201 KAR 42:060. Code of ethics and standards of practice for massage therapists.

RELATES TO: KRS 309.355(1), (3), 309.362
STATUTORY AUTHORITY: KRS 309.355(1), (3)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the Board of Licensure for Massage Therapy to administer and enforce the provisions of KRS 309.350 to 309.364. KRS 309.355(3) requires the board to establish by administrative regulation a code of ethics and standards of practice for massage therapists. This administrative regulation establishes those standards, which, if violated, are a basis for disciplinary action under KRS 309.362.

Section 1. Code of Ethical Standards for the Massage Therapist. A massage therapist shall:
(1) Maintain the confidentiality of all client information, unless law or court order mandates disclosure;
(2) Keep the client well informed of procedures and methods that will be employed during the session;
(3) Report to the board if the massage therapist has first-hand knowledge or evidence indicating any unethical, incompetent, or illegal act has been committed by another licensee;
(4) Take precautions to do no harm to the physical, mental, and emotional well being of clients or associates;
(5) Make every reasonable effort to report unlicensed practice of massage therapy to the board;
(6) Represent his or her educational and professional qualifications honestly;
(7) Inform clients of the limitations of the licensee's practice;
(8) Consistently take measures to improve professional knowledge and competence by a regular assessment of personal and professional strengths and weaknesses through continuing education training;
(9) Respect the client's right to treatment with informed and voluntary consent, either verbal or written, and to refuse, modify, or terminate treatment regardless of prior consent;
(10) Not initiate or engage in sexual conduct or activities with a client;
(11) Not engage in an interest, activity, or influence that conflicts with the practitioner's obligation to act in the best interest of the client;
(12) Respect the client's boundaries with regard to privacy, disclosure, exposure, emotional expression, beliefs, and reasonable expectations of professional behavior;
(13) Refuse to accept gifts or benefits, which are intended to influence a referral or treatment that are purely for personal gain and not for the good of the client;
(14) Conduct all business and professional activities with honesty and integrity;
(15) Respect the inherent worth of all clients;
(16) Provide only those services that the licensee is qualified to perform; and
(17) Respect the client's autonomy.

Section 2. Standards of Practice for the Massage Therapist. (1) In the practice of massage therapy, a massage therapist shall:
(a) Perform a written or verbal intake interview with the client to evaluate if any contraindications to massage therapy exist and if modifications including pressure, technique, and duration of treatment are applicable;
(b) Acknowledge the limitations of, and contraindications for, massage;
(c) Refer the client to other professionals or services if the treatment or service is beyond

the massage therapist's scope of practice;

(d) Maintain for a minimum period of five (5) years accurate, timely, and organized records of every client;

(e) Provide massage therapy services that meet or exceed the generally accepted practice of the profession;

(f) If a plan of care or treatment is applicable, explain the plan to the client, to others designated by the client, and to professionals with client permission;

(g) Unless prohibited by law, be allowed to pool or apportion fees received with other members of a business entity in accordance with any business agreement;

(h) Practice massage therapy in sanitary and safe conditions; and

(i) Have the right to refuse to treat any person or part of the body at the licensee's discretion.

(2) Breast massage. A licensee performing massage of the tissue of the breast shall:

(a) Obtain the client's informed written consent prior to providing the service;

(b) Maintain proof documenting specialized training in breast massage which addresses breast anatomy, breast pathology, and breast massage technique and which was provided by an approved massage therapy program or board approved continuing education provider;

(c) Inform the client prior to the commencement of the service that this service may be performed through a draping sheet if the client so desires and the licensee shall provide the service through a draping sheet if the client so prefers;

(d) Inform the client prior to the commencement of the service that the client may discontinue the service at any time and the licensee shall honor that election by discontinuing the provision of the service if that request is made;

(e) Keep detailed Subjective Objective Analysis Plan notes for the service such as notes related to all emotional factors that the client reports to the licensee which might impact the client's suitability for the service and the precautions that the licensee has taken to ensure that the service is provided in a manner accounting for those emotional factors; and

(f) Refrain from an act or statement which the client may construe as being sexual in nature.

Section 3. Standards for Documentation. The massage therapist and client shall agree upon the purpose of the massage session.

(1) Documentation shall not be required if the massage session is for general relaxation, a sports event massage, or public demonstration as in chair massage.

(2) If a written plan of treatment is requested or required, the client file shall include the following documentation:

(a) The initial evaluation, which shall include:

1. The client's name, age, and gender;

2. Date of the session; and

3. Pertinent medical history, including:

a. Client sensitivities and allergies;

b. Medical diagnoses, if available, and the source of the diagnosis;

c. Contraindications; and

d. Medications as disclosed by the client;

(b) Progress notes signed by the massage therapist rendering the massage therapy, which shall include:

1. Subjective information including the area of complaint as stated by the client and the date of onset;

2. Objective information including any observations and objective testing, if applicable;

3. Ongoing assessments, if applicable;
4. Actions taken by the massage therapist; and
5. The client response to massage therapy treatment; and
(c) A plan of treatment, if applicable, consisting of:
1. Modalities to be rendered;
2. Frequency and duration of treatment;
3. Referral to other professionals, if indicated;
4. Client self-help education and instruction; and
5. The goals or desired outcome of the treatment. (32 Ky.R. 1020; 1228; eff. 2-3-2006; 37 Ky.R. 1018; 1700; 1992; eff. 3-4-2011; 40 Ky.R. 2206; 41 Ky.R. 443; eff. 10-3-2014.)