

REGULATIONS GOVERNING THE PRACTICE OF BODYWORK

SECTION 1. PURPOSE, SCOPE AND INTENT

1.1 Purpose. The purpose of these Rules and Regulations is to protect residents, businesses, and public health within the Town of Sudbury. Whereas persons working in this particular service industry have often identified themselves as bodyworkers to gain exemption from the Massachusetts Rules and Regulation Governing Massage Therapists, it is necessary to enact these Rules and Regulations (herein “Regulations”) on the Practice of Bodywork to protect the public health, welfare and safety of the community.

1.2 Scope. The scope of these Regulations is broad and includes many aspects which, if not particularly regulated, could endanger the community through prostitution, human trafficking, and disease transmission.

1.3 Intent. It is the Board of Health’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 license to operate a bodywork establishment and a license to practice bodywork, as well as grounds for suspension, revocation, or denial of such license.

SECTION 2. AUTHORITY

These Rules and Regulations Governing the Practice of Bodywork are promulgated by the Sudbury Board of Health pursuant to its authority under Massachusetts General Laws Chapter 111, Section 31 and all other applicable laws and regulations.

SECTION 3. DEFINITIONS

Administrative Suspension: shall mean an administrative action with immediate effect taken by the Board of Health or its Agent for cause when a license holder fails to renew a license, denies entry to an agent of the Department attempting to conduct an inspection, for any violation of these Regulations or other applicable laws, or based on an imminent threat to the health and safety of the employees or clients of the establishment or to the public.

Agent: shall mean a person employed by the Town of Sudbury who is authorized by the Sudbury Board of Health to perform functions subject to these regulations.

Applicant: shall mean an individual or entity seeking licensure who has submitted an official application as provided by the Sudbury Health Department, two forms of identification, a complete CORI Acknowledgement Form, has paid the application fee, and has posed for digital photograph taken by the Health Department, in addition to any specific requirements referenced in these regulations pertaining to the type of licensure requested.

Application: shall mean the application form provided by the Sudbury Health Department, which has been signed under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated, signed, and notarized within the Town.

Board: shall mean the Sudbury Board of Health.

Bodywork: shall refer to the practice of a person representing himself or herself as a Bodyworker or Bodywork Therapist, or the practice of a person using primary touch to manipulate tissue, which does not constitute Massage as defined in M.G.L. Chapter 112, Section 227 in the course of treatment or therapy provide to another person. Bodywork may include, 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, Bodymind Acupressure, Polarity, Macrobiotic Shiatsu, Reflexology, Reiki, Rolph Structural Integration, Shiatsu Amma Therapy, Traditional Thai Massage & Bodywork, Trager Approach, Tui Na, Qi Gong, Zen Shiatsu, Ayurveda medicine, and other practices as they become known.

Bodyworker: shall mean a Bodywork Therapist.

Bodywork Therapist: shall mean a person who practices Bodywork.

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 a national professional membership organization or national certification commission, such as American Organization for Bodywork Therapies of Asia (AOBTA), National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), American Reflexology Certification Board, Massachusetts Association of Reflexology (MAR), and the Reflexology Association of America (RAA). 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. All certifications and/or credentials must be approved by the Department.

Criminal Offender Record Information (CORI): shall mean a record of criminal offenses committed as an adult or juvenile, as compiled by the Massachusetts Department of Criminal Justice Information Systems (DCJIS).

Department: unless otherwise specified, shall mean the Sudbury Health Department acting in its role as the agent for the Sudbury Board of Health.

Director: shall mean the Director of Public Health.

Establishment: shall mean any established location, or portion thereof, in the Town of Sudbury which advertises and/or provides bodywork services on the premises. Any health care facility licensed by the Commonwealth of Massachusetts or the office of any health care professional licensed by the Commonwealth of Massachusetts 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 person who performs occasional bodywork services to the patients of the facility, is a bodywork establishment for the purpose of permitting under these Regulations and the portions of the facility or office wherein bodywork therapy services are provided must be in compliance with these Regulations.

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

Licensee: shall mean an establishment or bodywork therapist holding a license to practice any form of bodywork therapy or to operate a bodywork establishment in the Town of Sudbury. Where applicable,

this shall include partnerships and/or corporations.

Nicotine Delivery Product: shall mean any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes, and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.

Cannabis Delivery Product: shall mean any manufactured object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing cannabis into the human body, and any object or device that facilitates cannabis combustion or vaporization that is used for ingesting or used to aid an individual in ingesting cannabis. Cannabis delivery products include, but are not limited to, vaporizers and portable hand-held pens.

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

Patron: shall mean a person with whom the bodywork therapist has an agreement to provide bodywork therapy services or a visitor or any other person on premises at the establishment who is not an employee.

Manager: shall mean the license holder of a Bodywork Establishment License, or his/her designee, 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 License: shall mean a license that has not been renewed in a timely manner, that has been surrendered by the Licensee or that has been revoked by the Board.

Sanitization: shall mean effective bactericidal/germicidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial/germ count, including bacterial, viral, and fungal pathogens, to a safe level on massage table surfaces, instruments, and/or the general facility.

Sex Offender Registry Information (SORI): shall mean a record of convictions for specified sexual offenses committed as an adult or juvenile, as compiled by the Sex Offender Registry Board.

Sexual Activity: shall mean any direct or indirect physical contact by any person or between persons which is intended to erotically stimulate either person or both, or which is likely to cause such stimulation and include, but not limited to: sexual intercourse, fellatio, cunnilingus, masturbation (or “hand release”), or anal intercourse. Masturbation shall mean the manipulation of any body tissue with the intent to cause sexual arousal. Sexual activity can involve the use of any device or object and is not dependent on whether penetration, orgasm, or ejaculation occurs.

SECTION 4. PROHIBITION AND EXEMPTIONS

4.1 No person, firm, corporation, partnership or other entity shall practice bodywork, operate an establishment for the practice of bodywork, or allow any person to conduct bodywork on premises owned or controlled by them without a valid license from the Board of Health or its designee, and without fully complying with these regulations and all applicable laws governing the practice of bodywork.

4.2 Pursuant to these regulations, a Bodywork Therapist License shall not be required of the following individuals while engaged in the regular performance of the duties of their respective professions:

1. Physicians, chiropractors, osteopaths, occupational therapists, physical therapists, massage therapists, podiatrists, and athletic trainers that are licensed to practice their respective professions in the Commonwealth of Massachusetts;
2. Hospitals, long-term care facilities, and home health agencies licensed or certified under the laws of the Commonwealth of Massachusetts;
3. Nurses who are registered or licensed under the laws of the Commonwealth of Massachusetts;
4. Barbers, cosmetologists, electrologists, manicurists, and aestheticians who are duly registered under the laws of the Commonwealth of Massachusetts, provided that this exemption shall apply solely to the massage of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes in a licensed salon or shop;
5. Acupuncturists duly licensed under the laws of the Commonwealth of Massachusetts;
6. Naturopathic Physicians who are duly licensed by a state or province.

SECTION 5. BODYWORK THERAPIST LICENSE

5.1 Requirements for Obtaining a Bodywork Therapist License.

Any person desiring to practice bodywork, or be a bodywork therapist at a Bodywork Establishment, shall obtain a Bodywork Therapist License issued by the Sudbury Health Department. An application shall be obtained from the Sudbury Health Department's office. The applicant understands that the Board of Health has the discretion to grant or deny any requested license.

Requirements for applicants are as follows:

1. Applicant must be twenty-one (21) years of age or older at the time of application.
2. Applicant shall submit a High School Diploma or its verifiable equivalent.
3. Applicant shall be able to communicate effectively in English.
4. The Applicant shall provide their complete name (use of an alias is prohibited), address, telephone number, and e-mail address.
5. Applicant shall answer every question truthfully and completely and supply all information requested in the application to the Department as specified hereunder.

5.2 All applicants shall allow one front faced digital photograph to be taken by the Sudbury Health Department at the time of license application submittal. This photograph will be attached to the license, if granted.

5.3 The applicant for a Bodywork Therapist License shall submit to the Department the items specified

herein for the application of this license:

1. A completed application form provided by the Department. All required documents specified herein must be received by the Department before any action will be taken by the Department.
2. A non-refundable application fee according to the Department's fee schedule. An application is not considered complete unless accompanied by the applicable fee.
3. Supporting documentation that the applicant is twenty-one (21) years of age or older by presenting two forms of positive identification. One form must be a valid state driver's license with photo, a state identification card with photo, and/or a valid passport. The second form of ID may be a certified long-form birth certificate or another government-issued photo ID.
4. All applicants must disclose the name, address and telephone number of any other Bodywork establishment, whether located in Sudbury or elsewhere, where they are an owner, operator or employee.
5. A CORI Acknowledgment Form authorizing the Town of Sudbury or a contracted third party to conduct a Criminal Offender Record Information (CORI) inquiry and a Sex Offender Registry Information (SORI) inquiry, and to report the results of those inquiries to the Department. All responses to these record checks shall be kept confidential as required by law. By signing the application or renewal form and completing the required CORI Acknowledgment Form, the applicant gives authorization to the Town of Sudbury or its contracted third party to run a CORI/SORI background check.
6. If applicable, the applicant shall disclose the circumstances surrounding any of the following convictions or license revocations:
 - i. Disclosure of any conviction for any sexual-related offense, including prostitution or sexual misconduct, rape, or any other felony against persons occurring within the past ten (10) years.
 - ii. Disclosure of any conviction of any misdemeanor or felony occurring within the past five (5) years.
 - iii. Revocation, suspension or denial of a permit or license to practice bodywork issued by any state or municipality.
 - iv. Loss or restriction of a permit, license, or certification by any municipality or other jurisdiction for any reason.
 - v. Any convictions or license revocations as outlined in this subsection shall disqualify an applicant from obtaining a license pursuant to this regulation.
7. A signed passport-type photograph taken within the preceding thirty (30) days.
8. A Massachusetts physician's letter, on physician's official letterhead, dated no earlier than twelve (12) months prior to the submittal of the application, stating that the applicant has had a physical examination and to the best of the physician's knowledge is up-to-date with

adult immunizations and free from communicable diseases and/or conditions that may be transmitted due to close physical contact and detrimental to the public's health. In addition, the examination report shall include whether a Tuberculosis (TB) screening is indicated and, if indicated, a written negative result obtained.

9. The name(s) of the licensed establishment(s) where the applicant will practice bodywork therapy in the Town of Sudbury. In addition, a Bodywork Therapist License holder shall notify the Department if the individual changes employment venue within the Town of Sudbury.
10. A written declaration, under penalty of perjury, that the foregoing information contained in the application is true and correct, and said declaration shall be duly dated, signed, and notarized by a Notary Public of the Commonwealth of Massachusetts. False statements shall constitute grounds for revocation of an issued license or denial of a pending license application or license renewal.

All documents submitted for the purpose of obtaining a Bodywork Therapist License become property of the Department and will not be returned.

5.4 The Department, in consultation with the Sudbury Police Department, shall determine whether an applicant's conduct, criminal or otherwise, shall disqualify that person from obtaining a license.

5.5 The Department, prior to the issuance of any license, shall evaluate each individual application by the information provided. The Department or the Board may place special conditions on any license issued to ensure the protection of public health, safety and welfare.

5.6 A Bodywork Therapist License shall be posted on the premise of the licensed bodywork establishment in a location that is conspicuous, open, and obvious to all people entering the establishment.

5.7 The holder of a Bodywork Therapist License shall notify the Department of a change of name and/or address within fourteen (14) days.

5.8 All Bodywork Therapist Licensees shall notify the Sudbury Health Department of any criminal complaint brought against him/her within seven (7) calendar days. Failure to do so may result in revocation of licensure.

5.9 All Bodywork Therapist Licenses shall expire on December 31st annually, unless sooner revoked. A Licensee intending to renew a current Bodywork Therapist License shall provide to the Department by December 1st a completed renewal application, including a new Massachusetts physician's letter as specified in Section 5.3.8, a new CORI Acknowledgment Form, annual license fee, and allow for an updated front-facing digital photo be taken by the Sudbury Health Department at the time of submittal of the renewal application, to be posted with the license, as renewed, if granted. The fee for each license renewal shall be in accordance with the most recent Sudbury Health Department fee schedule.

5.10 Any Bodywork Therapist License not renewed by the thirty-first (31st) day of December of the present year shall be administratively suspended. Such a license may be reinstated if a completed renewal application with a late fee according to the Sudbury Health Department fee schedule is received. Any license not renewed the expiration date shall be deemed a retired license and it may only be reinstated upon approval of a completed application for a new license.

5.11 The renewal requires that all therapists licensed after the effective date of these regulations shall maintain certification with the relevant national organization as described in Section 3.

5.12 The Board of Health will review all completed applications to determine whether the applicant has suitable character and qualifications. Determinations of an applicant's suitability will be based on criminal history checks, consistent with the Town's CORI Policy and any applicable law or regulation, and other information concerning the character, qualifications and appropriateness of the applicant. Pursuant to the Town's CORI Policy, an applicant will be provided with notice and an opportunity to present any additional information relative to said criminal history prior to a final determination.

Factors to be considered in determining the suitability of an applicant based on criminal history may include, but not be limited to, the following:

- Relevance of the offense(s) noted on the record to the license sought;
- The nature of the work to be performed (where applicable);
- Time since the conviction(s);
- Age of the candidate at the time of the offense;
- Seriousness and specific circumstances of the offense;
- The number of offenses;
- Whether the applicant has pending charges;
- Any relevant evidence of rehabilitation or lack thereof; and
- Any other relevant information, including information submitted by the individual or requested by the Board of Health.

Other factors to be considered in determining the suitability of an applicant may include, but not be limited to:

- Education and experience level;
- Whether a license or permit to operate an Establishment or to practice Bodywork has previously been revoked or suspended;
- Whether the applicant has demonstrated an ability to practice Bodyworks in a manner that is sufficiently protective of public health, safety and welfare.

The applicant is to be notified in a timely matter of the decision regarding the determination of suitability.

The Board of Health may deny any application if it finds that the applicant is not a suitable candidate.

Upon submission of a completed application, the Board of Health shall consider the application at a duly noticed public meeting, with prior notice to the applicant. All applicants shall appear personally before the Board of Health, during a properly posted public meeting, and shall answer any and all questions posed by the Board.

SECTION 6. BODYWORK ESTABLISHMENT LICENSE

6.1 Requirements for Obtaining a Bodywork Establishment License.

Any person or entity desiring to open a Bodywork Establishment shall obtain a Bodywork Establishment

License from the Sudbury Health Department's Office. The applicant understands that the Board of Health has the discretion to grant or deny any requested license.

All documents submitted for the purpose of obtaining a Bodywork Establishment License become property of the Department and will not be returned.

Requirements for applicants are as follows:

1. All persons with an ownership interest in the business shall be twenty-one years of age or older.
2. Every Establishment shall have one or more managers who shall be responsible for ensuring that the Establishment and all practitioners and clients comply with all requirements of these Regulations and such manager shall be authorized to act on behalf of the owners at all times that the Establishment is open for business. All managers shall be licensed bodywork therapists and may be an owner of the Establishment.
3. Applicants for a Bodyworks establishment license shall provide proof of professional liability insurance of at least one million dollars (\$1,000,000) per occurrence and at least one million dollars (\$1,000,000) aggregate in addition to workers compensation insurance.
4. All owners of a Bodywork Establishment shall demonstrate that they have suitable character and qualifications to operate and oversee the practice of Bodywork in manner that is sufficiently protective of public health and safety.
5. The owners of the Bodywork Establishment are responsible for ensuring that the practice of Bodywork at the Establishment is conducted in accordance with accepted industry standards, all applicable rules, laws and regulations and these regulations, and the owners shall be responsible for any violations occurring on the premises whether they are present or not.
6. Applicant shall answer every question truthfully and completely and supply all information requested in the application to the Department as specified hereunder.

6.2 All owners shall allow one front faced digital photograph to be taken by the Sudbury Health Department at the time of license application submittal. This photograph will be attached to the license, if granted.

6.3 The applicant of a Bodywork Establishment License shall submit to the Department the items specified herein for the application of this license:

1. A completed application form provided by the Sudbury Health Department.
2. A non-refundable application fee according to the Department's fee schedule. An application is not considered complete unless accompanied by the applicable fee.
3. The name, address, telephone number, and e-mail address of all persons who have an ownership interest in the Establishment. No ownership interest in an Establishment shall be given to any person unless and until a transfer of the license or portion thereof is approved by the Board.
4. The names of every bodywork therapist expected to be working at the Establishment.
5. If the applicant does not own the premises on which the business will be conducted, proof of a

signed lease or other written authorization from the owner of the property shall be provided with the application.

6. A floor plan of the Premises with sufficient detail to ensure that the Premises will comply with the Facility and Equipment requirements of these regulations and that the Premises are suitable for the practice of Bodywork. The Board of Health may require an inspection of the Premises prior to issuance of the license.
7. Supporting documentation that every person with an ownership interest in the Establishment is twenty (21) years of age or older by presenting two forms of positive identification. One form must include a photograph, such as a valid state driver's license with photo, a state identification card with photo, and/or a valid passport. The second form of ID may be a certified long-form birth certificate or another government-issued photo ID.
8. All owners must disclose the name, address and telephone number of any other Bodywork establishment, whether located in Sudbury or elsewhere, where they are an owner, operator or employee.
9. An executed CORI Acknowledgement form authorizing the Town of Sudbury or a contracted third party to conduct a Criminal Offender Record Information (CORI) inquiry and a Sex Offender Registry Information (SORI) inquiry, as authorized by state law, and to report the results of those inquiries to the Department. All responses to these record checks shall be kept confidential.
10. Proof of satisfactory professional liability insurance and a Worker's Compensation Insurance Affidavit is to be submitted with the application as attached thereto.
11. Name or names of individuals that are currently certified in basic cardiopulmonary resuscitation (CPR) and a copy of their valid certification. One individual trained in CPR must be on-site *at all times* during operating hours.
12. Copies of the Bodywork Therapist Licenses of all therapists performing bodywork at the establishment. To obtain a Bodywork Establishment License, an establishment shall have at least one (1) duly licensed bodywork therapist employed at all times.
13. A written declaration, under penalty of perjury, that the foregoing information contained in the application is true and correct, and said declaration shall be duly dated, signed, and notarized by a Notary Public of the Commonwealth of Massachusetts. False statements shall constitute grounds for revocation of an issued license or denial of a pending license application or license renewal.

6.4 The Department, in consultation with the Sudbury Police Department, shall determine whether an applicant's conduct, criminal or otherwise, shall disqualify that person or establishment from obtaining a license.

6.5 Any false statements or information furnished and/or contained in the application as submitted to the Department shall be grounds for denial, suspension or revocation of a license.

6.6 The Department, prior to the issuance of any license, shall evaluate each individual application by the information provided. The Department or the Board may place special conditions on any license issued.

6.7 The holder of a Bodywork Establishment License shall be ultimately responsible for the physical facility, instruments, advertising, postings, employees, and all compliance with these regulations.

6.8 All owners of a Bodywork Establishment License shall also obtain an Individual Bodywork Therapist License, if the individual will conduct bodywork. An establishment license does not permit the person to practice without a therapist license.

6.9 A Bodywork Establishment License or any ownership interest in the Establishment shall not be transferred in any manner, including new ownership or change of address without the express written approval of the Board of Health.

6.10 A Bodywork Establishment License shall be posted on the premise of the establishment in a location that is conspicuous, open, and obvious to all people entering the establishment.

6.11 Every owner of a Bodywork Establishment License shall notify the Department of a change of name and/or address within fourteen (14) days.

6.12 All Bodywork Establishment Licenses shall expire on December 31st annually, unless sooner revoked. Licensee intending to renew a current Bodywork Establishment shall provide to the Department *by December 1st* a completed renewal application, including a new CORI Acknowledgement Form, copies of all Bodywork Therapist Licenses of all therapists performing bodywork at the establishment, copy of valid CPR certification forms, proof of professional liability insurance and worker's compensation insurance, Worker's Compensation Insurance Affidavit, fully executed Lease for the premises, annual license fee, and allow for an updated front-facing digital photo to be taken by the Sudbury Health Department at the time of submittal of the renewal application, which is to be posted with the license, as renewed, if so granted. The fee for each license renewal shall be in accordance with the most recent Sudbury Health Department fee schedule.

6.13 Any Bodywork Establishment License not renewed by the thirty-first (31st) day of December of the present year shall be administratively suspended. Such a license may be reinstated if a completed renewal application with a late fee according to the Sudbury Health Department fee schedule is received by December 1st. Any license not renewed by said date shall be deemed a retired license and it may only be reinstated upon approval of a completed application for a new license.

6.14 The Board of Health will review all completed applications to determine whether the applicant has suitable character and qualifications. Determinations of an applicant's suitability will be based on criminal history checks, consistent with the Town's CORI Policy and any applicable law or regulation, and other information concerning the character, qualifications and fitness of the applicant. Pursuant to the Town's CORI Policy, an applicant will be provided with notice and an opportunity to present any additional information relative to said criminal history prior to a final determination.

Factors to be considered in determining the suitability of an applicant based on criminal history may include, but not be limited to, the following:

- Relevance of the offense(s) noted on the record to the license sought;
- The nature of the work to be performed (where applicable);
- Time since the conviction(s);
- Age of the candidate at the time of the offense;
- Seriousness and specific circumstances of the offense;
- The number of offenses;
- Whether the applicant has pending charges;
- Any relevant evidence of rehabilitation or lack thereof; and
- Any other relevant information, including information submitted by the individual or requested by the Board of Health.

Other factors to be considered in determining the suitability of an applicant may include, but not be limited to:

- Education and experience level;
- Whether a license to operate an Establishment or to practice Bodywork has previously been revoked or suspended;
- Whether the applicant has demonstrated an ability to practice Bodyworks in a manner that is sufficiently protective of public health, safety and welfare.

The applicant is to be notified in a timely matter of the decision regarding the determination of suitability.

The Board of Health may deny any application if it finds that the applicant is not a suitable candidate.

The Board of Health may impose conditions upon issuance of a license that it deems necessary for the protection of public health, safety and welfare.

Upon submission of a completed application, the Board of Health shall consider the application at a duly noticed public meeting, with prior notice to the applicant. All owners of the proposed Establishment shall appear personally before the Board of Health, during a properly posted public meeting, and shall answer any and all questions posed by the Board.

SECTION 7. REQUIREMENTS AND STANDARDS FOR BODYWORK THERAPISTS

7.1 No Bodywork Therapist shall perform services if either the Bodywork Therapist, or a client, has a communicable disease or exhibits any skin fungus, skin infection, skin inflammation, or skin eruption. All Bodywork Therapists shall practice safe work-related procedures in accordance with universal precautions, Occupational Safety and Health Administration (OSHA) standards, and the established guidelines of their profession.

7.2 No Bodywork Therapist shall use the therapist-client relationship to solicit for or engage in any sexual activity with any client, whether consensual or otherwise, whether for a fee or otherwise, whether within or outside the Licensed Bodywork Establishment, or to make arrangements to engage in any sexual activity with any client.

7.3 Bodywork Therapists must wash their hands with soap and water immediately before and after administering services to any person.

7.4 Bodywork Therapists must maintain a sufficient level of personal cleanliness and be properly clothed, within the bounds of decency and propriety, in accordance with the standards of their profession. Abbreviated or provocative attire is prohibited. Bodywork Therapists shall wear appropriate attire which at no time will expose any portion of the areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals. The Board or Department shall be the final arbiter as to what constitutes inappropriate or prohibited attire in their discretion.

7.5 Bodywork Therapists may not perform services they are not specifically licensed to perform, such as diagnosis of disease, joint/spinal manipulation, acupuncture, or massage therapy.

7.6 Bodywork Therapists shall not operate equipment they are not trained or licensed to operate, such as x- ray, fluoroscope, diathermy, or other similar equipment.

7.7 Bodywork Therapists may not use, or allow any client to use, alcoholic beverages, illegal drugs, illicit drugs, marijuana, whether for medical or recreational usage, or controlled substances in the Licensed Bodywork Establishment.

7.8 Bodywork Therapists may administer treatment to a person younger than 18 years of age, provided that a parent or guardian signs an intake form for the client younger than 18 years of age who is receiving treatment and provided that the parent or guardian of the client is provided the option to observe the treatment session from inside the therapy room.

7.9 Bodywork Therapists may only practice bodywork in Licensed Bodywork Establishment(s).

7.10 At no time shall a practitioner of bodywork therapy conduct any business, or list as a business, his/her address. Additionally, at no time may clients be seen at the Bodywork Therapist/practitioner's residence or run a bodywork business as a door-to-door enterprise.

7.11 At no time shall a Bodywork Therapist conduct or run a business from a residence, condominium, hotel, motel, mobile home, or other residential setting.

SECTION 8. REQUIREMENTS AND STANDARDS FOR BODYWORK ESTABLISHMENTS

8.1 Bodywork Establishments shall comply with zoning requirements of the Town of Sudbury.

8.2 Bodywork Establishments shall provide that all public areas and rooms used for therapy, and all employee areas, are clean and sanitary.

8.3 The Bodywork Establishment must be well-lighted, adequately ventilated, and free from defects that would create a public health or employee safety hazard in accordance with all local, state and federal regulations.

8.4 Bodywork Establishments shall contain a waiting area for clients within the establishment. Such waiting room shall not have shades, covers, or blackout curtains. Each waiting area must be lit with a combination of natural and artificial lights. Window sprays are prohibited.

8.5 Bodywork Establishments shall have at least one handwashing sink, located within close proximity to all therapy rooms. Such sink shall be supplied with hot water between 100°F – 110°F, hand soap, and disposable paper towels. Hand washing sinks located inside a restroom shall not be used to satisfy this requirement.

8.6 All bodywork within the Bodywork Establishment shall be conducted in adequately lighted, heated, and ventilated rooms.

8.7 The establishment shall maintain properly installed smoke detectors and fire extinguishers.

8.8 Every room used for treatment of patrons shall be equipped with a door and have at least seventy (70) square feet of floor space. All treatment room doors shall not be capable of being locked.

8.9 Floors, walls, and ceilings of Bodywork Establishments shall be constructed of materials that are easily cleanable. These surfaces shall be kept clean at all times.

8.10 All equipment, furniture, linens, and supplies used in the performance of Bodywork shall be maintained in a safe and sanitary manner.

8.11 Linens, towels, robes, and cloths, which come into direct contact with the bodies or patrons shall, after each use and before each reuse, be laundered in such a manner as to ensure effective sanitation.

8.12 No common use of robes, towels, cloths, sheets, or other linens is permitted. All used robes, towels, cloths, or other linens shall be kept in covered containers, closed cabinets, or closed bags and shall be held separately from clean robe, towel, cloth or linen storage areas. Such separate storage areas shall be plainly marked as "CLEAN" or "SOILED".

8.13 All oils, creams, lotions, talc, or other preparations used in administering bodywork shall be kept in a clean and closed condition. All such containers shall be stored in appropriate cabinets or shelving. Patrons shall be granted access to inspect all oils, creams, lotions, talc, or other preparation treatment substances before use on the individual.

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

8.15 Hours of operation for any Bodywork Establishment shall be limited to 8:00 AM to 9:00 PM, with the last appointment to end no later than 9:00 PM.

8.16 There shall be at least one (1) Licensed Bodywork Therapist/person-in-charge present in the Bodywork Establishment when it is in operation.

8.17 One (1) individual trained in CPR must be on-site at the Bodywork Establishment at all times during operating hours.

8.18 All Bodywork Establishments shall keep records of clients who have received services. These records shall be made available to the Department during an active investigation of reported communicable disease.

8.19 No room or section of a Bodywork Establishment shall be used as a bedroom or for sleeping or domicile. A Bodywork Establishment shall not be located in, or a portion of, a residence, condominium, hotel, motel, mobile home, or any other residential setting.

8.20 Standard or portable massage tables shall be covered with a durable washable material, which is capable of being cleaned and sanitized, and is cleaned and sanitized after each patron use. Beds and mattresses are not allowed.

8.21 Any room used by any person licensed to practice bodywork shall have ready access to an adequate supply of hot and cold water, sanitizing chemicals and equipment. All sanitizing chemicals/equipment on site should be labeled with all ingredients it contains, in case of a spill. All furniture and equipment in each room shall be kept clean and sanitary at all times.

8.22 Restrooms must be made available to customers/employees and shall be located in an easily accessible area within or near the permitted establishment.

8.23 All non-disposable instruments or devices designed or used for direct application to the skin shall be sanitized after use on each person in a manner sufficient to maintain cleanliness. All such instruments or devices shall be kept in a clean location.

8.24 The facility shall have adequate equipment for disinfecting and sanitizing non-disposable instruments and materials used in administering bodywork.

8.25 No un-sanitized part of an instrument (i.e. hot stones) shall be applied directly to the skin of a patron.

8.26 No items of sexual nature may be stored or displayed within the Bodywork Establishment or on premise.

8.27 Use of any kind of nicotine or cannabis delivery product is prohibited within a Bodywork Establishment or on premise.

8.28 Smoking is prohibited within a Bodywork Establishment or on premise.

8.29 No owner or operator, manager, responsible managing employee, or licensee in charge of or in control of a Bodywork Establishment or business may employ or permit a person to act as a Bodywork Therapist who is not in possession of a valid license issued under this regulation.

8.30 The Bodywork Establishment shall have a conspicuously placed sign in the lobby or waiting area that reads "Report any inappropriate actions or unsanitary conditions to the Sudbury Police Department at (978) 443-2121 or to the Sudbury Health Department at (978) 440-5479".

8.31 No Bodywork Establishment shall install a shower or other home good that would allow the employees of such establishment with the ability to live at the facility.

8.32 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 table.

8.33 Each Bodywork Establishment shall create specifications and/or qualifications for its employees. These specifications shall be submitted to the Board of Health in writing with the first establishment application after the enactment of these regulations, and shall re-submit the specifications when alterations are made.

SECTION 9. ADVERTISING

9.1 Bodywork Therapists and owners of Bodywork Establishments shall be mindful of professional ethics when placing advertisements. Advertising in periodicals, newspapers, or online in a sexual or provocative manner (i.e. pictures or language) to promote business may be construed as a violation of the proper

standards of bodywork and is prohibited.

9.2 The use of an alias by a Bodywork Therapist or apprentice is prohibited, unless the actual name that appears on the License is also used in all advertising and representations.

9.3 Any person who is not licensed in the manner described herein may not represent him/herself as being a licensed bodywork therapist or to hold him/herself out to the public as being licensed by using a title on signs, mailboxes, address plates, stationary, announcements, telephone listings, calling cards, or other instrument of professional identification or advertisements of any sort. The word “Bodywork(s)” may be used in the title or advertisement of an establishment whereas the establishment and the therapist(s) are licensed by the Town of Sudbury.

SECTION 9A DEPARTMENT OF STATE – KNOW YOUR RIGHTS PAMPHLET

Sex trafficking is a form of modern-day slavery in which individuals perform commercial sex through the use of force, fraud, or coercion. Minors under the age of 18 engaging in commercial sex are considered to be victims of human trafficking, regardless of the use of force, fraud, or coercion. Sex traffickers frequently target victims and then use violence, threats, lies, false promises, debt bondage, or other forms of control and manipulation to keep victims involved in the sex industry for their own profit.

Sex trafficking exists within diverse and unique sets of venues and businesses including fake massage businesses, escort services, residential brothels, in public on city streets and in truck stops, strip clubs, hotels and motels, and elsewhere.

The Board of Health has determined that Bodywork Establishments have a likelihood of becoming common locations for human trafficking.

Therefore, the owner of a Bodywork Establishment shall conspicuously post in an area commonly visited by employees of the Establishment the Department of State – Know Your Rights pamphlet, which is available at the following link:

<https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/temporary-workers.html>

SECTION 10. INSPECTIONS

10.1 The purpose of inspections is to verify the compliance of these Bodywork Regulations.

10.2 Denial of access to any part of a Bodywork Establishment by the licensee, Bodywork Therapist, or an employee may result in administrative suspension of the license.

10.3 Inspections may be unannounced, where an agent visits without prior notification to the establishment. Inspections may be conducted by the Department, Sudbury Police Department, Sudbury Fire Department, Sudbury Building Department or authorized agents bearing proper proof of identification.

10.4 Re-inspection may take place when a Bodywork Establishment does not pass an inspection to ensure corrective action was taken to achieve compliance with these Regulations.

10.5 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 violating any of these Regulations may be subject to enforcement proceedings and penalties as set forth herein.

SECTION 11. ENFORCEMENT

These regulations may be enforced by the Department, Agent, the Sudbury Police Department, Sudbury Fire Department, and other departments or agencies appointed by the Board, except that only the Department and/or the Board may grant, deny, revoke, suspend or modify licenses or variances of these regulations.

11.1 The Board of Health may deny, refuse to renew, revoke, suspend, or modify any license issued pursuant to these regulations for reasons that include but are not limited to the following:

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

11.2 Enforcement action by the Department may include ordering appropriate relief, including but not limited to, ordering corrections to the physical facility or the practices and procedures used in the establishment. Any person aggrieved by an action of the Department may request a hearing before the Board of Health by submitting a written request to the Health Department within seven (7) days of service of notice of said action. After conducting a public hearing on the application, the Board of Health may affirm, vacate or modify the Department's decision.

11.3 Administrative Suspension

- (a) The Board of Health, the Department or its Agent may issue an Administrative Suspension for any Bodywork Therapist License or Bodywork Establishment license, or both, for cause when a license holder fails to renew a license, or denies entry to an agent of the Department attempting to conduct an inspection, for any violation of these Regulations or other applicable laws, or based on an imminent threat to the health and safety of the employees or clients of the establishment or to the public.

- (b) Notice of the Administrative Suspension shall be served in writing and shall state the reasons for the Suspension. Any person aggrieved by the issuance of an Administrative Suspension may request a hearing before the Board of Health by submitting a written request to the Health Department within seven (7) days of service of notice of the Administrative Suspension. After conducting a public hearing on the application, the Board of Health may affirm, vacate or modify the administrative suspension order.
- (c) An Administrative Suspension shall take effect immediately and shall remain in effect until the Agent certifies in writing that all violations have been corrected or until the suspension is lifted by the Board of Health. A license holder whose license has been administratively suspended cannot lawfully continue to practice as a bodywork therapist or to operate a bodywork establishment in the Town of Sudbury unless and until the license is reinstated as set forth herein.
- (d) If the license holder fails to correct the violations within the time specified in the notice of administrative suspension, as may be amended by the Board of Health, the license shall be deemed revoked and the license holder shall be required to apply for a new license before practicing bodywork or operating the establishment.

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

11.5 All criminal acts or violations of Massachusetts General Laws will be enforced by the Sudbury Police Department. The Sudbury Police Department or the Sudbury Health Department may also issue fines per this regulation in addition to penalties assessed by the appropriate criminal court.

SECTION 12. PENALTIES

12.1 Criminal Penalties.

Pursuant to 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.

12.2 Non-Criminal Penalties.

Pursuant to M.G.L. Chapter 21D, Section 40, a civil penalty of three hundred dollars (\$300.00) shall be assessed for each violation. Each day or portion thereof that a violation exists shall constitute a separate offense.

SECTION 13. CRIMINAL ACTS

13.1 Sexual activity by any person or persons in any Bodywork Establishment is prohibited.

13.2 At no time shall an individual offer, or agree to engage in sexual conduct, with another person for a fee per M.G.L. Chapter 272, Section 53A.

13.3 At no time shall a customer, employee, owner or representative of a Bodywork Establishment, or any person on the premises of such establishment request to receive, or agree to engage in, sexual conduct with another regardless of age, M.G.L. Chapter 272, section 53A.

13.4 At no time shall an individual derive support or income from a prostitute's earnings per M.G.L. Chapter 272, Section 7.

13.5 At no time shall an individual induce a minor to become a prostitute or knowingly assist in inducing a person under the age of eighteen (18) to become a prostitute per M.G.L. Chapter 272, Section 4A.

13.6 At no time shall an individual knowingly permit prostitution on the premises per M.G.L. Chapter 272, Section 6.

13.7 At no time shall an individual intentionally expose his/her genitals or breasts to one or more persons per M.G.L. Chapter 272, Section 53.

13.8 At no time shall an individual annoy or accost in a sexual way per M.G.L. Chapter 272, section 53.

13.9 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 or his will, or by threat of bodily injury per M.G.L. Chapter 265, Section 22(a) or 22(b).

13.10 At no time shall an individual commit an "indecent" assault and battery, which the victim did not consent to, regardless of age, per M.G.L. Chapter 265, Section 13(b) or 13(h).

13.11 At no time shall an individual secretly video or photograph naked or partially naked people, and at no time shall an individual disseminate secretly obtained videos or photographs of nude or partially nude individuals, per M.G.L. Chapter 272, Section 105.

13.12 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 him or her into servitude per M.G.L. Chapter 265, Section 51.

SECTION 14 GRIEVANCE PROCEDURES

Any person(s) aggrieved by any of the foregoing regulations may appear before the Sudbury Board of Health for possible relief. Said appearance shall be accompanied by a written request for relief to be determined by the Board of Health.

SECTION 15 VARIANCE PROCEDURES

The Board of Health may vary the application of any provision of any of these regulations, through the

issuance of a variance, with respect to any particular case when the Board finds the enforcement thereof would cause manifest injustice. Every request for a variance must be made in writing to the Board of Health and must state the specific variance sought and the reasons thereof. Any variance granted must be in writing and posted on the premises of the establishment in a prominent location for the duration that the variance is in effect. The applicant must prove to the satisfaction of the Board of Health that the same or greater degree of protection required under this Regulation can be achieved without the strict application or enforcement of the subject section or provision.

SECTION 16. SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of these regulations shall be declared invalid for any reason whatsoever by a court of competent jurisdiction, that decision shall not affect any other portion of these regulations, which shall remain in full force and effect; and to this end the provisions of these regulations are hereby declared severable.

SECTION 17. TRANSITIONAL RULES

Existing bodywork establishments, as well as individuals who conduct bodywork, shall submit applications for licensure to the Department within thirty (30) days of passage of these regulations.

SECTION 18. EFFECTIVE DATE

| These rules and regulations shall be effective as of November 14, 2023.