

Spinal manipulation undertaken by massage therapist
(07HDC03068, 5 June 2008)

Massage therapist ~ Spinal manipulation ~ Irritable bowel syndrome ~ Scope of practice ~ Informed consent ~ Documentation ~ Rights 4(1), 4(2), 6(1), 7(1)

A woman attended a massage therapist because she was experiencing severe back pain, and informed the massage therapist that she had a history of irritable bowel syndrome. She explained where she was experiencing pain and showed him the area which was painful. The massage therapist asked no further questions and did not carry out any further assessment.

The massage therapist then began treatment, which involved “realigning” the spine, using a technique developed by the therapist’s mentor, who trained him in the technique. This technique is not recognised in New Zealand. The patient found the treatment quite rough and painful, and said that the massage therapist pushed on her back until it “cracked”. He also twisted her neck until it “clicked”.

It was held that the massage therapist did not adequately explain the technique or obtain the patient’s consent for the proposed treatment, and breached Rights 6(1) and 7(1).

It was also held that the massage therapist should not have undertaken any form of manipulation of the spine, and accordingly, breached Right 4(1) by failing to provide services with reasonable care and skill. By not keeping any record of the services he provided, the massage therapist failed to provide services that complied with relevant standards, and also breached Right 4(2).

Both the massage therapist and his mentor were referred to the Ministry of Health in accordance with section 59(4) of the Health and Disability Commissioner Act, which states that the Commissioner may refer any matter to an appropriate authority for reasons of public safety.