

LEGAL AND ETHICAL ISSUES IN THE MASSAGE PROFESSIONAL PRACTICE

OUTLINE

Professional Practice

Definition of Law

Classifications of Law

Crimes and Torts

Good Samaritan Law

Americans with Disabilities Act

Contracts

Legal and Ethical Monetary Responsibilities

Managed Care Legalities

Records Management

Litigation

Massage Practice Acts and Credentialing

Federation of State Massage Therapy Boards and the

Massage and Bodywork Licensing Examination

Voluntary Credentialing: Validation of Excellence

Value of Credentialing beyond Licensure

Educational Standards for Legal and Ethical Massage

Therapy Practice

Ethics

Ethics in Massage Therapy

Maintaining Quality Service

Consent

Making Ethical Decisions

Summary

KEY TERMS

Accreditation

Americans with Disabilities Act

Beneficence

Certification

Civil law

Computer security

Consent

Contract

Credentialing

Crime

Criminal law

Defamation of character

Defendant

Ethics

Expert witness

Fact witness

Felony

Fraud

Informed consent

Invasion of privacy

Justice

Laws

Lawsuit

Litigation

Malpractice

Managed care

Misdemeanor

Massage Practice Act

Morals

Nonmalfeasance

Negligence

Piracy

Plaintiff

Standard of care

Supervision


Tort

Values

LEARNING OUTCOMES

Mastery of the content in this chapter will enable the reader to

- Define glossary terms
- Explain the impact of ethics and law on the massage professional practice
- Differentiate between the various types of law that affect the practice of massage therapy
- Explain various types of consent
- Describe situations in the massage business office that can lead to potential litigation
- Describe the code of ethics of professional massage organizations
- Identify nine steps in making ethical decisions

Each day, massage professionals are faced with issues involving the legal requirements and standards of care in the delivery of massage treatment. The Massage Practice Act (i.e., licensing) of each state defines the requirements necessary to practice therapeutic massage and the scope of massage practice for that particular state. Standards for massage care may arise from professional organizations and statutory law (enacted by a legislative body). Although most states have licensing laws for massage practice, not all regulate massage. The massage professional also is governed by voluntary standards, such as the principles of *ethics*, developed and implemented by the massage profession itself. The  Evolve Web site provides links to the various state regulations.

PROFESSIONAL PRACTICE

Legal and voluntary requirements and standards are implemented for the protection of society and, ultimately, the client. This process of regulation is illustrated in Figure 4-1. The massage therapist needs to have an understanding of the effect of law on the massage practice and an awareness of its importance on his or her performance of daily duties. Each member of a professional organization should be familiar with the code of ethics for its professional group.

Membership in a professional organization is voluntary, and the standards of these organizations are considered voluntary. However, the standards are used as guidelines in peer review. Professional organizations continually reassess the functions of their standards and the qualifications of their members. Examples of voluntary standards are illustrated in the profession's code of ethics, professional standards for *accreditation* of educational programs, and standards for *credentialing*.

Legal standards for massage result in standards such as the informed consent doctrine (discussed later). Legislative action through various Massage Practice Acts establishes the legal requirements and scope of the practice within a state, province, and, in some instances, country. This action establishes education, credentialing, and licensure requirements for the massage therapist.

Copies of the principles of ethics for any of the massage professional organizations may be obtained from their national offices or official Web sites. To obtain a copy of a state Massage Practice Act, contact the Board of Massage in your state (province in Canada) or the Federation of State Massage Therapy Boards (FSMTB), or obtain information on the Massage and Bodywork Licensing Examination (MBLEx).

DEFINITION OF LAW

Law consists of enforceable rules governing relationships among individuals and between individuals and their society. A broad definition of the law implies that there must be established rules, such as constitutions, statutes, administrative agency rules, and judicial decisions. Rules of law must be enforceable and establish limits of conduct for governments and individuals in society.

In many states, the Board of Massage is an administrative agency at the state level. The executive officers of an administrative agency perform specific functions, including enforcing laws within their agency. The state boards have the power to make rules and regulations that conform to enacted laws that govern therapeutic massage. The FSMTB (<http://www.fsmtb.org/>) is an organization made up of the various massage therapy boards in the United States.

Rules and regulations adopted by each state massage board are components of the body of law, referred to as administrative laws. State statutes must conform to the state's constitution and the federal constitution.

CLASSIFICATIONS OF LAW

Because it is common for massage to be regulated by legislation, it becomes necessary for you to understand what laws are. Laws can be divided into two classifications: civil and criminal. *Civil law* relates to duties between persons or between citizens and their government. *Criminal law* deals with wrongs committed against the public as a whole.

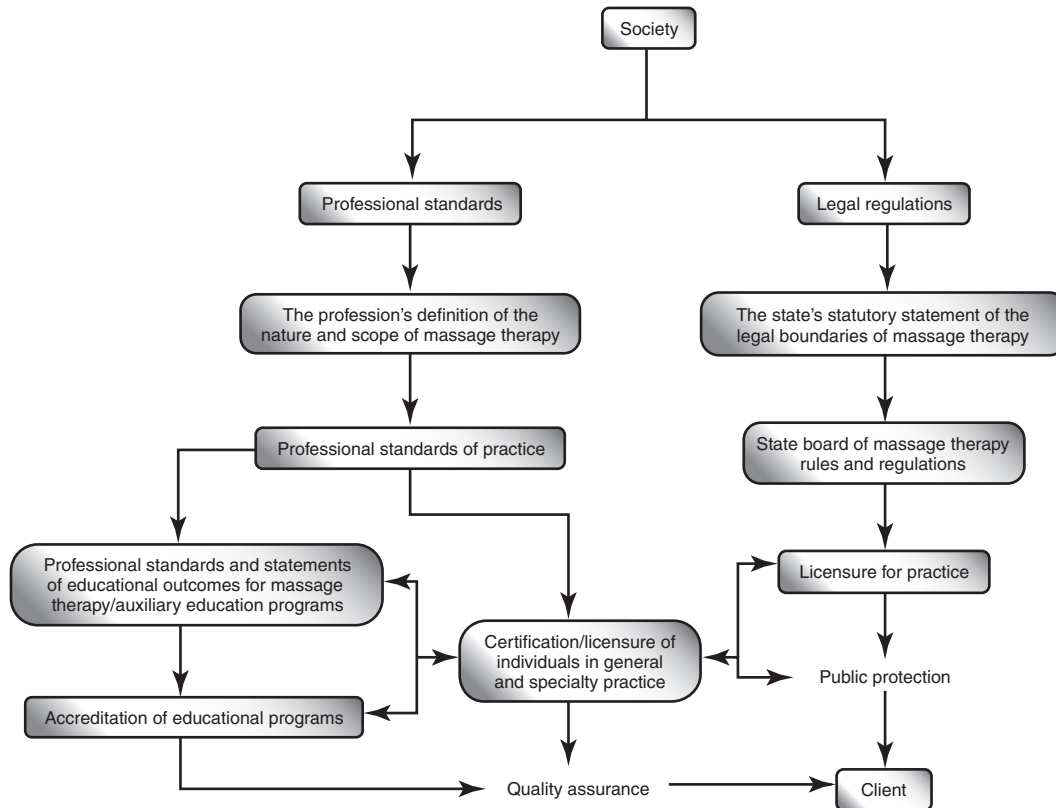


FIGURE 4-1. Diagram of professional and legal regulations of massage therapy. (Adapted from Finkbeiner BL, Finkbeiner CA: Practice Management for the Dental Team, ed 6, St. Louis, 2006, Mosby.)

In a civil case, one party tries to correct interference with his or her interest by another party. The other party might have failed to comply with a duty or otherwise breached an acceptable standard of conduct. The other party may be required to pay for the damages caused by failure to comply with that duty. In criminal law, the interests of society are at stake, and the government may seek to impose a penalty, such as a fine or imprisonment, on the guilty person.

Crimes and Torts

A *crime* is a wrongdoing against the public at large, and it is prosecuted by a public official. In most cases when a crime is committed, there is intent to do wrong. However, a person or entity that breaks certain laws may be guilty of a crime whether there was intent or not. Criminal liability typically involves the performance of a prohibited act and a specified state of mind or intent on the part of the person or entity committing the crime. In some cases, the omission of an act can be a crime if the person or entity has a legal duty to perform the act, such as failure to file a federal income tax return.

A crime can be classified as a *misdemeanor* or a *felony*. A misdemeanor is less serious than a felony and is punishable by a fine or imprisonment up to 1 year. A felony is a more

serious crime and usually is punishable by imprisonment for a longer period.

A *tort* is a civil wrongdoing. It is an interference with a recognized interest or a breach of a legal duty owed by a *defendant* to a *plaintiff*. The plaintiff in most instances must show that the defendant's action or omission was a cause of loss or harm to the plaintiff. A tort usually is resolved through a civil trial with a monetary settlement for damages. Included in torts are the areas of negligence, assault and battery, infliction of mental distress, defamation, and fraud.

Torts may be intentional or unintentional acts of wrongdoing. If intentional, the person committing the tort intended to commit the wrongful act. Intentional torts for which a massage therapist can be held liable include assault and battery, defamation of character, invasion of privacy, immoral conduct, and fraud.

Unintentional torts do not require a particular mental state. Failure to exercise a *standard of care*, such as performing a treatment that a reasonably prudent professional would perform in similar circumstances, is an example of an unintentional tort. Even if a massage professional neither wishes to bring about the consequences of the act nor believes that they will occur, negligence may be alleged whereby someone suffers injury because another failed to live up to a particular standard of care. Questions relating to the failure to exercise

BOX 4-1 Common Negligent Acts in a Massage Office

- Failure to protect clients from allergic reactions
- Use of defective equipment
- Failure to observe client reactions to massage and take appropriate action
- Failure to exercise good judgment
- Failure to communicate
- Loss of or damage to client's personal property
- Disease transmission

a standard of care need to be answered. The following four elements make up the unintentional tort of negligence:

1. Was there a duty to follow a standard of care?
2. Was this duty breached?
3. Did the plaintiff suffer injury?
4. Was the injury a direct result of that breach of duty?

Strict liability is an unintentional tort. It relates to a person being liable for actions regardless of the care exercised and for damages or injuries caused by the act.

NEGLIGENCE

Negligence is the performance of an act that a reasonably careful person under similar circumstances would not do or the failure to perform an act that a reasonably careful person would do under similar circumstances.

Negligence is an act of omission (i.e., neglecting to do something that a reasonably prudent person would do) or commission (i.e., doing something that a reasonably prudent person would not do). To prove negligence, it is necessary to prove that there has been a breach of duty owed, including deviation from the standard of care. In a massage negligence case, it is often necessary to provide expert testimony. To prove negligence, the plaintiff must show that there is an obligation to provide care according to a specified standard; that there was failure to meet that standard; that the failure to meet the standard led to injury; and that there was actual injury to the client.

MALPRACTICE

Professionals usually consider *malpractice* a form of negligence, but in a broader sense, it can mean any wrongdoing by a professional. Malpractice can refer to any professional misconduct, evil practice, or illegal or immoral conduct, not just negligence. Malpractice can be unintentional or intentional. Box 4-1 contains a list of negligent acts that may occur in a massage office.

DEFAMATION OF CHARACTER

Defamation of character is the communication of false information to a third party about a person that results in injury to that person's reputation. The communication can be verbal (slander) or written (libel). The false statement may be about a person's product, business, profession, or title to

property. A massage professional should make statements about a client or other professional only as it relates to the rendering of massage care and only to other massage care providers involved in that care.

INVASION OF PRIVACY

Invasion of privacy is a tort that refers to several wrongs involving the use of otherwise private information. As relevant here, a tort may involve publishing or otherwise making known or using information relating to the private life or affairs of a person without that person's approval or permission; prying into private affairs; or appropriating the plaintiff's identity for commercial use.

To avoid this situation, you must remember that any information a client gives you or the massage office staff remains confidential within the office. No information about a client should be shared outside the office. When a client requests a transfer of massage treatment records, a signed authorization to transfer should be completed by the client. In the health care setting, the massage therapist must adhere to the regulations of the Health Insurance Portability and Accountability Act (HIPAA).

COMPUTER SECURITY

The massage therapist may be exposed to activities that may cause illegal or unethical activity while using a computer. *Computer security* refers to safeguards that are implemented to prevent and detect unauthorized access or deliberate damage to a computer system and data. A *computer crime* is the use of a computer to commit an illegal act.

In a massage office, the most common activity that can violate computer integrity is software theft, or *piracy*. Some people make an illegal copy of a disk or tape instead of paying for an authorized copy. Software theft is a violation of copyright law, and it is a crime. For large users, such as massage schools or other health care institutions, most software companies provide a site license and multiple-copy discounts.

Although most massage offices use personal computers rather than a mainframe, the potential for gaining unauthorized access to data still exists, especially in a hospital-type setting. If you inadvertently gain access on the computer to unauthorized or confidential data, you should exit the file, including the data, and report to the appropriate supervisor that you accidentally entered a confidential file. To make changes in a confidential file without authorized permission constitutes an unethical and possibly illegal act. Refer to the HIPAA standards in Chapter 7 to ensure information integrity.

Good Samaritan Law

During the past 3 decades in the United States, every state has passed some form of legislation that grants immunity for acts performed by a person who renders care in

an emergency situation. This concept, called the Good Samaritan law, was considered necessary to create an incentive for health care providers to provide medical assistance to the injured in cases of automobile accidents or other disasters without the fear of possible litigation. This law is intended for individuals who do not seek compensation but rather are solely interested in providing care to the injured in a caring, safe manner, with no intent to do bodily harm. This law does not provide protection for a negligent health care provider who is being compensated for services.

Americans with Disabilities Act

In 1990, the federal government enacted legislation to ensure that persons with some degree of disability are not discriminated against. The Americans with Disabilities Act (ADA) affects the massage office in the area of prohibitions against employment discrimination and by requiring facilities to be accessible to physically and mentally compromised clients. This law identifies five categories of persons who are protected from discrimination. The categories protect individuals who have a physical or mental impairment that substantially limits one or more major life activities, those who have a record of such impairment, and those who are regarded as having such impairment:

1. Persons whose physical or mental impairment substantially limits one or more major life activities, such as seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, or working. Included in this category are persons who have disabling conditions such as acquired immunodeficiency syndrome (AIDS), human immunodeficiency virus (HIV) infections, heart disease, diabetes, cancer, learning disabilities, and mental retardation.
2. Persons who have a record of impairment, such as a history of heart disease or mental illness
3. Persons who, although fully functional and not disabled, are regarded as having such an impairment due to severe disfigurement
4. Persons who are discriminated against because they have a known association or relationship with a disabled individual
5. Persons who currently participate in or who have completed a drug or alcohol rehabilitation program

Box 4-2 lists Titles that describe the provisions of the ADA. This federal mandate is aimed at the elimination of discrimination against individuals with disabilities and clearly defines enforceable standards. It is wise to obtain a copy of this act for the office and routinely update the office policies as required. The address for the Office of Americans with Disabilities is www.ada.gov.

BOX 4-2 Provisions of the Americans with Disabilities Act

- Title I prohibits discriminating employment policies.
- Title II prohibits discrimination against disabled persons in the use of public transportation.
- Title III requires that public accommodations operated by private entities do not discriminate against persons with disabilities.
- Title IV prohibits discrimination against disabled individuals, especially hearing-impaired and speech-impaired individuals, in the area of communication.
- Title V contains miscellaneous provisions regarding the continued viability of other state or federal laws that provide disabled persons with equal or greater rights than the Americans with Disabilities Act. This section prohibits state or local governments from discriminating against individuals with disabilities.

Data from <http://www.ada.gov/pubs/adastatute08.htm>

Contracts

A *contract* is an agreement between two or more parties that creates an obligation to do or not do particular things. Contracts usually contain the following essential elements:

- Parties who are competent to enter into a contract. For example, a mentally disabled person cannot enter into a contract. Minors can enter into contracts, but they can void them in most cases before they reach majority age.
- Mutual agreement by all the parties (i.e., all parties have a meeting of the minds on a specific subject). Each party promises to perform an act that the party is not legally required to perform or promises to forego performing an act that it is legally entitled to perform.

Depending on the circumstances, a contract may or may not have to be put in writing and may or may not have to be signed. To be enforceable, some agreements must be in writing. The situations in which an agreement must be in writing are different among states but usually include transfers of real estate, sales of goods valued at more than \$500, and contracts that require more than 1 year to perform.

The written agreement becomes your proof of what was agreed on and prevents someone from forgetting or changing the story later. Writing makes the parties focus on the essential points and come to a definite agreement.

Although you can write your own contracts, if there is much at stake or if the matter is complex, you should definitely use a lawyer. Your money may best be spent up front in preventing problems. If the amount is moderate or the terms are simple, you may use a legal form that both sides understand.

A contract may be unenforceable because it fails to contain an essential element outlined previously, there was fraud or mistake in the making of the contract, or the contract contains an illegal subject matter or is against public policy. When attempting to enforce a contract, it is important to consider

the effect it will have on any long-term personal or professional relationship. It is often more beneficial to attempt to renegotiate a contract or let the situation go, which may even be financially wise considering the cost of a court battle.

Legal and Ethical Monetary Responsibilities

Money is one of the major reasons we pursue career success. In our society, money is necessary for a business to succeed. Money can become the vehicle for illegal and unethical practices because it is so important to the success of the business.

FRAUD

Fraud is a deception that is deliberately practiced to secure unfair or unlawful gain. One of the most common practices of fraud in health care is obtaining fees through third-party payments by misrepresentation. Third-party insurance reimbursement for massage services is not common, but the trend is increasing. It is therefore important to understand some of the problems that occur with health insurance reimbursement.

An example of a fraudulent action follows. A client had insurance coverage from July 1 of the past year until June 30 of the current year, after which time she would no longer receive this benefit. The client had a maximum benefit coverage of \$1200 for the year and had used only \$450 of the benefit. Toward the end of June, it was determined that the client would benefit from massage twice weekly instead of once weekly. The client was informed of the fees for the increase in service. The client was further informed that after June 30 the services would not be covered and that she would be responsible for payment. The client argued that it was the responsibility of the massage therapist to alter the date on the claim form, because she still had a \$700 available benefit and in the future would bring her business to the massage therapist. It is fraud to change the date on the claim form to indicate that massage was provided before June 30 when the massage continued through mid-July.

Managed Care Legalities

Managed care refers to a cost-containment system of health care insurance that may direct use of health benefits by restricting the type, level, and frequency of treatment; limiting access to care to certain entities or practitioners; and basing the level of reimbursement for services on a capitation or other risk basis. Massage therapy is not typically involved in managed care systems, but this could change in the near future as more massage therapists work in the health care setting. Limitations imposed by managed care companies generally are directed at payment for services, but the policies may also limit the actual services received by a client. In this way, managed care systems raise several legal and ethical issues for health care professionals. Clients may ask health care professionals to render only the treatment that is covered by the insurance plan, rather than the

necessary treatment. Insurance companies are profit driven and may not sufficiently consider the health care professional's responsibilities. Capitated plans can cause an ethical dilemma when, for example, a health care professional is paid for client care whether or not it is provided, because it is obvious that it is not in the short-term economic interest to provide that care. If certain care is not reimbursed, a client may forgo needed treatment due to financial concerns. For the client's interest to be protected, the massage therapist must be relied on to adhere to legal and ethical principles.

RECORDS MANAGEMENT

Nothing can be more valuable in defending against potential litigation than adequate records. These are a vital responsibility of the massage therapist. Although discussed in other areas of this text, the importance of including complete and thorough information in a client's record cannot be over-emphasized. You should record the exact date, type of massage treatment, materials or adjunct methods used, unusual events (e.g., draping problems, allergic reaction to the lubricant), special notations about the treatment, and any incidence regarding the client's comments or reactions. The better the documentation is, the less the legal risk will be.

You should also document irregularities or unusual incidents occurring between clients, employees, and employers. All employee reports need to be retained in employee records. This documentation may include narratives of accidents that occurred. These incidents require a report that includes the name of the employee, the name of the client being treated, and the date and time of the injury. Incidents that may warrant documentation may include unusual behavior on the part of a client or a verbal confrontation between staff members. Thorough, accurate, and objective documentation is your best defense in litigation.

LITIGATION

Litigation is the process of a lawsuit. A *lawsuit* is a legal action in a court. The person or party that institutes the suit in court is the plaintiff. The person being accused of the wrongdoing is the defendant.

During malpractice litigation in a massage therapy practice, the client may be the plaintiff. The massage therapist or person who is being sued is the defendant. It is likely that other individuals in the massage office may be named as a defendant, fact witness, or an expert witness in the legal proceedings (Box 4-3).

A *fact witness*, when placed under oath, must provide only firsthand knowledge, not hearsay. A simple definition of hearsay is a statement other than one made specifically by a witness while testifying at the trial or hearing. The fact witness can describe only what he or she saw or did during a specific act.

BOX 4-3 Common Business Activities that Can Lead to Litigation

- Making false accusations about another person in verbal or written communications
- Providing another party or agency with confidential information without the client's consent
- Entering inaccurate data on clients' records
- Duplicating copyrighted material without permission
- Using unauthorized software
- Gaining illegal access to computer data
- Maliciously or deliberately damaging data in a computer
- Falsely entering data on insurance claims
- Failing to follow federal or state disease-transmission or waste-management regulations
- Failing to maintain accurate local, state, or federal governmental records

An *expert witness* is called to testify and explain to the judge and jury what happened based on the client's record and to offer an opinion about whether the massage care, as administered, met acceptable standards. Standards may vary by state. Often, a massage therapist may be called as an expert witness to testify in malpractice litigation because of his or her educational background and clinical expertise. A robust knowledge of massage law and massage standards, as well as an understanding of malpractice liability, is beneficial in such cases. Massage therapists should be insured against malpractice and premise liability, often called trip and fall insurance. The professional organizations that represent the massage professional provide these types of insurance coverage (see Box 4-3).



LEARNING ACTIVITY

Obtain copies of the insurance policies available from the American Massage Therapy Association and the Association of Massage and Bodywork Professionals. Compare and identify similarities and differences, and list at least three similarities and one difference in the space provided.



SELF-REFLECTION

How do I feel about the various laws that influence my business? Which type of law could I find myself breaking? Fraud? Negligence? Malpractice? Defamation of character? Invasion of privacy? Software theft or piracy? What makes me vulnerable to breaking this type of law?

MASSAGE PRACTICE ACTS AND CREDENTIALING

The legal requirements necessary to practice therapeutic massage and the scope of what can be practiced are developed through legislative action within the state and are typically identified as the state's Massage Practice Act. This act defines the minimum educational standards, requirements for credentialing, and the criteria for license revocation or suspension. Other legal requirements are enacted by the government in the form of rules and regulations. Unlike most health professions that have relatively standardized legislation, massage therapy legislation varies extensively. This makes it very difficult to discuss massage legislation specifically. However, there are enough similarities that can be described so that the general process of licensure can be understood (Box 4-4).

Many state Massage Practice Acts define conditions under which a massage therapist may perform specific duties. Each state provides a list of definitions within the law, and the descriptive language may vary significantly from state to state.



SELF-REFLECTION

What would I do and how would I feel if I were accused of malpractice or breaking some other law? What if I was at fault? What would I do and how would I feel if I were falsely accused of breaking a law? Have I ever reported someone for breaking a law? How did I feel? Proud, scared, nervous, or regretful? Have I ever falsely accused someone of anything? Was it an accident or mistake? Did I pass on wrong information? Was I being spiteful? How do I feel when I think about this?

The legal standards within various health professions' practice acts are for the protection of the general public, and interpretations of requirements for the protection of the general public may vary in different states. The license usually is granted after the person has met certain educational requirements and has completed some form of state testing. The tests used typically are the examinations from the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) (see "Voluntary Credentialing") or the FSMTB. A couple of states use examinations that have been developed by the state itself.

Federation of State Massage Therapy Boards and the Massage and Bodywork Licensing Examination

The FSMTB is an organization of states that have massage licensing, and it supports states seeking to license massage therapy. The mission of the FSMTB is to support its member

BOX 4-4 Excerpts of Representative Massage Practice Acts from Kentucky and Utah—cont'd

Kentucky information from <http://www.lrc.state.ky.us/KRS/309-00/350.PDF> and Utah information from <http://www.dopl.utah.gov/laws/58-47b.pdf>

boards in their work to ensure that the practice of massage therapy is provided to the public in a safe and effective manner.

The FSMTB has developed a model licensing examination for states and the structure to deliver the examination, relieving state boards of this task, which is burdensome and expensive. The development of this examination is to ensure the provision of a valid, reliable licensing examination to determine entry-level competence. For more information, you can contact the FSMTB (7111 W 151st Street, Suite 356, Overland Park, KS 66223; phone: 1-888-70-FSMTB).

Not all states use the FSMTB examination. Many use the examination from the NCBTMB. For more information, you can contact the NCBTMB (1901 South Meyers Road, Suite 240, Oakbrook Terrace, IL 60181; phone: 1-800-296-0664).

Voluntary Credentialing: Validation of Excellence

Credentialing is a generic term that refers to the ways in which educational programs and professionals can measure and maintain their competence. The voluntary processes used in credentialing include accreditation and certification.

Accreditation is the process by which an entity or educational program is evaluated and recognized by an outside agency for having attained a predetermined set of standards. *Certification* is a process by which an individual is evaluated and recognized by an outside agency for training beyond entry-level licensure requirements.

Accreditation is defined as granting approval to an institution of learning by an official review board after the school has met specific requirements. The accreditation process is a voluntary step that institutions, including massage and bodywork schools, may take to receive this additional endorsement beyond mandated licensing from the state department of education. The primary motivation for schools to seek accredited status is to assure prospective students that their programs have met quality and competency standards. These standards are identified by professional and educational organizations, including peer groups. Agencies recognized by the U.S. Department of

Education accredit the school as a whole. Students attending accredited schools may qualify for various types of government financial aid. Links to accrediting agencies are listed in the Evolve Annotated Web Links at the end of this chapter.

The Commission on Massage Training and Accreditation (COMTA) is one accrediting body responsible for accrediting educational programs in massage. The COMTA is a relatively new organization in the field of educational program accreditation. In 1989, the Commission on Massage Training Approval/Accreditation was founded to create standards for educational programs that offered massage therapy and bodywork training. The program changed its name to COMTA a few years later. Official U.S. Department of Education recognition of COMTA was granted in 2002. Accreditation validates that a specific educational program has met a set of standards to address the needs of the profession and the public.

For many professions, especially health professions, a criterion for obtaining a credential such as certification or licensure is contingent on successful completion of an accredited educational program. This is not the case for massage therapy. As a result, the educational standards are inconsistent.

Value of Credentialing beyond Licensure

Licensing determines the minimum qualifications to practice a profession or skill in a manner that protects the public health and safety. Licensing does not identify excellence. Individuals who seek credentials beyond what is legally mandated by becoming certified should seek additional training and increase their professional skills beyond the minimum requirements.

Credentialing is an important process. Massage therapists have the opportunity to become nationally certified by an independent, nonprofit, private organization, the NCBTMB. This board was established in 1992. The goals when established were to give massage professionals a way to demonstrate their desire for excellence in massage practice by establishing a credential beyond their education and experience and to provide consumers proof that they are

receiving care from a massage professional who is committed to a high level of practice standards and ethical behavior.

The NCBTMB was accredited by the National Commission for Certifying Agencies in 1993. It is a member of the American National Standards Institute and the Coalition for Professional Certification.

To become a certified massage practitioner, a person must pass an examination and qualify to sit for this examination by meeting one of the following criteria:

- A certificate of achievement with a minimum of 500 in-class supervised hours from a qualified school
- A portfolio that shows training and experience that is equivalent to a formal 500-hour program



SELF-REFLECTION

If I have to be state licensed to practice massage therapy, why would I also want to be certified? What would motivate me to be certified? Would I ever practice massage without being licensed if licensing is required? How would I explain to someone else the importance of credentialing beyond the mandated licensure?

All information to become a certified massage therapist and the most current requirements to sit for the examination can be obtained by visiting the NCBTMB Web site. Those who graduated from a qualified program should request the candidate handbook, and those seeking portfolio approval should ask for the portfolio review handbook.

EDUCATIONAL STANDARDS FOR LEGAL AND ETHICAL MASSAGE THERAPY PRACTICE

The content outline in Box 4-5 is compiled from many sources, including the National Certification Examination (NCE), the National Certification Examination for Therapeutic Massage and Bodywork (NCETMB), the FSMTB, the MBLEx, the COMTA, and the National Accrediting Commission of Cosmetology Arts and Sciences (www.naccas.org).

It is important to not become overwhelmed as you review the content outline. Although it is comprehensive, it is not insurmountable. You should have all this information during your schooling and in your textbooks. The outline is provided so you understand the information that is tested on various licensing and certification examinations. As you read through the comprehensive content outline in Box 4-5 notice that each area relates to the mandates of licensure (e.g., protect the public health, welfare, and safety) or to excellence in professional practice validated by certification.



LEARNING ACTIVITY

Using Box 4-5, compare the content of your textbooks, lecture notes, instructor information, clinic experience, and other aspects of your education, and list areas you think need more study in the space provided.

ETHICS

Ethics is a branch of philosophy and is a systematic, intellectual approach to the standards of behavior. The purpose of a professional code of ethics is to help members of the profession achieve high levels of behavior through moral consciousness, decision making, and practice. Ethics in daily professional practice challenges a practitioner to differentiate between right and wrong. *Morals* are considered voluntary personal commitments to a set of values. *Values* are the standards used for decision making that endure over a significant period. The expected behaviors of the massage professional are based on a set of standards derived from acceptable and exemplary behaviors. Every health professional must realize that there is right and wrong and that there is no right way to do a wrong thing (Fig. 4-2).

Ethics in Massage Therapy

Each organized group within the profession of massage has a code of ethics for its members. These codes of ethics are based on moral principles that reflect concern for the care of the client.

Each individual involved in the practice of massage assumes the obligation of maintaining and enriching the profession. The massage therapist may choose to meet this obligation according to the dictates of personal conscience based on the needs of the human beings the profession of massage is committed to serve. The Golden Rule is the basic guiding principle. The massage professional must strive at all times to maintain confidentiality, exhibit respect for the client and coworkers, and refrain from performing any professional service that is prohibited by state law. He or she has the obligation to prove competence before providing services to any client. The massage professional shall constantly strive to upgrade and expand technical skills for the benefit of the consumer/public (Box 4-6).

Maintaining Quality Service

Although not necessarily mandated by licensure, it is ethically necessary to maintain high standards of care. The massage professional can continue to improve the quality of care

BOX 4-5 Comprehensive Compiled Licensing and Certification Examination Content Outline

Because the massage profession has not yet formalized a body of knowledge, many sources were compiled to produce this content outline. Sources include state licensing documents, accreditation bodies, professional organizations, test administration organizations, textbook instructor manuals, and textbook content outlines. The materials were compared and evaluated for similarities and differences. The overlapping content was targeted for developing the outline.

ETHICS, PROFESSIONALISM, BUSINESS PRACTICES, AND LEGAL ISSUES

Professional ethics
 Standards of practice
 Scope of practice
 Documentation
 Business practices
 Client education and wellness practices

HYGIENE AND SANITATION

Standard precautions
 Therapeutic environment

MASSAGE PROCEDURES

Massage methods
 Physiologic effects of massage methods
 Therapeutic applications
 Applied structure and function and indications and contraindications for massage therapy

HYDROTHERAPY

PHARMACOLOGY

ANATOMY AND PHYSIOLOGY

The chemical level
 The cellular level
 The tissue level
 The integumentary system
 Bone tissue
 The axial skeleton
 The appendicular skeleton
 Articulations
 Muscle tissue
 The muscular system
 Nervous tissue
 The spinal cord and spinal nerves
 The brain and cranial nerves
 The sensory, motor, and integrative systems
 The special senses
 The autonomic nervous system
 The endocrine system
 The blood
 The heart
 Blood vessels and hemodynamics
 The lymphatic system
 The respiratory system
 The digestive system
 The urinary system
 The reproductive systems

PATHOLOGY

through education, training, research, and maintenance of a stringent code of ethics and professional conduct.

Supervision is an area that the massage therapist may encounter if working for another type of licensed professional, such as a physical therapist. One type of supervision is referred to as direct supervision. It means that the health care professional (e.g., physical therapist) has designated a client of record on whom services are to be performed and has described the procedure to be performed. Continuing with the example, the physical therapist examines the client before prescribing the procedures to be performed and again on completion of the procedure. Under the definition of direct supervision, the physical therapist (or other professional) must be physically present in the office at the time the procedures are being performed.

Consent

It is ethical and legally mandated to obtain consent from the client before providing massage. *Consent* is the voluntary acceptance or agreement to what is planned or done by another person. To massage a client without consent constitutes unauthorized touching and makes the person committing the act guilty of battery, as discussed earlier in this chapter. Two forms of consent exist in the delivery of massage care: informed and implied.

INFORMED CONSENT

Informed consent is a concept that has evolved over decades as courts and legislatures have demanded more disclosure on the part of the provider of care to a client. The idea behind informed consent is that every adult of sound mind has the right to determine what can and cannot be done with his or her body. For that person to make a proper judgment, he or she must be given information by the health care provider. The client must be given enough information about the proposed treatment, in understandable language, to make an intelligent decision about whether to proceed with the treatment. Moreover, the client must have ample opportunity to ask questions and have them answered.

In general, courts and legislatures have defined specific elements that describe informed consent. These elements state that consent must be given freely; treatment and outcomes must be described in understandable language; risks, benefits, and estimate of the success of treatment must be described; prognosis if no treatment is elected and alternative treatment plans must be explained; and the client must be given the right to ask questions and have them answered.

If these conditions are not met, the courts may conclude that the client did not consent to the procedure. In that case, the massage therapist may be liable for actions such as battery or negligence (depending on the individual state).

For consent to be legally valid, it must be informed and given freely, and the client must be an adult of sound mind. Clients under the influence of alcohol, drugs, or severe stress

Code of Ethics and Standards of Practice

Ethical Principles

- *Respect for the dignity of people*—Massage professionals will maintain respect for the interests, dignity, rights, and needs of all clients, staff, and colleagues.
- *Responsible caring*—Competent, quality client care will be provided at the highest standard possible.
- *Integrity in relationships*—At all times the professional will behave with integrity, honesty, and diligence in practice and duties.
- *Responsibility to society*—Massage professionals are responsible and accountable to society and shall conduct themselves in a manner that maintains high ethical standards.

Standards of Practice Based on Ethical Principles

In compliance with the principles of the code of ethics, massage professionals will perform the following:

1. Respect all clients, colleagues, and health professionals through nondiscrimination regardless of age, gender, race, national origin, sexual orientation, religion, socioeconomic status, body type, political affiliation, state of health, personal habits, and life-coping skills.
2. Perform only those services for which they are qualified and honestly represent their education, certification, professional affiliations, and other qualifications. The massage professional will apply treatment only when a reasonable expectation exists that it will be advantageous to the client's condition. The massage professional, in consultation with the client, will continually evaluate the effectiveness of treatment.
3. Respect the scope of practice of other health care and service professionals, including physicians, chiropractors, physical therapists, podiatrists, orthopedists, psychotherapists, counselors, acupuncturists, nurses, exercise physiologists, athletic trainers, nutritionists, spiritual advisors, and cosmetologists.
4. Respect all ethical health care practitioners and work with them to promote health and healing.
5. Acknowledge the limitations of their personal skills and, when necessary, refer clients to an appropriately qualified professional. The massage professional will require consultation with other knowledgeable professionals when:
 - A client requires diagnosis and opinion beyond a therapist's capabilities of assessment
 - A client's condition is beyond the scope of practice
 - A combined health care team is required

If referral to another health care provider is necessary, it will be done with the informed consent of the client.
6. Refrain from working with any individual who has a specific disease process without supervision by a licensed medical professional.
7. Be adequately educated and understand the physiologic effects of the specific massage techniques used to determine if any application is contraindicated and to ensure that the most beneficial techniques are applied to a given individual.
8. Avoid false claims about the potential benefits of the techniques rendered, and educate the public about the actual benefits of massage.
9. Acknowledge the importance and individuality of each person, including colleagues, peers, and clients.
10. Work only with the informed consent of a client and professionally disclose to the client any situation that may interfere with the massage professional's ability to provide the best care to serve the client's best interest.
11. Display respect for the client by honoring a client's process and following all recommendations by being present, listening, asking only pertinent questions, keeping agreements, being on time, draping properly, and customizing the massage to address the client's needs.

FIGURE 4-2. Code of ethics and standards of practice for massage therapists. (From Fritz S: Mosby's Fundamentals of Therapeutic Massage, ed. 4, St. Louis, 2009, Mosby.)

Note: Draping is covered in Chapter 8. The Ontario guidelines give these requirements for draping:

- It is the responsibility of the massage professional to ensure the privacy and dignity of the client and to determine if the client feels comfortable, safe, and secure with the draping provided.
- The client may choose to be fully draped or clothed throughout the treatment.
- The female client's breasts are not undraped unless specified by referral from a qualified health care professional and the massage professional is working under the supervision of such a health care professional.
- The genitals, perineum, and anus are never undraped.

The consent of the client is required for work on any part of the body, regardless of whether the client is fully clothed, fully draped, or partly draped.

12. Provide a safe, comfortable, and clean environment.
13. Maintain clear and honest communication with clients and keep client communications confidential. Confidentiality is of the utmost importance. The massage professional must inform the client that the referring physician may be eligible to review the client's records and that records may be subpoenaed by the courts.
14. Conduct business in a professional and ethical manner in relation to clientele, business associates, acquaintances, governmental bodies, and the public.
15. Follow city, county, state, national, and international requirements.
16. Charge a fair price for the session. Gratuities are appropriate if within reasonable limits (similar to percentages for other service providers [i.e., 10-20%]). A gift, gratuity, or benefit that is intended to influence a referral, decision, or treatment may not be accepted and must be returned to the giver immediately.
17. Keep accurate records and review the records with the client.
18. Never engage in any sexual conduct, sexual conversation, or any other sexual activities involving clients.
19. Avoid affiliation with any business that uses any form of sexual suggestiveness or explicit sexuality in advertising or promoting services or in the actual practice of service.
20. Practice honesty in advertising, promoting services ethically and in good taste, and advertising only techniques for which the professional is certified or adequately trained.
21. Strive for professional excellence through regular assessment of personal strengths, limitations, and effectiveness and through continuing education and training.
22. Accept the responsibility to oneself, one's clients, and the profession to maintain physical, mental, and emotional well-being, and to inform clients when the professional is not functioning at best capacity.
23. Refrain from using any mind-altering drugs, alcohol, or intoxicants before or during professional massage sessions.
24. Maintain a professional appearance and demeanor by practicing good hygiene and dressing in a professional, modest, and nonsexual manner.
25. Undergo periodic peer review.
26. Respect all pertinent reporting requirements outlined by legislation regarding abuse.
27. Report to the proper authorities any accurate knowledge and its supportive documentation regarding violations by massage professionals and other health or service professionals.
28. Avoid interests, activities, or influences that might conflict with the obligation to act in the best interest of clients and the massage therapy profession and safeguard professional integrity by recognizing potential conflicts of interest and avoiding them.

FIGURE 4-2, cont'd

BOX 4-6 Overview of Principles of Ethics and Code of Professional Conduct**SECTION 1. PRINCIPLE: CLIENT AUTONOMY (SELF-GOVERNANCE)**

- The massage therapist has a duty to respect the client's rights to self-determination and confidentiality.
- Professionals have a duty to treat the clients according to their desires, within the bounds of accepted treatment, and to protect the clients' confidentiality. Under this principle, the massage therapist's primary obligations include involving clients in treatment decisions in a meaningful way, with due consideration given to the client's needs, desires, and abilities, and safeguarding the client's privacy.

SECTION 2. PRINCIPLE: NONMALFEASANCE (DO NO HARM)

- The massage therapist has a duty to refrain from harming the client.
- Professionals have a duty to protect the client from harm. Under this principle, the massage therapist's primary obligations include keeping knowledge and skills current, knowing their own limitations, knowing when to refer to a specialist or other professional, and knowing when and under what circumstances delegation of clients' care to auxiliaries is appropriate.

SECTION 3. PRINCIPLE: BENEFICENCE (DO GOOD)

- The massage therapist has a duty to promote the client welfare.
- Professionals have a duty to act for the benefit of others. Under this principle, the massage therapist's primary obligation is service to the client and the general public. The most important aspect of this obligation is the competent and timely delivery of massage care within the bounds of clinical circumstances presented by the client, with due consideration given to the needs, desires, and values of the client. The same ethical considerations apply whether the massage professional engages in fee-for-service, managed care, or other practice arrangements.

SECTION 4. PRINCIPLE: JUSTICE (FAIRNESS)

- The massage therapist has a duty to treat people fairly.
- Professionals have a duty to be fair in their dealings with clients, colleagues, and society. Under this principle, the massage therapist's primary obligations include dealing with people justly and delivering massage care without prejudice. In its broadest sense of this principle, the massage profession should actively seek allies throughout society on specific activities that will help improve access to care for all.

SECTION 5. PRINCIPLE: VERACITY (TRUTHFULNESS)

- The massage therapist has a duty to communicate truthfully.
- Professionals have a duty to be honest and trustworthy in their dealings with people. Under this principle, the massage therapist's primary obligations include respecting the position of trust inherent in the massage therapist–client relationship, communicating truthfully and without deception, and maintaining intellectual integrity.

may not have sufficient mental capacity to grant permission for treatment. When a massage therapist treats a minor, only the parent or guardian of the minor may grant consent. This excludes grandparents, babysitters, and siblings. However, parents may authorize another party to grant consent for treatment during the parents' absence. Such authorization must be signed before treatment consent. A variety of consent forms are available. Figure 4-3 shows an example of a common form for a general practice. These forms must be signed, dated, and retained in the client's record.

IMPLIED CONSENT

Other agreements that flow automatically from the relationship between the client and the massage professional are in the category of implied consent. These agreements trigger responsibilities that work in two ways: those that the massage therapist owes to the client and those that the client owes to the massage therapist. Accepting a client for treatment implies that the massage therapist agrees to accept certain responsibilities for that client's massage care. Likewise, if a client agrees to accept treatment by the massage therapist, the client assumes certain responsibilities.

Boxes 4-7 and 4-8 list implied responsibilities for each of these parties.

**SELF-REFLECTION**

How ethical am I? When I measure my professional behavior against the list in Box 4-8, in which areas I am most likely to have difficulty? What makes me vulnerable to unethical behavior? How do I feel when I am treated in a disrespectful way? When was the last time I was disrespectful to someone? What factors led to that behavior? What did I learn from it?

Making Ethical Decisions

The massage therapist has much to consider when carrying out routine duties in the massage business office. During all activities, you must keep in mind questions about the tasks being performed. Routinely ask yourself the questions in Box 4-9.

Combined Massage Therapy Intake and Consent Form
THIS FORM MUST BE COMPLETED AND SIGNED BEFORE RECEIVING A MASSAGE.

Forms of payment accepted
 Cash, checks, or money orders are accepted. Credit cards are not.

Travel to client
 There is an additional charge for any travel to the client depending on time and distance. The minimum additional charge is \$30.

Contraindications (situations where massage is not indicated)
 Under certain medical conditions, massage/bodywork may not be advised (e.g., when a fever is present, indicating an infection). If a massage could be potentially harmful to a client's condition, the massage therapist has the right to decline to do the massage.

Insurance claims
 I do not handle insurance forms, but I will be glad to give you a receipt for you to submit to your insurance company for possible reimbursement.

Medical Information

Have you ever experienced a professional massage? _____

Which areas would you like to focus on during this massage? _____

Do you have any of the following conditions? If yes, please explain below as clearly as possible.

_____ Stress	_____ Allergies	_____ Contagious disease
_____ Diabetes	_____ Wear contact lenses	_____ Back pain
_____ Pregnancy	_____ Cancer	_____ Cardiac/circulatory problems
_____ Arthritis	_____ Sensitive to touch or pressure	_____ Frequent headaches
_____ Osteoporosis	_____ Epilepsy or seizures	_____ Bruise easily
_____ Joint swelling	_____ Varicose veins	_____ Depression

_____ Numbness or stabbing pains? Explain below.
 _____ High blood pressure. If yes, are you taking medication for this? Explain below.
 _____ Surgery in the past 5 years? Explain below.
 _____ Accident or suffered any injuries in the past 2 years? Broken bones, etc. Explain below.
 _____ Other medical conditions not listed. Explain below.
 _____ Medications (prescribed or over-the-counter)

Comments: _____

I understand that the massage I receive is provided for the basic purpose of relaxation and relief of muscular tension. If I experience any pain or discomfort during the session, I will immediately inform the therapist so that the pressure and/or strokes may be adjusted to my level of comfort. I further understand that massage should not be construed as a substitute for medical examination, diagnosis, or treatment. I understand that massage therapists are not qualified to perform spinal or skeletal adjustments; diagnose, prescribe, or treat any physical or mental illness; and that nothing said in the course of the session given should be construed as such. Because massage should not be performed under certain medical conditions, I affirm that I have stated all my known medical conditions and answered all questions honestly. I agree to keep the massage therapist updated as to any changes in my medical profile during the session and understand that there shall be no liability on the massage therapist's part should I fail to do so. I understand that any illicit or sexually suggestive remarks or advances made by me will result in immediate termination of the session. I also understand that the Licensed Massage Therapist reserves the right to refuse to perform massage on anyone whom he/she deems to have a condition for which massage is contraindicated.

Client signature _____ Date _____

NAME: _____ PHONE: _____

E-MAIL: _____ THERAPIST'S NAME: _____

FIGURE 4-3. Informed consent form.

BOX 4-7 Implied Duties Owed by the Massage Therapist to the Client

- Use reasonable care in the provision of services as measured against acceptable standards set by other practitioners with similar training in a similar community.
- Be properly licensed and registered, and meet all other legal requirements to engage in the practice of massage.
- Obtain an accurate health history of the client before massage treatment begins.
- Employ competent personnel and provide for their proper supervision.
- Maintain a level of knowledge in keeping with current advances in the profession.
- Use methods that are acceptable to most similar practitioners in the community.
- Refrain from performing invasive procedures.
- Obtain informed consent from the client before massage treatment.
- Charge a reasonable fee (by community standards) for services.
- Refrain from exceeding the scope of practice authorized by your license or permitting those acting under your direction to engage in unlawful acts.
- Keep the client informed of his or her progress.
- Refrain from undertaking any procedure for which you are not qualified.
- Complete care in a timely manner.
- Keep accurate records of the massage application rendered to the client.
- Maintain confidentiality of information.
- Inform the client of any untoward occurrences in the course of treatment.
- Make appropriate referrals, and request necessary consultations.
- Comply with all laws regulating the practice of massage.
- Practice in a manner consistent with the codes of ethics of the profession.
- Use standard precautions in the treatment of all clients.

BOX 4-8 Implied Duties Owed by the Client to the Massage Professional

- Keep appointments, and notify the office of cancellations or appointment delays.
- Provide honest answers to questions asked on the history form and by the massage therapist.
- Notify the office staff or massage therapist of any change in health status.
- Pay a reasonable fee for the service if no fee is agreed on in writing or orally.
- Remit the fee for services within a reasonable time.

BOX 4-9 Nine Steps to Making Ethical Decisions

1. Is the task I am performing legal?
2. Do I have the necessary credentials to perform this task?
3. Am I physically and emotionally competent to perform this task?
4. Am I performing this procedure in a safe working environment?
5. Has the client been informed about his or her massage session?
6. Am I respecting the client's rights to privacy and confidentiality?
7. Do I maintain complete and accurate records, and have I documented special problems arising with clients, employees, or an employer?
8. Do I maintain professional liability insurance?
9. Do I actively participate in my professional organization and contribute to community awareness of therapeutic massage?



Good Stuff from the Government

BUSINESS ETHICS: THE FOUNDATION OF EFFECTIVE LEADERSHIP

Business ethics are a hot topic. With everything from insider trading to employee theft on the rise, it is no wonder that businesses are beginning to focus on the impact of ethical leadership. However, along with this new focus comes gray areas. Managers often are forced to decide on issues for which there are arguments on both sides, making ethical decisions very difficult. The Evolve site has links to the small business planner with information about professional ethics.

HANDLING LEGAL CONCERNS

It makes good business sense to know how to handle legal issues that affect your business. Not all legal matters require a lawyer, but they do require understanding. Sometimes, the best way to protect yourself and your business is to know where to go for assistance. For example, the Small Business Association Web site provides information on finding the following legal information at <http://www.sba.gov>.

American Bar Association (ABA) lawyer referral service: Find a lawyer in your state who's prepared to help you.

Tips on hiring an attorney presented by the National Federation of Independent Business (NFIB): One of the best ways to find the right lawyer for your business is to ask people you trust for referrals.

Your state bar association: Link to the ABA's guide to finding bar associations in your state.

Fees and expenses: It is important to negotiate legal fees when first visiting a lawyer. You have a right to know how you will be charged, how much the case is likely to cost, and when you have to pay.

Small claims court is usually the best option if the size of the case does not justify the cost of hiring a lawyer.

International Center For Dispute Resolution (ICDR) is a resource for business, organizations, government agencies, and communities seeking to manage human relations issues and harmonize relationships that threaten productivity and performance, especially in the workplace.

Arbitration provides a quicker and less expensive method for resolving disputes.

Plain English Guide to Contracts provides a simple, easy explanation about contracts.

Legal FAQs: Answers to common questions about the legal aspects of running a business.

Hiring a lawyer FAQs: Commonly asked questions about hiring a lawyer.

SCORE Legal Questions: Legal questions regarding business as answered by the SCORE organization.

SUMMARY

There are legal requirements regarding the standards of care in the delivery of massage treatment, especially when it comes to ethics. Ethical standards are involved in your speech, your demeanor, possibly your clothing, or even your

massage office. As a massage therapist, you must always be aware of the ethical implications of your actions. Whether you are working at your office, making a house call, or working at a medical facility, the same correct ethical behavior and responses need to be second nature.

**EXPERT
Outlook****THREE ISSUES INVOLVING ETHICS AND LAW****BRUCE FROELICH, JD, NCTMB****WHAT CHOICE OF LEGAL ENTITY DO WE USE TO SET UP OUR BUSINESS?**

Ethically and legally, massage therapists (MT) have a limited scope of practice. Legally, we should be concerned to maintain a limited liability, which both protects our personal property and the financial integrity of our business. Each state has different business entities we can choose among, such as corporations or partnerships. Most states allow us another choice: the Limited Liability Company, or LLC, as it is known here in Michigan.

For most MTs, LLC is the option I would recommend. However, it is not “one size fits all”; remember that each person has to select and design the best business entity for his or her circumstances. There are no solo acts; we each need competent advice to make the best choices for ourselves, so get a good tax advisor and lawyer before you start out.

Most MTs have to start out small and hope to grow their practice. Consider these business factors: LLC has flexibility and informality, limited liability, and broad powers and purposes; allows for single or multiple owners; helps us structure our capital investment, profits, and business management rights; allows us to buy or sell ownership interests; and gives the business legal continuity. There is flexibility for tax planning, allocation of profits and losses to owners, deductibility of expenses, and so on. Owners can sell or liquidate the business, too. The LLC can be used for large privately held corporations or small and medium-sized closely held businesses, and can be a tool to assist planning for estates and preserving family wealth.

EMPLOYEE OR INDEPENDENT CONTRACTOR?

Ethical and legal duties arise when we grow our business enough to require hiring additional people, whether those are employees or independent contractors. Circumstances may make either choice preferable. Owners wanting to

know where the limits are between these choices must first realize the boundaries are not always clear. Even the Internal Revenue Service looks at multiple factors when trying to decide whether a person is an employee or an independent contractor. So we have to become informed and then from the start communicate clearly with the persons we hire.

BUSINESS POLICIES AND PROCEDURES?

Massage therapists’ business policies and procedures involve both ethics and legal requirements, whether we are working alone or have hired other persons. What policies and procedures do we adopt in our business, either internally or for presentation to our clients? Do we want to simply post them in our lobby; or do we require clients to read them, offer to answer their questions, and then require the client to sign them? Hint: clear communication, both with clients and persons we hire, helps establish mutual expectations and prevents problems from occurring.

My clients are handed a policies and procedures document to read, given an opportunity for asking questions face-to-face, and required to sign and date the document—all *before* they disrobe or get on the massage table. Topics covered include: scope of practice, first and subsequent visits, paperwork expected, contraindications, clients’ goals and preferences, draping, inviting clients to ask any questions they may have, scheduling appointments and giving notice for canceling them, fee structure and methods of payment, mutual right of refusal, consequences if the therapeutic massage is sexualized, and informed consent. The informed consent paragraph indicates they have read the document, discussed it, asked questions, understood the document, and agreed to comply. They also promise to promptly raise any questions they may have in the future, and keep their MT informed about any changes in their health status.

Employees must also be aware of the laws and ethical standards that affect their profession. An understanding of the legal principles involved can help employees to support decisions that the business owner must make and can help to protect everyone’s livelihood. To have knowledge is priceless, and to use your knowledge is called success. The knowledge gained in this textbook should be used wisely and with the intention of making yourself a successful, law-abiding massage therapist.

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Evolve Annotated Web Links

 <http://evolve.elsevier.com/Fritz/Links>

U.S. Small Business Association: www.sba.gov

Associated Bodywork & Massage Professionals (www.MassageTherapy.com), State Boards and Requirements: www.massageTherapy.com/careers/stateboards.php

Associated Bodywork & Massage Professionals (www.MassageTherapy.com), Massage State Regulation Guide: www.massageTherapy.com/_content/careers/MTreg.pdf

Americans with Disabilities: www.usdoj.gov/crt/ada/
 Commission of Massage Therapy: www.comta.org
 National Certification Examination for Therapeutic Massage and Bodywork: www.ncbtmb.org
 U.S. Department of Education Accrediting Agencies:
 Accrediting Bureau of Health Education Schools: www.abhes.org
 Accrediting Council for Continuing Education and Training: www.accet.org
 Accrediting Commission for Career Schools and Colleges of Technology: www.accsct.org

Accrediting Council of Independent College and Schools: www.acics.org
 Council on Occupational Education: www.council.org
 Distance Education and Training Council: www.detc.org
 National Accrediting Commission of Cosmetology Arts and Sciences: www.naccas.org
 North Central Association of Colleges and Schools: www.ncacihe.org

Workbook

1. Explain the application of the two forms of consent that apply to the delivery of massage care.

2. What four questions should be asked to determine an unintentional tort of negligence in massage care?

3. Identify 10 steps that should be followed when making ethical decisions.

4. Identify 10 implied duties that a massage therapist owes a client.

5. List five business office activities that may lead to potential litigation.

6. Explain the elements of informed consent.

7. Explain the function of a state Massage Practice Act and its impact on a consumer.

8. Describe the role of the massage therapist in the state in which you practice.

9. Search the Americans with Disabilities Act Web site to determine how this act would affect the renovation of a massage office building built in 1995.

TECHNOLOGY IN THE MESSAGE PRACTICE

OUTLINE

Information Systems

Hardware

Software

Data

Procedures

Operations of an Information System

Parts of a Computer

Profitability of the Information System

Software Selection

Integrated Applications

Clinical Records Applications

Guidelines for Selecting Software

Implementing the Change to Computerization

Establishing Procedures

Understanding the Internet

The Birth of Domain Names

The Birth of the Web Browser

How Does E-mail Work?

The Web Site

Summary

KEY TERMS

Computers

Data

Dumb terminals

Electronic spreadsheet

Feasibility study

Impact printer

Information system

Intelligent terminals

Mosaic Netscape

Nonimpact printer

Software

Technology

LEARNING OUTCOMES

Mastery of the content in this chapter will enable the reader to:

- Define glossary terms
- Differentiate between a manual massage practice and a massage practice using new technology
- List types of electronic massage practice equipment considered to be new technology
- Describe the elements of information systems
- Explain the four operations of a computer
- Explain how technology can be used to increase profitability
- Describe the application of technology to a massage practice
- Explain the purpose of a feasibility study
- Explain the difference between general and specific task software
- Discuss software, word processing, electronic spreadsheet, database, graphics, and Internet software
- List guidelines to follow when selecting software
- Explain why implementing a change to a computer system is important to all staff members

BOX 5-1 Applications of New Technology in the Business Massage Practice

- Electronic charting
- Computerized scheduling
- Online massage practice procedures manuals
- Add progress notes to online records
- Automated insurance claims
- Buying supplies from online supply warehouses
- Telemarketing with Web pages
- E-mail staff and clients
- Enrolling in online college courses
- Providing a means for continuing education
- Allowing for virtual group practices in which solo practitioners share one set of records
- Consulting with experts from all over the world

Modified from Finkbeiner BL, Finkbeiner CA: *Practice Management for the Dental Team*, ed 6, St. Louis, 2006, Mosby.)

Products and services can be low tech or high tech. *Low tech* refers to a design or development that typically occurred before the availability of electricity. Because massage has a history that is centuries old, massage is low tech, and that is a great thing. Just like yin and yang, there needs to be a balance in life. We have become so high tech that basic things such as gardening and massage are even more important to establish a balance. Although the practice of massage therapy is considered to be low tech, the business of massage is benefiting by high-tech advances in communication systems, computer hardware and software, Web sites and Web networks, and communities such as Facebook, MySpace, and more. Technology advances help the large, multidisciplinary practice and in many ways allow the sole practitioner of massage to streamline and optimize their business responsibilities.

Technology is advancing at a rate so fast that it is almost impossible to keep current. A smartphone today can do what a full computer system could do 2 years ago. It boggles the mind. It is unrealistic to expect that the most current information will be presented in this chapter. Instead, the content focuses on basics, what is currently familiar, and what can help to prepare you to learn how to remain aware of all the technologic advances of the future.

Just 10 years ago in the traditional massage practice, computers were seldom used. Today, technology has replaced manual systems with online, interconnected commerce. New technology in the massage practice is the application of computers and associated electronic equipment to prepare and distribute information. The computer has made an impact on the profession of massage therapy and is now used routinely in the clinical and business applications of the massage practice.

Few businesses can avoid the need for more information. The prudent selection of technology equipment is a major component of massage practice productivity and efficiency.

The use of a Web site is more than a mode of advertising. The platform can be used for distributing information, client education, networking, appointments, and more functions.

The electronic massage practice is a workplace where sophisticated computers and other electronic equipment carry out many of the massage practice's routine tasks and provide more options for gathering, processing, displaying, and storing information. Some applications of technology in the electronic massage practice are outlined in Box 5-1.

The technologic revolution that led to the information age has had a profound effect on the massage practice. The use of electronic technology in the massage office assists with organization and efficiency. It can help to automate routine massage practice tasks such as appointment reminders, improve cash flow, and increase accuracy.

INFORMATION SYSTEMS

An *information system* is a collection of elements that provides accurate, timely, and useful information. To understand the procedure of an information system, the massage therapist must understand basic terminology related to this concept. A glossary of terms and definitions can help the novice understand the terminology of the modern electronic massage practice and is useful in selecting contemporary massage practice equipment. Box 5-2 contains a detailed list of basic information system terms.

Figure 5-1 depicts the five elements that make up the information system:

- Hardware(equipment)
- Software(programs)
- Data
- Personnel
- Procedures

Hardware

Hardware is the information system's physical equipment. The central piece of hardware in the information system is the computer. A computer is a device that electronically accepts *data*, processes the data arithmetically and logically, produces output from the processing, and stores the result for future use. Computers usually are classified in three categories: mainframe, minicomputers, and microcomputers.

The mainframe computer is a large system that handles numerous users, stores large amounts of data, and processes data at very high speeds. This type of system may be found, for example, in an insurance company in which the mainframe computer is used to process many claim forms with large amounts of data that must be processed quickly.

A midrange system, or minicomputer, is compact and has a slower processing speed and more limited storage capacity than the mainframe system, but it is more powerful than

BOX 5-2 Technology Terms

CD/DVD drives: Most computers come with a 32× to 48× speed CD-ROM drive that can read CDs. If you plan to write music, audio files, and documents on a CD or DVD, you should consider upgrading to a CD-RW. A better alternative is to upgrade to a DVD-R/RW combination drive. It allows you to read DVDs and CDs and to write data on (burn) a DVD or CD. A DVD has a capacity of at least 4.7 GB, compared with the 650-MB capacity of a CD.

Card reader/writer: A card reader/writer is useful for transferring data directly to and from a removable flash memory card, such as the ones used in your camera or music player. Make sure the card reader/writer can read from and write to the flash memory cards that you use.

Digital camera: Consider an inexpensive point-and-shoot digital camera. They are small enough to carry around, usually operate automatically in terms of lighting and focus, and contain storage cards for storing photographs. A 1.3- to 2.2-megapixel camera with an 8-MB or 16-MB storage card is fine for creating images for use on the Web or to send by e-mail.

Digital video capture device: A digital video capture device allows you to connect your computer to a camcorder or VCR and record, edit, manage, and then write video back to a VCR tape, a CD, or a DVD. The digital video capture device can be an external device or an adapter card. To create quality video (true 30 frames/second, full-sized TV), the digital video capture device should have a USB 2.0 or FireWire port. You will find that a standard USB port is too slow to maintain video quality. You will also need sufficient storage: an hour of data on a VCR tape takes up about 5 GB of disk storage.

Hard disk: It is recommended that you buy a computer with a 40- to 60-GB hard disk if your primary interests are browsing the Web and using e-mail and massage practice suite-type applications; 60 to 80 GB if you also want to edit digital photographs; 80 to 100 GB if you plan to edit digital video or manipulate large audio files even occasionally; and 100 to 160 GB if you will edit digital video, movies, or photography often; store audio files and music; or consider yourself to be a power user.

Joystick/wheel: If you use your computer to play games, you will want to purchase a joystick or wheel. These devices, especially the more expensive ones, provide for realistic game play with force feedback, programmable buttons, and specialized levers and wheels.

Keyboard: The keyboard is one of the more important devices used to communicate with the computer. For this reason, make sure the keyboard you purchase has 101 to 105 keys, is comfortable, easy to use, and has a USB connection. A wireless keyboard should be considered, especially if you have a small desk area.

Modem: Most computers come with a modem so that you can use your telephone line to dial out and access the Internet. Some modems also have fax capabilities. Your modem should be rated at 56 kbps.

Monitor: The monitor is where you will view documents, read e-mail messages, and view pictures. A minimum of a 17-inch screen is recommended, but if you are planning to use your computer for graphic design or game playing, you may want to purchase a 19- or 21-inch monitor. The LCD flat panel monitor should be considered, especially if space is an issue.

Mouse: As you work with your computer, you use the mouse constantly. Spend a few extra dollars if necessary, and purchase a mouse with an optical sensor and USB connection. The optical sensor replaces the need for a mouse ball, which means you do not need a mouse pad. For a PC, make sure your mouse has a wheel, which acts as a third button in addition to the top two buttons on the left and right. An ergonomic design is also important because your hand is on the mouse most of the time when you are using your computer. A wireless mouse should be considered to eliminate the cord and allow you to work at short distances from your computer.

Network card: If you plan to connect to a network or use broadband (cable or DSL) to connect to the Internet, you will need to purchase a network card. Broadband connections require a 10/100 PCI Ethernet network card.

Printer: Your two basic printer choices are inkjet and laser. Color inkjet printers cost on average between \$50 and \$300. Laser printers cost \$300 to \$2000. In general, the cheaper the printer, the lower the resolution and speed, and the more often you are required to change the ink cartridge or toner. Laser printers print faster and with a higher quality than inkjet printers, and their toner on average costs less. If you want color, go with a high-end inkjet printer to ensure quality of print. Duty cycle (i.e., number of pages you expect to print each month) also should be a determining factor. If your duty cycle is on the low end—hundreds of pages per month—stay with a high-end inkjet printer rather than purchasing a laser printer. If you plan to print photographs taken with a digital camera, you should purchase a photo printer. A photo printer is a dye-sublimation printer or an inkjet printer with higher resolution and features that allow you to print quality photographs.

Processor: For a PC, a 2.0-GHz Intel or AMD processor is more than enough processor power for application home and small massage practice or home massage practice users. Game home users, large businesses, and power users should upgrade to faster processors.

RAM: RAM plays a vital role in the speed of your computer. Make sure the computer you purchase has at least 256 MB of RAM. If you have extra money to invest in your computer, consider increasing the RAM to 512 MB or more. The extra money for RAM will be well spent.

Scanner: The most popular scanner purchased with a computer is the flatbed scanner. When evaluating a flatbed scanner, check the color depth and resolution. Do not buy anything less than a color depth of 48 bits and a resolution of 1200 × 2400 dpi. The higher the color depth, the more accurate the color. A higher resolution picks up the more subtle gradations of color.

Sound card: Most sound cards support the Sound Blaster and General MIDI standards and should be capable of recording and playing digital audio. If you plan to turn your computer into an entertainment system or are a game home user, you will want to spend the extra money and upgrade from the standard sound card.

(Continued)

BOX 5-2 Technology Terms—cont'd

Speakers: After you have a good sound card, quality speakers and a separate subwoofer that amplifies the bass frequencies of the speakers can turn your computer into a premium stereo system.

Video graphics card: Most standard video cards satisfy the monitor display needs of application home and small massage practice users. If you are a game home user or a graphic designer, you will want to upgrade to a higher-quality video card. The higher refresh rate will further enhance the display of games, graphics, and movies.

PC video camera: A PC video camera is a small camera used to capture and display live video (in some cases with sound), primarily on a Web page. You also can capture, edit, and share video and still photos. The camera sits on your monitor or desk. Recommended minimum specifications include 640 × 480 resolution, a video with a rate of 30 frames per second, and a USB 2.0 or FireWire connection.

USB flash (jump) drive: If you work on different computers and need access to the same data and information, this portable mobile storage device that can fit on your key chain is ideal. USB flash drive capacity varies from 128 MB to 4 GB.

Wireless LAN Access Point: A wireless LAN Access Point allows you to network several computers so they can share files and can access the Internet through a single cable modem or DSL connection. Each device that you connect requires a wireless card. A wireless LAN Access Point can offer range of operation up to several hundred feet, so be sure the device has a high-powered antenna.

Zip drive: Consider purchasing a Zip disk drive to back up important files. The Zip drive, which has a capacity of up to 750 MB, is sufficient for most users. An alternative to purchasing a backup drive is to purchase a CD-RW or DVD-R/RW and burn backups of key files on a CD or DVD.

From Shelly GB, Cashman TJ, Vermaat ME: *Discovering Computers: Fundamentals Edition*. Boston, 2004, Course Technology.

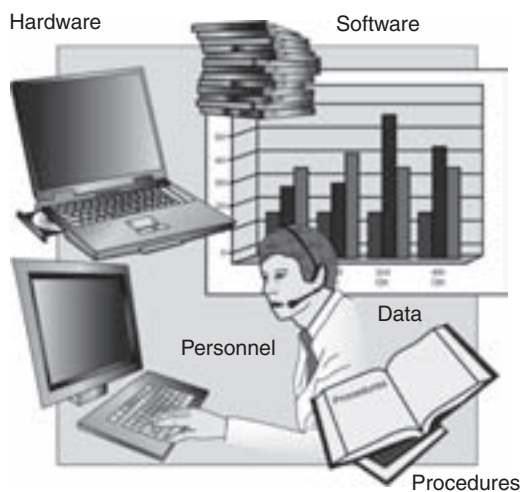


FIGURE 5-1. Fiveelement information system. (From Finkbeiner BL, Finkbeiner CA: *Practice Management for the Dental Team*, ed 6, St. Louis, 2006, Mosby.)

the microcomputer. This type of system is often found in large health care practices in which computer resources are shared. A centralized processing area may be implemented with this system, and processing can be done for several massage therapists in one practice or different health professionals including the massage therapist throughout a large establishment.

The microcomputer, also called a *personal computer*, is the smallest computer of the systems described and is self-contained with regard to the circuitry and components for arithmetic, logic, and control operations. These machines usually are priced at less than \$2000, and the cost continues

to decrease. This kind of system is becoming increasingly popular in many small massage therapy practices and can be connected together to form a local area network (LAN).

In addition to the computer system previously described, other technologies prevalent in massage practice include telephone systems with the capacity for voicemail or paging, fax (facsimile) machines, copy machines, calculators, and scanners.

- Voicemail allows incoming and outgoing telephone messages to be recorded and processed.
- Pagers or cell phones carried by members of the massage practice staff allow them to be signaled when needed.
- Fax machines send and receive documents or other graphic images over telephone systems.
- Copy machines reproduce letters, charts and drawings, financial reports, clinical records, and statements from the clients' ledger cards. Box 5-3 describes features of copiers.
- Calculators found in computer *software* or those purchased separately are a great help to massage therapists with many routine duties that require mathematical skill. Except for the computer calculators, many are inexpensive enough to be sold at department and discount stores. The price of a calculator is not determined entirely by the number of its functions, although this is an important factor. The types of components and materials used to produce the machine also affect the price (Box 5-4 and Fig. 5-2).
- Scanners input text or graphic data directly into computer storage without keying. Any of these devices may be directly connected to the computer system and provide a centralized source for information. Chapter 10 includes detailed descriptions of telecommunications systems and techniques.

BOX 5-3 Features to Consider When Selecting or Using Copiers

1. Style of copiers: tabletop size or stand-alone floor models
2. Volume of work to be done: low-volume, mid-volume, high-volume work
3. Quality of copy: desired characteristics
4. Selection of paper size for reports, ledger cards, and letters
5. Ability to reproduce from a colored original or colored ink
6. Speed and output: number of copies per minute
7. Capability to make copies on regular message practice forms and paper
8. Availability of outside copying business to handle a large volume of documents (e.g., new message practice policy) or other specialized copying services

See Figure 5-6.

From Finkbeiner BL, Finkbeiner CA: *Practice Management for the Dental Team*, ed 6, St. Louis, 2006, Mosby.

BOX 5-4 Features to Consider When Selecting a Calculator

1. Type of display
2. Printing capabilities
3. Quality of keyboard
4. Type of batteries: On portable models, are they easily obtained? Are they throwaway or rechargeable?
5. The durability of components and materials: Factors other than cost will influence the selection of a calculator.
6. Ease of operation: The calculator should allow for the basic computations of addition, subtraction, multiplication, and division. Some machines can solve difficult trigonometry problems that only an accomplished mathematician could answer accurately.
7. Decimal functions: A fixed decimal restricts the number of decimals; a floating decimal puts no restriction on the position of the decimal point.
8. Repeat and constant operations: This feature allows the operator to add or subtract a series of identical numbers by depressing the *add* or *subtract* function key repeatedly.
9. Memory register: Figures can be added to or subtracted from and are available until the register is cleared.

From Finkbeiner BL, Finkbeiner CA: *Practice Management for the Dental Team*, ed 6, St. Louis, 2006, Mosby.

Software

The computer system is directed by a series of instructions called a *computer program*, or *software*, which directs the sequence of operations the system is to perform. Software in the message practice may include general purpose software, such as word processors, spreadsheets, or database systems, or it may include software specifically designed for message practice management. Software may be provided with the computer system or be purchased as individual or bundled



FIGURE 5-2. Calculator. (2007 © Brent Hathaway. Image from BigStockPhoto.com.)

packages. The parts of the desktop window that need to be identified are shown in Figure 5-3. The CD with this textbook contains message business practice software for you to practice with and learn about the various functions. As mentioned previously, you will be instructed when to activate your CD. There are many screen shots of the software on Evolve site for you to view before using the actual software.

Data

The term *data* refers to the facts or figures that the information system needs to produce accurate and timely information. Data are the raw material of the information system and are manipulated or processed by the computer to produce the finished product: information. For instance, the message therapist enters data such as fees and payments on a financial record if the practice bills clients for services. The finished product can result in a statement for the client. If the data are incorrect, the resulting information will be incorrect: garbage in; garbage out.

Procedures

Procedures are the written documentation or policies that help maintain the information system efficiently. Specialized manuals can be assembled, or these procedures may be included in the message practice procedures manual described in Chapter 2.



SELF-REFLECTION

How comfortable and capable am I with technology? Do I need to take some additional training to be more efficient? Am I nervous or excited about technology? How can I incorporate technology into my message practice?

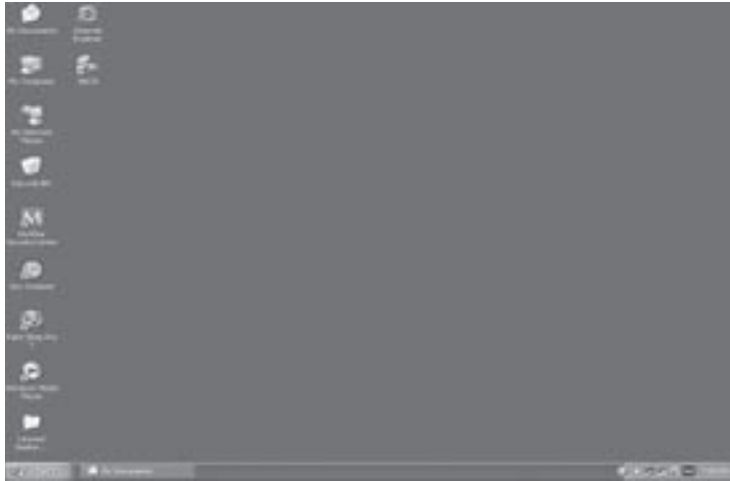


FIGURE 5-3. Partsofa t typicaldesktop topwi ndow. (Microsoft product screen shot reprinted with permission from Microsoft Corporation.)

If any of the elements—hardware, software, data, personnel, or procedures—are missing or flawed, the entire information system may be affected.

OPERATIONS OF AN INFORMATION SYSTEM

Regardless of the model that is selected for the massage practice, computers are capable of performing four general operations known as the *information processing cycle*. The four operations are input, process, output, and storage. By using these four operations, the computer can process the data into information.

Parts of a Computer

INPUT DEVICE

The most common means of entering information and instructions into the computer is the keyboard (Figs. 5-4 and 5-5). Special keys on the enhanced 101-key keyboard may include a numeric keypad, cursor control keys, and function keys. In addition to the keyboard, other data collection devices include the mouse or trackball, touch screens, graphic input devices, scanners, and voice input. These devices may input data directly without any keystrokes.

PROCESSOR

The processor is the controlling unit of the system that contains the electronic circuitry to manipulate data. This unit is known as the *central processing unit* (CPU) (see Fig. 5-4), and it directs and controls all of the computer's activities. As the data are accepted from the input device, they are processed according to the program. The *program* is a series of instructions directing the computer to perform a sequence of tasks. The number of programs and data that can be stored in the

processing unit depends on the main memory of the system. The memory capacity of computers varies, but the computer has a fixed memory capacity. One byte of computer memory can be considered equivalent to one character of storage. The memory capacity is expressed in terms of kilobytes, megabytes, or gigabytes, which roughly represent 1 thousand, 1 million, or 1 billion bytes of storage, respectively. The typical massage practice system may have 8 megs (megabytes) of main memory and a 4-gig (gigabytes) hard drive for storing client records.

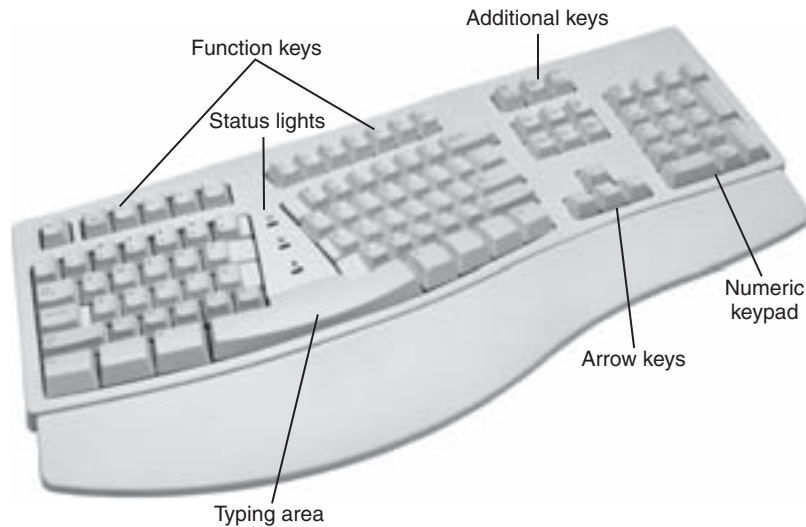
OUTPUT DEVICE

The printer and the monitor are the two most commonly used output devices (see Fig. 5-4). If a paper copy (hard copy) is needed, the computer is directed to print a copy. When no permanent record is needed, the output is displayed on the monitor (soft copy).

There are two classifications of printers: impact and non-impact. The *impact printer* creates images on the paper as the mechanism strikes the paper, ribbon, and characters together. The two most common impact printers are the dot matrix and letter-quality printers.

The *nonimpact printer* creates images on the paper without characters striking the sheet of paper. Nonimpact printers are almost noiseless, because the characters are shaped with the use of light or a spray of ink. The two most common nonimpact printers are inkjet and laser printers. The laser printer, often called an *intelligent printer*, combines printing and photocopying features to make it the most economical choice. The intelligent printer is able to collate, stack, and place images on both sides of the paper. The cost of these printers has decreased, and they now produce multiple copies more economically. Some printers in both categories are able to print color images, which greatly enhances the visual effect of the output (Fig. 5-6).

As the information is entered, it is displayed on the video display screen, also known as a *monitor*. Terminals are



A



B

FIGURE 5-4. A, Computer keyboard. B, Components of an office computer. (Modified from Finkbeiner BL, Finkbeiner CA: Practice Management for the Dental Team, ed 6, St. Louis, 2006, Mosby.)

classified as *dumb terminals* or *intelligent terminals*. Dumb terminals depend on the system to which they are connected for memory and processing circuitry. Intelligent terminals have their own processing capabilities (see Fig. 5-5).

STORAGE MEDIA

Auxiliary storage is used to store data and programs that are not being processed on the computer. Types of storage include hard disk, tape cartridge, compact disk, flash drive, and jump drive (Fig. 5-7). Other devices for storage are used, but they usually require a large computer system. The hard disk is a rigid metal disk coated with magnetic material that

makes it suitable for recording and storing data. The optical compact disk system uses a laser to burn microscopic holes on the surface of a hard plastic disk. The most popular optical disk formats used for data storage are the recordable compact disk (CD-R) and rewritable compact disk (CD-RW). Another small optical disk format used for storage is the compact disk read-only memory (CD-ROM). Most software is distributed on the CD-ROM format. Other types of popular storage devices are jump, thumb, or flash drives, which are portable storage devices that plug directly into computers, hold large amounts of data, and do not require any type of disk.



FIGURE 5-5. Workstation with a keyboard and monitor.

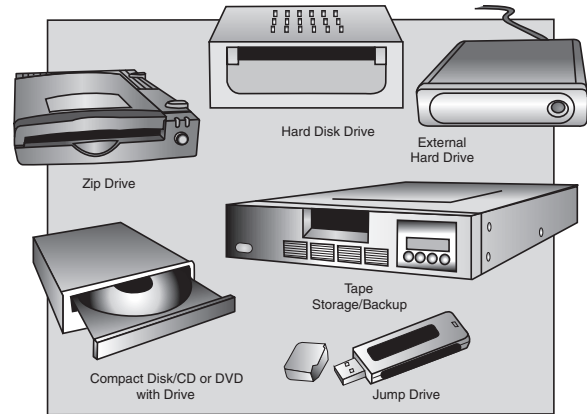


FIGURE 5-7. Different types of storage media. (From Finkbeiner BL, Finkbeiner CA: Practice Management for the Dental Team, ed 6, St. Louis, 2006, Mosby.)



FIGURE 5-6. Multifunction printer has four functions: color printer, scanner, plain-paper fax, and copier. (Courtesy of Lexmark International.)



LEARNING ACTIVITY

Research the various anticipated advances in technology, such as increased satellite transmission for wireless Internet connection. List at least three expected advances in technology that you think will benefit the massage therapy business operations.

Technology advancements are progressing at a rate that makes it difficult to remain current. Some of the information in this chapter soon will be obsolete. For example, tape backup for computers is quickly being replaced by other, more efficient backup devices, but the fundamental principles remain valid. The use of technology for massage practice will continue to increase.

PROFITABILITY OF THE INFORMATION SYSTEM

All of the high-tech equipment available today will not make the massage practice more efficient if proper procedures are not followed before investing in the information system. Before the massage practice acquires new equipment of any kind, the needs of the massage practice should be identified. The major categories of equipment you may need to consider include computers dedicated to tasks such as word processing, records management, and accounting; copying machines; and calculators. Other specific types of equipment used to handle mail and telephone systems are discussed in other chapters.

A *feasibility study* is one of the most reliable ways to determine what type of computer system would best serve the massage practice. A feasibility study must involve everyone who will use the system and other support staff. Some factors to consider when doing the feasibility study include type and size of the practice, cost, ability of the staff, and training requirements. A massage practice is prepared for automation if the questions in Box 5-5 can be answered in the affirmative. After the need for a system has been established, it is time to begin selecting equipment and software, setting up the procedures for using the equipment, training personnel, and entering the initial data.

SOFTWARE SELECTION

The first part of the chapter can be used as a guideline in selecting the hardware components of the information system for the massage practice needs, with the help of equipment manufacturers. The next task is the selection of software. Software is the computer program written to meet specific user needs.

Selecting software that will perform the jobs specific to your massage practice is important. Software is available that can perform a general task such as word processing and generate spreadsheets, databases, graphics, and electronic and desktop publishing. Software can also perform specific tasks for massage practices, including account reports, client reports, client history, insurance claim processing, appointment scheduling, treatment planning, summary reports, billing and receivables, referral tracking, income analysis, recall, and inventory management. Figures 5-8 through 5-10 show

BOX 5-5 Questions to Consider When Preparing to Automate

1. Is there a manual system in place that gives all the data needed to evaluate the practice monthly?
2. Does the massage therapist and staff understand the significance of the data?
3. Is the staff organized?
4. Does the work get done in a timely manner?
5. Do the clients receive current and accurate information?
6. Is the staff able to demonstrate?

Modified from Finkbeiner BL, Finkbeiner CA: *Practice Management for the Dental Team*, ed 6, St. Louis, 2006, Mosby.

some of the screens that can be accessed in Message Office Professional on the CD-ROM at the back of this book.

- The *client information screen* (see Fig. 5-8) includes comprehensive client information. The accounts screen includes accounts payable information (see Fig. 5-9). A variety of payment and remittance information is found on this screen, including the minimum monthly payment, date of the last statement, current account balance, and outstanding insurance or budget plan balances.
- The *client master report* (see Fig. 5-10) can be filtered or sorted using different criteria, such as client zip codes, birthdays, phone numbers, or insurance coverage.
- The *treatment plan screen* enables you to produce a treatment plan for the client and to track all of the planned treatment to completion.
- The daily *appointment screen* with an expanded view can indicate various treatment rooms.
- A *tickler file* is provided in the appointment section of the program to collect and store information on clients who have missed, canceled, or broken appointments.
- *Clinical charting* may be linked to the software system. Charting can be done in the treatment room using a graphic format. Charting can be done in a basic format or may include complex charts for test results or specialty areas. This chart can even be e-mailed to another massage therapist for evaluation.
- The *daily treatment room schedule* includes the amount of time and type of treatment to be rendered.
- The *day sheet report* summarizes practice activity for a period of time.
- *Annual graphic reports* are generated to illustrate categorical treatment production.

FIGURE 5-8. Client information screen. (Courtesy of Island Software.)

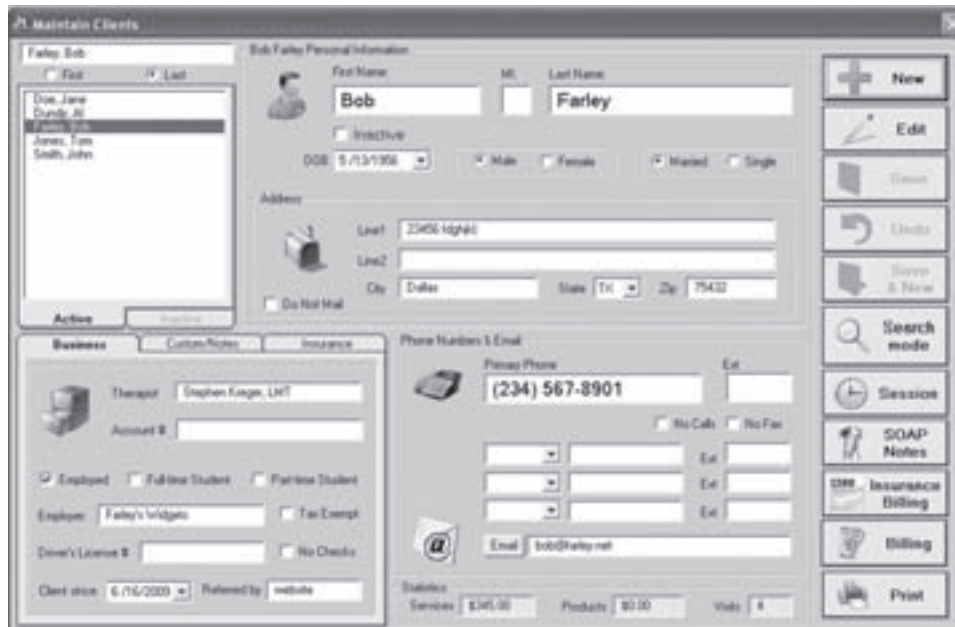


FIGURE 5-9. Client accounts screen. (Courtesy of Island Software.)

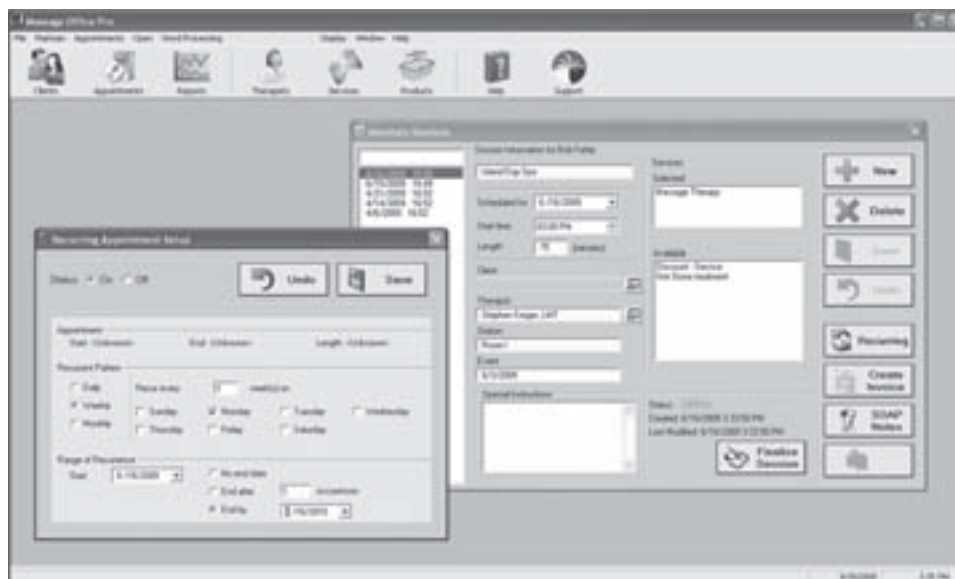


FIGURE 5-10. The client master report can be filtered or sorted using a variety of criteria: client zip code, birthday, phone number, insurance status, a ndot herdeli miters. (Courtesy of Island Software.)

Appropriate selection of a software package is extremely important. For the software to be effective, the computer functions must be applicable to the specific massage practice. Stored data and information must be usable and easily accessible. The required applications should be presented to the vendor rather than asking the vendor what the massage therapy practice should do. Take a routine accounts receivable task and have the vendor explain how it would be processed with that company's equipment and software. Inquire how

different procedures (e.g., billing, payments, appointment notification) can be combined. Another option is starting with basic software packages and then adding appointment tracking, treatment planning, marketing, and payroll.

The word processing function is invaluable to the business, and it can be integrated with the information system to improve communications with the clients. The computer, when used to produce welcome letters, newsletters, and special greetings, can be a very effective marketing tool.

When using word processing software on the computer, the document is prepared electronically, and the text is entered on the computer keyboard in the same manner as on a typewriter. As the text is entered, it is displayed on the screen (monitor) and stored in the computer's memory. This is an electronic format, and it is easy to edit a document by making changes in the text. Text can be corrected by using a backspace or delete key. Words, sentences, paragraphs, or pages may be added or deleted from a document. Text can be moved from one section to another. The document is formatted according to your specifications. For example, margins, type style, double or single spacing, underlining, boldface or italics, and page length are determined by the user. When the document is finalized and all corrections made, a command is made to print the document. You can have more than one copy printed, and each copy is an original. These documents are stored in the computer's memory, and they can be used again in their original form or edited and brought up to date.

Most word processing packages include features such as spell check, grammar check, and a thesaurus. Some spell-check software allows you to add words specific to massage therapy and medical terminology. Word processing software can be a very productive tool for the massage practice and should be selected wisely. Box 5-6 lists common features of word processing software packages. Software that has been written specifically for the massage practice may include the capabilities of electronic spreadsheet calculations, databases, and graphics. If these functions are not included but are needed, additional commercial software packages may be another option.

An electronic spreadsheet software package allows the user to organize numeric data in a worksheet or table format. The user enters the data into the formula that has been typed in specific rows and columns, known as *cells*. As the data are entered in the proper cells, the electronic calculations are performed automatically. Daily postings and updates can be made very easily. An electronic spreadsheet's ability to recalculate data makes this an invaluable tool for business massage practice management.

Database software allows the user to create electronic files that can be retrieved, manipulated, and updated as necessary. A database is a collection of data that is stored in multiple files. Database software features include operations to create the database, copy, delete, and sort the data; data editing and updating capabilities; mathematical functions; and the ability to retrieve data and produce a report. This type of software package is a valuable tool in an inventory control or recall system.

A graphics software package allows the user to create graphs from numeric data; this is sometimes part of the spreadsheet software package. The most common forms of graphics are pie charts, line diagrams, and bar graphs. Graphs are good management tools for reviewing information and helping to communicate information more effectively. When using graphics in a presentation, select the type of graph that is most appropriate for your purpose. Do not try to present too much information, use few words, be consistent, and keep the graphics simple.

BOX 5-6 Common Features of Word Processors

INSERT

- Insert characters
- Insert words
- Insert lines
- Insert documents

DELETE

- Delete characters
- Delete words
- Delete sentences
- Delete paragraphs
- Delete pages
- Delete entire document

KEYBOARD AND SCREEN CONTROL PRINTING

- Cursor movement
- Page up and down
- Word wrap
- Upper- and lower-case display
- Function keys
- Control keys
- Status line
- Line
- Column

FORMAT

- Top and bottom margins
- Left and right margins
- Tab stops
- Single and double spacing

MOVE

- Move sentences
- Move paragraphs
- Move blocks

SEARCH AND REPLACE

- Search to specific text
- Search and replace word
- Search and replace character strings

PRINTING

- Print columns
- Subscripts
- Superscripts
- Underline
- Boldface
- Headers
- Footers
- Page numbering
- Document title

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Integrated Applications

Electronic spreadsheet software and word processing typically are used independently of each other, but what if you wanted some of the information from the spreadsheet in a word processing document? Integrated software combines these applications into a single set of programs that allow the user to share data between applications.

Clinical Records Applications

Although it may appear that the bulk of record management is generated only in the business aspect of the massage practice, you should not overlook the computer as a communication tool between the treatment room and the business office. Systems are available for client histories, general and specialty charting, and treatment-completed records. Such a system also eliminates record contamination, because barrier covers may be placed over the keyboard, and the chances of disease transmission through record management are decreased.

Guidelines for Selecting Software

Choosing the right software for the specific need of the massage practice can be difficult. The information in Box 5-7 should help.

IMPLEMENTING THE CHANGE TO COMPUTERIZATION

Establishing Procedures

Establishing procedures is necessary to make sure that work flows smoothly through the entire process of origination to completion. A procedures manual for computer tasks

BOX 5-7 Guidelines for Choosing the Right Software

1. Determine the needs of the massage practice: type of practice, size of practice, ability of staff, cost, and training required for the physician and support staff.
2. Select a vendor who is reputable and provides fast and efficient support when you have questions. Ask about other massage practices that use the system. How many systems have they installed within your geographic area? Are the insurance forms that are processed through the system accepted by participating insurance companies?
3. Know what you want the computer to do: improve billing, improve practice management, improve massage practice efficiency, track delinquent accounts, compute monthly finance charges, and aid in communications as a marketing device.
4. What type of backup does the system have in case of computer failure?
5. If security of information is a concern, how is it managed?
6. Know what type of training is available from the vendor. Systems are available that have tutorial software. Does the software have a written paper text and recorded instructions for the learner?
7. The computer and software selection process requires a great deal of thought and time, so make the selection carefully. Everyone will have to live with the decision that is made.

Modified from Finkbeiner BL, Finkbeiner CA: *Practice Management for the Dental Team*, ed 6, St. Louis, 2006, Mosby.

is beneficial for all staff members. This manual provides detailed information about how various tasks are completed and by whom, as well as the purpose of each task.

Software manuals that are provided with the software should be carefully evaluated. If the documentation and instructions are difficult to follow or understand, the individual will not use the system properly and efficiently.

UNDERSTANDING THE INTERNET

If you are using the Internet to gather information, to shop, or for entertainment, you are probably familiar with the process of logging in and moving from one Web site to another. However, do you really understand how you are doing what you are doing as you move from one Web location to another? How did the Internet get started?

The Internet began in the late 1960s as an experiment by the U.S. Department of Defense to see if a noncentralized network could be built to withstand the destruction of one or more of its parts. Unlike previous networks, this new network did not have a single central point. Instead, all sites on the network were interconnected.

Out of this network came a protocol for linking computers together. A *protocol* is a set of standards for how network communication takes place. The protocol is called the Transmission Control Protocol/Internet Protocol (TCP/IP). This protocol is the standard that makes it possible for different computers all over the globe to talk to each other. The TCP/IP protocol is the foundation of the Internet.

At first, the Internet was used solely by the government, but universities and other institutions soon connected themselves to the Internet to communicate with one another and collaborate on projects. The Internet grew to connect hundreds of different sites all across the world. Each organization on the Internet was responsible for maintaining its part of the network, so the Internet was not owned or controlled by any one organization. The Internet now connects up to 40 million people around the globe, and it is growing by as much as 10% per month.

The Internet is like a system of roads, freeways, and bridges. Internet access companies, or Internet service providers (ISPs), provide “onramps” to the information superhighway—physical connections that allow you to access the Internet. These onramps are called *POPs*, or points of presence. Dial-up service used to be the only way for many computer users to access the Internet. Luckily, that has changed, and there are options for getting online. The main disadvantage of dial-up is that it is very slow. It takes much longer to navigate the Web or download a file when you are using a dial-up connection. A wireless network uses radio waves, just like cell phones, televisions, and radios do. Communication across a wireless network is like two-way radio communication. Cable modems can provide

your computer with Internet connectivity by means of your television's cable connection if you are a cable television subscriber. DSL is another option that is comparable to the speeds of cable, but DSL subscribers do not need to have cable television in their homes. A T3 connection is another high-tech option, and it is usually too expensive for personal use. However, if you run a business from home and the benefits warrant the cost, you may want to consider the T3 option for your computer. High-speed Internet is unavailable in some parts of the country without the use of a satellite connection. The cost of satellite Internet service is comparable to cable service in more populated areas, although it is a little less reliable. The term *broadband* is used to describe almost any always-on, high-speed connection to the Internet.

After you are connected to a POP, you have access to all the resources of the Internet. Most ISPs supply you with software for surfing the Internet: a Web browser.

The Birth of Domain Names

In the 1980s, a major shift occurred as a result of the increase in scale of the Internet and its associated management issues. To make it easy for people to use the network, hosts were assigned names so that it was not necessary to remember the numeric addresses. Originally, there were a fairly limited number of hosts, and it was feasible to maintain a single table of all the hosts and their associated names and addresses. The shift to having a large number of independently managed networks (e.g., LANs) meant that having a single table of hosts was no longer feasible, and the Domain Name System (DNS) was established. The DNS permitted the conversion of a numeric host address (e.g., 215.72.87.66) to an easier to remember name address (e.g., somesite.com). A domain name is the name of a Web site that you place in the hypertext window (where the `http://` is seen).

The Birth of the Web Browser

In October 1994, Mosaic Communications Corporation (renamed Netscape Communications on November 11, 1994) introduced the first public beta of their browser, Mosaic Netscape. This was one of the first Web browsers to be freely distributed across the Internet.

How Does E-mail Work?

Let's say you are sending mail to `joy@aol.com`. When you have finished composing your e-mail, your mailer (i.e., e-mail software) performs a `gethostbyname` system call to look up the IP address of the remote host (e.g., `aol.com`). Normally, the host would be looked up from `/etc/hosts`, but because you are on the Internet, your system queries an Internet name server to find the address of `aol.com`.

Your mailer opens a virtual circuit over the Internet to "joy's" mailer. It communicates with the remote mailer by using the Simple Mail Transfer Protocol (SMTP). If all goes well, the mail is usually delivered within a few seconds, even if the recipient's machine is on the other side of the world. If the remote site is down, your mailer will keep trying every hour or so, usually for a couple of days. If the site still cannot be reached, the mail will be returned to you as "undeliverable."

The Web Site

The Internet, particularly in its graphic interface known as the World Wide Web, is probably the most important communication vehicle developed since the telephone. More importantly, the Web levels the playing field between small business and big business.

The Web is the newest medium for advertising and is dynamic, interactive, and inexpensive. As the Web matures, advertising rates for the most popular sites will increase.

The Web is an important customer service tool. The Web allows you to communicate with your customers at their convenience.

GETTING A WEB SITE

To have a Web site, you need a domain name. There are a couple of ways to do this:

- Go online to InterNIC (www.internic.com) or a name registration service such as www.register.com, and perform a name search to make sure the domain you want to establish is available. After confirming the availability of your domain name, complete the online registration form to secure your name.
- You select an ISP to host your Web site. The service provider registers your company with the InterNIC—the Internet's Network Information Center.

A unique domain name of your choosing is assigned to your business or organization, such as `sun.com`, `indiana.edu`, `nasa.gov`, or `neosoft.com`. One or more IP network numbers are assigned to you, such as `198.64.6`. Internet zone tables are updated to include your domain name, the mapping between your domain name and network numbers, and to show that the route to your network is through your service provider.

COST OF A WEB SITE

Hosting fees are based on your individual need for space, download capacity, security, and special programming requirements. In general, the monthly hosting fee for a basic Web site account should cost between \$25 and \$50. There are many places on the Internet that offer hosting at no charge. Before you decide to host your Web site with one of these services, be sure you understand the fine print of your

hosting agreement. In general free hosting services are free because of the following:

- You will be required to place banner advertisements on the top or bottom of each page of your Web site. In some cases, you will be required to place banner advertisements on the top and the bottom of your Web pages.
- The activities of visitors to your Web site will be tracked by means of cookies or other online software. Their activities on the Internet will be monitored, and the data collected will be sold to marketing services.



Good Stuff from the Government

SMALL BUSINESS ASSOCIATION

The very competitive business climate demands that business owners understand and use advanced technologies. Technology is an enabler; it can help a business improve efficiencies and expand operations. However, the use of technology should be balanced with business needs and practicality. The SBA's Web site (<http://www.sba.gov>) is a source of information:

Understanding the Internet: A brief history and discussion of the Internet.

Glossary of Internet terms: The meanings of terms used about the Internet.

Getting on the Web: Explanation about how to get your business on the Web.

eCommerce resources: A list of resources about e-commerce, provided by the SBA.

Online advertising: U.S. Department of Commerce's guide to the regulations of online advertising.

Online advertising regulations: Guide to the Federal Trade Commission's rules and regulations on online advertising.

TECH-Net: Sponsored by the SBA, TECH-Net provides a network for small businesses to find innovation and research grant opportunities.

FREE ONLINE COURSES

The SBA Web site also offers free online courses. The course called Technology 101 is especially relevant to the content in this chapter.

SUMMARY

A computer's primary advantage is the accuracy and quality of its finished results, but without proper management and usage, the computer becomes a costly investment with poor returns. A well-planned information system can help to make the massage practice more efficient, and the combination of an experienced staff and high-technology equipment can result in higher productivity, better client relations, and a happier staff. Advances in technology are occurring at such a rate that it is impossible to remain current in a written textbook. Implementation of time-saving and communication technologies will continue to grow in the future and will allow the massage therapist to streamline many of the business tasks, freeing more time for doing what we love—massage therapy.

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Evolve Annotated Web Links

<http://evolve.elsevier.com/Fritz/business>

InterNIC offers public information regarding Internet domain name registration services. It is a registered service mark of the U.S. Department of Commerce, and it is licensed to the Internet Corporation for Assigned Names and Numbers (<http://www.icann.org/>).

InterNIC: www.internic.com

Register.com (register domain names): www.register.com

Small Business Association free online courses: http://www.sba.gov/services/training/onlinecourses/TRANING_ATC_BUS.html

Small Business Association: <http://www.sba.gov/smallbusinessplaner/manage/technology/index.html>

Technology 101: A Small Business Guide: <http://web.sba.gov/sbtn/registration/index.cfm?CourseId=60>

Workbook

1. Describe the importance of a networked information system in a massage therapy practice.

2. List and explain the operations a computer can perform.

3. Explain the difference between an impact and a nonimpact printer.

4. Describe how a feasibility study aids in determining the need for automation.

5. Describe computer software.

6. Explain the difference between general-task and specific-task software.

7. Describe how word processing, electronic spreadsheet, database, and graphics software can be used effectively in the massage practice.

8. List the guidelines used in making the right software selection.

9. Explain why computer procedures are important when setting up a new computer system within the massage practice.

10. Select an activity such as accounts receivable or letter writing and determine an approximate time saving that can be achieved from using the computer instead of producing the end result in a traditional manual manner.
