

Is Your Practice Vulnerable to Clients' Complaints?

By Felicia Brown



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TIME TO READ: 6 MIN

As an educator, consultant and expert witness who works on legal cases involving the massage and spa industry, I can say with certainty that the occurrence of complaints and lawsuits related to massage therapy has risen drastically over the last few years. In fact, before the #MeToo movement started, massage clients were already sharing stories of incidents in which they felt uneasy or uncomfortable during a massage.

Why is this?

I believe one of the biggest underlying issues of these incidents is a lack of clear ongoing communication, understanding and agreement between clients and therapists before, during and after massage sessions. In short, there is a lack of informed consent, and it's happening in solo practices and group work environments alike.

Informed consent is the process of communicating to a client what they can expect from a session. An informed consent agreement is this communication put in writing and signed by both therapist and client. One point noted in the National Certification Board for Therapeutic Massage & Bodywork's Standards of Practice, for example, is that the therapist will "obtain voluntary and

informed consent from the client prior to initiating the session."

Generally, this type of written agreement lays out details about the massage the client has scheduled, including the type of work to be performed, duration and cost of session, and other details. It allows a client to accept or deny work on specific areas or types to be used to achieve a specific result, such as pain relief or relaxation. However, this agreement cannot cover every nuance or possibility in a session, so part of the informed consent process needs to be done verbally, with notes being made as appropriate.

As such, I like this definition of informed consent from Cornell Law School: "An agreement to do something or to allow something to happen, *made with*

complete knowledge of all relevant facts, such as the risks involved or any available alternatives." (Emphasis is mine.)

With that in mind, let's explore a few specific areas where informed consent should be used.

Work on Sensitive Areas

Despite ongoing education about using care when working on or around clients' sensitive areas—abs, glutes, upper thighs and pecs, in particular—many touch-related complaints involve these areas of the body. If you have the intention of working on or near any of these areas, it is vital to not only ask for permission but to also explain why you believe this work would be beneficial.

Even with permission, you should give in-depth or step-by-step explanations of what you are doing, how you will drape the area, and what type of pressure or technique you will use. Here is a sample dialogue:

Massage Therapist: "Jennifer, I'm so glad you've decided to try massage for your neck and shoulder pain. I'd like to focus some time on your upper pectoral muscles and biceps. Both areas can get constricted from the type of work you do, pulling against the neck and shoulders and causing discomfort.

"If we loosen them first, I think you'll have a better result and less soreness after the massage. We'd work here (point to your own pec area) above the sheet and on your biceps both through the sheet and

when your arm is undraped. If you feel uncomfortable at any time, you can tell me to stop. Do you want to try that?"

Client: "Yes. I would."

MT: "Great. Please tell me if my pressure is too much or if you feel uncomfortable in any way."

Client: "I definitely will."

Work in a Specific Sequence

In many businesses, the standard protocol is to start clients prone and begin the massage on the back. However, it can be advantageous to start the client face-up—and some clients and service providers prefer this.

If you use an unusual sequence in your massages, it may feel new or confusing to some clients. Thus, it's important to discuss this beforehand:

MT: "Jennifer, as neck and shoulder pain is your primary issue, I'd like to suggest we start the massage with you lying face up. If it is OK, I'll start with a gentle scalp-and-face massage to reduce the tension in your head and face.

"Then I'll move to the neck and shoulders as well as the pecs and biceps like we discussed, before massaging the arms, legs and feet. Then you'll turn over and we'll do the back and legs. How does that sound?"

Client: "That sounds perfect."

Focused Work Versus Full-Body Sessions

Some clients and therapists assume a 60-minute session is always intended for a full-body massage. While this may be the norm, it need not be the case. If you have a plan to differ this in a session—or think it will help achieve the client's stated

goals—then it's absolutely fine to offer an alternative.

MT: "Jennifer, you've mentioned your neck and shoulder tension is really bothering you and have requested extra work there. How you would feel about working on the upper body only today?"

Client: "Wow, I didn't know we could do that."

MT: "It's a great choice for people who want focused time on specific areas or who have more chronic pain or tension. Would you like to try that?"

Client: "Not this time. I really want to relax all over today."

MT: "OK. We'll do a full-body massage today. We can revisit the focused session suggestion next time."

Things that Make Your Work Different or Unusual

If you do something out of the ordinary in your sessions—modalities like shamanic breathwork, guided meditation, Thai stretches or using your forearms instead of your hands—take the time to share a few details with clients and get their OK before you start.

MT: "Jennifer, I'm so glad you're going to try massage for your neck-and-shoulder tension. Before we get started, I want to let you know about something that makes my work a little different from other therapists you may have worked with before."

Client: "OK."

MT: "During the massage, I try to match my breathing—the inhale and the exhale—to my client's breath for a better connection and result. At times, you may hear me

breathing a little more deeply than normal as a subtle cue to help you inhale or exhale more fully. Will that bother you?"

Client: "I'm not sure. Can we try it and see how I feel about it?"

MT: "Sure. If you find it distracting or uncomfortable, just tell me. I can change my breath and focus so it won't interrupt your relaxation."

Summary

Informed consent goes beyond having new clients sign a piece of paper the first time they visit you. It is our responsibility to act as guides while educating clients about what to expect and do whatever we can to put them at ease. Allowing clients to have fully informed choices about what they want and don't want in the session is a huge part of this.

Rather than thinking of this as a burden that squelches your creativity and spontaneity, think of it as an ongoing dialogue that creates a therapeutic environment where everyone may relax and heal more deeply.

This kind of partnership and collaboration is mutually beneficial and rewarding—and is essential for protecting clients and therapists alike, especially now. **M**

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