

The Massage Therapy Journal is publishing this article/brochure as part of the AMTA's commitment to providing both the best care for the client and information that is useful for the massage therapist. Many massage therapists are coming to the realization that it is part of our responsibility to the public and our commitment to professionalism and ethics to provide information about appropriate sexual boundaries pertaining to massage therapy. This clarity strengthens the framework in which the relationship between the therapist and the client takes place by creating a professional atmosphere of safety, trust and confidence. It is hoped this brochure will also be of benefit to others in the health care field, and other professionals are encouraged to adapt it and make use of it.

Introduction

As I began to research the issue of sexual abuse in the health care field I came to believe that preventing abuse needs to be approached from two directions simultaneously. First by educating the experienced practitioners as well as students just entering the field and second by educating the public. I began working on this brochure as an outgrowth of this thinking. I feel strongly that detailed information should be available to the public on this issue even if it makes some people a little uncomfortable. Those of us working in the field must have the courage to face this problem and solve it.

An informational brochure for consumers of health care services

This brochure has been prepared* to better inform you about sexual misconduct in the health care field. It will delineate your rights as a consumer and tell you how to protect yourself if your rights are violated.

In this brochure the client is defined as anyone who receives services for any therapy or health care. Sexual misconduct is defined as including sexual touching of the client by the practitioner and/or any activity or verbal behavior that is sexual in nature. Sexual contact includes a wide range of behaviors besides intercourse; it includes any behaviors that aim to arouse sexual feelings. They range from suggestive verbal remarks to erotic hugging and kissing in addition to direct sexual contact. The behavior does not have to be coercive to be inappropriate.

Broken Boundaries

Within the therapeutic relationship, it is always the responsibility of the therapist, doctor, or health professional to set and maintain a professional boundary. It is not unusual or abnormal for a client to feel attracted to a health care practitioner who has treated them with kindness, care and attention. However, for a practitioner to take advantage of this special vulnerability and to move the relationship into a social or sexual one, even if the client wants it, is always inappropriate and unethical. At this point, we can say that a

Health Care Professionals include but are not limited to:

Acupuncturists
Alexander Technique Practitioners
Athletic Trainers
Biofeedback Therapists
Bodyworkers
Chiropractors
Clergy
Dentists
Drug and Alcohol Counselors
Employee Assistance Counselors
Feldenkrais Practitioners
Group Therapists
Home Health Care Workers
Hypnotherapists
Marriage and Family Therapists
Massage Therapists
Medical Doctors, Residents and Interns in Training
Mental Health Counselors
Naturopaths
Nurses and Nurse Practitioners
Optometrists
Osteopathic Physicians
Pastoral Counselors
Physical or Occupational Therapists
Physician Assistants
Physicians
Podiatrists
Psychiatrists
Psychologists
Psychotherapists
Rolfers
Sex Therapists
Shiatsu Practitioners
Social Workers
Soma Practitioners
Speech Pathologists and Audiologists

practitioner is abusing his/her power within the relationship and is no longer able to put the needs and rights of the client first.

All types of therapy and health care services can be of invaluable help to many people. The vast majority of therapists and health professionals practice in an ethical manner. Unfortunately, sometimes sexual misconduct does occur in treatment relationships. A sexually intimate relationship between a client/patient and a therapist, physician, or health care professional is never appropriate and is a violation of professional ethics.

Consumer Rights

You have a right:

1. to safe treatment, free from physical, sexual, or emotional abuse.
2. to refuse treatment and not be pressured to continue.
3. to question any action that you experience as invasive or sexual
4. to terminate treatment if you feel threatened.
5. to discuss your therapy/health care with friends outside of the therapy relationship.
6. to professional consultation with other practitioners to discuss your situation.
7. to report unethical and illegal behavior.

Warning Signs of Sexual Inappropriateness

- * When the practitioner makes sexual jokes or references that are inappropriate to treatment
- * When you have any concern that a treatment relationship is moving from the professional to the inappropriately personal

- * When the practitioner tells you his or her intimate personal problems
- * When you are asked to go outside the bounds of a professional relationship such as going on a dinner date or a social meeting outside the office
- * When the practitioner tells you that having a sexual relationship with him or her is good treatment and/or the only way you can get well
- * When the practitioner offers you recreational drugs or alcohol
- * When the practitioner suggests that you be secretive about your relationship with him or her and that you do not discuss it with anyone
- * When the practitioner suggests to you that forms of touching you consider to be intimate have been proven to be therapeutic for your condition
- * When you feel that something is not right in the practitioners behavior toward you, but you can't quite pinpoint what's happening.

If you experience any of these warning signs, trust your own feelings and intuition. Talk to a friend or neutral third party, or talk directly to the practitioner if you feel comfortable doing so. Otherwise, talk to his or her supervisor, consult a different practitioner, or if you get no satisfactory response, call the appropriate licensing board or professional association to check on and report the practitioner's behavior.

Common Experiences

If sexual behavior occurs with a health professional, a client might experience feelings that may include but are not limited to:

- confusion about the experience that sometimes encompasses protective, loving, and angry feelings about the abuser, and/or feelings that the client's mind is being controlled
- fear, isolation and distrust because the client believes that there is no one to tell, that no one will believe what happened, and/or that he/she is the only one to whom this has happened
- indecision and/or a temporary inability to make decisions, to work at a job, or to tend to personal needs
- guilt, shame, and feelings of responsibility - a sexual relationship with a practitioner is always the health professional's responsibility - not the client's
- depression, feeling out of control or suicidal because the client's trust has been betrayed
- recurrent nightmares, fears or images of intrusion and/or flashbacks about the experience, and difficulty concentrating in other areas of life

Options for Recovery

Talk to someone you trust about your experience. There are other clients who have been survivors of sexual misconduct in every state. Many of these individuals have sought and received help from therapy and support groups.

Therapy: Subsequent psychotherapy or body therapy is difficult for many victims to consider, yet it is often vital in providing the necessary support for someone who

has been through the trauma of sexual misconduct. Choose a therapist carefully by finding someone who is appropriately outraged by what has happened, someone who has experience in this type of case, someone who can help think through an effective course for recovery and/or recourse.

Networking: Contacting other individuals who have experienced sexual abuse or misconduct - individually or through support groups - can be extremely helpful. Breaking the silence can be liberating and may help prevent the victimization of others.

Therapist Responsibility: Accept that the therapist is responsible for what has occurred. Understand that most people who have experienced sexual abuse feel that they are at fault or should have behaved differently in some way. These feelings are natural but do not change the fact that the therapist is responsible for his/her misconduct.

Reporting Misconduct: It is important to report abusive therapists. Most people who abuse others do so with many of their clients. Stopping them is essential whether it takes psychological help, professional censure, revocation of a license, education or action by the courts.

POSSIBLE ACTIONS

The first step, if the situation was not overtly abusive or dangerous, is to speak directly to the therapist and tell him/her what you are feeling. If this is not possible or unsuccessful try to talk with the offending practitioner about what happened in the presence of a neutral third party.

This kind of session can be very helpful. If the practitioner fears a lawsuit, he/she is less likely to be willing to do this with you, since the neutral third party could become a witness in a trial. The practitioner that realizes that he/she

has made a big mistake and wants an opportunity to apologize may consent to meet with you in the hopes of avoiding legal action. You can often find psychotherapists willing to serve as the third party through a professional therapy association or local advocacy group, eg. Rape Crisis Center. If you choose this option make sure you are very comfortable with the person you find to be the third party.

If the offending practitioner is willing to meet with a third party you might want an additional fourth person to be present. Choose someone close to you who is level-headed and could support you and help you talk about this confrontation afterward.

If you choose to approach the practitioner or the organization where you were treated directly, and are satisfied with the response, you may wish to leave it at that. For example, a satisfactory response, depending on the violation, might be that you are given a sincere apology by the practitioner, have your money refunded, and feel assured that appropriate educational measures and psychotherapy for the practitioner will occur or that disciplinary action by the place of employment is being taken. If you are not satisfied with the response you get you might consider registering a complaint or taking legal action.

Registering Complaints

When ready, and with appropriate support, filing a complaint can be an important phase of the healing process. There are local and state government agencies called Licensing Boards that receive and investigate complaints. Licensing Boards have the authority to discipline an individual (for example, revoke a license) if that person violates the law. No matter how serious your complaint may be, the Boards have no legal

authority to award money damages or to criminally prosecute someone.

Professional organizations also receive complaints about members of their societies. The ethical codes of most professional organizations specifically prohibit sexual contact between therapists/ health professionals and their clients/patients.

Legal Recourse

Another course of action is through the legal system. Be aware that there are time limitations for civil and criminal actions.

Civil Action: A civil law suit may be a way to derive some monetary compensation for losses incurred and damages suffered. Attorneys specializing in these cases may be located through victim advocacy groups.

Criminal Action: Criminal prosecution may be pursued through the Office of the District Attorney in the abuser's county. The District Attorney's Office may also have a victim advocate who can assist you and answer questions.

Remember, if you feel that you have been sexually abused in a therapy or health care relationship, you can get help. We encourage you to seek help as an important part of your healing process.

Please feel free to photocopy, adapt and distribute this article. It is important that this information be available to all consumers of health care services. The AMTA is considering publishing a guide to all known forms of bodywork, in booklet form, containing this information and part of my previous article on how to choose a massage therapist/ bodyworker. I would be interested in your thoughts on this idea.

*This brochure was prepared and edited by Ben Benjamin with materials obtained from The Education Subcommittee of the Massachusetts Committee on Sexual Misconduct by Physicians, Therapists and Other Health Professionals and materials provided by Estelle Disch, clinical sociologist.