

CITY OF METHUEN BOARD OF HEALTH EMERGENCY BODYWORK REGULATIONS

SECTION 1: AUTHORITY

These emergency rules and regulations governing the practice of Bodywork are promulgated by the Methuen Board of Health pursuant to its authority under Massachusetts General Laws Chapter 111, Section 31 and all other applicable laws and regulations.

SECTION 2: PURPOSE

- A. The Methuen Board of Health is promulgating emergency rules and regulations in the form of this chapter which provide minimum requirements to be met by any person performing bodywork therapies/activities for hire upon another individual and for any establishment wherein bodywork activities / therapies are to be performed. By enacting these emergency regulations, the Methuen Board of Health has determined that these rules and regulations are necessary to protect the public's health and safety. It is the City's intent that only individuals who meet and maintain minimum standards of competence and conduct may provide services to the public.

SECTION 3: DEFINITIONS

- 1. **"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.
- 2. **"AGENT"** shall mean a person employed by the City of Methuen who is authorized by the Board of Health or the Mayor to perform functions subject to these regulations.
- 3. **"APPLICANT"** shall mean an individual or entity seeking licensure who has submitted an official application as provided by the Methuen Public Health Department, two forms of identification, a complete CORI/SORI record request form, and has paid the application fee.
- 4. **"APPLICATION"** shall mean the application form provided by the Methuen Public 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 City.
- 5. **"BOARD OF HEALTH"** shall mean the Methuen Board of Health.
- 6. **"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: Accupressure, 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, Ayurvedic medicine and other practices as they become known.

7. **"BODYWORK PRACTITIONER"** shall mean any person who has completed a minimum five-hundred-hour credentialed course of study in bodywork therapy or a two-hundred-hour credentialed course in reflexology and who meets the standards of a national professional association or institute as evidenced by a credentialed membership in a national professional organization, association or institute and/or who has passed the Asian Bodywork Therapy Exam or National Reflexology Certification Exam and who for compensation, hire or reward engages in the practice of bodywork.
8. **"BODYWORKER"** shall mean a Bodywork Practitioner.
9. **"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.
10. **"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 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. All certifications and/or credentials must be approved by the Board of Health.
11. **"CLIENT"** shall mean a person with whom the bodywork therapist has an agreement to provide bodywork therapy services.
12. **"CORI"** shall mean a record of criminal offenses committed as an adult or juvenile, as compiled by the Criminal History Systems Board.
13. **"DEPARTMENT"** shall mean the Methuen Department of Health and Human Services.

14. **"DIRECTOR"** shall mean the Director of the Methuen Department of Health and Human Services.
15. **"ESTABLISHMENT"** shall mean any location, or portion thereof, as listed on the permit and under the control of an individual operator, which advises and/or provides bodywork therapy services on the premises. Any health care facility licensed by an agency of 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 be in compliance with these Regulations. In addition, bodywork establishments shall not be located in a private residence, condo, apartment, or other residentially zoned space.
16. **"LICENSE"** shall mean either a document issued by the Department allowing a specific person to operate a bodywork establishment in the City of Methuen, or a document issued by the Department allowing a specific person to practice bodywork in the City of Methuen.
17. **"LICENSEE"** shall mean a person holding a license to practice any form of bodywork therapy or to operate a bodywork establishment in the City of Methuen. Where applicable, this shall include partnerships and/or corporations.
18. **"NATIONAL CERTIFICATION FOR ASIAN BODY WORK THERAPY"** shall mean the professional credential issued by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) after successfully meeting the eligibility requirements for and passing the national standardized exam.
19. **"NATIONAL PROFESSIONAL ORGANIZATION ASSOCIATION OR INSTITUTE"** shall mean an organization providing standards for practice, a code of ethics and grievance procedure and providing or approving a five-hundred-hour course of study for bodywork or a two-hundred-hour course of study for reflexology.
20. **"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, ecigarettes.
21. **"OFF-PREMISES LOCATION"** shall mean the practice of bodywork at a location(s) other than an establishment.
22. **"OPERATION"** shall mean times when the establishment is open to the public for the

practice of bodywork.

23. **"OPERATOR"** shall mean the person possessing the permit to operate a bodywork establishment issued by the Department. If a corporation is the holder of a bodywork establishment license this would be a principal managing officer.
24. **"PRINCIPAL MANAGING OFFICER"** In the event that an applicant for a bodywork establishment license is a corporation, the officers and/or directors of the corporation must name at least one of said officers or directors to be named principal managing officer. In the event that an applicant for a bodywork establishment license is a partnership, the partners shall name at least one said partner to be named principal managing officer. The principal managing officer will assume responsibility as the applicant to complete all license requirements as required under section 126-6 of these regulations.
25. **"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, as detailed in the applicant's sanitation plan.
26. **"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.
27. **"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.
28. **"TRAINING FACILITY OR SCHOOL"** shall mean any establishment used to train individuals to become professional practitioners of bodywork.

SECTION 4: LICENSE REQUIRED; FEE; LICENSE NOT TRANSFERABLE; TERM OF LICENSE

1. No person shall practice as a professional practitioner of bodywork for hire or reward or advertise or hold him/herself as being so engaged in the City of Methuen unless first having been issued a license required pursuant to these regulations. The fee for the initial license and for the renewal license shall be determined by the current Board of Health fee schedule, but not less than one hundred dollars (\$100).
2. No person shall own or operate an establishment for the practice of bodywork unless first having been issued a license required pursuant to these regulations. The fee for the initial establishment license and annual renewal license shall be determined by the current Board

of Health fee schedule, but not less than one hundred dollars (\$100).

3. A license issued to the operator of an establishment or a license issued to a professional practitioner of bodywork is not transferable to another location or person.
4. All licenses expire yearly on the day they were granted and must be renewed in accordance with these regulations.

SECTION 5: EXCEPTIONS

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, occupational therapists or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.
2. An acupuncturist duly licensed under the laws of the Commonwealth of Massachusetts.

SECTION 6: PROFESSIONAL BODYWORK PRACTITIONER LICENSE

No person shall be licensed to practice as a professional practitioner of bodywork in the City of Methuen unless he/she meets the following requirements:

1. Submit to the Methuen Board of Health a completed application package as supplied by the Methuen Board of Health.
2. Each application package shall include the following information:
 - a. Board of Health application;
 - b. License fee fund;
 - c. CORI report;
 - d. Tax form;
 - e. Public hearing request form that includes recommendations from Inspectional Services and the Fire Department; and
 - f. Methuen Health Department sign-off package that shall include the following:
 - i. A definition of services to be provided.
 - ii. Legal name and residential address and all names, nicknames, and aliases by which the applicant has been known.

- iii. The business, occupation, or employment of the applicant for the three years immediately preceding the date of application.
 - iv. The bodywork or similar business license history of the applicant, whether such person has previously operated in this City or another town or state, has had a business license revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.
 - v. Satisfactory evidence that the applicant is 18 years of age or older, by presenting two forms of positive identification with photo or a valid passport, or work visa (if applicable).
 - vi. Documentation of competency, to consist of submittal of sealed transcripts from an accredited school of bodywork therapy or reflexology therapy and evidence of having a current certificate of Asian Bodywork Therapy (ABT) and/or proof of current credentialed membership in a national bodywork therapy organization, association, or institute. Such organization shall have requirements for membership that include standards for practice; code of ethics and grievance procedure; and providing or approving a five-hundred-hour course of study in bodywork or a two-hundred-hour course of study in reflexology (only).
 - vii. Two passport-type photographs taken within 30 days of the date of application and at least two inches by two inches in size.
 - viii. Completion of the Methuen Health Department's Risk Assessment Form for Tuberculosis. If deemed to be at risk, the applicant must submit proof of a negative skin test and/or negative chest x-ray result for tuberculosis. The tuberculosis skin test date and/or date of the chest x-ray shall not be more than one year prior to the date of application for license.
 - ix. Applicants shall provide proof of liability insurance in an amount not less than \$1,000,000.
 - x. Applicant must list the name(s) of the licensed establishment(s) where he or she will practice bodywork.
 - xi. Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated, signed, and notarized in the City.
3. Issuance of license. The Board of Health shall issue a license for a bodyworker after all requirements, terms, and conditions, including the following, have been met and complied with:

- a. The correct license fee has been tendered to the Board of Health.
- b. The applicant has attended a Board of Health public hearing and the Board has sustained a majority vote to approve the issuance of the license.
- c. Criminal history.
 - i. The applicant has no criminal history of an offense involving sexual misconduct.
 - ii. The applicant has no criminal history of an offense involving narcotics, dangerous drugs, or dangerous weapons.
 - iii. The Department may issue a license to any person with a criminal history of any of the above-mentioned crimes upon review of the following factors:
 - 1. Time since the offense;
 - 2. Age of the applicant at the time of the offense;
 - 3. Seriousness and specific circumstances of the offense;
 - 4. Relationship of the criminal act to the nature of the license being sought;
 - 5. Number of offenses;
 - 6. Any relevant evidence of rehabilitation or lack thereof; and
 - 7. No subsequent criminal offense of any nature.
- 4. The applicant has not knowingly made any false, misleading, or fraudulent statement of fact in the license application or in any document required by the Board in conjunction therewith.
- 5. The applicant has not had a bodywork license or other similar license denied, revoked, or suspended by the City or any other state, city or town.
- 6. The work establishment(s) listed by the applicant is/are licensed by the Methuen Board of Health or meet(s) the requirements for initial licensure as set forth in section 7 of these regulations.
- 7. Renewal. A licensed bodywork practitioner must file an application on a form available from the Board of Health for renewal not less than 45 days prior to the expiration of their license. At time of filing the renewal application, the applicant shall submit satisfactory

evidence of their current professional status.

8. If the practitioner wishes to offer massage services in addition to bodywork services, the establishment and the practitioner must hold both a valid Massachusetts massage license and a valid bodywork license issued by the City of Methuen.

SECTION 7: ESTABLISHMENT LICENSURE

No facility shall be licensed for the practice of bodywork in the City of Methuen unless the applicant or, where appropriate, the principal managing officer meets the following requirements:

1. Submit to the Methuen Board of Health a completed application package as supplied by the Methuen Board of Health.
2. Each application package shall include the following information:
 - a. Board of Health application;
 - b. CORI report;
 - c. Tax form;
 - d. Proof of workers' compensation insurance for the establishment;
 - e. Public hearing request form that includes sign-offs by Inspectional Services and the Fire Department; and
 - f. Methuen Health Department sign-off package that shall include the following:
 - i. A definition of the service to be provided.
 - ii. The location, mailing address and all telephone numbers where the business is to be conducted.
 - iii. A Certificate of Occupancy (1-10 inspection) signed and dated by the inspector who conducted the initial inspection. This certificate must be renewed every year.
 - iv. 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 must be on-site at all times during operating hours.
 - v. The name and residential address and telephone number of each applicant.

1. If the applicant is a corporation, the names, telephone numbers and residential addresses of each of the officers and directors of said corporation and the address of the bodywork establishment, and the name of the principal managing officer.
 2. If applicant is a partnership, the names, telephone numbers and residential addresses of each of the partners, including limited partners, and the address of the partnership itself, if different from the address of the bodywork establishment, and the name of the principal managing officer.
-
- vi. Name and address of any bodywork business or establishment owned or operated by any person whose name is required to be given in section 6, section 7, and section 8, wherein the business or profession of bodywork therapy is carried on.
 - vii. Two front-face photographs of the applicant at least two inches by two inches; if the applicant is a corporation, two front-face photographs at least two inches by two inches of all officers and managing agents of said corporation; if the applicant is a partnership, two front-face photographs at least two inches by two inches in size of each partner, including a limited partner in said partnership.
 - viii. The business, occupation or employment of the applicant for the five (5) years immediately preceding the date of application.
 - ix. The bodywork or similar business license history of the applicant, whether such person has previously operated in this City or another town or state, has had a business license revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.
 - x. Satisfactory evidence that the applicant is 18 years of age or older, by presenting two forms of positive identification with photo or a valid passport or work visa (if applicable).
 - xi. A description of any other business to be operated on the same premises or on adjoining premises owned, controlled or leased by the applicant.
 - xii. The potential number of employees to be utilized at the establishment.
 - xiii. A written plan describing sanitation measures must be submitted by the applicant to the Department.
 - xiv. A written plan describing the disrobing procedures and policies of the establishment.

- xv. The proposed hours of operation for the establishment, in accordance with section 9 of this chapter.
 - g. Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated, signed and notarized in the City.
 - h. The City of Methuen Health Department will endeavor to review the application within 30 days of receipt of all relevant documents.
3. Prior to the Health Department sign-off, prior to any license renewal and upon receipt of a complaint by the public, the Health Department shall perform an inspection of a (proposed) facility for a bodywork establishment and review the following:
- a. Provide that all rooms used for bodywork be clean and easily cleanable, well lighted, adequately ventilated and properly heated in accordance with local and/or state regulations.
 - b. Maintain all areas of the establishment, including the furniture and equipment therein, in sanitary condition at all times. All bodywork tables, etc., shall be easily cleanable. All surfaces used for bodywork shall be properly cleaned and sanitized after each bodywork session.
 - c. Clean and sanitize after each use all robes, sheets, towels, etc., supplied by the establishment which may come in direct contact with the body. Single-service or disposable items are acceptable and shall be used only once.
 - d. Display in a conspicuous place the current license of the establishment and current licenses of all bodywork practitioners conducting bodywork therein.
 - e. Contain an adequate number of hand-washing sinks, liquid soap and paper towels. Said hand washing sinks shall be cleaned and sanitized daily and shall be maintained at all times in a clean and sanitary condition.
 - f. Every room to be used by a bodyworker must:
 - i. Be large enough to fit an exam table with at least three feet of clearance on all sides and/or be of sufficient size for the bodywork activity proposed for the space.
 - ii. Have adequate lighting, heat and ventilation.
 - iii. 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.

- g. Every establishment must have sanitary toilet facilities available for patrons, in accordance with the requirements of the State Plumbing Code. Said toilet facilities shall be cleaned and sanitized daily and shall be maintained at all times in a clean and sanitary condition.
 - h. Bodywork Establishments shall contain awaiting 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.
4. Issuance of license. The Board of Health shall issue a license for a bodyworker after all requirements, terms and conditions, including the following, have been met and complied with:
- a. The correct license fee has been tendered to the Board of Health.
 - b. The applicant has attended a Board of Health public hearing and the Board has sustained a majority vote to approve the issuance of the license.
 - c. Criminal history
 - i. The applicant has no criminal history of an offense involving sexual misconduct.
 - ii. The applicant has no criminal history of an offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.
 - iii. The Department may issue a license to any person with a criminal history of any of the above-mentioned crimes upon review of the following factors:
 - iv. Time since the offense;
 - v. Age of the applicant at the time of the offense;
 - vi. Seriousness and specific circumstances of the offense;
 - vii. Relationship of the criminal act to the nature of the license being sought;
 - viii. Number of offenses;
 - ix. Any relevant evidence of rehabilitation or lack thereof; and
 - x. No subsequent criminal offenses of any nature.
 - d. The applicant has not knowingly made any false, misleading or fraudulent

statement of fact in the license application or in any document required by the Department in conjunction therewith.

- e. The applicant has not had a bodywork establishment license or other similar license denied, revoked or suspended by the City or any other state, city or town:
- f. The applicant shall:
 - i. Employ or cause to be employed as a bodywork practitioner(s) only person(s) who has (have) a license(s) for the practice of bodywork from the Methuen Board of Health.
 - ii. Operate only under the name or designation specified on the license issued by the City of Methuen.
 - iii. Perform or allow to be performed no illegal act within the establishment. A violation of this subsection may be grounds for revocation, suspension or modification of the bodywork establishment license.
 - iv. Serve no alcoholic beverages in the portion of a building that the Board of Health determines is being used for the purpose of giving bodywork.
 - v. Operate no x-ray, fluoroscope, diathermy or other similar equipment unless licensed by the Commonwealth of Massachusetts to practice a profession requiring the use of such equipment.

5. Renewal.

- a. Operators/owners of licensed bodywork establishments must file an application for renewal not less than 45 days prior to the expiration of their license.
 - b. The renewal application must include any changes to the application that have occurred since the approval of the original license or the last renewal.
6. If the Establishment wishes to offer massage services in addition to bodywork services, the establishment and the practitioner must hold both a valid Massachusetts massage license and a valid bodywork license issued by the City of Methuen.

SECTION 8: SPECIAL REQUIREMENTS FOR TRAINING FACILITIES OR SCHOOLS OF BODYWORK

- 1. All instructors of bodywork shall be licensed as bodywork practitioners. Those who teach non-hands-on classes only, such as biology, anatomy and physiology, and business classes may be exempted from this requirement.
- 2. A licensed bodywork practitioner shall be in constant and direct control of the school at all

times hands-on lessons are being taught.

3. All training facilities or schools of bodywork must meet the requirements and obtain an establishment license as described in section 6 and section 7 of these regulations.

SECTION 9: OPERATING PROCEDURE

Every operator of an establishment for the giving of bodywork shall require all practitioners conducting bodywork on the premises to meet the following requirements:

1. Be licensed by the City of Methuen Board of Health.
 - a. Not touch or work with a client when either the client or practitioner is afflicted with any rash, lesion or visible sign of infection that could be spread through bodywork or through close contact ordinarily associated with bodywork.
 - b. The front door of the establishment must be and remain unlocked during business hours.
 - c. All products used by a bodywork practitioner in the course of their practice must be stored in its original container.
 - d. Wash hands thoroughly with proper soap or disinfectant and hot water immediately before and after performing a bodywork session.
 - e. Maintain sufficient level of personal cleanliness and be clothed in clean and appropriate attire. The Board or Department shall be the final arbiter as to what constitutes inappropriate or prohibited attire in their discretion
 - f. Bodywork Practitioners may administer treatment to a person younger than 18 years of age, provided that a parent or guardian is present at the appointment and 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.
 - g. Take all precautions for proper hygiene within the facilities.
 - h. Not diagnose disease, prescribe medicine or perform any procedure which requires a license from the Commonwealth of Massachusetts, including but not limited to psychotherapy, chiropractic, acupuncture, Ayurvedic medicine and colonic hydrotherapy.
 - i. Prominently display in the main seating area, entranceway or in each practice room the license to practice bodywork therapy issued by the Methuen Board of Health.
 - j. The establishment shall maintain the following records in a secure place for a minimum of three (3) years, and such records shall be made available to the Board

upon request:

- i. Establishment information, which shall include:
 1. establishment name;
 2. hours of operation;
 3. owner's name and address;
 4. a complete description of all bodywork procedures performed;
 5. an inventory of all instruments
 6. a copy of these regulations.
- ii. Employee information, which shall include:
 1. full names and exact duties;
 2. date of birth;
 3. home address;
 4. home/work phone numbers; and
- iii. Client Information, which shall include:
 1. name;
 2. date of birth;
 3. address of the client;
 4. date of the procedure;
 5. name of the practitioner who performed the procedure(s);
 6. description of procedure(s) performed and the location on the body;
 7. a signed consent form as specified by 6(D)(2); and
 8. if the client is a person under the age of 18, proof of parental or guardian identification, presence and consent including a copy of the photographic identification of the parent or guardian.

- iv. Client information shall be kept confidential at all times.
 - k. Follow all rules set forth in these regulations and conduct themselves in accordance with the standards of their accrediting national professional association.
 - l. Use universal precautions in the prevention of all communicable diseases.
 - m. Bodywork Practitioners may only practice bodywork in Licensed Bodywork Establishment(s).
 - n. One individual trained in CPR must be on-site at all times during operating hours
2. Hours of Operation: The operation of a bodywork establishment and/or the conduct of any bodywork activity under a bodywork practitioner license therein shall not occur before 7:00 a.m. nor after 10:00 p.m. Monday through Friday and not before 9:00 a.m. nor after 10:00 p.m. on Saturday and Sunday.

SECTION 10: PROHIBITIONS

- 1. No bodywork may be performed in any location that does not carry a valid and up-to-date establishment license as described in section 7 of these regulations.
- 2. No bodywork practitioner may perform bodywork in the City of Methuen without an up-to-date license issued under section 6 of these regulations.
- 3. No bodywork school or training facility may operate without proper licensing under section 6, section 7, and section 8 of these regulations.
- 4. No mattress(es) may be present on the premises at any time.
- 5. Colonic hydrotherapy. A bodywork license does not qualify the practitioner to practice colonic hydrotherapy.
- 6. Acupuncture. A bodywork license does not qualify the practitioner to practice acupuncture.
- 7. Ayurvedic medicine. A bodywork license does not qualify the practitioner to practice Ayurvedic medicine.
- 8. Sexual conduct and/or sexual relationships. Any person licensed by the Methuen Board of Health to perform bodywork shall refrain from participating in a sexual relationship or sexual conduct with a client, whether consensual or otherwise, whether within or outside of the bodywork establishment, from the beginning of the client/therapist relationship until the termination of the client/therapist relationship.
- 9. No sexual paraphernalia may be present on the premises at any time.

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

SECTION 11: CRIMINAL OFFENDER RECORD INFORMATION (CORI) AND SEX OFFENDER REGISTRY INFORMATION (SORI)

1. Each person applying for a license to practice bodywork or movement education (as a professional practitioner or intern practitioner) or to own, operate, or conduct an establishment for giving of bodywork or movement education for hire or reward shall have a background free of conduct which, in the judgment of the Methuen Board of Health, bears adversely upon his or her ability to safely and reputably provide bodywork.
2. The Methuen Board of Health shall, upon receipt of an initial application, and every three years thereafter, seek Criminal Offender Record Information (CORI) and Sex Offender Registry Information (SORI) about the applicant from the Massachusetts Criminal History Systems Board.

SECTION 12: INSPECTION PROCEDURE

1. Inspection(s)
 - a. Duly authorized agents of the Methuen Board of Health or their designees or members of the Methuen Health Department as provided in MGL c. 140, section 52, may enter an establishment licensed for bodywork during any hours of operation for the purpose of inspecting to ascertain whether the establishment is in compliance with these regulations. Refusal to allow entry to authorized persons shall be sufficient reason to revoke the establishment license.
 - b. Inspections will occur quarterly and will either be announced to the facility prior to the visit or unannounced, where an agent visits without prior notification to the facility.
2. Violations
 - a. Noncritical violations: the failure to meet any operational standard set forth in these regulations constitutes a noncritical violation of these regulations. As such, the inspecting department shall serve upon the licensee written order of notice detailing the condition, event or practice determined by the inspecting department to be in violation of these regulations, and such written order of notice shall notify the licensee that he or she shall have 30 days to abate or correct such condition, event or practice to the satisfaction of the inspecting department.
 - b. Critical violations: the following shall be considered critical violations of these regulations and may allow the Board of Health, through its designees and/or its

agents, or Inspectional Services, through its designees and/or its agents to seek penalties and/or license suspension or revocation as listed in section 12 of these regulations:

- i. Diagnosing or treating classified diseases.
- ii. Practicing spinal or other joint manipulations.
- iii. Employing fraud or deceit in the practice of bodywork therapies or in obtaining any license issued under these regulations.
- iv. The use of intoxicating liquors or illegal or controlled drugs on the licensed premises.
- v. Negligence in the practice of bodywork therapy or allowing unlicensed persons to practice bodywork therapy in an establishment.
- vi. Advertising or soliciting in a fraudulent, false, misleading or deceptive manner.
- vii. The performance of any illegal act within the establishment.
- viii. The failure to comply with the terms or conditions of any license granted.
- ix. Practicing colonic hydrotherapy.
- x. Practicing acupuncture (unless separately licensed for acupuncture under the laws of the Commonwealth of Massachusetts, Board of Registration in Medicine, Committee on Acupuncture).
- xi. Practicing Ayurvedic medicine (unless separately licensed under the laws of the Commonwealth of Massachusetts, Board of Registration in Medicine).
- xii. Participation in a sexual relationship or sexual conduct with a client as set forth in section 10.
- xiii. The front door of the establishment being locked during business hours.
- xiv. Any other section of these regulations which is deemed by the Board of Health or its designees or agents to warrant classification as a critical violation.

SECTION 13: ENFORCEMENT AND PROHIBITION

1. Penalties. Unless otherwise specified within these regulations the following shall apply:

2. Criminal complaint. Whoever, by his/her servant or agent, or as the servant or agent of any other person or any firm or corporation, violates any regulation of this chapter may be penalized by indictment or on complaint brought to any applicable court of law. The Court may see fit to impose, the maximum penalty for any violation of these provisions, as so allowed under M.G.L c. 111, section 31, and M.G.L c. 140, section 51 and 53. Each day in which a violation continues shall constitute a separate and punishable violation.
3. Noncriminal disposition. In addition to the enforcement as described above, the provisions of these regulations may also be enforced by a noncriminal complaint pursuant to the provisions of M.G.L c. 40, section 21D; such penalty shall be a fine of \$100 per offense, per day.
4. License revocation, suspension or modification.
 - a. The Methuen Board of Health or Health Department may suspend, revoke or modify a professional practitioner license or establishment license for any violation of these rules and regulations or for the performance of any illegal act on the premises by serving an order in writing to the person(s) responsible for the violation.
 - b. Should a licensee subject to an order of notice pursuant to section 12 fail to so abate or correct the condition, event or practice which is the subject of an order of notice or otherwise not comply with an order of notice, the Board of Health, upon public hearing, may terminate, revoke or modify the license held by such and/or seek fines as provided under section 13.
 - c. If the Board of Health or its agents determine that the licensee is endangering public health and safety of the residence of Methuen, it reserves the right to suspend licensee's license with immediate effect for up to sixty (60) days. The licensee has the right to request a hearing within twenty-one (21) days of the suspension being issued.
5. The Methuen Police Department is hereby authorized to act as agents for the Board of Health and enforce these regulations.

SECTION 14: RECIPROCITY

1. Any practitioner issued a license to practice bodywork within the City of Methuen may qualify for a practitioner's license elsewhere in the City, provided the site is a licensed establishment. An application addendum will be required to be completed for the new site. No additional practitioner fee will be required.
2. These regulations shall apply to all practitioners of bodywork and all establishments performing bodywork within the City of Methuen. These regulations shall not apply to those practitioners and establishments operating as a licensed massage

practitioner/establishment under the Commonwealth of Massachusetts.

3. There shall be no exceptions or grandfathering for individuals or facilities that preexist prior to the effective date of these regulations.
4. Licensure from other Cities and Towns in the Commonwealth will not be recognized and the practitioner will need to apply for a Methuen-specific license.
5. From the date these regulations become effective, current bodywork practitioners and establishments will have a three-month grace period in which to apply for licensure.

SECTION 15: VARIANCES

Unless otherwise specified within these regulations the following shall apply:

1. Upon receipt of written request, a variance from the specific requirements of this chapter may be granted by the Board of Health after notice and a public hearing, if the Board finds that owing to unique circumstances a literal enforcement of the provisions of these regulations would involve a substantial hardship, financial or otherwise, and that the relief sought may be granted without substantial detriment to the public good and without nullifying or substantially derogating the intent and purpose of these regulations.
2. The Board may impose conditions, safeguards or limitations, both of time and of use, as it deems appropriate upon the grant of any variance.

SECTION 16: ADVERTISEMENT

1. Bodywork practitioners and owners of such establishments shall be mindful of professional ethics when placing advertisements.
2. 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 will result in the revocation of the license.

SECTION 17: DEPARTMENT OF STATE -- KNOW YOUR RIGHTS PAMPHLET

1. Any place of employment that is thought to be a common location of human trafficking, as reported by the National Human Trafficking Resource Center, shall conspicuously post a Department of State – Know Your Rights Pamphlet in a commonly visited employee information posting area.
2. The pamphlet must be available in both English and the primary language of all employees.
3. As of the date these regulations are enacted, common human trafficking employment locations shall include hotels, nail salons, restaurants, bars, strip clubs, farm labor camps, construction companies, large factories, and bodywork establishments defined herein.

4. The Methuen Public Health Department has the right to include more business locations that are common locations for human trafficking as they become known to the Methuen Public Health Department, Methuen Police Department, or the National Human Trafficking Resource Center. This pamphlet is available free of charge in multiple languages at the following web address:

[Wilberforce Guidance - Rights and Protections for Temporary Workers](#)

SECTION 18: SEVERABILITY

1. If any provision of this regulation is deemed invalid, the remaining provisions shall remain in full effect.
2. If a conflict exists between any provision in this Chapter and state law, state law controls.

SECTION 19: EFFECTIVE DATE

Due to the public health emergency these regulations are effective upon passage.