



natural health practitioners of canada association
association des praticiens de la santé naturelle du canada

TO
THE CITY OF EDMONTON
REGARDING
MESSAGE PARLOUR REGULATION

REVIEW AND COMMENT
SUBMITTED SEPTEMBER 9TH, 2010

REPORT TO THE CITY OF EDMONTON

EXECUTIVE COMMITTEE

LEGISLATION TO REGULATE MASSAGE PARLOURS

PREAMBLE

The Natural Health Practitioners of Canada Association (NHPCA) is pleased to provide input to the legislation being prepared by the City of Edmonton to regulate massage parlours. As stated in our briefing of July 2010, the NHPCA is a national, self regulatory professional association which represents the largest number of massage therapists in Alberta. We are currently working, in the Province of Alberta, to be recognized under the Health Professions Act, H-7 RSA 2000 wherein roles and responsibilities of a College will be assumed.

A Natural Health Practitioner is a person who uses modalities that stimulate or strengthen the body, so that it is better able to utilize self-healing processes (NHPCA Bylaws, p.2, Article 1, Item 1.1 – Definition). We are in support of this being the definition for the bylaw. The suggested nomenclature for legislation that we propose is similar to that used in the City of Toronto and the City of Brantford (Bylaw No 81-2009, amending No. 160-90) and that is the establishment of a **Natural Health Practitioner Bylaw and a Natural Health Business Bylaw**. These two bylaws capture the recognition of a professional in natural health practice through membership in a municipally recognized holistic association. The Associations would be required to meet the standards the municipality has established for association recognition. **This is the NHPCA's preferred approach.**

The NHPCA supports a fundamental change to the current bylaw in that this new bylaw and name captures specifically those registered professionals of an association. The sex trade must remain outside the scope of this bylaw and we leave that discussion to the City as to how that occurs. This revised bylaw is specific for professionals – natural health practitioners. The terminology for this new bylaw should encompass all currently practicing practitioners both those who are members of a regulatory college as well as those who are members of a professional association, who meet the requirements set out in the bylaws. The NHPCA through its credentialing process (namely the Modality and Credentialing Assessment Protocol) currently assumes responsibility for the assessment and accreditation of its members and as such is a valid process through which to credential Natural Health Practitioners. The NHPCA believes that the intent of the Massage Parlour Bylaw is to support legitimate practitioners and bears no connection to adult entertainment or similar groups.

Home based and mobile practitioners would comply with both Bylaws in the same way as other professionals, such as nurses and physiotherapists who work independently. They are regulated under their respective Colleges and Associations which require compliance with specified Codes of Ethics, continued competency, registration procedures including authenticity of certificates, enhanced security clearance check, fitness to practice, medical malpractice insurance and are subject to a Conduct Complaint Process, as well as complying with business zoning requirements.

Moving in the direction of a new nomenclature for licensing removes the City from the responsibility of “credentialing” professionals and places the responsibility with regulatory bodies or Associations, as it should be.

RESPONSE TO PROPOSED CITY OF EDMONTON MASSAGE PRACTITIONERS BYLAW NO. 10396 (DECEMBER, 2009)

The NHPCA supports the City of Edmonton legislative process to license “Competent practitioners to safely, ethically and responsibly care for their clients (NHPCA Code of Ethics).” In order to assist in the further development of the legislation, the NHPCA offers the following information as it relates to specific articles of the Bylaw:

5.2 Security Clearance

The NHPCA requires, as part of the initial registration process, a security clearance from the “Chief of Police” as specified in the definitions of the proposed Bylaw. As a result, any registered member of the NHPCA has undergone this review and would meet the requirements of the License Inspector under this article. The NHPCA will be implementing the enhanced security clearance very shortly as part of its process. In addition, members of the NHPCA are required to hold medical malpractice insurance which requires the applicant to attest to no criminal offence or prosecution for the same. The requirement of NHPCA members under these two provisions clearly separates them from sex trade workers and as such should be viewed separately and distinctly in terms of licensing provisions under this Bylaw.

9.4 Credentialing

The NHPCA reviews and assesses membership applicants’ credentials including their program and training provided by schools or institutes which offer a certificate program in massage instruction. Lists of recognized schools or institutes which meet the NHPCA’s registration requirements have been prepared and act as a reference to the registration process. As such, similar efforts on the part of the License Inspector (S.5; Bylaw No. 11168, January 23, 1996) may be redundant if the responsibility for credential review and registration was assumed by the NHPCA. In addition, the NHPCA requires its members to comply with its Continued Competency Program as a stipulation of continued registration. In this way, the organization has implemented a process to support competent, safe practitioners.

19.2 Revocation and Suspension

Article 10.1.1, of the NHPCA’s Bylaws addresses the Complaints Resolution process and stipulates that conduct which “is in violation of the Code of Ethics or Bylaws, is detrimental to the best interests of the public, harms or tends to harm the standing of the profession generally and displays a lack of knowledge, skill or judgment in the practice of the profession,” is grounds for submission of a complaint to the Association. Further, members are required under Bylaw 10 to inform the Association of any Criminal Offence. It is, therefore suggested that through the Complaints process, the NHPCA work in cooperation with the License Inspector to revoke and or suspend a license as appropriate.

Concluding Remarks

The Natural Health Practitioners of Canada Association (NHPCA) is committed to working in partnership with the City of Edmonton in the creation and implementation of amended bylaws. As the Association representing the largest proportion of massage therapists and natural health practitioners in Alberta and the City of Edmonton, we are dedicated to the safety of the public by providing qualified, competent practitioners in the delivery of natural health modalities. We establish and maintain standards for professional excellence in the training and practice as a natural health practitioner and encourage and provide continuing education for members in their service of public wellness.