

Request for Service Providers in Spas or Massage Therapy Clinics to be Certified

Date:	April 9, 2010
To:	Licensing and Standards Committee
From:	Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	P:\2010\Cluster B\MLS\LS10014

SUMMARY

The purpose of this report is to investigate the feasibility of requiring service providers in spas and massage therapy clinics be accredited by the College of Massage Therapists of Ontario (CMTO). Municipal Licensing and Standards (MLS) does not recommend mandating that service providers in spas and message therapy clinics be certified from the CMTO. Such a requirement would not be an appropriate use of MLS' licensing authority to deal with concerns with activities in spas and massage therapy clinics. In addition, MLS stopped licensing Registered Massage Therapists (RMT) in 1999. The Regulated Health Professions Act (RHPA) currently regulates RMTs.

There are various services offered in spas and massage therapy clinics. However, it is important to note that not all spa treatments are health related. Some treatments are for holistic, aesthetic and/or relaxation purposes and do not require the extensive training and certification process of a RMT. MLS does not have authority to prohibit non-medical or non-therapeutic treatments in spas and massage therapy clinics in favour of medical and therapeutic treatments. Furthermore, MLS cannot require that RMTs be the only service providers in spas and massage therapy clinics to be authorized to deliver a wide variety of services that do not relate to their health professional training.

This report was prepared in consultation with the City Solicitor.

Financial Impact

There are no financial implications arising from the adoption of the recommendations of this report.

DECISION HISTORY

On November 5, 2009 the Licensing and Standards Committee directed the Executive Director, Municipal Licensing and Standards to report on requiring service providers in spas or massage therapy clinics to be accredited by the College of Massage Therapists of Ontario. This Councillor request was made in a letter addressed to the Chair of the Licensing and Standards Committee dated November 2, 2009. See the following link <http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-25134.pdf>.

ISSUE BACKGROUND

Registered Massage Therapists were regulated under Bylaw No. 20-85, Schedule 17. The Bylaw required that an owner or operator of a massage parlour employ only licensed “massagist”. Because the RHPA included massage therapists as self-regulating health practitioners, the City repealed Schedule 17 in July 1999. It was repealed to avoid a conflict with the provincial regulatory scheme and also because the RHPA formed a complete code of regulation for the business of massage therapy.

The City however, continues to license holistic centres and holistic practitioners under Toronto Municipal Code Chapter 545, Licensing. It defines holistic services as Any modality used as a tool for therapeutic and wellness purposes, but does not include:

- A. Body-rubs as defined by this chapter;
- B. Medical or therapeutic treatment performed or offered by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario;
- C. Traditional Chinese medicine or acupuncture as defined by this chapter.

COMMENTS

Spa Services vs. Massage Therapy

Various professionals provide many of the same services offered in a massage therapy clinic who, like massage therapists, are self-governing health professions identified under the RHPA (e.g. chiropractic, kinesiology, occupational therapy, physiotherapy etcetera). Regulated health professions such as these are governed provincially by their respective occupational standards of practice.

The nature of the services provided in a spa environment versus the services and treatments received in a massage therapy clinic may overlap, but one key distinction is that massage therapy is focused on health while spa treatments do not always serve this purpose. Some spa procedures are holistic in nature or are purely for relaxation and/or aesthetic purposes.

The City licenses holistic businesses and holistic practitioners to address modalities of therapeutic and wellness practices that are not licensed or regulated by the province. Examples of this are the practice of Reiki, Reflexology and Shiatsu. In addition, MLS requires holistic practitioners to be members in good standing with an approved Professional Holistic Association. Because the Municipal Code regulates holistic businesses and practitioners, any inappropriate practices can be addressed within the current licensing framework. The Toronto Licensing Tribunal can suspend, revoke or place a condition on a holistic centre licence and/or a holistic practitioner's licence for actions that are in contravention of the Licensing Bylaw. In addition, a Justice of the Peace can impose a closure order on the offending business for a period of up to two years upon conviction of a licensing violation.

Professions governed under the RHPA have legislation that set and regulate the standards of their respective practices. For instance, RMTs have provincial legislation under the RHPA and the Massage Therapy Act (MTA) to address health and safety concerns that may arise, such as professional misconduct, quality assurance, and procedural safe guards, amongst others. Provincial legislation also provides a means to investigate and adjudicate complaints as well as discipline members of the CMTO.

The Scope and Practice of Massage Therapy

As already mentioned, the practice of massage therapy is a regulated health profession. The Massage Therapy Act 1991 defines it as the assessment of the soft tissue and joints of the body and the treatment and prevention of physical dysfunction and pain of the soft tissue and joints by manipulation to develop, maintain, rehabilitate or augment physical function, or relieve pain.

Massage Therapists treat many conditions, including muscular weakness arising from disease, injury or immobility, such as sprains and strains, fractures, sports injuries and tendonitis. RMTs also treat chronic conditions resulting from musculo-skeletal involvement such as chronic lower back pain and muscular tension headaches.

Only members of the CMTO are permitted to use the title of Registered Massage Therapist (RMT) or Massage Therapist (MT). The process to become a RMT or MT involves passing a two to three year diploma program from a recognized massage therapy school and passing a written and practical examination.

The course content includes the following subjects:

- massage theory
- anatomy
- physiology
- pathology
- kinesiology
- hydrotherapy
- remedial exercise related to massage therapy treatment
- a minimum of 150 hours of supervised clinical experience

The tuition fee for a massage therapy course ranges anywhere from \$10,000 to \$20,000 plus the cost of books and other course materials. The higher range in tuition fees reflects private colleges who offer a fast track course.

In addition to the course fees, there is a \$1,580 cost for certification to become a registered massage therapist.

Massage Therapy Clinics and Services Offered

In examining services offered by Toronto-based massage therapy clinics, MLS staff found that a variety of services were available to the public, many of which differed from the type of services offered in a spa environment. For instance, massage therapy clinics offered more medical based treatments to remedy specific health issues. Treatments offered included but were not limited to the following:

- massage therapy
- naturopathic medicine
- acupuncture
- cosmetic acupuncture
- chiropractic treatment
- shiatsu
- reflexology
- craniosacral therapy (used for conditions such as insomnia, neck and back pain, orthopaedic problems etc.)
- hot stone therapy
- detoxification
- weight loss

Spas and Services Offered

Services offered in spas can vary significantly. RMTs perform high-level health-based services, however not all people who use spas require the expertise of a massage therapist. People may utilize spas for various reasons including holistic, aesthetic and relaxation purposes such as:

- facial treatments
- anti-aging treatments
- pedicures and manicures
- body massage that are non-therapeutic
- body relaxation treatments
- body wraps
- body exfoliation
- waxing and threading
- eye and make-up treatment
- teeth whitening

The City does not have authority to prohibit one type of business in favour of another. By attempting to mandate service providers in spas and massage therapy clinics to be licensed RMTs, the City would inadvertently ban aesthetic, relaxation and/or holistic treatments in spas and massage therapy clinics if RMTs refuse to provide them. If RMTs refuse to deliver such services as waxing, facials, body wraps, Reiki etc. the services would be prohibited because service providers who are not licensed RMTs would not be permitted to practice such procedures.

In addition, RMTs would be the only service providers permitted to provide a wide array of spa type treatments. Furthermore, these treatments would not be within the scope of their profession. MLS cannot redefine the standards of the profession. The CMTO regulates the massage therapy profession through the administration of the RHPA, and the MTA. The CMTO has authority under the RHPA to develop, establish and maintain standards of qualification, to develop standards of practice, establish, and maintain standards of knowledge and skill. The City of Toronto has not been given that authority.

It is not possible for MLS to attempt to redefine the standards outlining the duties and skills needed for RMTs to work in a spa or massage therapy clinic because the CMTO governs the profession of massage therapy. The CMTO also protects the public by ensuring the competency and quality of care provided by massage therapists. The CMTO also has a complaints and disciplinary processes to deal with concerns and issues related to the profession. Further licensing by the City is not needed.

For these reasons it is not an appropriate use of the City's licensing power to attempt to address activities in spas and massage therapy clinics by mandating that service providers who work in them be registered and certified massage therapists.

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