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# The RMTBC REVIEW

*Massage Therapy in BC*



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# ELECTRONIC DEVICES IN THE TREATMENT ROOM:

## RISKS, LEGAL REQUIREMENTS & BEST PRACTICES

By Madeline Green, an Associate at Whitelaw Twining Law Corporation in Vancouver, British Columbia with contributions from articling student Patrick Kurek.

Registered massage therapists commonly use technology in the treatment room for a variety of purposes such as charting and playing music. Despite the fact that the majority of RMTs today use a computer or tablet in their daily practice, many practitioners are nonetheless unaware of their ethical and legal responsibilities if they chose to use electronics while treating patients.

The primary ethical issue that arises when an RMT uses electronics in the treatment room is whether or not their patient's privacy, trust and dignity are maintained. Client trust is particularly important in the practice of massage therapy because of the nature of the treatment itself which involves practitioners engaging in the therapeutic touch of patients who are fully or partially undressed under the draping sheet. A patient who sees their RMT using a mobile device or computer while they are unclothed during a treatment is likely to become distressed and upset. Patients may even come under the misapprehension that their RMT is taking photographs or videos of them without their knowledge or consent.

Despite these concerns, there are many benefits to using electronics in modern practice. For example, mobile phones, tablets and computers can serve various functions including assessment, education and home care. So, how can technology be effectively integrated into a massage therapist's professional practice while maintaining the patient's trust? It begins with effective communication.

### Requirements for RMTs Using Electronics

The College of Massage Therapy of British Columbia's Practice Environment Standards defines the minimum level of expected performance for RMTs who use electronics in the treatment room.

In these Practice Environment Standards, the CMTBC defines "electronic devices" as any device which may have features including photographic, video or audio recording capacity and includes, among others, mobile phones, computers and tablets.

The first thing that an RMT must consider is how they are using the electronic device. Namely, electronics may not be used by an RMT for non-clinical purposes such as texting, playing games, watching videos, etc.

Instead, the device may only be used for a permitted purpose which include one or more of the following: intake, assessment, treatment, charting or education (including home care instruction), as well as voice recording by an RMT who is visually impaired and making voice notes for charting purposes. Playing music on an electronic recording device is a permitted purpose, but only where it does not require the RMT to manipulate or handle the electronic recording device while the patient is present (except at the patient's request due to patient preference of music).

While RMTs are permitted to use electronic recording devices to play music, they cannot manipulate or handle the device while the client is present unless it is at the client's request.

Further, electronic recording devices cannot be relied on to provide "adequate lighting" for the massage therapist. A massage therapist should be able to make entries in the health record without relying on the light from electronic recording devices.

The second thing that an RMT must consider is whether or not they have told the patient about the device and obtained their consent to its use. This process must occur with each patient, every treatment. Even if an RMT is using an electronic device in the treatment room for a permitted purpose, the RMT must still take additional steps to ensure patient comfort and safety. In particular, the CMTBC requires that an RMT:

- explain the proposed use of the electronic recording device to the patient and explain to the patient that the recording capabilities of the device will not be used for any other purpose;
- obtain the patient's verbal consent to use the electronic recording device for the stated purpose;
- record in the patient's health record that verbal consent was obtained; and
- not use the electronic device for any purpose other than a permitted purpose to which the patient has consented.

Further, if the electronic recording device is being used to create a video, photographic or audio recording of the patient for the purpose(s) of intake, assessment, treatment, or education, the RMT must obtain the patient's consent as required under PIPA.

The third thing that an RMT must consider is the placement of the electronic device. In particular, practitioners must ensure that electronic devices are placed in an unsuspecting manner and are not handled by them during the treatment, unless they have the patient's knowledge and explicit consent.

Further, all electronic recording devices must not be positioned in a way that would enable a video, photo or audio recording of the client to occur without their knowledge and consent.

In recent years, the CMTBC has seen an upswing in patient complaints that concern an RMT's use of electronic devices in the treatment room. In these cases, the CMTBC has set a clear precedent that the use of a mobile phone while giving treatment to a patient is reprimandable. There are several

examples of RMTs being caught using their cell phones when the patient is in a vulnerable position. The common theme of these complaints is that the members did not obtain consent from the patient before using these devices. Even without malicious intent on behalf of a massage therapist, patient privacy and trust are paramount to the integrity of the CMTBC.

So, how can RMTs avoid patient complaints and maintain their patient's privacy and trust while using electronics in the treatment room? It begins with being prepared.

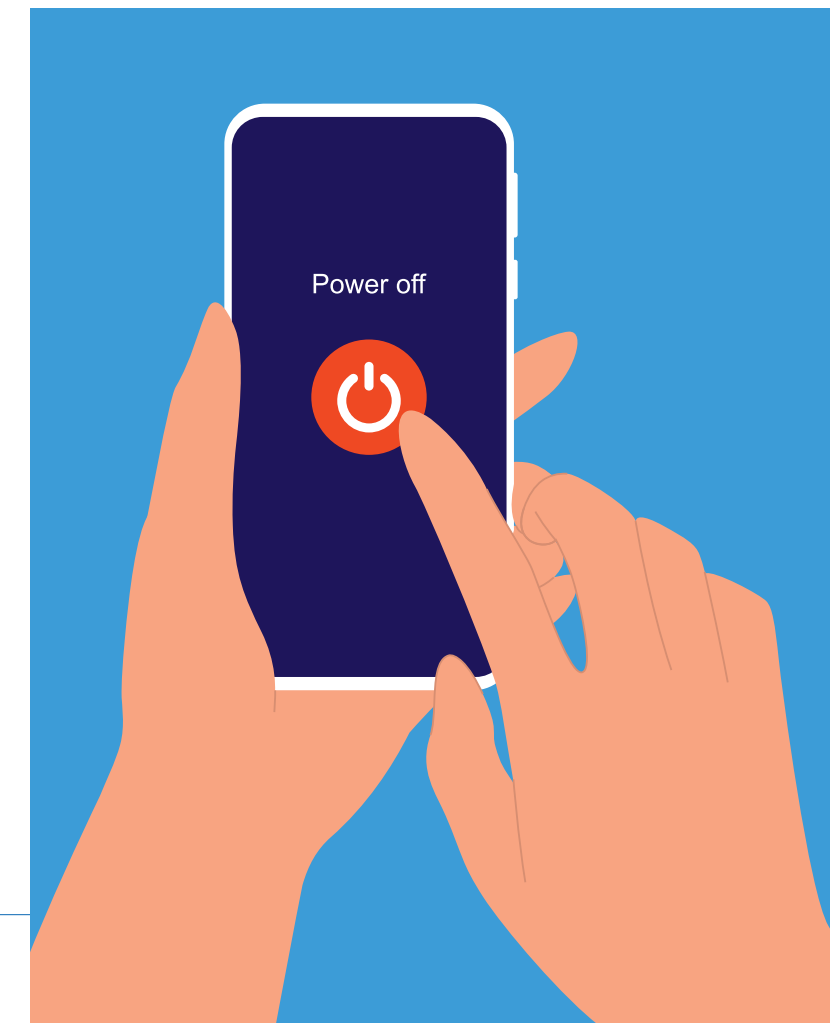
### Best Practices

The safest approach is perhaps the simplest: practice abstinence. Of course, RMTs who don't use electronic devices in the treatment room at all are less likely to make their patients feel uncomfortable, and they are far less likely to be subjected to patient complaints about their use of electronics.



### Madeline Green

Madeline practices in the area of subrogation and insurance defence, with a developing focus in professional liability and has appeared on behalf of clients in matters before the Provincial and Supreme Courts of British Columbia.



With that said, many RMTs still want to use technology in the treatment room because of its many benefits, whether it be for convenience, organization or other reasons. Practitioners who choose to use electronics in their practice can help protect their patients and themselves by taking the following steps:

- i. Cover the camera and/or disable the recording software on the electronic device before bringing it into the treatment room;
- ii. Ensure that the electronic device is being used only for a permitted purpose;
- iii. Communicate openly and transparently about the use of electronic device with the patient;
- iv. In an initial intake form, include in a list of all electronic recording devices used in the treatment room, a description of their clinical purpose, and a disclaimer that they will only be used for purposes consented to by the patient. Include a written consent section in the intake form or a separate consent form for the patient to acknowledge and sign prior to attending treatment;
- v. Provide the patient with a copy of the intake and/or consent forms;

- vi. During the course of treatment, affirm consent with the client whenever an electronic recording device is used and record the verbal consent in the patient's medical records;
- vii. Place all electronic recording devices in an unsuspecting manner if they are being used during treatment; if they are not, remove them from the treatment room; and
- viii. Only use electronic devices for purposes that have been consented to by the client.




Should you have any legal or ethical issues relating to your massage therapy practice, we invite you to visit [www.wt.ca](http://www.wt.ca). This article was written by Madeline Green who is an Associate at Whitelaw Twining Law Corporation in Vancouver, British Columbia. Contributions from articling student Patrick Kurek.

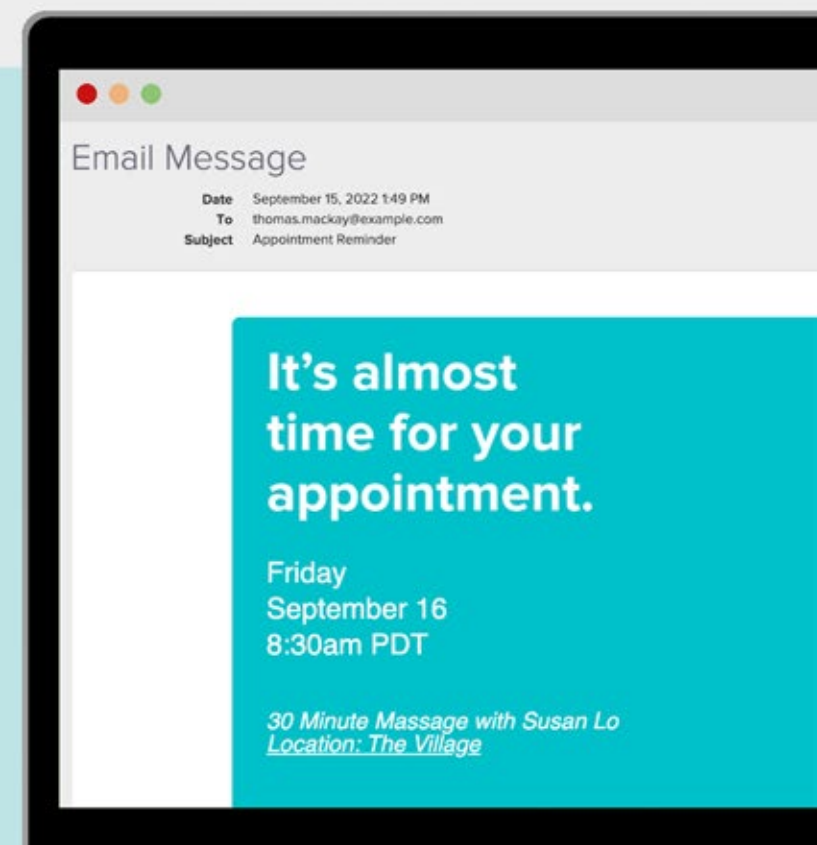
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