Agenda – Council – September 27, 2006

Report - Standing Policy Committee on Property and Development - September 19, 2006

Item No. 1 Amendments to City of Winnipeg License By-law No. 6551/95 - Massage Therapy
File EL-1

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2006, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That The City of Winnipeg License By-law No. 6551/95 with respect to massage therapists be amended as follows:

    A. By eliminating the requirement that a massage therapist provide general liability insurance.

    B. By adding the following educational institution to the list of registered educational institutions and regulatory bodies recognized under the License By-law, namely:

        i. Somatics Institute Ltd., Edmonton, Alberta

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda – Council – September 27, 2006

Report - Standing Policy Committee on Property and Development - September 19, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2006, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 19, 2006, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

RE: Amendments to the City of Winnipeg License By-law 6551/95 re: Massage Therapy

FOR SUBMISSION TO:	Standing Policy Committee on Property & Development
ORIGINAL REPORT SIGNED BY:	Clive Wightman, Acting Director Community Services Department
REPORT DATE:	September 7, 2006

RECOMMENDATION:

That the City of Winnipeg License By-law 6551/95 be amended as follows:

1. By eliminating the requirement that a massage therapist provide general liability insurance, and

2. By adding the following educational institution to the list of registered educational institutions and regulatory bodies recognized under the License By-law, namely:

   Somatics Institute Ltd., Edmonton, Alberta

Report Summary

Key Issues:

- This report recommends two amendments to the License By-law:

  - *Elimination of the requirement that massage therapists provide general liability insurance* – This report recommends the removal of an existing regulatory requirement as it does not provide increased protection for the consumer relative to the provision of massage therapy.

    While general liability insurance is good business practice, it is not a necessary requirement with respect to regulation of the trade itself. Massage therapists continue to be required to maintain a professional malpractice liability insurance policy which is directly related to the carrying out of the actual trade.

  - *Addition of the Somatics Institute Ltd., Edmonton, Alberta to the list of recognized educations institutions within the By-law* - Council approval is required for any additions to the License By-law list of recognized educational institutions and

regulatory bodies for massage therapy, thereby enabling applicants who have graduated from or are registered with these institutions to be licensed as a massage therapist in the City of Winnipeg.

Implications of the Recommendation(s):

General Implications

( ) None

( ) For the organization overall and/or for other departments

(**X**) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s): The proposed by-law amendment would enable graduates of the Somatics Institute Ltd., Edmonton, Alberta to be licensed as a massage therapist in the City of Winnipeg.

Policy Implications

(**X**) No

( ) Yes

Comment(s):

Regulatory Implications

( ) None

(**X**) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s): This report recommends the removal of an existing regulatory requirement as it does not provide increased protection for the consumer relative to the provision of massage therapy.

While general liability insurance is good business practice, it is not a necessary requirement with respect to regulation of the trade itself. Massage therapists continue to be required to maintain a professional malpractice liability insurance policy which is directly related to the carrying out of the actual trade.

Environmental Implications

(**X**) No

( ) Yes

Comment(s):

Human Resources Implications

(**X**) No

( ) Yes

Comment(s):

Financial Implications

(**X**) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s): There are no financial implications associated with this report.

Report

REASON FOR THE REPORT:

By-law amendments require Council approval.

HISTORY:

Council, at its meeting held March 24, 1993, adopted Clause 8 of Report "A" of the Committee on Finance and Administration dated March 1, 1993 with respect to amendments to the License By-law No. 6551/95 (4007/85) relating to the licensing of massage therapists. Effective September 1, 1993, massage therapists are distinguished from the general license category of "massagists" by providing evidence that the applicant has successfully completed the requirements of a training program in massage therapy and has received accreditation from a registered educational facility named in the By-law. That report recognized that additional schools over and above those initially identified likely existed and stated "minor amendments to the By-law may be necessary in future to address such situations".

DISCUSSION:

Item 1 – Elimination of requirement for General Liability Insurance

This report recommends the removal of an existing regulatory requirement as it does not provide increased protection for the consumer.

The requirement for a “massage therapist” to provide general liability insurance is not necessary as the trade of massage therapy is related to a person not property. General liability insurance provides no further protection to the client with respect to the provision of massage therapy which is the trade/service that is being regulated. Although acquiring general liability insurance is good business practice, it is not a necessary requirement with respect to the regulation of the trade itself. Massage therapists continue to be required to maintain a professional malpractice liability insurance policy which is directly related to the carrying out of the actual trade.

Item 2 – Addition of Somatics Institute Ltd., Edmonton, Alberta

A graduate from the Somatics Institute Ltd. School of Massage, Edmonton, Alberta has made application to The City of Winnipeg for licensing as a "massage therapist". The applicant has supplied the necessary documentation indicating successful completion of

a 2500 hour program of study in anatomy, physiology, kinesiology, biology, physical therapy and other related fields of study. The educational institution to be added is recognized/ licensed by the Province of Alberta under the Private Vocational Schools Act.

Before recommending the addition of a school, the practice has been to review criteria with respect to both the school and the applicant, such as curriculum, program content, hours of study, other related training and work experience, membership in a massage therapy association, and so forth.

This report is recommending that the Somatics Institute Ltd., Edmonton, Alberta be added to the list of recognized schools of massage therapy in the License By-law to enable graduates to be licensed as a massage therapist.

Financial Impact Statement Date: September 7, 2006

Project Name:

Amendments to the License By-law 6551/95 re: Massage Therapists

COMMENTS: There is no financial impact associated with this report.

Cindy Fernandes
Acting Manager of Finance & Administration

6376

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

- Legal Services

External Consultation With:

THIS REPORT SUBMITTED BY:

Department: Community Services
Division: Community Resource, Protection & Safety Services
Prepared by: Bryan Verity, Chief License Inspector
Kelly Goldstrand, Manager of Community Resource, Protection & Safety Services

File No.

THE CITY OF WINNIPEG

BY-LAW NO. .

A By-law of THE CITY OF WINNIPEG to amend the License By-law No. 6551/95.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. The License By-law No. 6551/95 is amended by

(a) deleting subclause 4(16)(a)(viii); and

(b) adding the following in alphabetical order to the list of educational institutions set out in clause 4(17)(b):

Somatics Institute Ltd.

Edmonton, Alberta

DONE AND PASSED, in Council assembled, this day of , 2006.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Community Services

Certified as to form:

_____
for City Solicitor/Manager of Legal Services

6378