



POSITION STATEMENT

TREATMENT OF SPOUSES/PARTNERS

Background

Under the Regulated Health Professions Act, 1991 (RHPA), the Ministry of Health and Long-Term Care has, over the years, stated, expanded and amended the definition of sexual abuse in order to address the issue of abuse occurring by health care professionals. Under its current definition, this act states that the treatment of a spouse or partner by a spousal health care practitioner is sexual abuse and, if found guilty, can result in a 5-year revocation of their license. The College of Massage Therapists of Ontario (CMTO) upholds this law in its Zero Tolerance for Sexual Abuse Policy.

Currently, the Health Professions Regulatory Advisory Council (HPRAC- a council mandated by the Ministry of Ontario to advise the Minister on policy) is recommending changes to this law. This event has prompted the RMTAO to take a position on the treatment of spouses/partners within the profession of massage therapy.

Key Terms

Spouse/partner - A person who is married to another person, and is not living separate and apart, within the meaning of the Divorce Act (Canada), from the other person, OR is living and cohabitating with another person in a marriage-like relationship including a marriage-like relationship between persons of the same gender.

Dual relationship - Occurs when a therapist is both health care provider and a friend, business associate, family member or co-worker to a patient.

Sexual abuse - Sexual activity between a health care professional and their patient.

Treatment - Occurs when a treatment plan has been developed by the therapist and consented to by the patient

Position

It is the position of the RMTAO that practicing massage therapists should not treat their spouses or partners. This position statement is made on the basis of three related principles, which are common to all health care professionals:

Power differential - An inherent power differential exists within the therapist-patient

relationship. Massage therapists are acutely aware of this power differential and attempt to reduce this with patients by providing them an opportunity to provide input into their treatment plan and all decisions made within the therapeutic encounter. The presence of a sexual relationship in parallel with a therapeutic relationship may alter the patient's ability to participate in their own treatment planning and decision making. This would create a further imbalance in the therapeutic relationship.

Objectivity of the therapist - Massage therapists must have the ability to objectively assess their patient's health status to determine the most safe and effective method of treatment. The presence of a sexual relationship may inhibit the therapist's ability to be objective and they may overlook an element of the patient's health status.

Perception of unprofessional behavior - Massage therapists are sensitive to the social perception of the profession. The treatment of individuals with whom a massage therapist has a sexual relationship may give the perception that massage therapists are behaving in an unprofessional way when it is not the case. Familiarity with a spouse or partner may result in interactions that are normal for the sexual partnership but not for the therapeutic relationship.

Summary

Although individual Registered Massage Therapists might consider the preceding position to be unnecessarily conservative, this statement has been based on a real life scenario (Leering vs. College of Chiropractors of Ontario, www.canlii.org). The challenges arising from this position have not gone without consideration and debate. For example, we acknowledge that practitioners in rural areas may not have another massage therapist to whom they can refer their spouse or partner. In these challenging situations, we suggest absolute jurisprudence and diligence in professional conduct.