

ARTICLE VIII
Bodywork Regulations
[Adopted 9-18-2003, effective 9-26-2003; amended 4-1-2009]

§ 305-8.0. Adoption and authority.

The following rules and regulations were adopted by the Sherborn Board of Health on September 18, 2003, and amended on April 1, 2009, under authority of MGL c. 111, § 31, and MGL c. 140, §§ 51 and 53, and effective upon publication.

§ 305-8.1. License required activities and fees.

- A. No person shall practice bodywork or conduct an establishment for the giving of bodywork therapy in the Town of Sherborn without first obtaining a license from the Board of Health. A license issued to an establishment or bodywork therapist is not transferable. All licenses shall expire December 31 following the date of issue.
- B. A fee for issuance of establishment and individual therapist licenses shall be charged and the rates shall be established by the Board of Health from time to time. License fees are nonrefundable.
- C. It shall be the responsibility of the licensee to obtain renewal prior to the expiration of an existing license. Applications for renewal must be submitted at least 20 days prior to the expiration date.

§ 305-8.2. Definitions.

AGENT — An "agent" of the Board of Health is any person authorized by the Board to act under these regulations. No action required by these regulations shall be taken by the agent without the approval of the Board of Health. The agent may not vary these regulations without specific approval. Wherever reference is made to the "Board of Health," it shall mean the Board of Health or its agent.

APPROVED — Approved by the Sherborn Board of Health.

APPROVED COURSE OF BODYWORK THERAPY — The applicant shall meet all professional standards of bodywork therapy.

BOARD OF HEALTH — The Board of Health of Sherborn, Massachusetts.

BODYWORK — The practice of a person who uses touch, words, or directed movement to deepen awareness of patterns of movement in the body, or the affectation of the human energy system or acupoints or qi meridians of the human body. Such practices shall include, but not be limited to: Feldenkrais method, reflexology, Trager approach, Ayurvedic therapies, Rolf Structural Integration, polarity; polarity therapy, or polarity therapy bodywork, Asian bodywork therapy that does not constitute massage, acupressure, Jin Shin Do®, qi gong, tui na, shiatsu, body-mind centering, and reiki.

BODYWORK THERAPIST — A person who provides bodywork therapy for compensation.

ESTABLISHMENT — The room or group of rooms, office, building, or other fixed place of business where bodywork is performed by a licensed therapist(s).

§ 305-8.3. Exceptions and exclusions.

- A. Individual: These regulations shall not apply to the following individuals while engaged in the regular performance of the duties of their respective professions:
 - (1) Physicians, chiropractors, osteopaths, podiatrists, or physical/occupational therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.
 - (2) School athletic trainers or coaches acting within the scope of their employment.
 - (3) Nurses who are registered or licensed under the laws of the Commonwealth of Massachusetts.
 - (4) Barbers, hairdressers, and beauticians who are duly registered under the laws of the Commonwealth of Massachusetts.
 - (5) Any person licensed by the state to practice massage.
- B. Establishments: These regulations shall not apply to hospitals, nursing homes, convalescent homes, home health agencies or other similarly licensed institutions.
- C. Student or apprentice practitioners are not approved for licensing.
- D. Vapor, pool, shower, or other baths are not approved for licensing.

§ 305-8.4. Requirements for individual licensing.

- A. A completed application form, in a form adopted by the Board of Health, containing all information therein requested, must be submitted. False statements in said application shall be grounds for denial, suspension or revocation of a license request.
- B. Payment of a license fee must be made.
- C. Written proof (e.g., diploma, certificate, transcript of graduation) of having satisfactorily completed an approved course of study/training must be provided.
- D. Evidence that the applicant is at least 18 years of age must be provided.
- E. A copy of a photo ID must be provided.
- F. Proof of a negative tuberculin test (tested within 30 days prior to the application submittal or renewal) must be provided.
- G. A written statement from a licensed physician in the Commonwealth of Massachusetts that he or she has examined the applicant within the past thirty-day period preceding the application and believes the applicant to be of adequate health to safely perform bodywork therapy (e.g., is free of any communicable diseases transmissible by the practice of bodywork or the close physical contact ordinarily associated with bodywork) must be provided.
- H. Two letters of reference (character and/or professional) must be provided.

§ 305-8.5. Requirements for licensing of establishment.

- A. A completed application form, in a form adopted by the Board of Health, containing all information therein requested must be submitted. False statements in said application shall be grounds for denial, suspension or revocation of a license request.
- B. Payment of the license fee must be made.
- C. Every licensee shall notify the Board of Health prior to any change of name, address or ownership.
- D. The establishment shall not operate under any name or designation not specified on the license.
- E. The establishment shall not be kept open or operate between the hours of 10:00 p.m. and 7:00 a.m., unless specifically authorized in writing by the Board of Health.
- F. Every licensee shall permit the Board of Health and/or Police Department to inspect the establishment at any time to the maximum extent permitted by law.
- G. All bodywork therapists employed at the establishment shall hold current, valid licenses from the Board of Health and shall conduct themselves according to this and any other applicable regulation or standard.
- H. The establishment shall not employ or shall not cause to be employed as a bodywork therapist any person unlicensed for the practice of bodywork in the Town of Sherborn, or whose bodywork license has been revoked or suspended by Sherborn or any other municipality within the past three years.
- I. (Reserved)
- J. No person shall treat or be treated at the establishment if afflicted with a communicable/contagious disease. However, the person may treat or be treated when a written statement is received from a physician to the effect that the condition is no longer contagious.
- K. Smoking is prohibited in the establishment.
- L. Bodywork therapists shall wash their hands thoroughly immediately before and after treating a patron.
- M. There shall be a toilet and hand-washing facilities (connected to an approved sanitary facility, with a safe, adequate supply of hot and cold running water) for employees and patrons.
- N. All areas of the establishment (including but not limited to the structure, furnishings and equipment) shall be kept in a clean condition at all times.
- O. All robes, sheets, towels, instruments/devices, and other items which may come in direct contact with the body shall be cleaned and stored in a sanitary manner. Single-service disposable items are acceptable but may not be used more than once.
- P. No room or section of a building licensed for the purpose of giving bodywork shall be used as a bedroom. However, this shall not be construed to prevent the performance of bodywork

on any person in his/her home, in a hospital, or in any other place for treatment of the sick.

- Q. The license of the establishment and all bodywork therapists must be displayed in a conspicuous place.
- R. The establishment must comply with all requirements of any other Town board or commission.
- S. Establishment licenses shall only be granted to individuals who hold individual licenses issued by the Board of Health, or to companies with licensed individual practitioners.

§ 305-8.6. Denial of application for license or renewal thereof.

- A. A license may be denied if:
 - (1) The information required for an application is incomplete;
 - (2) The applicant has not satisfied the requirements of the regulation;
 - (3) The applicant has made a false, misleading, or fraudulent statement of fact to the Town in the application process;
 - (4) The applicant has committed an act which, if done by a licensee under this regulation, would be grounds for suspension or revocation of a license.
- B. Any person or establishment whose application for a license or license renewal is denied may request, within 10 days of said denial and in writing, a hearing upon the cause or causes of said denial. The Board of Health shall set a time and place for said hearing within a reasonable time, not to exceed 30 days.

§ 305-8.7. Suspension or revocation of license.

- A. No license granted under these regulations, whether for individual practitioners or for an establishment, may be suspended or revoked without a hearing, except that any agent for the Board of Health may suspend an establishment and an individual license for flagrant violation of the regulations or under emergency circumstances.
- B. In the event that any license as herein provided is suspended, the licensee shall be entitled to have such suspension reviewed by the Board of Health at its next regularly scheduled meeting or within 21 days of receipt of a hearing request, whichever is sooner.
- C. Such licenses may be suspended or revoked if, after a hearing, the Board of Health finds that the licensee has:
 - (1) Made a material false statement on the application form; or
 - (2) Violated or permitted a violation of any of these regulations or of any conditions of the license; or
 - (3) Violated or permitted a violation of any law of the commonwealth.

§ 305-8.8. Violations and penalties.

Whoever is found to have violated any provision of these rules and regulations shall be punished by a fine of not more than \$100 per violation or imprisonment for not more than six months or both in accordance with MGL c. 140, § 53, as amended. Each day that a violation exists shall constitute a separate violation.

§ 305-8.9. Variance procedures.

A variance to a particular section of the bodywork regulations may be granted by a vote of the Board of Health at a regularly scheduled meeting upon receipt and review of a written request for such variance and payment of the required fee.

§ 305-8.10. Severability.

If any section, subsection, sentence, clause, phrase or 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 portion thereof.