

CHAPTER 26
BOARD OF HEALTH REGULATIONS
GOVERNING THE PRACTICE OF BODYWORK

SECTION 1: AUTHORITY

The Natick Board of Health, pursuant to its authority under Massachusetts General Laws Chapter 111, Section 31 voted to adopt the "Regulations Governing the Practice of Bodywork" to protect the public health and safety of the community.

SECTION 2: PURPOSE

Whereas persons working in this particular service industry have often been found to identify themselves as bodyworkers in order to gain exemption from the Massachusetts Rules and Regulations Governing Massage Therapists, it is necessary to enact these Regulations Governing the Practice of Bodywork to protect the public health and safety of all residents and visitors of the community. These Regulations, which if not particularly regulated, could endanger the community and the employee of prostitution, human trafficking and disease transmission. It is the Board's intent that only individuals who meet and maintain a minimum standard of competence and conduct within their scope of practice as a professional may provide services to the public. These Regulations designate the requirements for obtaining a permit to operate a bodywork establishment and permit to practice bodywork, as well as, grounds for suspension, revocation or denial of such a permit.

SECTION 3: DEFINITIONS

Administrative Revocation shall mean an administrative action with immediate effect taken by the Department for cause when a permit holder fails to renew a permit, or denies entry to an agent of the Department, the Natick Police Department or Fire Department during the conduct of an inspection. A permit holder whose permit has been administratively revoked cannot lawfully continue to practice as a bodywork therapist or to operate a bodywork establishment in the Town of Natick. Permits that have been revoked may be reinstated upon meeting the conditions contained in these Regulations.

Agent shall mean a person who has received delegation of authority from the Board of Health to perform functions subject to these Regulations.

Applicant shall mean a person who seeking a permit that has submitted an application, the applicable fee for a permit and all other pertinent information required within these Regulations.

Board of Health shall mean the Natick Board of Health

Bodywork shall refer to the practice of a person representing themselves as a bodyworker or bodywork therapist, or the practice of a person using primarily touch to manipulate tissue, which does not constitute Massage as defined in M.G.L., Chpt. 112, Sec. 227 in the course of a treatment or therapy provided to another person. Bodywork may include the affectation of the human energy system or acupoints or QI meridians of the human body. The Board, in conjunction with the Department, will maintain a list of treatment and therapy modalities considered Bodywork for the purpose of these Regulations.

Client shall mean a person with whom the bodywork therapist has an agreement to provide bodywork therapy services.

Certification shall mean successful completion of the most current requirements of the American Organization for Bodywork Therapists of Asia (AOBTA®), National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), American Reflexology Certification Board, or other national professional membership organization recognized by the Institute for Credentialing Excellence, or its accrediting body, that provides a certification or credential. Any such national professional membership organization or national certification commission must include an established set of educational standards, require compliance with a specific code of ethics and offer a grievance process. The Director of Public Health or the Board of Health must approve all certifications and/or credentials.

Department shall mean the Natick Health Department, Office of the Board of Health

Director shall mean the Director of Public Health.

Establishment shall mean any location, or portion thereof, as listed on the permit and under the control of an individual operator, which advertises and/or provides bodywork therapy services on the premises. Any health care facility licensed by an agency of the Commonwealth of Massachusetts, or the office of any health care professional licensed by the Commonwealth of Massachusetts wherein bodywork therapy services are not advertised or provided except on an occasional outcall basis is not an establishment for the purposes of these Regulations. In addition, bodywork establishments shall not be located in a private residence, condo, apartment or other residentially zoned space.

Operation shall mean the times when the establishment is open to the public for the practice of bodywork.

Operator shall mean the person possessing the permit to operate a bodywork establishment issued by the Department.

Permit shall mean either a document issued by the Department allowing a specific person to operate a bodywork establishment in the Town of Natick, or a document issued by the Department allowing a specific person to practice bodywork in the Town of Natick.

Permit Holder shall mean a person holding a permit, which is in his or her name, issued by the Department.

Person shall mean any individual, firm corporate partnership, organization, or body politic.

Person in Charge shall mean the permit holder present at the bodywork establishment who is responsible for the operation at the time of inspection, and who is authorized to sign Department inspection forms and communicate with the Department or its authorized agent(s).

Retired Permit shall mean a permit that has not been renewed for more than six (6) consecutive months.

Therapist shall mean a person holding a permit to practice bodywork, which is in his or her name, issued by the Department.

SECTION 4: EXEMPTIONS

1. Any physician, chiropractor, osteopath, physical therapist, occupational therapist, massage therapist or acupuncturist operating within the scope of his/her Commonwealth of Massachusetts license or registration and not representing him/herself as a bodywork therapist shall be exempt from these Regulations.
2. Hospitals, long-term care facilities and home health agencies licensed or certified under the laws of the commonwealth of Massachusetts shall be exempt from these Regulations.

SECTION 5: REQUIREMENT FOR A PERMIT TO PRACTICE BODYWORK

To practice bodywork therapy, or to be employed in a Bodywork establishment in the Town of Natick, a person must possess a current and valid permit to practice bodywork issued by the Department. The process for obtaining a permit to practice bodywork is as follows:

- (a) Obtain an application from the Department
- (b) The applicant shall answer every question truthfully and completely and supply all the information requested in the application. The applicant shall submit the completed application to the Department. False statements shall constitute grounds for denial.
- (c) The applicant shall submit a certified copy of his/her birth certificate or its equivalent to establish that the applicant is at least eighteen (18) years of age at the time of application.
- (d) The applicant shall submit a high school diploma or its verifiable equivalent.
- (e) The applicant shall be able to communicate effectively.
- (f) The applicant shall attach to his/her application a signed passport type photograph taken within the preceding 12 months.
- (g) The applicant shall provide satisfactory evidence of being appropriately certified in accordance with Section 3 "Certification".
- (h) The applicant shall provide satisfactory proof of coverage by an individual professional liability insurance policy in the amount of at least one million dollars (\$1,000,000) in U.S. currency per occurrence and at least one million U.S. dollars (\$1,000,000) aggregate.
- (i) The applicant shall complete a release of Criminal Offender Record Information (CORI) and a release of Sexual Offender Registry Information (SORI) to the Department on an annual basis.
- (j) The applicant shall disclose the circumstances surrounding any of the following:
 - (i) Revocation, denial or any previous disciplines of a permit or license to practice bodywork issued by any state or municipality.
 - (ii) Loss or restriction of a permit, license or certification by any jurisdiction for any reason.

- (k) The applicant shall identify the name(s) and location(s) of the licensed establishment(s) where he/she will practice bodywork therapy.
- (l) The applicant shall submit a non-refundable application fee with their application. The fee will be determined by the Board of Health. An application is not considered complete unless accompanied by the application fee.
- (m) The application shall be sworn to and sign by the applicant under the pains and penalties of perjury and be notarized by a Notary Public of the Commonwealth of Massachusetts.
- (n) All documents submitted for the purpose of obtaining a permit become the property of the Department and will not be returned.

SECTION 6: REQUIREMENT FOR A PERMIT TO OPERATE A BODYWORK ESTABLISHMENT

To operate a bodywork establishment in the Town of Natick, a person must possess a current and valid permit to operate a bodywork establishment issued by the Department. The process for obtaining a permit to operate a bodywork establishment is as follows:

- (a) An application shall be obtained from the Department.
- (b) The applicant shall answer every question truthfully and completely and supply all information requested in the application. The applicant shall submit the completed application to the Department. False statements shall constitute grounds for denial.
- (c) The applicant shall include in the application copies of the permits to practice bodywork of all therapists performing bodywork at the establishment. To obtain a permit, an establishment shall have at least one (1) duly permitted body worker employed and on site at all times.
- (d) The applicant is responsible for ensuring all persons performing bodywork in his/her establishment are permitted by the Department; the permit and a current photo ID of every bodywork therapist must be on file at the establishment and available for review at all times.
- (e) The applicant shall submit a non-refundable application fee with their application. The fee will be determined by the Board of Health. An application is not considered complete unless accompanied by the applicable fee.
- (f) The application shall be sworn to and signed by the applicant under the pains and penalties of perjury and be notarized by Notary Public of the Commonwealth of Massachusetts.
- (g) All documents submitted for the purpose of obtaining a permit become the property of the Department and will not be returned.
- (h) Applicants for a Permit to Operate a Bodywork Establishment shall provide the name or names of individuals that are currently certified in basic cardiopulmonary resuscitation (CPR) and a copy of their valid certification form. One individual trained in CPR shall be on-site at all times during operating hours.

SECTION 7: PERMITS

1. All permits expire on the thirty-first (31st) day of December each year.
2. Permit holders intending on renewing a current permit shall submit the appropriate renewal application(s) provided by the Department along with the applicable fee before the thirty-first (31st) day of December.
3. Any permits not renewed by the thirty-first (31st) day of December shall be administratively revoked.
4. Administratively revoked permits may be subject to a reinstatement fee, as determined by the Board of Health.
5. Administratively revoked permits may be reinstated upon meeting all renewal requirements.
6. A permit shall be considered retired if not reinstated for more than six (6) months. A retired permit may not be renewed; an initial permit application must be submitted to the Department.
7. All permits are non-transferable; including new ownership or change of location.
8. No replacement permits will be issued.
9. All permit holders shall notify the Department of a change of name and/or address within thirty (30) days.
10. All permits shall be prominently displayed on the premises in a location that is conspicuous, open and obvious to all people entering the establishment.

SECTION 8: REQUIREMENTS AND STANDARDS FOR ESTABLISHMENTS AND THERAPISTS

1. Bodywork Establishment:

- (a) All establishments shall comply with the zoning requirements and by-laws of the Town of Natick.
- (b) All new establishments initially permitted after the effective date of these Regulations must contain a waiting area for clients within the establishment.
- (c) Every waiting room area must be well lit with natural and artificial lighting. Blackout curtains, shades, covers or window sprays are prohibited.
- (d) Every therapy room must be adequately lighted, heated and ventilated; which are so constructed that they can be kept clean. Floors, walls, ceilings and windows must be kept in clean and sanitary manner free from dust, soil and other unclean substances.
- (e) All establishments and bodywork therapy rooms shall have access to a designated hand washing sink that is supplied with hot water between 110 – 130 F, hand soap and hand drying provisions.
- (f) All equipment, furniture, and supplies used in the performance of bodywork shall be maintained in a safe and sanitary manner.
- (g) All linens including robes, towels, cloths, etc., which come into direct contact with the bodies of patrons shall, after use and before re-use, be laundered in such a manner as to ensure effective sanitization. All linens must be stored in a clean and sanitary manner.
- (h) A written plan describing sanitation measures must be submitted by the applicant to the Department for any bodywork that entails disrobing and/or draping, use of oils, creams or lotions, and/or use of a massage-type table.

- (i) If any latex-containing products are used, a sign shall be conspicuously posted alerting all clients that latex-containing products are in use.

2. Bodywork Therapist:

- (a) A therapist may only perform bodywork at the permitted establishment listed on his/her permit to practice bodywork. Therapists may provide services off-site for single events, such as health fairs and demonstrations, or in the home of clients who are medically homebound, as documented by a health care professional.
- (b) All therapists shall maintain a sufficient level of personal cleanliness and wear clothing that is clean, as determined by the Department or its agent(s).
- (c) All therapists shall be properly clothed, within the bounds of decency and propriety, in accordance with the standards of their profession. Abbreviated or provocative attire is prohibited. The Board, the Department or its agent(s) will make the judgment in regards to what may constitute inappropriate or prohibited attire.

SECTION 9: GENERAL REQUIREMENTS

1. Hours of operation for any establishment shall be limited to 9:00 AM to 8:00 PM, both inclusive.
2. There shall be a person in charge who must be present in the establishment at all times during the hours of operation, who shall be so designated by the operator.
3. Not including clients and exempt professionals, only permit holders may be present or employed in an establishment during hours of operation.
4. There shall be at least one (1) bodywork therapist present in the establishment at all times of operation.
5. All permit holders shall notify the Department of any criminal complaint brought against him/her within seven (7) days.
6. No false statements or information shall be presented to the Department, or any agent thereof.
7. No alcoholic beverages may be served or be present in any bodywork establishment.
8. Therapists shall not use, or allow patrons to use, any illegal or controlled drugs in a bodywork establishment.
9. No therapist in a bodywork establishment may be unclothed.
10. No therapist shall provide bodywork therapy services on a client when a communicable disease will spread through the bodywork process. All therapists must practice safe work-related procedures in accordance with universal precautions, Occupational Safety and Health Administration (OSHA) standards and the established guidelines of their profession.

11. All bodywork establishments will keep records of clients who have received services, which may be used in the event of a communicable disease being reported to the Board.
12. No room or section of a bodywork establishment shall be used as a bedroom or for sleeping purposes or domicile.

SECTION 10: PROHIBITIONS

1. Sexual activity by any person or persons in any bodywork establishment, whether consensual or otherwise, is prohibited; nor shall any person licensed by the Health Department to perform bodywork use the therapist-client relationship to solicit or engage in sexual activity with any client.
2. Direct or indirect physical contact or communication by any person or between persons which is intended to erotically stimulate either person or both which is likely to cause such stimulation, exposure of any client or bodywork therapist genitalia or breast(s), or manipulation of any body tissue with the intent to cause arousal is prohibited.
3. At no time shall a bodywork therapist or establishment operate a business from a residence, condominium, hotel, motel or any other residential setting.
4. At no time shall a bodywork therapist or establishment conduct any business or list as a business his/her home address. Additionally, at no time shall clients be seen at the therapist residence or a bodywork business conducts a door-to-door enterprise.

SECTION 11: ADVERTISING

1. Establishments and therapists shall be mindful of professional ethics when placing advertisements. Advertisements shall include, but not limited to, service offerings or promotions in the or on newspapers, periodicals, television, radio, any form of print media, any form of internet or web-based marketing. Advertising in a manner that uses exotic, sexual or provocative language and/or pictures to promote business may be construed as a violation of proper standards of bodywork.
2. Any person who is not permitted in the manner described herein may not represent him/herself as being a permitted or licensed bodywork therapist or to hold him/herself out to the public as being permitted or licensed by using a title on signs, mailboxes, address plates, stationary, announcements, telephone listings, calling cards, or other instruments of professional identification or advertisements of any sort.
3. Unless all bodywork therapists within the establishment possess individual permits to practice bodywork in the Town of Natick, any person operating a bodywork establishment may not present his/her establishment as a permitted or licensed bodywork establishment or to hold his/her establishment out to the public as being permitted or licensed by using a title on signs, mailboxes, address plates, stationery, announcements, telephone listings, calling cards, or other instruments of professional or advertisements of any sort.

SECTION 12: DEPARTMENT OF STATE KNOW YOUR RIGHT PAMPHLET

1. Any place of employment that is thought to be a common location of human trafficking, as reports by the National Human Trafficking Resource Center, shall conspicuously post a Department of State-Know Your Rights Pamphlet in a commonly visited employee information posting area. The pamphlet must be available in the employee's primary language.
2. As of the date of these regulation are enacted, common human trafficking employment locations shall include; hotels, nail salons, restaurants, bars, strip clubs, farm labor camps, construction companies, large factories, and bodywork establishments defined herein.
3. The Natick Board of Health has the right to include more business locations that are common locations for human trafficking as they become known to the Natick Health department, Natick Police Department or the National Human Trafficking Resource Center.
4. This pamphlet is available free of charge at the following web site address:
<http://travel.state.gov/content/visas/English/general/rights-protections-temporary-workers.html>

SECTION 13: INSPECTIONS

1. Establishments and therapists are subject to inspections by the Board or its authorized agent(s), Natick Police Department, Natick Fire Department and/or the Building Department during all times of operation.
2. Inspections will be conducted at random at least twice a year.
3. The purpose of inspections is to verify compliance with these Regulations.
4. Denial of access to an agent of the Board of any part of an establishment shall result in the immediate administrative revocation of the permit to operate a bodywork establishment.
5. If, upon inspection, conditions are found that do not comply with the provisions set forth in these Regulations, both the operator and any bodywork therapist responsible for violation these Regulations may be subject to enforcement proceedings and penalties pursuant to Section 14 and Section 15.
6. If, upon inspection, conditions are found that do not comply with the standards and requirements set forth in these Regulations, a re-inspection may be necessary to ensure corrective action was taken to achieve compliance with these Regulations. A re-inspection fee, as determined by the Board of Health, may be issued to the operator.

SECTION 14: ENFORCEMENT

These Regulations may be enforced by the Board of Health, its agent(s) or the Natick Police Department, except that only the Board of Health may grant, deny, revoke, suspend or modify permits or variances of these Regulations.

The grounds on which the Board of Health may deny renewal, revoke, suspend, or modify any permit or certification issued pursuant to these Regulations include, but are not limited to:

1. Refusal to permit an agent of the Board or other government official to inspect the facility;
2. Interference with an agent of the Board of Health or other government official in the performance of their duty;
3. A criminal conviction of the license holder relating to the operation of the establishment;
4. Failure of the license holder to submit the appropriate documentation;
5. Failure to pay the required license fees or assessed fines or penalties;
6. The establishment owner, operator, or employee's failure to comply with these regulations;
7. Committing a Prohibited or Criminal Act;
8. Keeping or submitting any misleading or false records or documents related to the operation of the establishment or practicing bodywork;

Otherwise operating a bodywork facility or practicing bodywork so as to cause a threat to the public health or safety shall cause suspension, modification, or revocation of license.

Such action by the Board of Health may include ordering other appropriate relief, including but not limited to ordering corrections to the physical facility.

These Regulations may be enforced through appropriate criminal or civil process, including but not limited to that specified at M.G.L. c.40, section 21D, in any court of competent jurisdiction.

All criminal acts or violations of M.G.L. will be enforced by the Natick Police Department. In addition, the Natick Police Department or Health Department may issue fines per this ordinance on top of penalties assessed by the appropriate criminal court.

SECTION 15: PENALTIES

1. **Criminal Penalties:** Under Massachusetts General Laws (M.G.L.), Chapter 111, Section 31, any person who violates any provisions of these Regulations shall, upon conviction, be fined not more than one thousand (\$1,000.00) for violation of these Regulations. Each day's failure to comply with an order of the Department shall constitute a separate offense.

2. **Non-Criminal Penalties:** Under Massachusetts General Laws (M.G.L.), Chapter 40, Section 21D, a civil penalty of a minimum of one hundred (\$100.00) but no more than three hundred (\$300.00) dollars may be assessed at the discretion of the Director, Department or the Board of Health for violation(s) of these Regulations. Each day's failure to comply with an order of the Department shall constitute a separate offense.

SECTION 16: SEVERABILITY

If any provision, section, subsection, sentence, clause, phrase, heading or portion of these Regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

SECTION 17: EFFECTIVE DATE

These Regulations shall take effect as of July 1, 2016.



Donald J. Breda, PE, Chairman



Ian L. Wong, MSPH, Vice Chairman



Peter A. Delli Colli, DMD, Clerk