

## Massage Therapy Risks in the Chiropractic Practice

Integrating massage therapy into a chiropractic practice can benefit patients as well as provide additional income to a clinic owner. However, performing massage techniques on patients in a massage therapy setting (i.e. *patient disrobed, covered with sheet, dim lighting, etc.*) can become a risky endeavor. In fact, it is the most common scenario leading to sexual misconduct complaints against licensees.

Whether you administer the massage yourself or have someone in your office perform the procedure, your license and your professional liability are at risk. NCMIC notes that even when you have a licensed massage therapist in your office, providing an environment where the sexual misconduct occurs could make you legally liable.

We asked our colleagues at the massage therapy board how their therapists protect themselves and their clients from misunderstandings. Accordingly, we put together a best practices list that may assist chiropractors when utilizing massage therapy in practice.

1. Before a patient starts massage therapy treatment, go over the following points both verbally and in writing:
  - type of massage therapy the patient will be receiving
  - parts of the patient's body that will be massaged, and parts that will be avoided
  - statement that the licensee shall not engage in massage of the breast tissue of a female patient without her written consent
  - statement that draping will be used during the session, unless otherwise agreed to by the patient and licensee
  - statement that the patient may ask the licensee to cease the massage if the patient feels uncomfortable for any reason
  - signature of both the patient and licensee
2. A licensee should immediately discontinue the therapy session, and perhaps even the professional relationship, if a patient initiates verbal or physical contact that is intended to arouse or gratify the sexual desire of either person.
  - If a patient makes you feel uncomfortable during a treatment session, it is important to handle the situation professionally and leave no room for misunderstanding.
3. Always perform massage in a professional and clean environment.
  - While the Board requires any patient care to be delivered in a safe, clean and professional environment, massage presents new challenges, such as patient privacy and comfort.
4. When massaging near sensitive areas such as the inner thigh, buttocks and pectoral muscles over the chest area, it is best to have a chaperone present who is of the same sex as the patient, during that portion of the massage.

- The Board understands that this may not be possible in all circumstances, but these are the body areas that, when massaged, tend to generate complaints. If you cannot have a chaperone present, your professional communication with the patient becomes even more important.
5. Familiarize yourself with Board Rule §78.1, Unprofessional Conduct (*Texas Administrative Code, TITLE 22, PART 3, CHAPTER 78*) regarding sexual misconduct, which states:
- (1) engaging in sexual misconduct with a patient within the chiropractic/patient relationship; Sexual misconduct as used in this section means:*
- (A) sexual impropriety, which includes any behavior, gestures, statements, or expressions through any medium of communication towards a patient which may reasonably be interpreted as inappropriately seductive, sexually suggestive or demeaning, such as:*
- (i) inappropriate sexual comments about or to a patient or former patient including sexual comments about an individual's body which demonstrate a lack of respect for the patient's privacy;*
  - (ii) requesting unnecessary details of sexual history or sexual likes and dislikes from a patient;*
  - (iii) making a request to date a patient; and*
  - (iv) initiating conversation regarding the sexual problems, preferences, or fantasies of the licensee.*
- (B) sexual intimacy, which includes engaging in any conduct that is intended to cause or reasonably interpreted to cause stimulation of a sexual nature, such as:*
- (i) sexual intercourse;*
  - (ii) genital contact;*
  - (iii) touching breasts;*
  - (iv) masturbation; and*
  - (v) any bodily exposure by licensee of normally covered body parts.*

By reviewing Board rules and adopting just a few changes in your office policies you can better protect your patients, your employees and yourself.

The Board solicits your help in reporting abuse. If you ever have a patient share an experience which you know to be sexual misconduct by another provider, strongly encourage the patient to report the incident to the Board. The agency will investigate and take appropriate action. Please join us in our mission to ensure safe and effective healthcare to the people of the great state of Texas.