

## Basic Risk Management for Massage Therapists

“What’s the name of your insurance company?” That is the question that bodywork and estheticians professionals do not want to hear because it means their client may intend to present a claim for injuries allegedly sustained as a result of the services provided. What can you do to help protect yourself in the event you do hear this question?

Massage clients are advised that there can be some general muscle soreness after a massage. However, some have claimed a whole host of injuries including fractured ribs, torn rotator cuffs, herniated discs, second- and third-degree burns from hot rock massage, and even strokes! Esthetician clients have claimed burns and scarring as a result of skin-care services. The key to successfully managing these situations is to **communicate!**

### Inform the Client

- ◆ Provide clients with a written document that provides information regarding the massage or skin-care process (disrobing, the importance of giving feedback regarding the amount of pressure applied or if the skin is burning, warning of the potential effects of the services, provide after-care instructions [for example, don’t spend a lot of time in the sun after a peel], etc.).
- ◆ If your massage includes the use of stones, rocks or similar form of therapy, be sure to discuss your plan with your client and determine their sensitivity to heat and adjust your massage accordingly.
- ◆ Include a written description of the massage techniques available, and have the client indicate it on the form and sign the form. Be sure to keep the original of this form in your files. It will prove invaluable in the event questions arise at a later date.

### Be Informed

It is important to know your client’s history. Because the therapist and the client normally will be the only eyewitnesses to the performance of the services, documentation will be the therapist’s best defense tool. Consider the following:

- ◆ Have clients complete a health questionnaire (rather than asking for the information and documenting it yourself; it is better to have the information in the client’s handwriting so it cannot later be disputed that the massage therapist wrote in something later). Have the client date and sign the questionnaire and again, keep a copy for your files. Ask them why they are seeking a massage as this will sometimes identify a pre-existing problem that is later alleged to have been caused by the massage itself.
- ◆ If the client has a significant pre-existing condition, ask for a doctor’s note before performing services.



- ◆ Document the services you actually provided (including the areas of the body worked on, or, in the case of skin-care services, the products used) and any feedback the client provided, particularly if they complained about any pain. Write down the amount of any tip (hopefully an indication of satisfaction with the services).
- ◆ Provide an evaluation form for the client to complete and mail back to you after the services. Not only does it provide the therapist with feedback to improve and change techniques, it is difficult for a client to later claim the services were performed negligently when the client has already provided a written evaluation praising the services.
- ◆ Keep your records for at least one year past the statute of limitations (the amount of time in which a person may make a claim against you).
- ◆ If your instinct tells you that you should not perform services on a client, then don't.

### **Be Safe**

The tips above deal with your role as a massage, bodywork, or skincare professional. Now it's time to look at your surroundings to evaluate the safety for you and your customer.

- Look for loose carpet, exposed extension cords or other condition that might give rise to a slip-and-fall type of accident.
- If part of your session includes the use of candles for aroma therapy, be sure to extinguish the flames when you are done with your session.
- Inspect your surroundings and make note of any obvious defects in the premises such as loose railings, inadequate lighting, lack of ice or snow removal (where applicable) or other unsafe condition. Fix what you can, notify the building owner to schedule repairs, or at least notify your clients so they are aware of the situation.
- Check your massage table or chair to make sure it is in good working condition and will support the weight of your client.

It is unfortunate that we live in a litigious society, but by taking the steps outlined above, you will be in a much better position should a problem arise. If a client does ask for the name of your insurance company, report the matter to ABMP immediately. Early investigation may control your exposure to liability.

Refer to the ABMP *Successful Business Handbook* for sample forms, or you may wish to consult your personal attorney for advice or preparation of documents that can be used in your business.

