

**TOWN OF NORTH
ATTLEBOROUGH BOARD OF
HEALTH**

**RULES AND REGULATIONS FOR BODYWORK
ESTABLISHMENTS AND PRACTITIONERS
July 23, 2024**

Section:

1.	Purpose	Page 1
2.	Authority	Page 2
3.	Definitions	Page 2
4.	Exemptions	Page 4
5.	Practitioner Requirements	Page 4
6.	Operation of Body Work Establishments	Page 5
7.	Permits	Page 6
8.	Requirements and Standards of Practice for Practitioners and Establishments	Page 7
9.	General Requirements	Page 8
10.	Criminal Acts	Page 8
11.	Advertising	Page 9
12.	Department of State Know Your Rights Pamphlet	Page 10
13.	Inspections	Page 10
14.	Enforcement	Page 11
15.	Penalties	Page 11
16.	Variance	Page 12
17.	Severability	Page 12
18.	Effective Date	Page 13

1. 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 the community. The scope of these Regulations is broad and includes many aspects, which if not particularly regulated could endanger the community with the risk 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.

2. AUTHORITY

The North Attleborough Board of Health, pursuant to the authority granted under Massachusetts General Laws (M.G.L.), Chapter 111, Section 31, and Chapter 680 of the Acts of 1914, adopts the “Rules and Regulations Governing the Practice of Bodywork” to protect the public health and safety of the community.

3. DEFINITIONS

For purposes of this regulation the following words and terms shall have the following meanings:

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 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 North Attleborough. Permits that have been administratively 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, Director or Health Agent, to perform functions subject to these Regulations.

Applicant: shall mean a person seeking a permit that has submitted an application and the applicable application fee for a permit.

Application: shall mean the application approved by the Board of Health.

Board of Health: shall mean the North Attleborough 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., c. 135, in the course of a treatment or therapy provided to another person. Bodywork may include the practice of Reflexology and/or Bodywork which includes, but not limited to: Acupressure, Asian Bodywork, AMMA Therapy®, Body-Mind Centering, Chi Nei Tsang, Feldenkrais Method, Five Element Shiatsu, Integrative Eclectic Shiatsu, Japanese Shiatsu, Jin Shin Do®, Korean Bodywork, Body mind Acupressure, TM, Polarity, Macrobiotic Shiatsu, Reiki, Rolph Structural Integration, Shiatsu Amma Therapy, Traditional Thai Massage or Bodywork, Trager Approach, Tui na, Qi Gong, Zen Shiatsu, Ayurvedic medicine or other practices as they become known. The Board, in conjunction with the Department, will maintain a list of treatment and therapy modalities considered Bodywork for the purposes of these Regulations.

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

Certification: shall mean successful completion of the most current requirements of the American Organization for Bodywork Therapies of Asia (AOBTA®), National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), American Reflexology Certification Board, or

Definitions continued:

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.

Department: shall mean the Department of the North Attleborough Health Department.

Director: shall mean the Director of the North Attleborough Health Department.

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. Any location within a licensed health care facility or health care professional's office which is dedicated to and maintained for the use of a therapist who performs occasional therapy services to the patients of the facility is a Bodywork establishment for the purposes of permitting under these Regulations and the portions of the facility or office wherein Bodywork therapy services are provided must follow these Regulations.

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 Health Department allowing a specific person to operate a Bodywork establishment in the Town of North Attleborough, or a document issued by the Health Department allowing a specific person to practice Bodywork in the Town of North Attleborough.

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

Person: shall mean any individual, firm, corporation, 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 twelve (12) consecutive months.

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

4. EXEMPTIONS

- A. Any physician, chiropractor, osteopath, nurse, 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.
- B. 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.

5. PRACTITIONER REQUIREMENTS FOR A PERMIT TO PRACTICE BODYWORK

To practice Bodywork therapy, or to be employed in a Bodywork establishment in the Town of North Attleborough, 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. 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. Applications shall be accepted throughout the year. The Department shall make reasonable efforts to act on completed permit applications within thirty (30) days of receipt.
- D. 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.
- E. The applicant shall submit a high school diploma or its verifiable equivalent.
- 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 proof of coverage by an individual professional liability insurance policy of at least one million dollars (\$1,000,000) per occurrence and at least one million 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 for every employee.
- J. The applicant shall disclose the circumstances surrounding any of the following:

Practitioner Requirements continued:

- (i) Revocation or denial 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 submit a non-refundable application fee with their application. The fee will be determined by the Health Department. An application is not considered complete unless accompanied by the applicable fee.
- L. The application shall be sworn to and signed by the applicant under the pains and penalties perjury and be notarized by a Notary Public of the Commonwealth of Massachusetts.
- M. All documents submitted for the purpose of obtaining a permit become the property of the Department and will not be returned.

6. REQUIREMENTS TO OPERATE A BODYWORK ESTABLISHMENT

To operate a Bodywork establishment in the Town of North Attleborough, 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. Expiration date of December 31 annually, set forth in section 7.1.
- 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. Applications shall be accepted throughout the year. The Department shall make reasonable efforts to act on completed applications within thirty (30) days of receipt.
- D. 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 at all times.
- E. The applicant is responsible for ensuring all persons performing Bodywork in his/her establishment are permitted by the Department.
- F. The applicant shall submit a non-refundable application fee with their application. The fee will be determined by the Health Department. An application is not considered complete unless accompanied by the applicable fee.

Establishment requirements continued:

- 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 Bodyworks 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.

7. PERMITS

Permit requirements:

- A. All permits expire on the thirty-first (31st) day of December each year.
- B. Permit holders intending to renew a current permit shall submit the appropriate renewal application(s) provided by the Department along with the applicable fee, as determined by the Board of Health, before the thirty-first (31st) day of December.
- C. Any permits not renewed by the thirty-first (31st) day of December shall be administratively revoked.
- D. Administratively revoked permits may be subject to a reinstatement fee, as determined by the Department.
- E. Administratively revoked permits may be reinstated upon meeting all renewal requirements.
- F. A permit shall be considered retired if not renewed for more than twelve (12) months. A retired permit may not be renewed; an initial permit application must be submitted to the Department.
- G. No permit is transferable in any way; including new ownership or change of location.
- H. No replacement permits will be issued.
- I. All permit holders shall notify the Department of a change of name and/or address within (30) days.
- J. All permits shall be displayed on the premises in a location that is conspicuous, open, and obvious to all people entering the establishment.

Permit continued:

- K. All Bodywork establishments and Bodyworkers practicing in the town of North Attleborough before these regulations took effect, will have 60 days to submit paperwork for permits

8. REQUIREMENTS AND STANDARDS OF PRACTICE FOR ESTABLISHMENTS AND PRACTITIONERS

A. Bodywork Establishment

- (1) All new establishments initially permitted after the effective date of these Regulations must contain a waiting area for clients within the establishment.
- (2) All establishments shall have a sink for hand washing immediately available at all times. Such sink shall be supplied with hot water between 100-130°F, hand soap, and hand drying provisions.
- (3) All establishments shall comply with the zoning requirements and ordinances of the Town of North Attleborough.
- (4) The establishment, and any facilities or equipment contained therein, including any showers, table showers and sinks, shall at all times meet the requirements of the North Attleborough Fire Department and the North Attleborough Building Department.
- (5) Bodywork may be conducted only in adequately lighted, heated and ventilated rooms, which are so constructed that they can be kept clean. Floors, walls, ceilings and windows must be kept free of dust, soil, and other unclean substances.
- (6) Bodywork locations shall not have shades, covers, blackout curtains, etc. in the waiting room or reception area.
- (7) All equipment, furniture, linens and supplies used in the performance of Bodywork shall be maintained in a safe and sanitary manner.
- (8) 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 or lotions, and/or use of a massage-type of table.
- (9) If any latex-containing products are used, a sign shall be conspicuously posted alerting all clients that latex-containing products are in use.
- (10) Eating is not allowed in the treatment rooms, water may be brought in.

B. Bodywork Therapist

- (1) 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 homes of clients who are medically homebound, as documented by a health care professional.

Standards of practice continued:

(2) All therapists shall maintain a sufficient level of personal cleanliness and wear clothing that is clean, as determined by the Department.

(3) All therapists shall be properly clothed, within the bounds of decency and propriety, in accordance with the standards of their profession.

9. GENERAL STANDARDS

- A. Hours of operation for any establishment shall be limited to 9:00 AM to 8:00 PM, both inclusive
- B. All permit holders shall notify the Department of any criminal complaint brought against him/her within seven (7) days.
- C. No false statements or information shall be presented to the Department, or any agent thereof.
- D. No alcoholic beverages may be served in any Bodywork establishment.
- E. No therapist in a Bodywork establishment may be unclothed.
- F. No therapist shall provide Bodywork therapy services on a client when a communicable disease will be 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.
- G. All Bodyworks establishments shall keep a record of each client who has received services, which may be used in the event of a communicable disease being reported to the Health Department for no less than seven (7) years.
- H. All Bodywork certificates and other relevant certificates shall display on the premises in a location that is conspicuous, open, and obvious to all people entering the establishment.

10. CRIMINAL ACTS

- A. At no time shall an individual offer or agree to engage in sexual conduct with another person for a fee per Massachusetts General Laws (M.G.L.) Chapter 272, section 53A.
- B. At no time shall a customer of an establishment request to receive or agree to engage in sexual conduct with another, regardless of age per (M.G.L.) Chapter 272, section 53A.

Criminal Acts continued:

- C. At no time shall an individual, derive support or income from a prostitute's earnings per (M.G.L.) Chapter 272, section 7.
- D. At no time shall an individual induce a minor to become a prostitute or knowingly assist in inducing a person under the age of 18 to become a prostitute per (M.G.L.) Chapter 272, section 4A.
- E. At no time shall an individual knowingly permit prostitution on the premises per (M.G.L.) Chapter 272, section 6.
- F. At no time shall an individual intentionally expose their genitals or breasts to one or more persons per (M.G.L.) Chapter 272, section 53.
- G. At no time shall an individual annoy or accost in a sexual way per (M.G.L.) Chapter 272, section 53.
- H. At no time shall an individual engage in natural or unnatural sexual intercourse with a victim; by compelling the victim to submit by force and against her, they or his will; or by threat of bodily injury; (M.G.L.) Chapter 272, section 22(a) or 22(b).
- I. At no time shall an individual commit an "indecent" assault & battery which the victim did not consent to, regardless of age, (M.G.L.) Chapter 272, section 13(b) or 13(h).
- J. At no time shall an individual secretly video or photograph naked or partially naked people; At no time shall an individual disseminate secretly obtained videos or photographs of nude or partially nude individuals; Per M.G.L. Chapter 265, section 105.
- K. At no time shall an individual provide or obtain another individual, or subject, recruit, entice, harbor, or transport; an individual by any means, in order to force them into servitude Per M.G.L. Chapter 265, section 51.
- L. . At no time shall an individual provide or obtain another individual, or subject, recruit, entice, harbor, or transport; an individual by any means, in order to force them into sexual servitude Per M.G.L. Chapter 265, section 51.

11. ADVERTISING

- A. Establishments and therapists shall be mindful of professional ethics when placing advertisements. As used in this section, advertisements shall include, but not be limited to, service offerings or promotions in or in newspapers, periodicals, television, radio, any form of print media, or any form of internet or web-based marketing. Advertisements that appeal to prurient interests or advertising in a manner that uses exotic, sexual or provocative language and/or pictures to promote business may be construed as a breach of proper standards of Bodywork.

- B. 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, stationery, announcements, telephone listings, calling cards, or other instruments of professional identification or advertisements of any sort.
- C. Unless all Bodywork therapists within the establishment possess individual permits to practice Bodywork in the Town of North Attleborough, 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.
- D. The use of aliases is prohibited. If the therapist or establishment operator wishes to use a name other than that which appears on a permit, both names must be used together in all advertising and representations.

12. DEPARTMENT OF STATE KNOW YOUR RIGHTS PAMPHLET

All Bodywork establishments 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.

The Town of North Attleborough has the right to require such posting in other business locations that are common for human trafficking as they become known to the North Attleborough Health Department, North Attleborough Police Department, or the National Human Trafficking Resource Center.

This pamphlet is available free of charge at the following web address:

<http://travel.state.gov/content/visas/english/general/rights-protections-temporary-workers.html>

13. INSPECTIONS

- A. Establishments and therapists are subject to inspections by the Health Department or its authorized agent(s) during all times of operation.
- B. Inspections will be conducted at random throughout the year. No less than two random inspections will take place each calendar year.
- C. The purpose of inspections is to verify compliance with these Regulations.
- D. Denial of access to an agent of the Health Department shall result in the immediate administrative revocation of the permit to operate a Bodywork establishment.

Inspections continued:

- E. 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 violating these Regulations may be subject to enforcement proceedings and penalties pursuant to Section 14 and Section 15 below.
- F. 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 Department, shall be issued to the operator.

14. ENFORCEMENT

A duly authorized agent of the Health Department or of the North Attleborough Police Department may issue an order to immediately suspend any permit issued pursuant to these regulations if the permit holder, or any person acting on its behalf, refuses to permit entry or interferes in an inspection in any way, or if there is an immediate threat to public, health, and safety or welfare. In the case of such suspension, the practice of Bodywork shall immediately cease, and, in the case of an establishment, the establishment shall be closed. Any person aggrieved by such suspension may request a hearing before the Board of Health within seven (7) days of issuance of the order. After hearing the evidence at such a hearing, the Board of Health may modify, affirm, or rescind the order, or it may revoke the permit in accordance with paragraph 2 of this section. If no hearing is requested within the time set forth herein, the order of suspension shall remain in place until such time as the Board of Health certifies, in writing, that all violations have been corrected.

SECTION 15: PENALTIES

- A. Criminal penalties. Under Massachusetts General Laws (M.G.L.), Chapter 111, Section 31, any person who violates any provision of these Regulations shall, upon conviction, be fined not more than one thousand dollars (\$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.
- B. Non-criminal penalties. Under Massachusetts General Laws (M.G.L.), Chapter 40, Section 21D, a civil penalty of up to three hundred dollars (\$300.00) may be assessed at the discretion of the Director, or the Department for violation(s) of these Regulations. Each day's failure to comply with an order of the Department shall constitute a separate offense. Fines shall be cumulative in addition, in the event of a violation of these regulations, permits shall be subject to modification, suspension or revocation as follows:

First Violation: Permit Modification, and or suspension of 1 to 7 days.

Second Violation: Permit Modification, and or suspension of 7 to 30 days.

Third Violation: Permit Modification, and or suspension of 30 days or Revocation.

Penalties continued:

Fourth or subsequent violation: Revocation of Permit.

- C. Before issuing a notice of permit modification, suspension or revocation, the Health Department shall provide the permit holder with an opportunity to be heard, if such a hearing is requested by the permit holder within seven (7) days of the Health Department's notice of such intended modification, suspension or revocation of a permit.
- D. Only offenses which have occurred within the thirty-six months preceding the date of violation shall be used in calculating the number of offenses for purposes of the sentencing guidelines.

SECTION 16: VARIANCE

- A. The Health Department may vary the application of any provision of these Regulations with respect to any particular case, when, in the director and or Board of Health's opinion, the enforcement thereof would do manifest injustice; provided that the decision shall not conflict with the intent and spirit of these Regulations.
- B. A request for a variance shall be submitted in writing. The Board of Health may ask for supporting evidence in order to consider the variance request. The request shall not be deemed complete until all such requested evidence has been received by the Department.
- C. Any variance granted under this section may be subject to qualification, revocation, suspension, or expiration. A variance granted may be revoked, modified, or suspended in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard in accordance with these Regulations.
- D. Any variance granted by the Board of Health shall be in writing. A copy of any such variance, while it is in effect, shall be available to the public at all reasonable hours at the Department. A copy of the variance shall also be on file in the usual place of practice of the applicant.

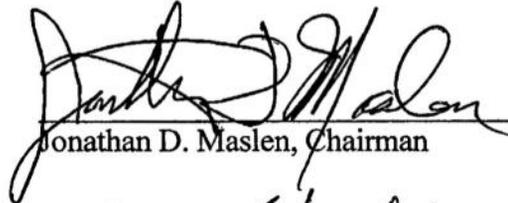
SECTION 17: SEVERABILITY

If any section, subsection, sentence, clause, phrase, heading, or any portion of these Regulations is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such provisions and such holding shall not affect the validity of the remaining portions thereof.

14. EFFECTIVE DATE

This regulation was adopted by the Board of Health on the 23rd day of July, 2024, and effective Monday September 30, 2024.

By the North Attleboro Board of Health:


Jonathan D. Maslen, Chairman


Daniel J. McMahon, Member


Erie Baker, Member