

**Inappropriate treatment by massage therapist
(07HDC18827, 21 November 2008)**

Neuromuscular therapist ~ Inappropriate massage ~ Professional standards ~ Rights 4(2), 6(2), 7(1)

The mother of a 14-year-old girl complained about the treatment provided to her daughter by a neuromuscular therapist. The girl had recently undergone surgery to treat congenital bunions, and had sought treatment from the therapist because she continued to experience pain with activity.

The neuromuscular therapist saw the patient, accompanied by a parent, on five separate occasions. During the first three sessions he focused on massaging the lower leg. However, during the final two sessions he spent time massaging the groin muscles.

It was held that while the neuromuscular therapist took some steps to explain his proposed treatment, involving massage around the groin area, he did not provide sufficient information, and breached Right 6(1). He also breached Right 7(1) as he provided a health service without informed consent.

It was also held that the treatment technique was not the most appropriate for the girl's condition, and the therapist breached Right 4(2) by failing to provide services that complied with relevant professional standards. He also failed to comply with his professional obligation to adequately document the services he provided, in breach of Right 4(2).

The therapist was referred to the Director of Proceedings, who filed a claim in the Human Rights Review Tribunal seeking relief, including a declaration and damages, on behalf of the consumer for the massage therapist's breaches.

Having regard to agreed facts and to the fact that other aspects of the relief initially claimed by the Director had been resolved between the parties, the Tribunal issued a declaration pursuant to s 54(1)(a) of the Act that the actions of the massage therapist were in breach of rights 4(2), 6(2) and 7(1) of the Code.