

**TOWN OF MASHPEE
BOARD OF HEALTH**

BODYWORK THERAPIES REGULATION

The following regulations are promulgated by the Town of Mashpee Board of Health, under the authority of Section 51, of Chapter 140, of the Massachusetts General Laws:

1. PURPOSE AND DEFINITION: For the purposes of these regulations:
 - A. BODYWORK THERAPIES – Shall include Reflexology, Trager Approach, Ayurvedic Therapies, Rolf Structural Integration, Asian Bodywork Therapy, Acupressure (including Jin Shin Do and Tui Na), Shiatsu, Polarity and Reiki.
 - B. BODYWORK - Shall mean manipulating and/or conditioning of part or parts of the body by manual, mechanical, or other means for purported health or medical treatment, or for the purpose of invigoration. The primary intent being to enhance or restore the health and well-being of the client.
 - C. ESTABLISHMENT FOR BODYWORK PRACTICES – Shall mean the office, place of business, or premises where bodywork therapies are offered.
 - D. APPROVED – Shall mean approved by the Board of Health of the Town of Mashpee, in accordance with the Massachusetts General Laws.
 - E. APPROVED COURSES OF BODYWORK – Shall mean a course on the arts and sciences of bodywork therapies, which includes both theory and practice and is approved by the Board of Health of the Town of Mashpee, in accordance with accepted standards.
 - F. BODYWORK PRACTITIONER – Shall mean the individual who practices bodywork therapies and techniques.
 - G. LICENSEE:
 - a. An individual who provides to the Board satisfactory proof that he/she has adequate professional training and liability insurance in their elected bodywork field.
 - b. Shall keep the client(s) well informed of procedures and methods that will be employed during the session.

- c. Maintain the confidentiality of all client information, unless law or court order mandates disclosure.
- d. Respect the inherent worth and act in the best interest of all clients.
- e. Take precautions to do no harm to the physical, mental and emotional well being of their clients.
- f. Maintain the right to refuse to treat any person in order to protect the mental, physical, emotional and professional boundaries and safety of the bodywork practitioner.
- g. Conduct all business and professional activities with honesty and integrity.
- h. Not engage in an interest, activity or influence that conflict with the practitioner's obligation to act in the best interest of their client(s).

2. LICENSE REQUIREMENTS AND FEE:

- A. No person shall practice bodywork therapies at a facility licensed as a bodywork establishment or advertise or hold herself/himself out as being engaged in the business of performing bodywork in the Town of Mashpee without first obtaining a license from the Mashpee Board of Health. The license fee for each bodywork establishment shall be one hundred (\$100.00) dollars annually and for each bodywork therapist fifty (\$50.00) dollars. A license to an establishment and/or bodywork therapist is not transferable and shall be renewable annually on January 1st.
- B. License shall automatically expire on December 31st of each year. Applications for renewal must be submitted at least 30 days prior to expiration date.
- C. An application for licensure as a bodywork therapist shall be accompanied by written documentation as the Board may reasonably require in order determining whether the applicant is of good moral character.
- D. All licensees shall operate from a licensed facility. Home visitation for the practice of bodywork requires a variance from the Board of Health. Criminal Offender Registry Information (CORI) and Sex Offender Registry Information (SORI) shall be requested at that time.

3. REQUIREMENTS FOR PERSONAL LICENSING: No person shall be licensed to practice bodywork or conduct in an establishment for bodywork unless the following requirements are met:
 - A. Be eighteen (18) years of age or older.
 - B. Be of good moral and ethical character.
 - C. Submit to the Board of Health a complete application form containing all information requested by said form.
 - D. Be a high school graduate.
 - E. The educational requirement includes a minimum 600 hour curriculum of massage or other accredited institution with a minimum of 45 contact hours of the bodywork therapy discipline in which the applicant is seeking to become licensed.
4. REQUIREMENTS FOR LICENSING OF AN ESTABLISHMENT: No establishment for bodywork shall be licensed hereunder unless it meets the following requirements:
 - A. Premises shall be well-lit, well-ventilated and properly heated when seasonally indicated.
 - B. There shall be an adequate supply of hot (min 110 degrees F) and cold running water at all times.
 - C. There shall be an approved toilet and washing facilities within the premises, readily available to the patrons and affording sufficient privacy.
 - D. Where patrons of both sexes are accommodated, adequate arrangements shall be made for separation of rooms, toilets and washing facilities used by each sex.
 - E. All rooms of the establishment, furniture and equipment therein shall be kept clean at all times.
 - F. Each room or enclosure used for bodywork services shall have at least one artificial light of not less than sixty (60) watts.
 - G. There shall be installed a heat and smoke detecting system approved by the Mashpee Fire Department.
 - H. There shall be adequate facilities for the cleaning and sterilizing of all equipment.

- I. All rooms used for reception and treatment of patrons shall be arranged so as to afford adequate fire protection and shall have satisfactory means of egress in case of fire as approved by the Mashpee Building Inspector and Mashpee Fire Chief.
- J. After each use all equipment, instruments, devices, robes, sheets, blankets, pillowcases, wearing apparel, towels, or other materials, which may come in direct contact with clients, shall be properly cleaned and sterilized.
- K. No food or alcoholic beverages shall be served or consumed on the premises without a retail food, food establishment and/or common victualler's license.

5. EXCLUSIONS:

- A. Physicians, Chiropractors, Physical Therapists, Nurses, School Athletic Trainers, or Chiropodists (Podiatrists) registered in the Commonwealth are excluded. A person registered as a barber or an apprentice under the provisions of Section 87 T to 87 JJ, inclusive, of said Chapter 112 of the General Laws may practice facial and scalp therapies without obtaining a license.
- B. A person holding a valid license to practice bodywork therapies in any other city or town in the Commonwealth may, upon written orders of a physician, attend patients residing in Mashpee specified by the physician. The bodywork therapist shall, if requested, submit to the Board of Health copies of his/her license from another community and the physician's orders.
- C. ESTABLISHMENT EXCEPTIONS – Hospitals, Nursing and Convalescent Homes and other similarly licensed institutions where bodywork therapies may be performed are excluded from the definition of a Bodywork Therapies Facility.

6. DIRECT APPLICATION OF INSTRUMENTS TO SKIN PROHIBITED: Any instruments or device designed or used for direct application to the skin shall be sterilized prior to its application. The part of the body being treated shall be covered with a clean towel, or else the instrument shall be covered in a similar manner.

7. TREATMENT OF WOUNDS PROHIBITED: No sponge, stick or other article liable to convey infection shall be used to make application directly to the skin or any cut or wound.

8. TREATMENT OF PERSONS WITH SKIN DISEASE PROHIBITED:

- A. No licensed individual shall treat any person afflicted with any skin eruption or other disease unless such persons have furnished a written certificate from a

physician to the effect that the eruption of disease is not of a contagious or transmissible character.

- B. A Bodywork Therapist may not practice bodywork therapy at any time that he or she has a rash, boil or open lesion, unless he or she has obtained a certificate from a physician certifying that the condition is not communicable.
9. **CLEANING OF HANDS:** Every person licensed to practice bodywork therapies shall thoroughly cleanse his hands by washing with soap and hot water immediately before and after treating a client.
 10. **DISPLAY OF LICENSE:** All licensed bodywork facilities must display, in a conspicuous location, all licenses issued by the Mashpee Board of Health. All bodywork therapists employed at the licensed establishment must provide a copy of their Bodywork Therapist license to the proprietor of said establishment.
 11. **DESIGNATION OF NAME:** No licensee shall operate under any name or conduct his/her business under any designation not specified in his license.
 12. **CHANGE OF ADDRESS:** Every licensee shall notify the Board of Health prior to any change of address, home or business or name. Any new license or amendment to an existing license required because of the foregoing may be issued without discretion by the Board of Health.
 13. **INSPECTIONS:** Every license shall permit the Board of Health or its agents or other town authorities acting in an official capacity to inspect his/her place of business and his/her work at any reasonable time.
 14. **HEARING IN CASES OF SUSPENSION OR REVOCATION OF LICENSE:** The Board of Health may suspend or revoke any license granted for such cause as it deems sufficient. A person whose license has been suspended or revoked may within ten (10) days of the suspension or revocation of his/her license request, in writing, a hearing upon the cause or causes of such suspension or revocation. The Board of Health may set a time and place for said hearing.
 15. **PENALTIES/DISCIPLINARY ACTION:** Whoever violates these regulations or hinders any duly authorized person from exercising the authority conferred hereunder or by general law shall be punished by a fine or not more than one hundred (\$100.00) dollars per day per offense or imprisonment for not more than six (6) months, or both in accordance with Section 53 of Chapter 140 of the Massachusetts General Laws. The penalties set forth shall be supplemental and in addition to all other penalties imposed by the Board of Health by the General Laws, By-laws or otherwise.

16. SEVERABILITY: If any section, paragraph, sentence, clause or phrase of these rules and regulations shall be decided invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations which shall remain in full force and effect; and to this end the provisions of these regulations are hereby declared severable. The powers and authorities conferred upon the Board of Health hereunder are not intended to limit the authority of the board to act with respect to operation of an establishment under any other regulations of the Board of Health, the By-laws of the Town of Mashpee or the Massachusetts General Laws.

This regulation was adopted May 28, 2008 and will become effective upon the date of publication.

Per Order Of,
Mashpee Board of Health

Lucy B. Burton, Chair
Burton Kaplan, Clerk