, owner of Mark A. Miller Architecture, says, “There’s a lot of psychology behind it. There are 1,000 shades of white, but linen

is one of the best whites ever made. It is warm and inviting; it literally hugs you.”⁷⁶



As we know, our massage rooms are typically relatively small. Therefore, there is not an endless amount we can accomplish in the small space. However, one option to avoid, according to Massage Book, is the “coffin position.” “[The] worst position [for your massage table] is directly in front of the door with the client’s feet facing the door. This is called the ‘coffin position’ because, in ancient China, the dead were laid with their feet toward the door for easier access to heaven. The coffin position drains away all of an individual’s good luck and energy.”⁷⁷

Regarding the floor and ceiling (more on the floor in a moment!), “During each massage session, your clients will only have the choice of looking face down at the floor or up at the ceiling, so make sure you put some time and thought into decorating these areas of your massage room.”⁷⁸ Don’t forget about your comfort as well! The floor of your massage room should be comfortable for you to stand on for long periods of time. To that end, try to avoid marble, granite, or any other hard surface.

Essentially, ethical practice is to ensure your massage room and image cater to your clients’ comfort and safety, as well as your own comfort and safety. Consider all aspects of your massage – including keeping your lotions and oils in an easy-to-reach spot, and all aspects of the experience of your client – including your ceiling and their before and after massage needs (such as a mirror in place for clients to check their hair and outfit after a massage). Do

not be afraid to put personal flair in the room as well, in regard to decoration. After all, clients have come back to see you and your style!

Knowing Your Limitations

Obviously, comprehending and improving your massage therapy skills is important, but equally critical is knowing the boundaries of your knowledge and expertise. Scope of

Integrity is telling myself the truth. And honesty is telling the truth to other people." - Spencer Johnson

Practice was mentioned earlier in reference to the adverse legal implications for massage therapists to provide services they are not appropriately trained in or competent at; moreover, it is unethical and unsafe. NCBTMB's Code of Ethics reminds therapists to "acknowledge the limitations of and contraindications for massage and bodywork and refer clients to appropriate health professionals."⁷⁹ This is especially true when it comes to your clients'



health issues that may require attention from a medical physician. It DOES NOT repudiate your skills or invalidate the massage profession to recognize when other health services and/or health professionals may be more suited to your clients' needs. In fact, knowing when what you are seeing is outside your expertise is a sign of being respectful and ethical. Communicating contraindications or concerns about a client's medical condition, for example, is not only an ethical and legal necessity, but it demonstrates to clients your knowledge about your field and your consideration for their well-being. In your search to provide the highest quality care for your clients, assessing when massage is and is not appropriate is paramount to your professional and ethical

obligations. You should only treat with massage therapy when it is reasonable to expect it will be advantageous to the client.⁸⁰

If you have strong concerns about their health, it is important to remember you are not a physician, and you cannot make a diagnosis of any kind. If something is concerning to you,



then you should inform your client and refer them to their physician for a check-up or review. If you are uncomfortable at any point massaging an area of concern and feel this would be detrimental to the client's health, you should cease the massage immediately. Explain to your client why you feel a massage is not in their best interest at this time, and then refer them to their physician. Be sure you document in the client's record your concerns and reasons why you referred them.

Creating these sorts of boundaries as a professional is paramount to ethics. Also, don't forget your expertise, health advice, and guidance can only go so far. As AMTA says, **"It is important to be responsible to others, but it is inappropriate for therapists to be responsible for others. We cannot grow for others. We cannot do their stretching exercises between massage sessions. They must do that for themselves. We can educate and reinforce good behavior, but we must also be willing to put boundaries on bad behavior."**⁸¹ It is important we do not blame ourselves for what our client is unwilling or unable to do.

Sexual misconduct (more on this later) seems to be the most common thing that we hear about. But there are other ways misconduct can occur.

- **Contraindications** – When a client comes in sick, and we go ahead and massage them anyway, ignoring the signs of their illness – this is a form of misconduct. Sometimes a client “REALLY needs a massage,” and if they are a long-time client, we might feel pressured and go ahead and give in. But this is definitely misconduct on our part, and we should think about their health and welfare, as well as our health and welfare, and refuse to massage them at this particular time.
- **Massaging Outside the Scope of our Abilities** – We might have taken a few psychology courses in college, but that doesn’t mean we can wear a psychologist’s hat in our massage room. Just because our chiropractor might have shown us how to do some spinal adjustments doesn’t mean you should do them on your client! Practicing any type of treatment that we are not licensed or trained for would also be a form of misconduct.



- **Misrepresenting Ourselves** – Lying about our licensing or our credentials would not only be illegal but is also another form of misconduct. You can’t call yourself an “Aromatherapist” if you just took a 6-hour continuing education course on aromatherapy; you’ll need significantly more training than that.
- **Substance Abuse** – Did you have a glass of wine at lunch? Smoke a little marijuana during your break? These would be “practicing under the influence” and should not be done. As healthcare professionals, it is up to

us to be free of the influence of alcohol, drugs, or illegal substances while we are working with our clients.

- Confidentiality – We will cover confidentiality more in detail in the next section, but name-dropping or telling details of your clients’ sessions to friends or family is an ethical violation, as well as a legal violation.
- Diversity – Refusing to work on someone due to their race, ethnicity, religion, weight, or sexual orientation is a form of misconduct. As healthcare providers, we want to provide a safe space for everyone.
- Advertising – Do you show a sexy picture in your advertising materials? You’ll want to think about the image you’re projecting (and the types of clients you’ll attract) with your marketing materials. Are you being truthful in your marketing? Or are you “embellishing” your qualifications or credentials?
- Financial – Do you charge your credit card-paying or insurance-paying clients a different fee than your cash-paying clients? This is a form of misconduct; all your fees should be the same.
- Exploitation – Are you asking some of your professional clients for special favors? A lawyer to give you free legal advice? A stockbroker to give you stock tips? A physician to diagnose a skin bump? If you want information or help from a client, it’s best to make an appointment outside of the massage session.
- Power Imbalance – Overusing your power as a massage therapist can take various forms, many discussed in this section. Misuse of power can also include neglecting to listen to your clients’ questions and concerns and forging ahead as if they had never spoken.



More on the balance of power between therapists and clients later in this course!

- Sexual Misconduct – Of course, we all know that ANY kind of sexual advances, secretly watching a client undress or hugging a client in a suggestive, sexual way are all not only illegal but definitely devoid of ethics. More on this topic will be discussed in a later section.

As we understand, committing any of the above misconduct practices, even by accident, will land you in hot water. It is best, as always, to have written sets of guidelines and procedures so you and your clients have something to refer to when setting boundaries and avoiding conflicts and misconduct.

A simple way to avoid misconduct as well is to have a clear line of communication with your clients. Make it clear a client can, and should, speak up during the massage.

Elizabeth Yuko, author of *What's Normal – & Not Normal – During a Massage?* says, **“You should feel comfortable enough to let your therapist know if something isn't right, whether that's the pressure they are using, you get too hot or too cold, you hate the music that's playing, or you need more work done in an area ... After all, massage therapists are body workers. We are not mind readers, and we take pride in our work. If something is off, we want to know about it.”** ⁸³



Chapter 6: Interacting with Clients

By this time, you should have a clear understanding of how your ethics are made evident before the client even arrives at your door. It's not just what you do but how you do it, that communicates your ethical values to the public. Now we'll address how that same foundation flows through to interacting with your clients.

Confidentiality & Privacy

If you asked people one of the most important concerns they have when working with any professional, there's a good chance they would answer confidentiality and privacy. That's why so many professionals, from



doctors to lawyers and, yes, massage therapists, must have a commitment and process to protect client information. This begins with the first point of contact with the client and lasts through and beyond the entire relationship. According to the NCBTMB Code of Ethics, it is crucial that a therapist “safeguard the confidentiality of the client’s identity and information in all conversations, advertisements, and any and all other matters unless disclosure of identifiable information is requested by the client in writing is medically necessary or is required by law.”⁸⁴

Maintaining the confidentiality of clients' identities and information is of paramount importance. In fact, it is illegal to release client information to a third party without the written consent of the client. The only exceptions to this rule will be if the identifiable information is required to be released for medical reasons or by law, such as if the client presents imminent harm to themselves or others or if they disclose a communicable disease that you are required to share with your state's Department of Health. In the event that you are required to make any sort of disclosure, it is imperative that you document the disclosure. Should disclosure of information to other healthcare providers or companies for the purposes of billing be necessary, your process should include communicating the disclosure to the client and asking the client to sign a release form acknowledging the disclosure.



If you are employed by a large group massage practice, you may have the ability to access the records of clients for whom you are not the treating therapist. Unless you cover for another therapist, under no circumstances should you access the records of a client with whom you do not have a treating relationship. In some states, the individual therapist actually owns the records of their clients, even if they work for a group practice.⁸⁵

Many states also have specific legal requirements for client testimonials and statements. In general, if client quotes might be used for your practice's advertisements, it is best to check with your state's regulations regarding client testimonials, as any testimonial informs the general public that your

client sought massage care through you. Similarly, the sale of a client's information to outside advertisers or businesses is not ethically or legally permissible unless the client has explicitly permitted such a sale. Regardless of whether testimonials in ads and selling information to advertisers are legal in your state, doing so always requires explicit permission from the client first.

Maintaining the confidentiality of this information extends not only to those who are outside of your practice but also to those who are within your



practice as well. Gossiping or storytelling among staff is not only inappropriate but could lead to clients limiting what they disclose about their health, which could undermine their treatment and be detrimental to their well-being. Taken to the extreme, a

lackadaisical approach to client privacy could lead to legal ramifications. We have likely all heard at least one story where a healthcare provider thought that a client or patient was out of earshot when they said something untoward. Therefore, it's important to keep a general rule: the only time client information leaves the massage session room is when it is a required disclosure for their healthcare or safety, or part of the billing process (or advertisement if legal!), and only with the client's permission.

A clear confidentiality agreement is needed to ensure both client and therapist abide by certain rules and guidelines. There are confidentiality agreements you can download online if your business does not already have a standard one. Some aspects to consider when creating or assessing a confidentiality agreement are:

- “Only collect, use or disclose personal health information that is necessary to meet the client’s health needs or to eliminate or reduce a significant risk of bodily harm.
- Only provide access to personal health information to authorized persons, except as required or allowed by law.
- Allow clients to access their own personal health information.
- Only discuss the client’s personal health information in a way that ensures the client’s privacy (for example, avoid treatment-related conversations in non-private places).
- Use any electronic communication, social media, client booking, management software, and other digital technology forms ethically and professionally to protect client privacy and confidentiality.
- Store, share, transfer and dispose of client data on personal devices in a way that maintains the privacy and confidentiality of clients.
- Comply with requirements for mandatory reporting of privacy breaches.”⁸⁶

Again, confidentiality applies to both the client and the therapist. Suppose you happen to see a client in public, you should refrain from mentioning anything specifically massage-related, such as asking if their stress level has decreased or when they are booking their next appointment. Of course, there is nothing shameful about massage, and the benefits are phenomenal. However, as mentioned in this section, it is best not to engage in those conversations, as it is not a private area, and you do not know who may overhear information. As discussed in this course, respecting the boundaries of both clients and therapists is essential to ethical massage therapy.

HIPAA & Legal Issues in Patient Privacy



The Health Insurance Portability and Accountability Act (better known as HIPAA) was signed into law in 1996 and created federal standards for protecting patient information in the United States.

HIPAA is basically the legal muscle by which the US government enforces the patient privacy concerns discussed above. Pretty much anyone encountering patients or patient health information falls under HIPAA requirements – these are called “covered entities” by the law. This includes most healthcare providers, insurance plans, and any business that associates with a covered entity (for example: billing companies, lawyers, and the company that picks up your paper records to shred them).⁸⁷

Protected health information (PHI) under HIPAA includes names, geographic identifiers smaller than state, photos, dates of birth, phone numbers and email addresses, Social Security numbers, medical record numbers or health insurance identifiers, and even license plates or IP addresses. If there is ANY chance it can be traced back to a specific individual, it is probably PHI. Therefore, it is important to make sure you secure any aspects of your health record that might contain a client's private information.⁸⁸

For example, from the list of PHI just discussed, you do not want to tell your favorite client about your new client’s unusual or interesting tattoo. This may seem like innocuous gossip, but something identifiable on your client’s body is protected through PHI.

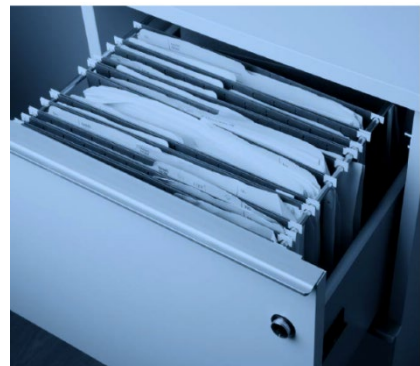
“The issue of privacy is not for us simply as a matter of business practice. It’s just fundamental to human dignity.” – Gerald Levin

HIPAA legislation is comprised of several rules that lay out different requirements for compliance. The main two rules that apply to massage therapists are the Security Rule and the Privacy Rule.

The Security Rule “establishes national standards to protect individuals’ electronic personal health information that is created, received, used, or maintained by a covered entity.”⁸⁹ HIPAA mandates through the Security Rule the following four methods of preventing, detecting, containing, and correcting information security violations: (1) administrative, (2) physical, (3) technical, and (4) organizational safeguards for PHI.

Administrative safeguards – These are the policies and procedures that protect client information. These include the kinds of written policies you are required to provide to clients when they first come to the clinic/spa, procedures that clarify which employees have access to electronic PHI, and how to address security breaches if they occur. Administrative safeguards also include security awareness in the hiring and training and agreement of all staff on the policies and procedures to keep PHI secure.

Physical safeguards – Tangible items that act as security barriers are a little easier to imagine. This might be a lock on a filing cabinet for paper charts, creating a secure location for PHI by locking doors, a screen darkener over computer screens to keep other people from viewing computer work, or devices like badge swipes that allow you to access a computer.



Technical safeguards – Technical safeguards include things like encryption for data, password protection, and maintaining closed, relatively inaccessible computer systems to deter unauthorized use of



the medical record.⁹⁰ The Security Rule applies to any and all devices that can access personal health information—tablets, phones, laptops, desktop computers, and even copiers.

Organizational safeguards – Finally, organizational safeguards include requiring contracts and written arrangements with staff or any associated businesses. The list of who gets access to any PHI should be as minimal as possible, and they should be under a formal agreement to protect all PHI—which helps protect you!—should a breach occur. Many massage businesses outsource to other companies for their billing, appointment scheduling, security system monitoring, website development, web hosting, cloud servers, paper shredders, and others who may have access to PHI.



Clients are further protected under the Privacy Rule, which gives them rights over their protected health information in any form: written, oral, or electronic. The Rule also gives individuals the right to obtain a copy of their health records and the right to request corrections.

Beyond specific cases like serious communicable diseases and threats to a person's life, almost anything that goes into the medical record is covered under HIPAA.

You might be wondering what the Privacy Rule means for your massage practice – here are a few examples:

1. Conversations about a specific client should be avoided in all public spaces – if you need to discuss a case, do so behind closed doors and only with the people who absolutely need to be there.
2. If someone requests a client's health information, you should get a signed release.
3. Generally, using client information for advertising without a signed release is illegal.

You are allowed to forward client health information for the purposes of treatment, coordination of care, and billing. Additionally, provided the client

HIPAA PRIVACYRULE	HIPAA SECURITYRULE
<ul style="list-style-type: none">• Ensure client confidentiality• Obtain and keep track of disclosures• Disclose the minimum amount of information to the minimum people• Notify individuals of use of their PHI	<p>Implement and maintain best practices to prevent, detect, contain, and correct security violations</p> <ul style="list-style-type: none">• Administrative safeguards• Physical safeguards• Technical safeguards

designates a person to whom information can be disclosed with a blanket consent, you may also be able to disclose information to that person, although it's generally good practice to ask even with a blanket permission for disclosure.⁹¹

HIPAA and privacy also apply elsewhere online, such as when responding to online reviews. Client reviews are a wonderful way to showcase your business and skills as a therapist. However, responding to online reviews with any identifying information – or even acknowledging the reviewer is a client – could violate the privacy of the client. It's best to respond with something like “we appreciate your positive feedback” to avoid any potential allegations of privacy violation.⁹²

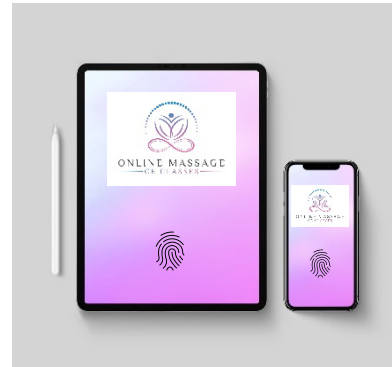
Not all establishments for massage therapy are subject to HIPAA compliance under the law; however, the conditions set forth for information security are good practices that will better help protect everyone. Regardless of whether or not your



practice is accountable for being within HIPAA compliance and not subject to penalties for violating HIPAA laws, the purpose of the rules still applies to your practice. It is the responsible thing to do to implement multiple safeguards to protect sensitive personal and health information. Being informed about the HIPAA rules and proactively instituting best practice HIPAA-compliant defenses of personal health information helps protect your clients, your business, and the entire massage industry.

Taking proactive steps to avoid breaching confidentiality comes from understanding common situations that lead to such. Four of the most common HIPAA violations are:

1. Loss or theft of devices—Mobile devices like smartphones, tablets, and laptops are conveniently portable and easy to put down or leave somewhere and are also very vulnerable to being stolen. This also applies to flash, zip, and USB drives. Storing others' personal health information on devices carries an increased risk of PHI being breached. To prevent theft or loss, utilize multiple security steps like biometric lock screens, secure passwords, remote-accessed cloud servers, and encrypted data when possible. Also, keep a watchful eye on your devices, be alert and aware when people are around, and keep the devices locked out *and* locked up when they're unattended.



2. Employee misconduct—Every member of your staff who may come into contact with PHI should be thoroughly trained on the importance of protecting private health information. Each person should also know the laws, policies, procedures, and penalties applicable to your business in your state. Comprehensive employee training should communicate zero tolerance for gossiping, answering questions, or sharing PHI with friends or family in a way that violates privacy. Posting photos or any personally identifiable information to social media that exposes clients is strictly prohibited. Having conversations regarding or including PHI in a non-private setting is unacceptable.

3. Failing to secure digital data—Unfortunately, personal information can be used for numerous malicious purposes; therefore, getting hacked is a real



threat to PHI. While not a strict HIPAA requirement, using long non-legible secure passwords, up-to-date antivirus software, and, if possible, encryption software for data and a network

firewall will increase protection against malware, phishing, and other cyber threats. Keep your passwords private, and don't share them with anyone. Support services will never ask you for your password.

4. Improper filing and disposal of records—Training on keeping and disposing of records should be required of all staff. All PHI should be kept in a secure location at all times. Physical files should not be left in any place where they could be viewed by others but should be locked in a filing cabinet in a locked office with limited access to the keys to both. Casually or accidentally discarding documents with PHI makes clients more vulnerable to having their confidential information being exposed. It is important to shred records, wipe the hard drives of computers when disposing of them, and secure any disposal bins prior to shredding.^{93 94 95}



So now you have an increased awareness of some of the most common HIPAA privacy violations, and how to prevent them, so you steer clear of fines, penalties, and problematic PHI situations.

“Informed consent is probably the most revolutionary, the most rudimentary, the most misunderstood and misused term in all of health law and bioethics.” – John D. Lantos

Informed Consent

One of the cornerstones of any medical care is informed consent, which could be defined as “communication between a patient and physician [which] results in the patient’s authorization or agreement to undergo a specific medical intervention.”⁹⁶ In broader terms, informed consent refers to a person’s right to understand their conditions and participate in all decisions regarding their own health and treatment of those conditions.

Historically, the concept of informed consent is a fairly modern idea. In the Oath of Hippocrates, doctors were told to “keep secret” most aspects of a person’s treatment in order to avoid the client feeling like they had better ideas than the doctor.⁹⁷ The great Greek philosopher Plato stated that if a doctor forced his patient to do the right thing in accepting a treatment, it



Plato. Image Source: Wikipedia Commons

would not be considered an error.⁹⁸ In many cultures, it remains ethical practice to not tell patients when they have a terminal diagnosis and instead inform their families. However, as a result of the growth of a medical establishment actively involved in both treatment and clinical research in the United States, informed consent doctrines were slowly developed over time into the structures they are today.



As professionals, we know our clients should understand what we're doing and why we're doing it. We acknowledge that we must communicate to our client what treatment we propose and that we cannot do anything without our client agreeing to it

first. We also understand that clients have the ethical—and legal—right to refuse treatment at any time. These basic rights are the fundamentals of what the law calls the right to informed consent and the right to refusal.

The informed consent process has four basic components: (1) disclosure of risks and benefits, (2) the client's decision-making capacity, (3) the client's competency, and (4) voluntariness of the consent. Generally, informed consent is *specific*: it fits only your individual client's diagnosis, your recommended treatment, and the specific clinical environment into which you and your client enter.



Disclosure of risks and benefits—Therapists need to present

an accurate description of the services and disclose the risks and benefits of the massage therapy sessions. In a client with an

arthritis flare, for example, massaging over an acutely inflamed joint may present a risk of worsening pain, and this ought to be disclosed to the client since this is a contraindication. You should explain what a “reasonable person” would want to know in the course of their treatment for a specific condition. You should explain why massage therapy might be more beneficial than other treatments for the client's specific condition.

With holistic health in mind, informed consent should empower the therapist to explain the treatments for the session and allow the client to ask questions and make decisions. A memorable way to ensure a therapy is well-explained is for both the practitioner and the client to use “the BRAIN.” The BRAIN is an acronym for Benefits, Risks, Alternatives, Information, and Nothing). The BRAIN is a good decision-making tool for all aspects of life but is especially applicable in healthcare.

the **B R A I N**



Use the acronym BRAIN to ask or answer the following:

Benefits—What are the benefits of a particular treatment (or test, protocol, procedure, etc.)? What problem will the treatment solve? Is there a lasting value in doing it?

Risks—What are the risks of a given treatment? Are there any side effects? How much time will it take? How much will it cost? How will it impact health in the long term? Do the benefits outweigh the risks? If this treatment isn't successful what is the next step?

Alternatives—What other options are there? Is there another approach that might be taken? Is this the best treatment for *this* situation? How have others responded to the alternatives?

Information—What other information would help make the right decision? What research is available? Is there someone who can give advice who has more experience on this treatment, or has been through this treatment? What does your intuition or gut feeling say?

Nothing—What happens if nothing is done? Will waiting change anything? How long is too long to wait? Is the potential treatment worse than the problem? Will the treatment prevent future problems?

With so many choices in today's healthcare climate, it is important to ask questions and be *informed*. Essentially, there should be no surprises during the massage. "Even at the risk of being redundant, it's best to make sure they know what to expect. For instance, mention that a massage may leave them sore or achy for a day or so, especially after deep-tissue work. Tell them any recommendations you have to help them with this, such as drinking plenty of water in the forty-eight hours after a massage." ⁹⁹

That being said, as a professional therapist, you are allowed to change your treatment plan with consent and respect for the client. Suggest: "I think your right shoulder area would benefit if I applied pressure to one point for longer than I usually do. Is that okay? If you don't like it, please let me know." ¹⁰⁰

There is no need for a long, drawn-out explanation of the benefits and risks



of trigger-point massage at this stage. As long as the client understands the movement you are asking to make, and the client gives their permission—and understands they have the option to discontinue this movement for any reason—you are free to proceed.

Decision-making capacity—The capacity for an individual to make one's own decisions is fundamental to the ethical principle of respect for autonomy and is another key component of informed consent to treatment. Having the decision-making capacity means that the client understands the risks, consequences, benefits, costs, and everything else involved with the treatment so they can make a logical decision about their health options. ¹⁰¹

Determining whether an individual has adequate capacity to make decisions is, therefore, an inherent aspect of all interactions. Only a competent adult with the capacity to understand all the information can give informed consent. In most circumstances, minors—people under the age of 18—are considered not to have the lawful capacity to make their own health/medical decisions or enter into a legal contract in the United States. Therefore, they are required to have a parent or legal guardian also give consent. This is also true of clients with mental incapacities such as dementia (Alzheimer’s), wherein a legal guardian or medical power of attorney must consent for them.

Client competency—Capacity and competency are closely related - effectively, capacity is an individual’s functional ability to understand the nature and effects of their actions, and competency is a legal decision made by a judge. Capacity to make a decision can change - if someone is delirious, for example, they may not have capacity, but they may have capacity after that delirium lifts. Competency, however, is “global” - that is, once a judge deems someone incompetent, their ability to make *any* decision is permanently affected.¹⁰²

<u>Decision-Making Capacity</u>	<u>Competency</u>
Assessed by a physician, or psychologist	Determined by a judge
Uses information from clinical review, medical records	Uses testimony from legal representatives & physicians
Occurs in clinical settings	Occurs in a court of law
Scope includes medical decision making related to a specific setting or context (i.e., consent to a surgery)	Scope varies but may include medical or financial decision making
Often temporary	Often long term

Demonstrating competence requires four important elements, the ability to:

1. Maintain and communicate a choice,
2. Understand the relevant information
3. Appreciate the situation and its consequences
4. Manipulate the information in a rational fashion¹⁰³

Voluntariness of the consent—Additionally, consent should not be made under coercion or duress - it should be voluntary on the part of the client, and the client should have the capacity and competence to make the decision on their own. Nobody should force or influence a client to sign for or accept any treatment they do not fully understand and approve of. Informed consent is a client's voluntary authorization, agreement, or permission to proceed with the proposed massage therapy services.

Consent Forms—It is the responsibility of the therapist to convey most of this information to a client verbally; however, some info must be included on paper or in a digital format as part of the client's file for safekeeping. Obviously, you should have the client's full legal name, address, telephone number, emergency contact information, medical history, insurance



information, liability waiver, and reason for their visit on forms for your records. Still, you must also have a signed consent form permitting you to proceed with the session. Include the consent form as part of the Client Agreement file

along with the other forms, as the signed documents serve as a written

acknowledgment and attest that specific criteria have been met, including all four of the competence components previously listed.

Along with the waiver of liability, the consent form can help protect you if an incident becomes a legal matter. The consent form needs to include (1) Disclosure of risks and benefits: the documents list the proposed treatments, benefits and risks, (2) the client's decision-making capacity: the form indicates the client is an informed adult or emancipated minor in good mental health, (3) the client's competency: the form attests that the client is competent to make their own decisions, and (4) voluntariness of the consent: the form affirms that the client's permission is voluntary.

Informed consent documents can be found online, or your business may already have a standard set of them. Either way, you want to ensure clients have, in writing, confirmed they understand any potential risks of the massage/treatment they are about to receive. Informed consent, of course, also protects your business should any allegations arise.

Associated Bodywork and Massage Professionals outlined a few key points that should also be included in the client/therapist consent paperwork:

- “A written and verbal description of massage, its limits, its benefits, indications, contraindications, and risks, along with some suggestions of alternate therapies that have benefits similar to massage.
- A written and verbal description of the massage scope of practice in the relevant state or directions to the website where the client can read the massage scope of practice and the contact details for reporting therapist misconduct.

- A written and verbal description of the rights of the client, including the right to terminate the session at any time, confidentiality, and the limits of confidentiality.
- A written and verbal description of business policies relating to the professional relationship between the client and therapist. This would include the fee schedule, hours of operation, returned check policy, late arrival or no-show policy, policy on draping, sanitation protocols, and expectations on the client's conduct." ¹⁰⁴



Every client needs to understand and agree to the guidelines for the massage, disclose any medical conditions, and be advised that they are responsible for themselves. Upon signing the consent form, the document becomes a legal authorization giving the therapist permission to proceed with the massage session. The forms should also include a privacy policy explaining how the client's personal data will be kept private and confidential. Also, a liability waiver to release liability is often included, stating that the client won't sue the therapist.

An example of business policies relating to the professional relationship between client and therapist may include a written policy, as discussed, that the client and therapist will not come into the massage session after drinking or doing drugs.

Issues of Capacity

In some situations, the ability of the client to provide clear and informed consent may be cloudy. For example, clients who may be intoxicated, have severe cognitive or psychiatric disorders, or those in highly stressful situations like acute



flares of post-traumatic stress disorder or severe sleep deprivation or hunger may not be able to provide logical, reasoned, informed consent. In these cases, it may be necessary to defer massage until such a time that informed consent can be provided, or consent may need to be obtained from a client's decision-making proxy or healthcare power of attorney.

You may also want to check your local/state laws for any rules regarding minors. If your business allows massages for individuals under 18, usually a parent or guardian would have to also fill out paperwork.

Should a client be present with a situation that indicates they do not have the capacity to make decisions regarding their healthcare, in these situations, a therapist would do well to assess if a given massage session is necessary. Having the client return for treatment at a later time will allow both the therapist and the client to evaluate if they should reinstate treatment or determine if a different approach altogether may work better for the client.

Refusals of Treatment in Clients with Capacity

Clients with capacity have the right to refuse treatment at any time, and indeed the right to refuse even life-saving treatment is a pillar of medical ethics. If a client can acknowledge that a treatment might be lifesaving and make a reasoned decision about why they wish to refuse that treatment, even at the risk of death, they are ethically permitted to be able to refuse that treatment.

If your client decides to refuse massage, you are certainly allowed to probe into why they might be refusing and to see if there may be a particular roadblock preventing them from continuing. However, you must take care never to coerce them into accepting treatment. You might ask, “What are your concerns?” in order to delve into why a client no longer wants to receive massage, but you must treat the client’s decision in a respectful manner.

Clients may be reluctant to voice any concerns or opinions under the guise that the massage therapist knows best and, therefore, this is the right course of action. For example, during a deep tissue massage, the client may grit their teeth and bear too much pain, thinking this is how it’s “supposed” to feel or that the therapist knows exactly how much pressure to use on the client. While it is true you are a trained expert, clients must be made aware that they can refuse at any time, and you will not be offended or put-off. Let clients know they are ultimately in control of what happens to their bodies in the treatment room.



Say, during the massage, you notice the client's shoulder is especially tight, and they did not mention this in the pre-massage intake interview. You would love to help the client, but since this was not discussed beforehand, you need to broach the topic during your massage. "When this happens, we have to



be especially careful that the client has room to say no. Our tone of voice, and even our body posture, are part of the communication. You might remove your hands and step back from the client slightly, then pose the question clearly and gently. Asking when you're poised on the brink of action can communicate a nonverbal cue that makes clients feel too rushed or pressured to choose freely. Even the most innovative technique is useless when a client is clenched against it." ¹⁰⁵

Just as a client can refuse treatment for any reason, you, as a therapist, can also stop the massage if you are uncomfortable for any reason. You do not have to tolerate a client flirting with you, touching you, or anything else you do not condone in your room. Remember, the consent form works both ways.

Informed Consent for Multiple Treatments

Generally, informed consent is not a process that needs to be repeated for each massage session. As long as your client is being treated multiple times for the same diagnosis, you can assume your first instance of informed consent is sufficient for the massage session.

Informed consent is an ethical necessity because it ensures that your client is fully aware of how they may benefit from your massage but also the reasonable possible harms. Given the often physically intimate nature of massage therapy, making sure that a client has adequately been informed and especially given permission for massage is paramount.

Safety Draping

Your time with a client in the massage therapy session represents a sometimes physically vulnerable situation for clients. For any number of reasons, a client may be uncomfortable having certain parts of their body exposed. This is where draping comes in - draping provides a way to keep the client covered and comfortable during the massage session.

Be sure you leave the room whenever they dress and undress, and notify them that they should cover themselves with sheets before you reenter the room. Before finishing a massage session, fully cover the client



and then tell them you will leave the room to let them dress. It is best to use sheets that are heavy enough to stay in place when the client is covered, or else tuck the sheets beneath the client to keep them in place. If working on the back with the client prone, for example, the sheets can be tucked into the client's waistband, if they are wearing underwear, or secured beneath a leg.

Only the body part that you are working on should be uncovered. For example, if you are working on a client's neck, then make sure to cover their legs. If working on the left leg, it would be best to keep the right leg covered. If using a massage technique that requires very little draping or has you working on multiple parts of the body simultaneously, make sure the client is aware and comfortable with this before starting the session. As much of this course indicates, ethics include a client-centered approach. "Meaningfully engage the client in a discussion about the options for draping and clothing for assessment and/or treatment, considering each client's unique needs, views, preferences and concerns."¹⁰⁶ What may be acceptable to one client in regard to reasonable draping may be unacceptable to another. Open communication is key for the comfort of the client and therapist.

Also, "No touching should occur that isn't part of the massage, even patting a client's forearm. It's always possible they may misinterpret that and build their own narrative... You have to build boundaries before you even massage the person."¹⁰⁷ If you as a therapist are too "touchy-feely" before the massage, it can inadvertently blur the boundaries of your professional relationship and role as the expert healthcare provider.

You can also always inform your client that they can uncover a particular body part if they get too warm; this should be a decision left up to the client themselves, respecting their autonomy. However, you also have professional autonomy - if a client places you in a situation where you feel professional boundaries may be violated, such as uncovering themselves inappropriately, you have the right to assert your boundaries as well. We will discuss this further in the relationships & sexuality section.

Communication, Education & Listening

Because therapist-client relationships require a significant amount of trust and vulnerability, communication, education, and listening are three major pillars of the relationship. Informed consent is one example of communication and education - fully informing a client of what they ought to expect or not expect from a massage session. This would be an example of communication on a formalized, macro level, but small interactions in the clinic also go a long way. Communicating what you will be doing as you move through a session will help keep a client comfortable, for example. You should also seek to establish two-way communication with your client - if you are treating in a way the client finds extremely painful and intolerable, for example, they should be comfortable making that known to you.



Educating the client is also an important aspect of your therapeutic care. As a therapist, you are an expert on manual musculoskeletal care and can help educate a client on your preferred styles of massage, the

treatment process itself, and their own bodies and the changes they may be experiencing as they go through a massage session. You might advise them on different things they can do at home to help with their pain, such as self-massage techniques or any sensory aids or devices you regularly use in your clinic or spa.

Listening to your clients is also paramount. This might be listening to them if a particular limb needs extra focus during a given session or if they are having increased pain as a result of massage. Listening can incorporate both education and communication as well, in the event that your client needs help to understand the massage process. Clients may also bring their day-to-day problems to you in the clinic - while this can bring up questions of transference (which we will review in the next section), part of your therapeutic relationship with your clients is the role of listener. Their life stresses can often contribute to the painful conditions you will be treating.

*“One of the most sincere forms
of respect is actually listening
to what another has to say”*

– Bryant H. McGill

Chapter 7: Relationships & Boundaries

Relationships

As this course has mentioned, relationships between clients and therapists should always be professional. A therapeutic relationship is an acceptable relationship between a client and therapist.

“The therapeutic relationship is based on the massage therapist’s ability to stay present with a client and not judge, fix, or otherwise hinder the client’s process of healing. It requires that the massage therapist have a clear idea of what their own needs are and learn to get their own personal needs for appreciation, validation, and to be needed met in other areas of their lives so that they can become and stay more present with the client for the clients healing process.”¹⁰⁸ A successful therapeutic relationship requires empathy and being aware of our own needs and identifying these needs to then remove them from the therapeutic relationship.

"The most important ingredient we put into any relationship is not what we say or what we do, but what we are. And if our words and our actions come from superficial human relations techniques (the Personality Ethic) rather than from our own inner core (the Character Ethic), others will sense that duplicity. We simply won't be able to create and sustain the foundation necessary for effective interdependence." - Stephen R. Covey

Aside from the therapeutic relationship, as you know, there are relationships between therapists and clients that are not ethically appropriate.



Given massage therapy involves intimate contact between therapist and client, relationships and sexuality are important concerns in the therapeutic relationship. Sexual arousal may be a normal part of therapeutic touch for some clients; however, it is important that a therapist establish boundaries between what is a normal bodily reaction to therapeutic touch and what is a concerning action or relationship. Below we will review important aspects of client relationships and sexuality.

Implicit vs. Explicit

The NCBTMB's guidelines include a provision on sexual misconduct that defines sexual harassment as

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; (ii) submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individuals.”¹⁰⁹

The nature of implicit vs. explicit conditions in sexual relationships or harassment ought to be clarified: **implicit** relationships are when a client might suggest, without overtly stating, that they expect a therapist to engage in a sexual relationship with them. This can be as innocuous as asking if a therapist accepts tips, implying the client might pay extra for sexual acts, or as overt as making advances without explicitly stating intentions. **Explicit** conditions are direct requests. Unfortunately, massage therapists may have to protect themselves from clients who see massage therapy and sexual massage as one-in-kind, but being alert will protect you from trouble.

If a client makes any request that you perceive might be sexual in nature, the first step is to clearly state your professional boundary: “I am a professional massage therapist, and I do not offer sexual massage” might be one way you could address an advance made by a client. If the client persists, you should end the session and direct them to leave the clinic.



Similarly, the converse is true: there are unfortunate situations where massage therapists sometimes come onto their clients. As massage therapists, we should NEVER make sexual advances toward our clients. Sometimes, a client may perceive that an advance is being made. In general, the best practice is to let the client control how the session flows. While you, as the therapist, are providing massage, the client should dictate what they are comfortable with, including the degree of undress, areas worked on, and techniques that cannot be used.

If a client tells you they feel uncomfortable by your massage or your behavior, or they tense up or physically display discomfort or fear, *stop and reassess the situation*. Even if you do not intend to make a client uncomfortable, you do not want to miss those cues and end up with an assault charge.

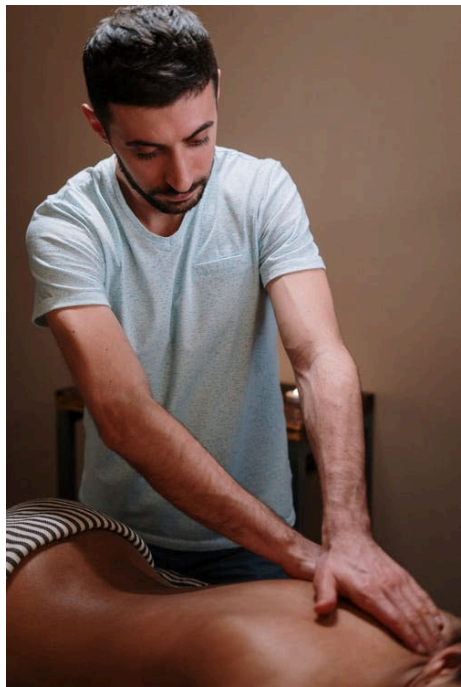
Similarly, never pursue a client in a sexual way whatsoever. Even if you feel attraction, the same boundaries you would expect of your client, including no inappropriate touching, explicit or implicit propositions, or other ways you might signal a desire for sex, apply to you as a therapist. You are a professional, and the power differential between therapist and client makes sexual relationships very ethically fraught. Given you provide a healthcare service, it can be very difficult to tell whether a client is encouraging sex purely because they want a relationship or because they recognize the power differential and are seeking some advantage over the therapist or special treatment/favors. Remember – professional codes of ethics and many state laws forbid pursuing clients sexually for a reason.



Google “massage therapist misconduct,” and the vast majority of responses pertain to sexual misconduct only. This issue is reported on most frequently, and there exist nuances to be aware of, in addition to the “obvious” sexual misconduct during a massage.

While providing a massage, as this course has mentioned, a client is inherently in a vulnerable position both physically and mentally. A client has made an appointment with a therapist they likely have never met – a stranger. They then undress, enter a dimly lit room, and are completely alone with the therapist until the session is complete. Now, most therapists, like yourself, are ethical and professional and there to help clients with their stress and pain. However, sexual misconduct is an imperative part of any ethics course, and we will delve deeper here.

For example, a woman's breasts are often exposed even when lying down on their stomach. As Massage Magazine says, "Often, when a woman lies prone, the sides of her breasts extend a few inches out to the side, so it takes conscious awareness and care to avoid touching them.



When working on the client's back, a therapist may knowingly (with malicious intent) or unknowingly (because of poor training) bring their hands close to the treatment table and run them over the sides of the breasts. This is never acceptable. When the therapist's hands move down from the top of the client's shoulders and return to the low back, they should be on the edges of the back, but never low enough to touch the sides of the breasts."¹¹⁰

The client may then become confused, unsure if that sort of touch was intentional or accidental and part of a routine massage. Even an experienced

client may not be aware if this is part of a standard massage. Especially in the case of massage novices, this sort of touching is likely to elicit an internal response from the client.

Other areas of the body, including the upper inner thighs and the lower abdomen, should also be handled with care. There are, of course, benefits to massaging areas like the thighs, but again, care must be taken to ensure the client is comfortable and there is no accidental touching of areas like the genitals.

Another area to pay special attention to is the placement of the client's hands when they are face-down on the table. Often, clients are prone, and their hands are lying next to their sides, palms up. In this position, *Massage Magazine* reports, "This positioning requires male and female therapists to be very careful. [The author] know[s] of multiple incidents where a therapist's penis and testicles have ended up in the hand of a client—some by accident and others on purpose.

When [the author] owned a school, this happened to a young male massage student by accident—just once, for a moment—but it was still profoundly disturbing to the client. He was totally unaware that it had happened until the client reported the incident to his supervisor. In a special meeting facilitated by the school, he apologized profusely to the client."⁵³

How do we keep this horrid event from happening in our business? One suggestion is to have a client who is lying prone keep their arms on an armrest beneath the face cradle or drop them over the side of the table instead of keeping their hands at their sides on the table.



“If [the client] prefers them at [their] sides on the table, they can be placed way under hips and returned to the table during work on the lower legs, arms, head and neck.”⁵³

Finally, we can discuss accidental touching in more detail. As we know, the genital region of the client should never be touched. However, sometimes a legitimate accident can occur. We are human, after all! One case outlined by Massage Magazine goes as thus, “A male chiropractor was beginning to work on a prone female client who was wearing a gown opened in the back. He placed one of his hands on her lower legs and the other hand on her upper back. All of a sudden, with a cry of shock, the client said, ‘Doctor, what’s going on?’ The chiropractor looked down and saw that his tie had fallen between the client’s thighs. In an even and professional voice, he said, “I’m sorry; my tie slipped and is touching you. Let me keep my hands where they are while you turn your head to see for yourself. The client saw that the chiropractor was telling the truth; because of his clear and honest communication, she relaxed and continued the treatment. In the case of honest error, as this example illustrates, the therapist immediately stops, apologizes, and provides a direct, straightforward explanation of what has happened.”⁵³

HONESTY IS THE BEST POLICY

Of course, this is one example, and it is best to keep touching professional and ethical. It is not only the practitioner’s but also the spa’s or clinic’s responsibility to ensure that clients are protected from any inappropriate sexual contact.

Dual Relationships

Dual relationships are those that form or already exist between a client and therapist outside of the therapeutic encounter.¹¹¹ These may be pre-existing relationships, such as those between a therapist and their family, friends, or colleagues, in the event the therapist is treating those people. In many cases, these relationships may be of no consequence to the therapeutic encounter, but they can also create problems. Have you ever been asked for a massage by a family member while you are off the clock? For some therapists, this might be a duty that you gladly undertake, but for others, the disruption between work and daily life can become stressful, especially if people with whom you have dual relationships frequently ask for special favors.

A client may also try to create a dual relationship by, say, asking to treat you to dinner or providing tickets to a show or concert instead of paying the fee for your massage. The therapist should also decline these offers, as they are not ethical to accept.

Clients can certainly take advantage of your skill as a massage therapist. However, a therapist can also take advantage of a client they know. For example, if you are massaging a good friend, but on your way, you pass the mall and just have to stop in to make a return, you may be thinking, "It's just Jane! She'll understand I needed to do this quick errand!" where you may not act that way toward another client. It's important to maintain professional boundaries and relationships at all times and not treat a well-known or personally-known client differently than a client you only see in the spa.

Similarly, dual relationships run the risk of becoming professionally or legally risky for a therapist if any aspect of the relationship suffers and the client makes trouble for the therapist in a clinical context. Romantic relationships might become fraught in these contexts and, in many states, are explicitly



illegal. Some state regulations impose a time frame after which a romantic relationship is permissible between a therapist and a former client, but the therapist must not have treated the former client in that time frame.

Often, since the client no longer views you, the therapist, strictly as a professional purveyor of health facilitation, these and additional negative side effects can occur. **“First, the quality of care can be greatly diminished. Second, communication in both directions can become less professional. Third, boundary violations have become more common. Finally, the client may easily become a former client as professionalism becomes difficult to maintain.”**¹¹²

These are some important considerations for your clinical practice in general, but especially if you see clients with whom you have a dual relationship:

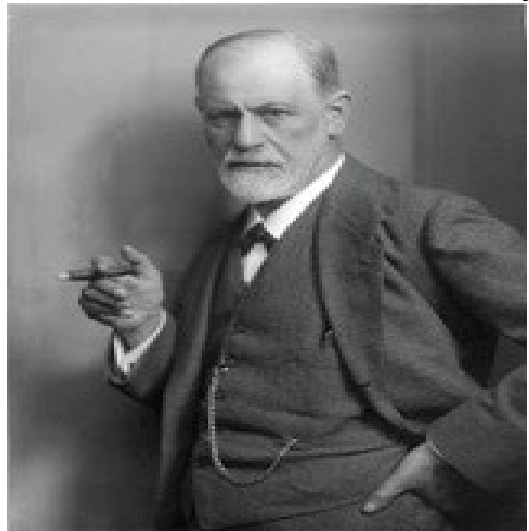
- Be careful about taking house calls, and screen clients before you take a house call. You might consider only taking house calls for clients of the same gender identity as you.
- As you are able, try to find someone that would be available to chaperone out-of-the-office massage sessions. Try to avoid massaging when you are the only therapist in your clinic or spa.
- Never engage in sexual relationships with clients.
- Establish clear boundaries with each client. For example, your intake form or client agreement might state explicitly what types of massage will be performed (and what types of massage WON'T be performed!).
- You might have clients sign a contract stating you have the right to terminate the therapeutic relationship if the client does something inappropriate that crosses the boundaries of your therapeutic relationship.



Don't underestimate the right of refusal. Yes, a client can terminate service for nearly any reason. However, the same right applies to you, the massage therapist. You also can terminate a session at any time with reasonable cause. "Consider the nature of the therapist-client relationship with these queries: How healthy is your relationship with the client? Is the client taking advantage of you in any way? Is this situation correctable?"¹¹³

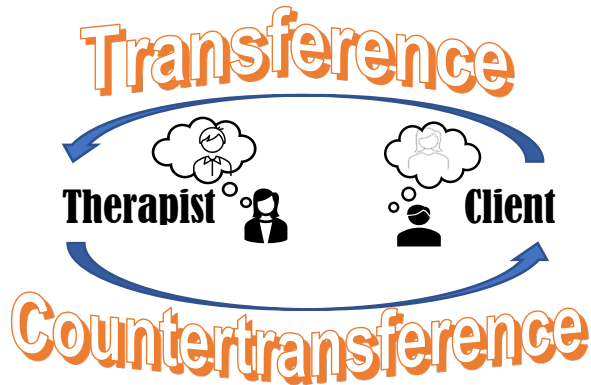
Transference & Countertransference

Transference and countertransference are concepts introduced to healthcare professionals from Freudian psychoanalysis. As first described by Freud, transference is “the patient see[ing in the analyst] the return, the reincarnation, of some important figure out of his childhood or past, and consequently transfers on to him feelings and reactions which undoubtedly applied to this prototype.”¹¹⁴ For any healthcare professional, including massage therapists, this process can occur - a client transfers onto you the feelings associated with another archetypal relationship in their life. The same may occur if the therapist transfers feelings or reactions onto their client, and this is called countertransference.



Sigmund Freud

Generally, these processes are unconscious and common in many healthcare practices as relationships in healthcare involve a great deal of trust and vulnerability. Freud actually called a therapeutic relationship without transference “an impossibility” - this might be a bit of a stretch, but it certainly happens often!¹¹⁵ There is nothing wrong with transference on its own, but if the transference or countertransference is not caught early and begins to change the professional and ethical boundaries of the therapeutic relationship, it can become a serious problem for client and therapist.



Signs that transference may be occurring can often be subtle. A client may request to have extra time, begin discussing personal issues at length, or seek you out in public places. Similarly, if you find yourself wanting to see the client as a friend

or romantic partner or make extra time or reduced payments available to a client, you should suspect countertransference may have occurred.

It is important to emphasize that this can be an often-expected part of a therapeutic relationship, as clients trust us, and we want to be trusted and liked by them. However, acting on feelings of transference or countertransference can put the therapist and client in a difficult place as the lines between personal and professional relationships become blurred.

Countertransference can manifest in various ways, including:

- Feeling internal pressure to accept every client that calls because you don't want to cause any disappointment
- Choosing to work with clients who have been through situations you have also been through (think, working with a cancer patient because you yourself experienced cancer, or working with an abuse victim and thinking about your own abuse situation...)
- The feeling you need to lengthen the time of a session because of a client request or because you feel a kinship with specific clients
- Feeling personally attacked if you do not receive a tip or other appreciated but not necessary payment

- Feeling you “own” clients and if they go to another massage therapist, you are personally offended
- Feeling emotionally empty or drained after a day’s work
- Thinking you have to resolve clients’ issues presented to you all in one session
- Desiring friendship with a client¹¹⁶

Therefore, if you see transference developing in your client or countertransference developing in yourself, it is important to redouble your professional boundaries and clarify ground rules as much as possible. If you feel countertransference strongly, you could consider dealing with the unresolved feelings and initiating the countertransference through introspection or counseling or even contracting the services of a supervisor during sessions.¹¹⁷

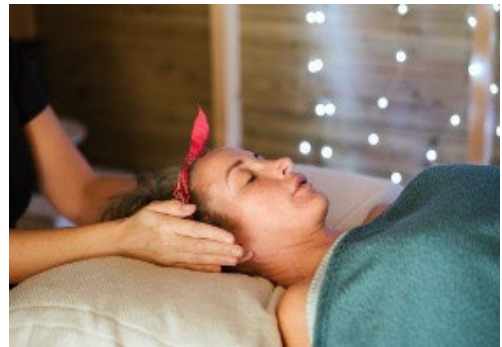
It is important to note when transference or countertransference is occurring, but as most of these feelings are unconscious, they may be difficult to pinpoint. “The conscious transfer taking place between therapist and client in either instance can create an emotional response which may hinder healthy decision making. Pausing to recognize if either transference or countertransference is occurring is a necessary step to ensuring decisions are made from an ethical, objective standpoint.”¹¹⁸ A simple pause is necessary to reflect on your professional relationships and ensure no unethical behavior is taking place.

“Sometimes you have to defend yourself from yourself.” – Maya Angelou

Boundaries

As massage therapists, we want to establish healthy boundaries with our clients, as this creates a respectful and protective space for our massage relationship with our clients. When we have long-term relationships with our clients, sometimes our boundary lines can become blurred. It's easy when you are an important part of someone's life and hear about their trials and tribulations and stressful life events; oftentimes, you can become their confidante. It's always important to maintain our appropriate professional behavior, our standards of conduct, and our code of ethics.

Boundaries can fall under a few different categories: professional, physical, emotional, and social. Setting boundaries in multiple categories will increase professionalism.



Physical boundaries may include proper draping, discussed earlier, as well as touching a client appropriately and ethically.

Emotional boundaries focus more on your personal awareness of yourself, as well as your client. Again, as discussed, as a massage therapist, you are not equipped to act as a psychologist to a client and shouldn't try to provide that kind of support and guidance. As much as we'd like to help someone who brings a personal issue to us, we cannot take on that responsibility. Also, we must always be aware of our emotional capacity and not try to "take on" a client's problems to make the load lighter for them. This will create a heavier load for us and impact our work with other clients.

Professional boundaries refer to marketing, advertising, branding, financial transparency, and adherence to the law, among other ethical practices. Professional boundaries also encompass your room and equipment and your professional communication with staff and clients. Think about how you conduct yourself while on the clock and keeping within professional ethical boundaries.

Social boundaries refer to your personal relationship with your client. It is wonderful to get to know your clients on a more personal level, including their family situations, likes and dislikes, etc., but when it reaches a point where professionalism has been compromised, you may be violating social boundaries. It is especially important in a relationship that has an inherent power imbalance (think therapist/client, teacher/student, manager/underling) that you maintain your professional demeanor and do not become TOO friendly or personal with your clients. You are there to complete a job, and both you and the client will benefit from clearly drawn lines.

These clearly drawn lines include avoiding topics that can be divisive. Even if you know you and your client are on the same page about the below, it is still best to avoid any “heavy” topics to keep the professional boundaries firm.¹¹⁹

Some such topics to avoid include:

- Religion – of course, religion can be a large part of your or your clients’ lives, but on the massage table, it can be shelved.



- Politics – similar to religion, you and clients may feel politics are a large part of their daily life and want to discuss, but it's best to keep topics light and stress-free.

- Beliefs about body, nutrition, stress, family and relationships – discussing your clients' bodies in the guise of health and wellness is perfectly



acceptable! In any other situation, though, it's best to keep opinions and thoughts to yourself. It's acceptable to discuss how many children you have, for example, but too many details blur the line between professional and personal.

- Conversation, including telling personal or intimate stories, asking personal questions, or telling stories about other clients – as you know, and from this course, it is never appropriate to “gossip” about another client. It is not appropriate to have discussions about clients with your coworkers and within earshot of other clients.

- Comfort with nudity – Some clients may be perfectly comfortable with nudity, while others are very uncomfortable with it. It's important to understand each client's comfort level to not inadvertently offend a client.

- Language including massage jargon, unfamiliar terms, foul language, or slang – for example, medical jargon should be said in “laymen's terms” so a client can be fully informed and not need a massage license to understand the treatment.¹²⁰

Part of our responsibility as massage therapists is to maintain very clearly defined boundaries with our clients. It's OUR job as professionals to protect the client. We have to be tuned into them, not only what they say but their body language or to notice if they are not responding positively to the massage. We should question ourselves: did we say something out of line? Did our behavior send the wrong message? Our inappropriate behavior can make the client uncomfortable, but we have to have self-awareness in place so we can pick up on those cues. Below we will discuss what happens when those subtle cues slide into the territory of disagreement.

There is also some discussion around ethics and boundaries within product sales. If your business also includes products for sale, consider the ethical practices needed to sell your products.

Even outside of your brick-and-mortar business, "If a therapist does 'pamper parties' and brings spa treatments to a person's home for everything from bridal showers to group fundraisers, selling products based on the services offered can be a great revenue generator."¹²¹

Where it may run into unethical territory is being a pushy salesperson. If a client says "no" to a product or service, the answer is no. Even if the product will only help them, it is ultimately up to the client how they want to spend their money.

"The biggest problem has come from multilevel-marketing companies (MLMs—also known as Network Marketing or Direct Sales Companies) that have targeted massage therapists as being ideal doorways into various markets. While it may seem like a great idea to enlist clients into becoming

your distributors for a product you like, [there have been] many horror stories of people who have fled from their therapists, never to return again, because they felt pressured into buying multilevel products or becoming distributors for them.”¹²² Avoid involving clients in any MLMs! Clients are not there to promote your products, work for your brand, or to run marketing schemes by. Following basic sales rules can ensure you are selling and distributing any massage products ethically.

Ethical Conflicts

Conflicts, unfortunately, happen. Either from a minor misunderstanding, or from a more serious abuse or violation. In this case, both the massage therapist and/or the client could be implicated in a conflict. As massage therapists, we need to learn how conflicts can happen and how we can negotiate this terrain.



The above sections discuss some very specific and challenging situations where you may be forced to make a firm decision on how to best handle differences between your values and a client's. There are a number of other situations where ethical conflicts may arise besides those that directly involve changing the context of the therapeutic relationship like dual relationships, sexual relationships, and transference do. In general, when ethical conflicts arise in the therapeutic setting, they can quickly escalate to significant breaches in trust on your part and the part of the client. Therefore, it is important to recognize ethical conflicts as they develop and find a framework for dealing with them.

Imagine, for example, you have a client who you feel is no longer being helped by your massage therapy sessions. They have been seeing you for some time and treating them for low back pain, but over the years their pain levels have slowly crept up and they seem to be tolerating the days between sessions less and less. You suggest to them they might want to see a doctor, but they're resistant. "I don't want to be on a ton of drugs," they tell you. "And I tried physical therapy once, and it just didn't do anything."



You might even agree with your client on some level - very few people want to subject themselves to medical scrutiny unless they absolutely have to. But over time, you become more and more uneasy as your massage sessions seem to help less and less. Such a situation represents an ethical dilemma for a therapist, as your values and understanding of the client's condition conflict with the client's. We'll use a case like this to break down the steps of recognizing and solving ethical dilemmas.

Imbalance of Power

As mentioned previously, there is an inherent imbalance of power between a massage therapist and a client. We will discuss how a therapist can inadvertently misuse their power over a client, but also how a client can hold power over a therapist.



Many times, a misuse of power is evident: an inappropriate comment or touch while the client is in a vulnerable position. However, others are more subtle. We had discussed, for example, dismissing or ignoring a client's concerns or questions prior to, during, or after a massage. It is important to listen to clients!

If a client asks you not to massage a part of their body, for example, it's imperative you comply or initiate a conversation about this request and come to a mutually agreed-upon course of action. What is not acceptable is hearing a client's request and then going ahead and massaging that part of the body anyway.

Also, it is important to be on time for all appointments. We are human, and things happen! Clear communication is a must, and emergencies should occur infrequently. If you, as a therapist, are continuously late or end sessions early, you lose trust and credibility with your client.

We have mentioned many ways therapists can abuse their power over their clients. Next, we will discuss how clients can use their power over their therapist. Sometimes clients use money as a tool for manipulation. For example, clients may think that since they are paying a therapist, they can be late, cancel last minute, or ask for more time than they scheduled for. These are common ways clients abuse their power. It is manipulation because the therapist may just "put up with" that kind of client in fear of saying something that ultimately would lose



them as a client. If tolerated, the client gains the upper hand and will continue to abuse their “power” over the therapist at future appointments. In this case, the therapist really needs to set healthy boundaries and rules with the client. Social media and online reviews are other ways clients can abuse their power. We all worry about the permanence that the internet can give to a single negative comment. The threat of a client posting negatively online can be a form of intimidation. With so many social media platforms, forums, and review sites, it only takes a moment to spread disapproval. In an effort to



“be heard,” to persuade others away from, or even to manipulate, people will post their grievances online. It is a manipulation of their “power” to attempt to get something by complaining (another session, a discount, etc.). Since reviews are

usually posted *after* a session, nearly all negativities can be prevented. It cannot be emphasized enough the need for both the therapist and the client to articulate what is expected before, during, and after a session. Getting feedback from the client throughout the session and afterward gives the therapist the opportunity to address any concerns before the internet becomes the outlet. We never want our business connected to any damaging remarks, so it is important to ensure your conduct is always professional.

Ultimately, while clients should behave in a respectful and ethical way as well (more on how to resolve conflicts with clients later in this course), the burden falls more squarely on you, the therapist.

While there is an intrinsic power dynamic in your favor as the therapist, it is important to think of the relationship between you and your client not as equals but as balanced.



The therapist has the responsibility to create an ethical and balanced relationship in a massage spa. “In order to achieve a balanced relationship...massage therapists must learn to ‘teach your clients to be clients.’ Before beginning a massage therapy session with a new client, you should clearly state who you are, how you work, and what your practice policies are.”^{122 123}

Practice policies and guidelines are critical, and these should be created before a client even steps through your doors. Policies for booking an appointment, cancelations/rescheduling, behavior before, during, and after the massage, massage room etiquette, and more should be clearly stated so both you and your clients know what is expected. This way, there is a clear path forward for behavior and a clear path to take if you or a client feels uncomfortable in any situation.

As therapists, we may not recognize or feel comfortable with the inherent power imbalance.

Some areas to consider when acknowledging the imbalance include:



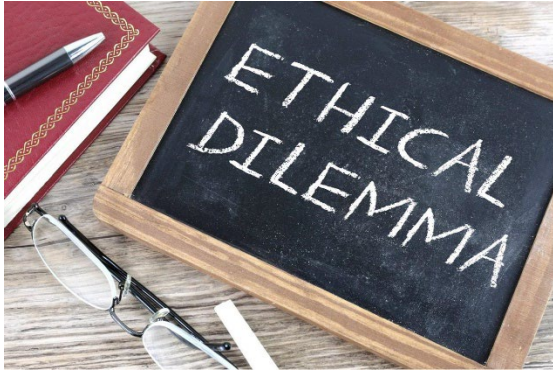
“Believing in equality, you may find it difficult to accept that your role creates a power inequality and that this inequality is actually essential to your effectiveness.

In fear of manipulative and wounding abuses of power, you may find it difficult to understand that to be able to use it for good, you must own the power you have. Under-use of power is also a misuse of power.

Misunderstanding your elevated role of power as confirmation of your wisdom and a mandate to take charge, you may inadvertently disempower, disregard, or disrespect the people who turn to you for help.

Motivated by a desire to be of service, you may find it difficult to comprehend that your impact may be different from your intention and that it may be experienced as confusing or harmful.”^{123 124}

We all want to believe we are on the same playing field in life, but inherently your relationship consists of power imbalances. Using the power dynamic to your and your client’s advantage is the key to a great relationship. Also, as the above states, do not be afraid to use your power – under-use of your skills will not benefit you or your client. If you are reluctant to speak up during a session to suggest to a client an alternate treatment or a treatment you feel will benefit them, you are not fully completing your job as a massage therapist. Acknowledging your role helps keep an ethical business and keep clients from any harm.



Recognizing Dilemmas

Ethical issues arise with varying severity and intensity. As we discussed in the earlier sections, you may find yourself in a clear-cut situation where a client asks you to do something obviously illegal or unprofessional, such as exchanging sexual favors. However, dilemmas like our previously mentioned back pain clients are often less easy to recognize. Therefore, we will discuss some key terms and warning signs to help you stay ahead of a difficult situation and reflect on the best approaches before things develop into a crisis.

- **Morals:** These are an individual's feelings about the inherent goodness or badness of a thing or action. For our back pain client, a moral good for them might be avoiding medical intervention or medication use.



- **Beliefs and opinions:** Ideas about something that may or may not be true. These are usually expressed with uncertainty: "I think if you just massage me more often, the pain will get better."
- **Values:** The things in life a person considers worthwhile: "I don't want to be on a lot of drugs that mess with my head because I want to be able to be there for my family at all times."¹²⁵

According to the American Massage Therapy Association (AMTA, referenced several times in this course), ethical dilemmas can happen to any massage therapist. **“Ethical dilemmas represent considerable challenges to massage therapists because, no matter how misguidedly or inappropriately a client behaves, therapists are always responsible for what occurs in the treatment room. When therapists encounter conflict, an ethical dilemma surfaces between the therapist’s personal reaction and the appropriate professional response. The longer therapists wait to clarify their professional role and boundaries, the more clients will make assumptions about what behaviors are acceptable.”** ¹²⁶

Even if an action seems innocuous, it could deteriorate or erode the foundation of trust between you and your client. While it may not seem “unethical,” conducting yourself in a manner that contradicts one of your guidelines or rules can break down the client-therapist relationship.



As an example, “therapist states to a client they do not work past a certain evening time yet allows other clients to be seen after this stated time. The therapist needs to maintain fairness with all clients regarding hours of operation to remain ethical.” ¹²⁷ You may be thinking, what is the big deal? I am only able to massage one client at a time, so does it really matter what time they come in?

It does, because you have operating hours for a reason, and all clients should have access to all hours you are open to make an appointment. If you

are unsure about a certain practice you are conducting, it is fine to check with a trusted colleague or family member/friend as long as you do not divulge any identifying information that can be traced back to a certain client. You must stick to the highest level of morals and ethics in your business.

When you see your morals, beliefs, or values conflict with a client's, you may begin to develop a sense of unease or even frustration or anger toward the client as you struggle with a difference in some of these strongly personal ideas. If your client is feeling the same way, they might begin to close themselves off, either acting differently from before or physically presenting themselves as unreceptive to you by crossing their arms or monitoring your massage session more closely. Being able to recognize both the development of these negative feelings and the reasons why they arise is important in starting the process of reflecting on how to resolve an ethical conflict.

Resolving Conflicts

Now that you have an idea that you're feeling uneasy over an ethical dilemma, how do you sort through it? Below is an easy framework you might be able to try.

1. Review - What are the events that occurred that caused your dilemma?
Have you dealt with similar client conflicts before?
2. Reflect - What beliefs, values, or morals are clashing between you and the client? How is your emotional response contributing to the dilemma? What is the power dynamic in the situation?

3. Read - Look over your professional society's code of ethics - it may already contain a written precept for what to do in difficult situations that can help you. Look to a colleague for support.
4. Respond - Develop a non-judgmental response that clarifies your professional boundaries and practice delivering it.
5. Resolve - Deliver your response. Explain your professional role and your personal beliefs and tell the client what behavior is acceptable. ^{128 129}



If we look at our back pain client example, in reviewing, you might examine the interactions the client had with you before their pain started getting worse. After many months or even years of massages, they likely developed a strong trust in your care. At some point they may have expressed distrust in medical intervention prior to their pain worsening.



You might reflect on your own values - as a provider involved in a profession considered “alternative” to traditional Western medicine, you might share values like wanting to

avoid medication unless absolutely necessary, but your professional experience likely also informs you when a client is no longer benefiting from treatment.

You may have strong feelings about the quality of your advice, and you may worry about the client's health, especially if you've had experiences where something serious is hiding behind a painful complaint.

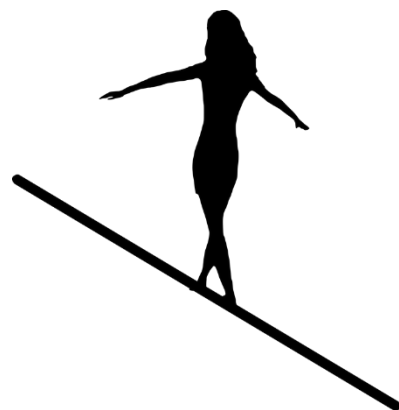
When it comes time to read and respond, the NCBTMB's Code of Ethics contains a great example of principles you can use to frame your response:

IV. Acknowledge the limitations of and contraindications for massage and bodywork and refer clients to appropriate health professionals

V. Provide treatment only where there is a reasonable expectation that it will be advantageous to the client²

In talking to the client, maintaining that you understand their perspective but persistent pain in the face of continued treatment means that other methods might be pursued and that it would be professionally negligent not to refer them to other caregivers could be one approach that reflects on "you" without telling the client they have done something wrong.

Ethical dilemmas are often extraordinarily difficult to navigate, even when you feel like the conflict is minor in the grand scheme of your practice. With sound professional values, the right approach, and a little experience under your belt, you should have a much easier time working through conflicts when they arise.



If you own your own spa, you are of course, aware of some risk factors that could bring conflict to your business. Below is a list of risk factors you may or may not have considered to help prevent ethical conflicts in your spa:



“• Run a Criminal Offender Record Information (CORI) check on your prospective employee, if your local or state agency has not done so recently. Relying on a background check performed in the course of licensing makes sense for a practitioner who was licensed a few months ago but is inadequate for someone who has been practicing for several years.

- Screen your therapists carefully before you hire them, including a thorough check of their references, a Google search, and a social media search. In several legal cases, a simple Google search on the defendant revealed incidences of criminal sexual misconduct that happened out of state or in another country.

- Before hiring a new massage therapist, have them interview both with an administrator and with an experienced therapist. A supervisory-level staff massage therapist should receive a therapeutic session from this person. It's fine for an administrator to receive a session as well, but highly skilled therapists are much more likely to detect inappropriate actions.

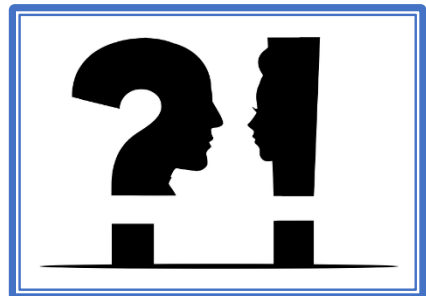
- Periodically send in a 'mystery shopper' to ensure your therapists are behaving appropriately.

- Take all client complaints seriously and meet personally or by phone with any client who lodges a complaint of a sexual nature.

(Some clients understandably do not feel comfortable returning to the facility where the incident occurred and instead prefer to talk by phone.) Be aware that clients are usually in shock right after an abusive experience and may not be able to give you a full and accurate account of what occurred right away.

Give clients the benefit of the doubt whenever they lodge a complaint, especially a complaint of a sexual nature. It is often difficult and uncomfortable for clients to speak about sexually inappropriate contact. Complaints of clear sexual misconduct (e.g., touching the breasts or genitals, making sexual comments) call for immediate suspension and investigation, followed—if the allegations prove to be true—by the termination of employment and a report of the incident to the police and state massage board. More ambiguous complaints (e.g., a vague sense of discomfort with a therapist’s draping or quality of touch) may be investigated using a mystery shopper or anonymous surveys and may warrant conversations with and/or training of the therapist.

If your spa receives more than one such complaint about a therapist, consider it a pattern. Do not delay in investigating and taking appropriate action.



- Provide professional supervision by a qualified supervisor and ongoing training in ethics and boundaries.”¹³⁰

Adhering to these guidelines can help you prevent conflict for your business.

“Only by being proactive and establishing clear boundaries can you fulfill your ethical, moral, and legal obligations to your clients.” ¹³¹

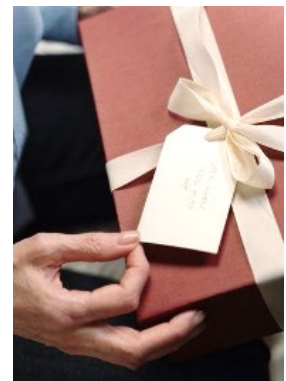
If you are a therapist in a spa or salon, then this course has hopefully so far reinforced what you already know about safe and ethical practice. Together, professional therapists share a responsibility to be informed of what constitutes misconduct and how to prevent it. Not only are we personally responsible for steering clear of any violation through our own actions, but we are also responsible for taking seriously any violations that come to our attention. If we see, hear, or experience troubling behavior from other therapists we encounter in our work or training, we have an obligation to report the incident.



Check with your place of employment to ensure they have a reporting system in place. “Depending on the situation, it may be appropriate to check in directly with the person you’re concerned about or to speak to the leaders of the school, spa, or other environment where the incident occurred. In regulated jurisdictions, you may also have an obligation to report what you know to the regulatory body.” ¹³²

Gifts, Favors & Objectivity

In any healthcare profession, it is not uncommon for clients to bring gifts to their providers. However, given the confidential nature of the client-therapist relationship, gifts can sometimes come with extra ethical baggage. They might be a way by which a client or a business entity seeks to gain favor with a therapist or a therapy practice. The potential for ethical



gray areas with gifts has become recognized enough that the NCBTMB recommends therapists “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.”¹³³ For some healthcare professionals, their professional societies go as far as to set dollar limits on gifts beyond which the gift is no longer permissible.

In general, gifts and favors might cloud the ability of a therapist to make objective decisions about a client’s massage treatment. The client may be using gifts as a way to step outside the usual professional boundaries of their therapist, for example. By providing gifts, they may eventually ask for extra time, discounts, or other favors on the part of the therapist that, per the NCBTMB, are “not for the good of the client.”¹³⁴

Another important component of the NCBTMB’s ethical mandate on gifts is the question of referrals. Participating in relationships with healthcare providers that may bring you kickbacks, either in the form of gifts or favors, in exchange for referrals,



is a felony in some states; this rule even extends to giving favors or gifts to clients who refer to you in the event that those gifts have a monetary value.

Although clients may feel they are performing a good deed or thanking you for all your hard work (who doesn’t love a Dunkin’ Donuts gift card?), it is important to state in written policies that monetary and physical gifts are unacceptable. Perhaps suggest a client refer you to a friend or family member looking to receive a massage. That way, you may gain an additional client, and your client feels they have helped you and your business.

the client is quickly indebted to their broker, trapping them in a cycle of human trafficking within the massage industry.¹³⁶

In addition to the demographic factors referenced above, Polaris reports that particularly in massage and health/beauty industries, “...there are at least 7,000 storefronts in the U.S., and possibly far more” that perpetrate human trafficking.¹³⁷ That means this is certainly not an isolated incident in one spa in America.

Concurrent with this cycle of indebtedness, massage workers in human trafficking situations are often moved from workplace to workplace, often jumping between cities or even states in order to avoid detection.¹³⁸ Their employment arrangements very often include the expectation that they provide sexual services to clients.¹³⁹ The businesses use the legitimacy of the massage profession to hide their labor exploitation and sexual practices, attracting clients with the promise of both professional massage and sexual acts.



Even without the sexual aspect of the many illicit massage businesses, the labor exploitation of women coming to the United States seeking opportunity is a major ethical issue within the industry. While these practices are not new, the extent of the epidemic in the industry has gained such recognition that the NCBTMB published a statement condemning human trafficking and sex traffickers specifically “hiding under the guise of massage therapist.”¹⁴⁰

While the NCBTMB has only recently begun to approve human trafficking classes, we feel the topic is a major enough issue to discuss briefly here.

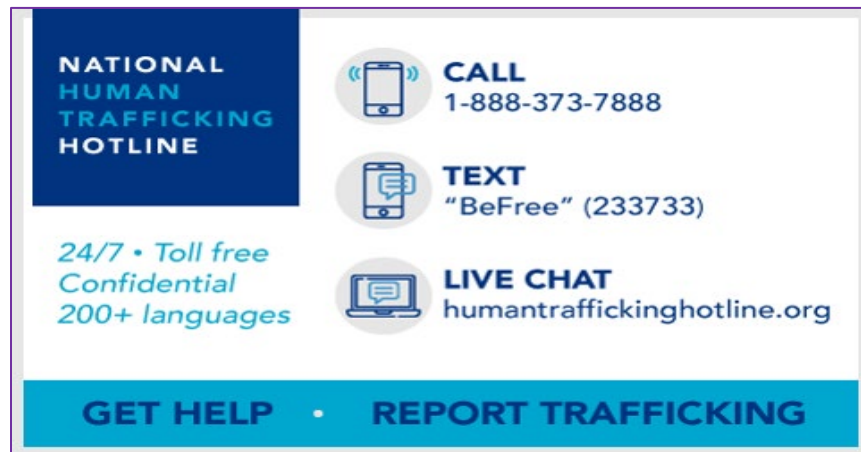
Another reason human trafficking is a major issue for massage, in general, is that it risks potentially cheapening or tarnishing the reputation of professional massage. If illicit businesses are offering sexual services as part of their massage services, this drives the expectation among some clients that all massage providers also perform sex acts.



It is important to know how we might identify human trafficking victims. While many people who are not trafficked may exhibit some of the below factors, if many factors are present, it is important to try to find out more information about the individual. Possible evidence that an individual is trafficked includes:

- “Inability to leave home or place of work
- Inability to speak for oneself or share one’s own information
- Information is provided by someone accompanying the individual
- Loss of control of one’s own identification documents (ID or passport)
- Have few or no personal possessions
- Owe a large debt that the individual is unable to pay off; or
- Loss of sense of time or space, not knowing where they are or what city or state they are in.”¹⁴¹

Again, we may not be experts on identifying human trafficking or are unwilling to insert ourselves into the fold. The National Human Trafficking Hotline (NHTH) exists to intervene and provide expert information. Ways to reach the NHTH are below: ¹⁴²



**Call the National Human Trafficking Hotline toll-free at
1-888-373-7888**

Anti-Trafficking Hotline Advocates are available 24/7 to take reports of potential human trafficking.

**Text the National Human Trafficking Hotline at
233733.**

Message and data rates may apply.

Chat with the National Human Trafficking Hotline:
www.humantraffickinghotline.org/chat.

Submit a tip online through the anonymous online reporting form:
<https://humantraffickinghotline.org/report-trafficking>. However, please note that if the situation is urgent or occurred within the last 24 hours, the NHTH would encourage you to call, text, or chat.

Unfortunately, human trafficking occurs in massage businesses nationwide, and it is vital for business owners and consumers to watch for and report signs of trafficking.

Growing Your Business with Ethics

In order to run a sustainable business, ethics must be taken into deep consideration. Consumers, clients, and customers want to support a business with a sound plan to behave ethically. Currently, many places exist online to check the ethical practices of many large and small corporations. Your massage therapy business is no exception to ethics!



“Highlighting the trend of paying more attention to ethics, between 2014 and 2016, sustainable, responsible, and impact investing grew by 33 percent, increasing from \$6.57 trillion in 2014 to \$8.72 trillion in 2016, according to the U.S. SIF Foundation. Impact investing refers to investment strategies that seek to generate financial returns while also creating a positive impact on society.

The foundation report says more than \$1 out of every \$5 under professional management in the United States today—22 percent of the \$40.3 trillion in total assets under management tracked by Cerulli Associates—is involved in socially responsible investing.”¹⁴³

As stated, our client base is not made of nameless, faceless consumers. Massage therapists and clients work in an intently intimate arena. In this case, ethics are perhaps even more critical than in a different business.

In regard to your business, you may not consider profits and ethics as connected. However, research has shown that, as mentioned throughout this course, if your business practices include little lies, deceptions, or secrets, even if you think they are harmless, they can damage your business and trust with your clients. A huge part of business stability comes from proper client relationships and trust.

This starts with interactions before, during, and after the massage therapy session. Clients can be greeted with a firm handshake and allowed to ask questions and inquire about the massage therapy that is about to begin. You should always be



clear about what will take place in the room when you are there with your client.

Misuse of power issues can be overt or subtle, from not giving clients informed consent to not draping properly.

“Your clients need to be in control of the massage session, from deciding if they’d like to begin the session face up or face down to the depth of massage they want. Massage therapists who don’t actively listen to their clients before

and during a massage session are overusing their power... It's also important for the therapist to be relatable but not take over the conversation and overshare their personal information.”¹⁴⁴

Don't forget ethics in your business practice extend to you as the therapist as well! Boundaries can, and should, be set with a client who continually shows up late or exhibits issues when paying.

Debra Koerner, co-founder, imassage, Inc. in Delray Beach, Florida, says, “You have to reinforce boundaries because that's going to impact you. You have to be confident and professional and have those difficult conversations. That can be particularly hard for people in the healing and caring field.”¹⁴⁵ Proper ethics are essential to your business growth – exhibited by both you and the client!

Keeping and Growing Your Client Base Ethically

As discussed earlier in the course, ethics apply even long before you welcome a client into your business. Your approach to setting up and running your business, your marketing strategies, and your due diligence in choosing your employer or employees, but also through your spa room and the sounds and colors you expose clients to, and even the way you greet the client. There are also other aspects to consider when interacting with clients.



A strong, clean, easy-to-read website will encourage clients to visit your business and help them feel comfortable interacting with you as a professional. Your website, business cards and outgoing message also have to do with your business ethics – all three are judged in a very short amount of time and need to be polished and professional. A message along the lines of, “It’s Beth, your massage therapist. I’m calling hoping to schedule your next appointment!” is much better than, “Hey, it’s Beth, call me back ASAP, thanks!” ¹⁴⁶

In addition to your website, business cards, and outgoing messages, please be sure you are keeping your word with clients. If you let a client know you are going to call them within 48 hours to follow up after their appointment, make sure you do call them! Clients will remember you did not keep your promise, making you seem unorganized and spotty at best and perhaps lying at worst.

Also, ensure your professional email address is something you are proud to put on your website and business card. Your name is always appropriate. Something like “massage4u@gmail.com” is absolutely inappropriate. You always want to convey the utmost professionalism and act ethically in every single way you interact with clients.



Conclusion

Ethical dilemmas can come up in many points of your clinical and business practice. Whether it's figuring out the best way to safeguard client information or navigating a difficult client relationship, you are sure to encounter at least some tough decisions throughout your career as a therapist. Having a strong foundation in ethical practices can make questions easier to answer when they arise.

Massage therapy is a field built on trust, and you will, therefore, be expected to establish, maintain, and uphold a code of ethics in your professional practice.

We hope you've enjoyed learning about ethics in massage therapy! The following appendices are the NCBTMB Code of Ethics and AMTA Code of Ethics, included for your reference.



Appendix A: NCBTMB Code of Ethics

CODE OF ETHICS

NCBTMB Certificants shall act in a manner that justifies public trust and confidence, enhances the reputation of the profession, and safeguards the interest of individual clients. Certificants will:

- I. Have a sincere commitment to providing the highest quality of care to those who seek their professional services;
- II. Represent their qualifications honestly, including education and professional affiliations, and provide only those services that they are qualified to perform;
- III. Accurately inform clients, other health care practitioners, and the public of the scope and limitations of their discipline;
- IV. Acknowledge the limitations of and contraindications for massage and bodywork and refer clients to appropriate health professionals;
- V. Provide treatment only where there is a reasonable expectation that it will be advantageous to the client;
- VI. 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;
- VII. Conduct their business and professional activities with honesty and integrity, and respect the inherent worth of all persons;
- VIII. Refuse to unjustly discriminate against clients and/or health professionals;

IX. Safeguard the confidentiality of the client's identity and information in all conversations, advertisements, and any and all other matters unless disclosure of identifiable information is requested by the client in writing, is medically necessary or is required by law;

X. 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;

Xi. Respect the client's right to refuse, modify or terminate treatment regardless of prior consent given;

XII. Provide draping and treatment in a way that ensures the safety, comfort and privacy of the client;

XIII. Exercise the right to refuse to treat any person or part of the body for just and reasonable cause;

XIV. Refrain, under all circumstances, from participating in a sexual relationship or sexual conduct with the client, whether consensual or otherwise, from the beginning of the client/therapist relationship and for a minimum of six (6) months after the termination of the client therapist relationship, unless an ongoing current sexual relationship existed prior to the date the therapeutic relationship began;

XV. 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;

XVI. 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;

XVII. 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; and

XVIII. 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, Inc.

Revised: September 15, 2017

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Appendix B: AMTA Code of Ethics

This Code of Ethics is a summary statement of the standards of conduct that define ethical behavior for the massage therapist. Adherence to the Code is a prerequisite for admission to and continued membership in the American Massage Therapy Association (AMTA).

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.

Massage therapists/practitioners shall:

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

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.

Massage therapists/practitioners shall:

1. Conduct all business and professional activities within their scope of practice and all applicable legal and regulatory requirements.
2. Refrain from engaging in any sexual conduct or sexual activities involving their clients in the course of a massage therapy session.
3. Be truthful in advertising and marketing, and refrain from misrepresenting his or her services, charges for services, credentials, training, experience, ability or results.
4. 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.
5. Refrain from engaging in any activity which would violate confidentiality commitments and/or proprietary rights of AMTA or any other person or organization.

Effective Date May 1, 2010 – retrieved from <https://www.amtamassage.org/about/core-documents/>¹⁴⁷

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