

# **RULES AND REGULATIONS OF MESSAGE THERAPY/BODY WORKS/ MOVEMENT EDUCATION**

The Town of Harwich hereby orders that the following Rules and Regulations be and are hereby adopted this 3<sup>rd</sup> day of June 1998 under authority of Section 31 of Chapter 111 and Sections 51 and 53, Chapter 140 of the Massachusetts General Laws.

## **I. Purpose**

- 1.1 The Harwich Board of Health finds it necessary to license the practice of massage therapy/body work/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/body work/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, mechanical, or verbally directive means for the purpose of invigoration, relaxation, education, or an increase in the person's physical and/or emotional health and well being. The term massage therapy/body work/movement education may include but is not limited to: Body-Oriented Psychotherapy; Feldenkrais Method; Massage Therapy; Neuromuscular Therapy; Oriental Bodywork Therapies including: Acupressure, Amma, Anma, Chi Nei Tsang, Jin shin do, Okazaki Restorative Massage, Nuat thai, Shiatsu and Tuina; Polartiy Therapy; Rolfing and TRAFER Approach; Reiki and Reflexology.

Hereinafter, the term massage therapy shall include the terms massage therapy/body works/movement education.

2.2A. Establishment – Shall mean the room or group of rooms, office, building, place of business, or premises where massage therapy is practiced.

2.2B. Off-Premises Massage Therapy – Shall mean any person, firm, association, partnership, corporation or combination of persons who provide or permit to be provided massage therapy at a location other than an establishment, which has been licensed or which should be licensed under this Regulation, including but not limited to private homes, businesses and sports events.

2.3A Professional Practitioner – Shall mean any person submitting satisfactory evidence of having completed a minimum 500 hour course of study in massage therapy which meets the standards of a state or national professional association or institution who for compensation, hire or reward engages in the practice of massage therapy.

2.3B Student/Apprentice Practitioner – Shall mean any person having accumulated fewer than 500 hours in his/her course of study in massage therapy gaining practical experience in massage therapy outside of a training facility or school and under the supervision of a licensed practitioner, for the purpose of meeting curriculum requirements and/or for compensation, hire or reward.

2.4 Training Facility or School – Shall mean any premise or facility used to train individuals to become professional practitioners of massage therapy.

### **III. Licenses, Permits, and Fees**

3.1A No person shall practice as a professional practitioner of massage therapy or conduct an establishment for the giving of massage therapy for hire or reward or advertise or hold him/herself as being engaged in the business of massage therapy in the Town of Harwich without receiving licenses from the Harwich Board of Health. The annual fee for each establishment shall be \$100.00 and for each professional practitioner <sup>11</sup> \$50.00.

3.1B No person shall practice as a student/apprentice practitioner of massage therapy in the Town of Harwich without receiving a student/apprentice practitioner permit from the Harwich Board of Health. The license fee for each student/apprentice practitioner shall be \$5.00.

3.1C In the case where a professional practitioner or student/apprentice practitioner conducts solely off-premises massage therapy in locations other than private homes, (example: beauty salons, businesses, health clubs), said practitioner must furnish names and addresses of these sites on his/her license application and update the Board of Health within 14 days of change of business address. Establishment licenses shall not be required for infrequent business. However, the owner/operator of these locations is required to obtain an establishment license when business becomes regular or frequent.

3.2 A license issued to an establishment or a permit or license issued to a professional or student/apprentice practitioner of massage therapy is not transferable to another location or person. All licenses expire on January 1<sup>st</sup> following the date of issue.

3.3 A temporary license shall be required for any practitioner or instructor of massage therapy whether previously licensed by this or any other city or town in Massachusetts or a city or town in another state, while engaged in the practice of massage therapy for hire in the town of Harwich on a temporary

basis. This shall include but shall not be limited to sports events and massage therapy training events. The temporary license fee shall be \$25.00 and shall extend for the period of the temporary event. No establishment license shall be required for the setting of said event.

#### **IV. Exceptions and Exclusions**

4.1 Individual: These Regulations shall not apply to the following individuals while engaged in the regular performance of their respective professions:

- A. Physicians, chiropractors, osteopaths 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.
- F. Teachers of the Alexander Technique.

4.2A Establishments: These Regulations shall not apply to hospitals, nursing homes, convalescent homes, home health agencies or other similarly licensed institutions by the Commonwealth of Massachusetts. Massage therapy practitioners working in such institutions within the town are required to have a license or permit as provided herein unless excluded under Section 4.1.

4.2B A licensed professional practitioner or a student/apprentice practitioner with a permit conducting solely off premises massage therapy shall not be required to obtain an establishment license.

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

## **V. Massage Practitioner – Application and Renewal Procedure**

No person shall be licensed to practice as a professional practitioner of massage therapy in the Town of Harwich unless they meet the following requirements:

- 5.1 Submit to the Harwich Board of Health a completed application form as supplied by the Board of Health. False statement in said application shall be grounds for denial or revocation of 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 satisfactory evidence of having completed a 500 hour course of study in massage therapy which meets the standards of a state or national professional association or institute (e.g. Massachusetts Association of Body Oriented Psychotherapists and Counseling Bodyworkers; American Massage Therapy Association; American Oriental Bodywork Therapy Association; American Polarity Therapy Association; Feldenkrais Guild; Massachusetts Professional Bodyworkers Association; Rolf Institute; Trager Institute; etc.) or having passed a National Certification Exam.
- 5.4 Submit a two (2) inch by two (2) inch full-face photograph taken within thirty (30) days prior to the submission of the application.
- 5.5 Agree to follow all rules and Regulations specified herein and conduct themselves in accordance with the standards for practice and ethical guidelines of the professional associations and institutes named herein. Professional practitioners shall not misrepresent their training, experience, credentials or title.
- 5.6 Submit proof of a skin test for tuberculosis within the last 2 years. A new skin test for tuberculosis must be performed every 3 years thereafter.
- 5.7 File an application for renewal not less than 30 days prior to the expiration of their licenses, whereupon their existing license shall not expire until the Harwich Board of Health has determined the applicant's renewal status.

## **VI. Massage Therapy Establishment Application and Renewal Procedure**

- 6.1 Every establishment for the giving of massage therapy shall meet the following requirements:

- A. Submit to the Harwich 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 Harwich 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.
- D. Not employ or cause to be employed as a massage therapy practitioner any person who does not have a license or permit for the practice of massage therapy from the Harwich Board of Health, or whose massage therapy license or permit has been suspended.
- E. Not perform or allow to be performed an illegal act on the premises. A violation of this section may be grounds for revocation, suspension, or modification of the massage therapy license.
- F. Not serve alcoholic beverages in the portion of a building that the Board of Health determines is being used for the purpose of giving massage therapy.
- G. Not touch or work with a client if either the practitioner or the client is afflicted with a communicable disease that can be spread through the massage therapy process or through close contact ordinarily associated with the massage therapy process, unless written certification from a licensed physician stating that the condition is no longer communicable is provided.
- H. Wash hands thoroughly with soap and hot water immediately before and after performing a massage therapy session.
- I. Not operate 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.
- J. Maintain sufficient level of personal cleanliness and be clothed in clean and appropriate attire.
- K. All rooms used for massage therapy shall be clean and easily cleanable, well lighted, adequately ventilated and properly heated in accordance with local and/or state Regulations.
- L. If shower facilities are not provided, the operator shall post conspicuously at the reception area of the facility 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) must be available in the establishment at all times when a shower is not provided.

M. The sign referred to in section L. shall not be required in establishments where techniques are performed on clients fully clothed (e.g. oriental bodywork; polarity therapy, etc.) or where techniques are performed that do not use oil.

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

O. Professional and student/apprentice practitioners are responsible for taking all precautions for proper hygiene within the facilities.

P. All robes, sheets, towels, etc. supplied by the establishment which may come in direct contact with the body, shall be properly cleaned and sanitized after each use. Single service items are acceptable, and shall only be used once.

Q. The current license of the massage therapy establishment and current licenses or permits of all massage therapy practitioners conducting massage therapy therein must be displayed in a conspicuous place.

R. All licensed establishments shall file an application for renewal not less than 30 days prior to the expiration of their licenses, whereupon their existing licenses shall not expire until the Board of Health has finally determined the renewal application's status.

## **VII. Colonic Hydrotherapy**

The practice of colonic hydrotherapy by a licensed massage therapist is prohibited. A massage therapy license does not qualify the practitioner to practice Colonic Hydrotherapy.

## **VIII. License or Permit Revocation, Suspension or Modification**

8.1 The Board of Health may suspend, revoke or modify a professional practitioner or establishment license or a student/apprentice practitioner permit for any violation of these rules and Regulations.

8.2 If a suspended license or permit lapses during the suspension period, its renewal shall not be processed until the end of the suspension period.

## **IX. Appeals**

9.1 Any person or establishment whose application for a license or permit, or license or permit renewal, has been denied or whose license or permit has been suspended or revoked may request a hearing before the Board of Health by submitting a written request within ten days of said denial, suspension, revocation, or modification. The Board of Health shall set a time and place for said hearing within fourteen days of receipt of the request.

## **X. Penalties**

10.1 The Health Director is authorized to issue Notices of Violation, Cease and Desist Orders, or other administrative enforcement orders to compel compliance with the terms of these Regulations.

10.2 Whoever violates any provision of these Regulations may be penalized by a non-criminal method in the District Court pursuant to the provisions of MGL Chapter 40, § 21D. For the purposes of this Regulation the following fine schedule will be imposed:

- \* First offense: written warning
- \* Second offense: \$50.00
- \* Third offense: \$100.00
- \* Fourth and subsequent offenses: \$300.00; each day on which a violation exists shall be deemed a separate offense.
  
- \* Criminal complaint: as provided in MGL Chapter 111 § 31 whoever violates any provision of these rules and Regulations may be penalized by indictment or complaint brought in the District

Court. The maximum penalty for any violation of these provisions shall be \$1,000.00 for each offense.

**XI. Severability**

11.1 If any provisions of these Regulations are declared invalid or unenforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

**XII. Variance**

12.1 Variances from this Regulation may be granted by the Board of Health after a hearing at which the applicant establishes both of the following:

- \* The enforcement thereof would do manifest injustice
- \* A variance contemplated from these Regulations will not in the opinion of the Board of Health adversely affect the purpose and intent of this Regulation.

Adopted 6/3/1998  
Effective 7/1/1998

HARWICH BOARD OF HEALTH

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