



Mandatory Reporting Policy

Effective date: January 1, 2024

Amended:

About this policy

The purpose of this policy is to outline mandatory reporting requirements for Registered Massage Therapists (RMTs) in a number of circumstances. MTANS has a responsibility to review or investigate reports to protect the public from harm. This responsibility is an integral part of our mandate and our values as an association.

For the purposes of this policy:

- **Mandatory reporting** refers to the obligation to complete an MTANS Investigations Complaint Form when certain circumstances arise. It is one of the ways MTANS attempts to protect the public's interest and to maintain the professional integrity and public trust in the massage therapy profession. In some situations, RMTs have a legal obligation to report while other situations require a duty to warn based on professional responsibilities. More information regarding these situations are outlined in the guidelines that follow.
- **Health insurance fraud** is the intentional act of submitting false, deceiving, or misleading information for the purpose of financial gain. Some examples of health insurance fraud include double billing, charging more than once for the same service, or knowingly allowing a client to use another individual's benefits.
- **Incapacity** refers to a medical, physical, mental, or emotional condition, disorder, or addiction that renders or rendered a member unable to practice with competence, or who may endanger or has endangered the health or safety of individuals.

Member responsibilities

RMTs have a mandatory duty to report to MTANS in the following instances:

- Sexual abuse allegations against a member(s);
- Criminal charges/convictions;
- Suspected child abuse;
- Suspected elder abuse;
- Suspected abuse against vulnerable persons; and
- Suspected fraudulent billing.

RMTs also have a professional duty to warn in the following instances:

- A client is in danger of inflicting self harm or intends to harm others; and
- Incompetence or incapacity concerns.

In some cases, RMTs are also required to share information to authorities under provincial legislation as outlined below.

Guidelines for situations with a mandatory obligation to report

Sexual abuse allegations against members

- It is mandatory for an RMT to file a written report to MTANS if they have reasonable grounds to believe that a client has been sexually abused by another RMT. The report is compulsory unless they do not know the name of the member who would be the subject of the report.
- If an RMT is required to file a report of sexual abuse because of reasonable grounds, they must use their best efforts to advise the client of the requirement to file the report before doing so. The client should also be directed to the procedure for filing a formal complaint against the member and to contact the police to file a police report.
- Key points regarding the report:
 - An RMT is not required to file a report if they do not know the name of the member who would be the subject of the report.
 - When an RMT is required to file a report because of reasonable grounds obtained from a client, the RMT shall use their best efforts to advise the client of the requirement to file the report before doing so.
 - The report must contain:
 - The name of the person filing the report;
 - The name of the Massage Therapist who is the subject of the report;

- A detailed description of the alleged sexual abuse; and
- The name of the client who may have been sexually abused (only if the client involved has consented in writing to provide their name in the report).
- The report must be made to the Association within two weeks, unless the therapist has reasonable grounds to believe that the health professional will continue to sexually abuse the client or will sexually abuse other patients. In this case, the report must be filed immediately.
- Failure to file a mandatory report is defined as misconduct and noncompliance may subject members to disciplinary action.

Criminal charges against a member

It is mandatory for all members to disclose to MTANS immediately if they are charged under the *Criminal Code* (Canada) and/or the *Controlled Drugs and Substances Act* (Canada). The member must not wait until the charges have been processed through the judicial system (i.e., found guilty, not guilty, etc.), but must notify MTANS immediately after charges are laid. MTANS will then determine if further investigation is required, or if interim measures will be imposed on the RMT's membership.

- Key points regarding the report:
 - The RMT must notify MTANS as soon as possible after they receive notice of the charges.
 - The notification must include the following:
 - Name and MTANS number of the RMT;
 - Nature of and a description of the charges or offence;
 - Date that the charge (s) was made against the RMT; and
 - Status of the charges made against the RMT.
 - Additional reports are required if there is a change in status of the charges/findings. The initial report and any additional reports must not include any information that violates a publication ban. Where a publication ban is in effect, the RMT should consult with their own legal counsel on what information can be shared. They may also contact MTANS for guidance on completing the report at info@MTANS.ca.

Reporting suspected child abuse

RMTs, like everybody else, have the duty to immediately report to a child welfare agency even a suspicion that a child under 18 may be in need of protective services. Reports may be made anonymously. Failure to report is a criminal offence. Once a report is made, child protection social workers assess the information provided to determine an appropriate response.

If RMTs suspect that a child is being abused or neglected, they should contact the child welfare agency in the area where the child lives. It is best if you contact the agency by telephone or in person. To find the child welfare agency in your area, please contact the agency or district office of the Department of Community Services nearest you for more

information. **After regular business hours call 1-866-922-2434 if you believe a child is in immediate danger.**

Under the *Children and Family Services Act*, designated social workers in child welfare agencies are required to assess reports of alleged child abuse and neglect.

There are different kinds of child abuse:

- Physical abuse: The intentional use of force on any part of a child's body that results in injury.
- Emotional abuse: Anything that causes serious mental or emotional harm to a child, which the parent does not attempt to prevent or address.
- Sexual abuse: The improper exposure of a child to sexual contact, activity, or behaviour.
- Neglect: Any lack of care that may cause significant harm to a child's development or endangers the child in any way.

Reporting suspected elder abuse and abuse against vulnerable people

Nova Scotia's Department of Health and Wellness administers Adult Protection Services. *The Adult Protection Act* aims to protect people aged 16 years or older who live in the community and are experiencing abuse, neglect, or self-neglect, and who cannot physically or mentally protect themselves. An adult is considered "in need of protection," when there is a significant risk of serious physical or psychological harm. Seventy-five per cent of people helped under this *Act* are seniors. Under this law, you must report cases where you know of or suspect that a vulnerable adult is being abused, neglected, or is suffering self-neglect. If you know or suspect an adult is in need of protection, call Adult Protection Services at 1-800-225-7225. *The Adult Protection Act* addresses physical, emotional, and sexual abuse. It does not address financial abuse. Contact the police if you suspect a vulnerable adult is experiencing financial abuse.

The *Protection for Persons in Care Act* (PPCA) applies to patients or residents (over the age of 16) in health facilities. It creates a duty for administrators and service providers in those facilities to report abuse or situations that would likely lead to abuse. Health facilities include hospitals; residential care facilities; nursing homes or homes for the aged or disabled; and certain homes that provide supervisory or personal care under terms set by the Department of Community Services and the Department of Health and Wellness. Under this act, the Department of Health and Wellness and the Department of Community Services will investigate allegations of abuse and will issue directives to the health facilities in order to protect patients

and residents from further harm. Members of the public may also report known or suspected cases of abuse in health facilities by phoning 1-800-225-7225.

Reporting suspected fraudulent billing

In cases of improper or fraudulent billing, RMTs should advise MTANS, either in writing or by telephone, of the following: their name, the name of the health professional about whom they have concerns, and the specific concern about that health professional. MTANS will then determine whether further investigative steps are required. If the health-care professional is with another professional association, the RMT should take steps to report to the appropriate professional body.

Guidelines for situations with a professional duty to warn

Duty to warn in cases where clients risk self harm or harming others

If an RMT suspects that a client is about to inflict self-harm or intends to harm someone else, they have a duty to warn, which **may** supersede their duty to maintain confidentiality. If the danger is not imminent, RMTs must obtain consent from the client to proceed. Examples of immediate risks of harm could include a patient's suicidal ideation, in which case the RMT should call the emergency contact on file. If youth can consent on their own to treatment, they may choose to keep what they tell the RMT private from their parents. However, RMTs must tell parents/legal guardians or appropriate authorities if the youth is in danger of being hurt, self-harming, or hurting someone else.

Another example could be a patient who is impaired and is about to drive away, in which case the RMT should call the client's emergency contact or call the police.

Duty to warn in cases of incompetence or incapacity

If an RMT has reasonable grounds to believe that another member may be putting patients or the profession at risk due to incompetence or incapacity, they should advise MTANS, either in writing or by telephone, of the following: their name, the name of the health professional about whom they have concerns, and the specific concern about that health professional. MTANS will then determine whether further investigative steps are required.

If the health-care professional is with another professional association, the RMT should take steps to report to the appropriate professional body. This obligation arises from a responsibility to uphold patient safety and to protect the integrity of the profession.

Relevant documents/information

- *Adult Protection Act* (Nova Scotia)
 - **Adult Protection Services at 1-800-225-7225**
- *Children and Family Services Act* (Nova Scotia)
 - **Contact the Department of Community Services; or for after regular business hours call 1-866-922-2434**
- Code of Ethics
- Investigations Policy
- Preventing Fraud and Ensuring Ethical Billing Practices Guidelines
- *Protection for Persons in Care Act* (Nova Scotia)
 - **1-800-225-7225**
- Standards of Practice