

MEDWAY BOARD OF HEALTH
RULES AND REGULATIONS OF MASSAGE THERAPY

The Town of Medway hereby orders that the following rules and regulations be and are hereby adopted this 16 day of March '04 under the authority of Section 31 of Chapter 111 and Sections 51 and 53, Chapter 140 of the Massachusetts General Laws.

I. PURPOSE

1.1 The Medway Board of Health finds it necessary to license the practice of massage therapy; bodywork; movement education in order to protect the public health and safety. It is the Board's intent that only individuals who meet and maintain minimum standards of competence and conduct may provide services to the public.

II. DEFINITIONS

2.1 Massage therapy; bodywork; movement education shall mean the act or technique of moving or manipulating superficial or deep tissues, muscles, joints, or bones by rubbing, kneading, guiding or the like by manual or mechanical means, or as directed by the practitioner, for the purpose of invigoration, relaxation, education, or an increase in physical and/or emotional health and well-being.

2.2 Direct supervision shall mean a practicum conducted in the context of a 500 hour course of study with an instructor present to observe.

2.3 500 hour course of study shall mean study in massage therapy; bodywork; movement education taking place in one or any combination of the following: a class setting, a one-on-one student/instructor setting or a direct supervision setting with a supervisor present for observation of work. A 500 hour course of study shall include but not be limited to the subjects of technique, anatomy and physiology, practicum, communication skills, business practices and ethics.

2.4 State or national professional association or institute shall mean an organization providing standards for practice; code of ethics and grievance procedure; and providing or approving a 500 hour course of study.

2.5 Professional practitioner shall mean any person who has completed a minimum 500 hour course of study in massage therapy; bodywork; movement education which meets the standards of a state or national professional association or institute, or who has passed the National Certification Exam for Therapeutic Massage and Bodywork; or who has been

recommended by the Advisory Board and who for compensation, hire or reward engages in the practice of massage therapy; bodywork; movement education.

2.6 Training facility or school shall mean any premises, facility, structure or building used to train individuals to become professional practitioners of massage therapy; bodywork; movement education.

2.7 Fieldwork shall mean a practicum conducted by a student/apprentice practitioner on his/her own without an instructor present to observe. Fieldwork hours may be required as part of a massage therapy; bodywork; movement education curriculum, and shall be over and above the 500 hour course of study. Fieldwork requirements may be met during or after the 500 hour course of study and shall be indirectly supervised by a licensed professional practitioner.

2.8 Student/apprentice practitioner shall mean any person having fewer than 500 hours in his/her course of study, engaged in a fieldwork practicum in massage therapy; bodywork; movement education outside of a training facility or school for the purpose of meeting curriculum requirements and/or for compensation, hire or reward. A student/apprentice practitioner shall maintain contact with a licensed professional practitioner responsible for overseeing his/her fieldwork.

2.9 Establishment shall mean the room or group of rooms, office, building, place of business, or premises where massage therapy; bodywork; movement education is practiced.

2.10 Off-premises business shall mean the practice of massage therapy; bodywork; movement education at locations other than an establishment, including, but not limited to private homes, businesses and sports events.

III. LICENSES, PERMITS AND FEES

3.1 No person shall practice as a professional practitioner of massage therapy; bodywork; movement education for hire or reward or advertise or hold him/herself as being engaged in the business of massage therapy; bodywork; movement education in the town of Medway unless first having been issued a license required pursuant to these regulations. The fee for the initial license and for the annual renewal license is \$100.

3.2 A license issued to the operator of an establishment; or a permit or license issued to a professional or student/apprentice practitioner of massage therapy; bodywork; movement education; or a permit issued to conduct solely off-premises business is not transferable to another location or

person. All licenses expire on December 31 of the calendar year of issue.

IV. EXCEPTIONS AND EXCLUSIONS

4.1 Practitioner: These regulations shall not apply to the following individuals while engaged in the regular performance of the duties of their respective professions:

A. Physicians, chiropractors, osteopaths, occupational therapists or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.

B. Athletic trainers duly licensed under the laws of the Commonwealth of Massachusetts.

C. Nurses who are registered or licensed under the laws of the Commonwealth of Massachusetts.

D. Barbers and beauticians who are duly registered under the laws of the Commonwealth of Massachusetts, except 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.

E. An acupuncturist duly licensed under the laws of the Commonwealth of Massachusetts.

4.2 Establishment: These regulations shall not apply to the following:

A. Hospitals, nursing homes, convalescent homes, home health agencies or other institutions similarly licensed by the Commonwealth of Massachusetts. Massage therapy; bodywork; movement education practitioners working in such institutions within the city/town are required to obtain a license or permit as provided herein unless excluded under Section 4.1.

B. Locations where massage therapy; bodywork; movement education is offered infrequently; that is, on 10 or fewer occasions over a 6-month period.

4.3 Student/Apprentice: A student or apprentice of massage therapy; bodywork; movement education who is gaining practical experience at a training facility or school for the purpose of meeting curriculum requirements and who is under the instruction of a licensed professional practitioner present in the training facility or school shall not be required to obtain a student/apprentice practitioner permit.

V. APPLICATION AND RENEWAL PROCEDURE FOR LICENSE OF PROFESSIONAL PRACTITIONER OF MASSAGE THERAPY; BODYWORK; MOVEMENT EDUCATION

No person shall be licensed to practice as a professional practitioner of massage therapy; bodywork; movement education in the Town of Medway unless he/she meets the following requirements:

5.1 Submit to the Medway Board of Health a completed application form as supplied by the Board of Health. False statements in said application shall be grounds for denial or revocation of a license.

5.2 Provide satisfactory evidence that the applicant is eighteen (18) years of age or older, by presenting two forms of positive identification or a valid passport.

5.3 Submit a demonstration of competency in one of the following ways:

1. Submit evidence of having passed the National Certification Exam for Therapeutic Massage and Bodywork.

2. Submit evidence of having received a recommendation from the Advisory Board confirming completion of a course of study and/or training experience evaluated as equivalent to a 500 hour course of study in massage therapy; bodywork; movement education.

5.4 Agree to follow all rules and regulations specified herein and conduct him/herself in accordance with the standards for practice and ethical guidelines of his/her state or national professional association or institute named herein or in accordance with the ethical code outlined by the Advisory Board. Professional practitioners shall not misrepresent their training, experience, credentials or title.

5.5 Submit proof or a skin test for tuberculosis within the last 2 years. A new skin test for tuberculosis shall be required every 3 years thereafter.

5.6 File an application for renewal not less than 30 days prior to the expiration of his/her license, whereupon his/her existing license shall not expire until the medway Board of Health has determined the application's renewal status. At time of filing renewal application, the applicant shall submit satisfactory evidence of his/her current professional status.

VI. APPLICATION AND RENEWAL REQUIREMENTS FOR LICENSE OF AN ESTABLISHMENT

6.1 The Health Agent representing the Town may inspect the premises proposed to be operated as a massage establishment and make recommendations to the Board of Health concerning

compliance with the regulations, ordinances and statutes of the Commonwealth of Massachusetts or the Town of Medway.

A. Inspections will take place every 6 months, and/or upon receipt of complaint.

6.2 Every operator of an establishment for the giving of massage therapy; bodywork; movement education shall meet the following requirements:

A. Submit to the Medway Board of Health a completed application form containing all information therein requested. False statements in said application shall be grounds for revocation or denial of a license.

B. Notify the Medway Board of Health at least fourteen (14) days prior to any change of name, address, or ownership.

C. Operate only under the name or designation specified on the license or a change thereto as pursuant to paragraph B of this section.

D. Employ or cause to be employed as a massage therapy; bodywork; movement education practitioner(s) only a person(s) who has (have) a license(s) or permit(s) for the practice of massage therapy; bodywork; movement education from the Medway Board of Health.

E. Perform or allow to be performed no illegal act on the premises. A violation of this section may be grounds for revocation, suspension or modification of the massage therapy; bodywork; movement education establishment license.

F. Serve no alcoholic beverages in the portion of a building that the Board of Health determines is being used for the purpose of giving massage therapy; bodywork; movement education.

G. 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.

H. Provide that all rooms used for massage therapy; bodywork; movement education be clean and easily cleanable, well-lighted, adequately ventilated and properly heated in accordance with local and/or state regulations.

I. Post conspicuously at the reception area of an establishment where shower facilities are not provided, a sign which shall read:

NOTICE TO MASSAGE CLIENTS

THIS ESTABLISHMENT DOES NOT PROVIDE A SHOWER FOR USE AFTER

MASSAGE. IF YOU BELIEVE YOU ARE ALLERGIC TO LOTIONS, OILS OR POWDERS, PLEASE NOTIFY THE MASSAGE THERAPIST PRIOR TO THE MASSAGE. THEY WILL NOT BE USED. IF REQUESTED, THE MASSAGE THERAPIST WILL USE RUBBING ALCOHOL OR SOAP AND WARM WATER TO REMOVE OILS, LOTIONS OR POWDER USED DURING MASSAGE.

The letters in the first two lines shall be at least one inch in height. Hypoallergenic soap, water and rubbing alcohol (70% isopropyl, by volume) shall be available in the establishment at all times when a shower is not provided. The sign shall not be required in establishments where techniques are performed on clients fully clothed or where techniques are performed that do not use oil.

J. Maintain all areas of the establishment including the furniture and equipment therein, in sanitary condition at all times. All massage therapy; bodywork; movement education tables, mattresses, etc. shall be easily cleanable. All surfaces used for massage therapy; bodywork; movement education shall be properly cleaned and sanitized after each massage therapy; bodywork, movement education session.

K. 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 items are acceptable, and shall be only used once.

L. Display in a conspicuous place the current license of the establishment and current licenses or permits of all massage therapy; bodywork; movement education practitioners conducting massage therapy; bodywork; movement education therein.

M. File an application for renewal not less than 30 days prior to the expiration of the establishment license, whereupon the existing license shall not expire until the Medway Board of Health has finally determined the renewal application's status.

N. Hours of Operation --restricted to 7 AM until 10 PM

O. The sexual or genital area of patrons must be covered with cloths, towels or undergarments when receiving services from a massage practitioner.

6.3 Every operator of an establishment for the giving of massage therapy; bodywork; movement education shall require all practitioners conducting massage therapy; bodywork, movement education on the premises to meet the following requirements:

A. Touch or work with a client, when either the client or practitioner is afflicted with a communicable disease that could be spread through the massage therapy; bodywork;

movement education process or through close contact ordinarily associated with the massage therapy; bodywork; movement education process, only when precautions are taken to prevent transmission. Should precautions be insufficient to prevent transmission, the practitioner shall be required to refrain from conducting massage therapy; body work; movement education until the condition is no longer communicable.

B. Wash hands thoroughly with soap and hot water immediately before and after performing a massage therapy; bodywork; movement education session.

C. Maintain sufficient level of personal cleanliness and be clothed in clean and appropriate attire.

D. Take all precautions for proper hygiene within the facilities.

6.4 A practitioner who has been issued an establishment license shall be allowed to conduct off-premises business according to the requirements specified for conduct of an establishment in Section VI 6.1 E, F, G, K and 6.2 A, B, C, D. The practitioner shall carry his/her practitioner license or permit and establishment license when conducting off-premises business.

VII. APPLICATION PROCEDURE FOR PERMIT OF STUDENT/APPRENTICE PRACTITIONER OF MASSAGE THERAPY; BODYWORK; MOVEMENT EDUCATION

No person shall be granted a student/apprentice practitioner permit to practice massage therapy; bodywork; movement education in the Town of Medway unless he/she meets the following requirements:

7.1 Submit to the Medway Board of Health a completed application form as supplied by the Board of Health which shall include the name, address and phone number of the applicant's fieldwork instructor (a licensed professional practitioner). False statements in said application shall be grounds for denial or revocation of a permit.

7.2 Provide satisfactory evidence that the applicant is eighteen (18) years of age or older, by presenting two forms of positive identification or a valid passport.

7.3 Submit one face-front photograph at least two (2) inches by two (2) inches in size taken within thirty (30) days prior to the submission of the application.

7.4 Submit proof of a skin test for tuberculosis within the last 2 years. A new skin test for tuberculosis shall be required every 3 years thereafter.

7.5 Agree to follow all rules and regulations specified herein and conduct him/herself in accordance with the standards for practice and ethical guidelines of his/her state or national professional association or institute named herein or in accordance with the ethical code outlined by the Advisory Board. Student/apprentice practitioners shall not misrepresent their training, experience, credentials or title.

7.6 File an application for renewal not less than 30 days prior to the expiration of his/her permit, whereupon the existing permit shall not expire until the Medway Board of Health has determined the renewal application's status. At the time of filing renewal application, the applicant shall submit satisfactory evidence of current enrollment in a training program in massage therapy; bodywork; movement education.

VIII. APPLICATION PROCEDURE FOR PERMIT OF SOLELY OFF-PREMISES BUSINESS

Every operator of a solely off-premises business shall meet the following requirements:

8.1 Submit to the Medway Board of Health a completed application form containing all information therein requested. False statements in said application shall be grounds for revocation or denial of a permit.

8.2 Agree to meet all the requirements set forth in Section VI: 6.1 E, F, G, K and 6.2 A, B, C, D.

8.3 Carry his/her practitioner license or permit and off-premises business permit when conducting off-premises business.

8.4 File an application for renewal not less than 30 days prior to the expiration of the permit, whereupon the existing permit shall not expire until the Medway Board of Health has finally determined the renewal application's status.

IX. APPLICATION PROCEDURE FOR TEMPORARY LICENSE OF PROFESSIONAL OR STUDENT/APPRENTICE PRACTITIONER OF MASSAGE THERAPY; BODYWORK; MOVEMENT EDUCATION.

No person shall practice massage therapy; bodywork; movement education on a temporary basis in the Town of Medway unless he/she meets the following requirements.

9.1 Submit to the Medway Board of Health a completed application form supplying all information therein requested. This form shall be completed by the individual practitioner.

on his/her own behalf or by an agent of the temporary event on behalf of the participating practitioner(s).

9.2 Perform or allow to be performed no illegal act on the premises of the temporary event.

9.3 Maintain hygienic practices to the greatest degree allowed by the conditions of the temporary event.

9.4 Agree to follow all rules and regulations specified herein and conduct him/herself in accordance with the standards for practice and ethical guidelines of his/her professional association or institute named herein, or in accordance with the ethical code outlined by the Advisory Board.

9.5 Student/apprentice practitioners who practice in a Massachusetts city or town that does not require a permit or student/apprentice practitioners from out-of-state shall not qualify for a temporary license.

X. PROFESSIONAL EXPERTISE

10.1 The Medway Board of Health may consult such professional associations or professional advisory boards as it deems necessary to advise it in matters relating to the functions, powers, and duties set forth in this regulation.

XI. LICENSE OR PERMIT REVOCATION, SUSPENSION OR MODIFICATION AND APPEALS

11.1 The Board of Health may suspend, revoke or modify a professional practitioner or establishment or temporary license or a student/apprentice practitioner or off-premises business permit 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.

11.2 The person(s) to whom an order has been served may request a hearing before the Board of Health within 7 days after the day the order was served. Upon receipt of such petition, the Board of Health shall set a time and place for such hearing and shall inform the petitioner thereof in writing. The hearing shall be commenced not later than 30 days after the day on which the order was served. The 30 day period may be extended if in the opinion of the Board of Health the petitioner has submitted a good and sufficient reason for such postponement.

11.3 At the hearing the petitioner shall be given an opportunity to be heard and to show why the order should be modified or withdrawn. After the hearing the Board of Health shall sustain, modify or withdraw the order and shall inform

the petitioner in writing of this decision.

XII. RECIPROCITY

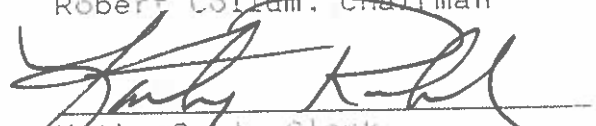
12.1 The Medway Board of Health shall recognize an establishment license issued to a professional practitioner or student/apprentice practitioner by another city/town within the United States with comparable regulations and shall allow the practitioner to conduct infrequent massage therapy; bodywork; movement education business (i.e., 10 sessions or fewer over a 6-month period without obtaining an additional establishment license.

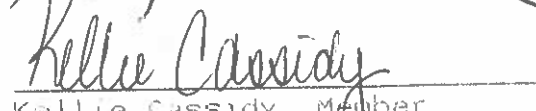
12.2 Any practitioner issued a license or permit to practice massage therapy; bodywork; movement education by any city or town in the Commonwealth of Massachusetts may qualify for a license in the Town of Medway without additional evaluation of qualifications provided that the city/town of original licensing has a comparable regulatory standard.

These Rules and Regulations were adopted by vote of the Medway Board of Health and are to be in full force and effect on and after March 16, 1994. Notice was published in the Milford Daily News for a public hearing prior to adoption. A copy of said Rules and Regulations is filed with the Town Clerk and the Commonwealth of Massachusetts.

Voted: March 16, 1994 by the Medway Board of Health.


Robert Collins, Chairman


Kathy Reni, Clerk

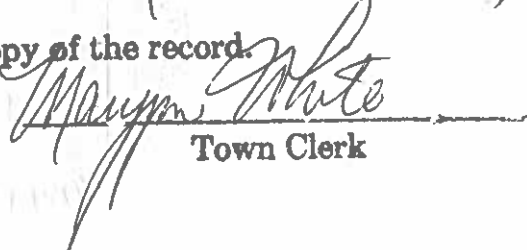

Kellie Cassidy, Member

Medway, Mass.

March 23 1994

A true copy of the record.

Attest:


Town Clerk