



Ferri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
www.townofbourne.com/health
Phone (508) 759-0600 ext. 1513
Fax (508) 759-0679



CLERK'S OFFICE
11 AM 11 57
TOWN OF BOURNE, MASS.

BODYWORKS REGULATION

This regulation is promulgated pursuant to the authority granted to the Bourne Board of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations." as adopted at the public hearing on February 24, 2016. These Bodywork Regulations were amended on March 9, 2016 to include the following:

1) PURPOSE AND INTENT

To protect the health, safety, and consumer interests of all residents and visitors of establishments such as Bodyworks, Therapy, Reflexology, Spa Services as well as protect the employee or potential victims of human trafficking who typically endure psychological and physical impacts due to the conditions in which they are held.

2) APPLICABILITY

This regulation shall apply to all Bodyworks, Therapy, Reflexology, Spa Services and other establishments (hereinafter "establishment") that provide systematic treatment of the soft tissues of the body by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion for purposes of demonstrating muscle excursion or muscle flexibility and nonspecific stretching. Every operator of such an establishment shall comply with these regulations. The provisions of these regulations are in addition to and not in lieu of any other bylaw, rule, or regulation of the Town of Bourne and official orders of any board, commission or officer.

3) DEFINITIONS

- A) Agent: shall mean an authorized person employed by the Town of Bourne who has received authority from the Health Department to perform functions subject to these regulations.
- B) Applicant: shall mean an individual seeking licensure that has submitted; an official application as provided by the Town of Bourne Health Department, two forms of identification, a CORI/SORI record request form, has paid the application fee, and has posed for digital photograph.
- C) Application: shall mean the application form provided by the Town of Bourne 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, and signed within the Town of Bourne.

- D) Bloodborne Pathogens Standard: means OSHA Regulations 29 CFR 1910.1030.
- E) Bodywork: shall refer to the practice of Reflexology and/or Bodywork (including, but not limited to: Acupressure, AMMA Therapy®, Body-Mind Centering, Chi Nei Tsang, Feldenkrais Method, Five Element Shiatsu, Integrative Eclectic Shiatsu, Japanese Shiatsu, Jin Shin Do®, Bodymind Acupressure™, Polarity, Macrobiotic Shiatsu, Rolph Structural Integration, Shiatsu Amma Therapy, Traditional Thai Massage, Trager Approach, Tui Na, Qi Gong, Zen Shiatsu, Ayurvedic Medicine,)
- F) Contaminated Waste: means any liquid or semi-liquid; blood, bodily fluids, or other potentially infectious materials; contaminated items that would release blood, bodily fluids, or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood, bodily fluids, or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as “Occupational Exposure to Bloodborne Pathogens”, or as defined as “infectious or physically dangerous medical or biological waste” in accordance with in 105 CMR 480.000: Storage and Disposal of Infectious or Physically dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.
- G) CORI: shall mean a record of criminal offenses committed as an adult, as compiled by the Criminal History Systems Board.
- H) Disinfectant: means a product registered as a disinfectant by the U.S. Environmental Protection Agency.
- I) Disinfection: means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for handling.
- J) Equipment: means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, contact surfaces, and all other apparatus, surfaces, and appurtenances used in connection with the operation of a bodywork establishment.
- K) Establishment: shall mean any location, or portion thereof, which advertises and/or provides bodywork therapy services on the premises. An establishment does not include 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.
- L) Hand sink: means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.
- M) Hot water: means water that attains and maintains a temperature of 110°-130° F as measured at the faucet.
- N) Instruments used for bodywork: means hand pieces, needles, and other instruments or equipment that may come in contact with a client’s body or may be exposed to bodily fluids during bodywork procedures.

- O) Invasive: means entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.
- P) Licensee: shall mean a person holding a license to practice any form of bodywork therapy or to operate a bodywork establishment in the Town of Bourne. Where applicable, this shall include partnerships and/or corporations.
- Q) Operator: any person who alone or severally with others owns, has care, charge, or control, of any bodywork establishment.
- R) Patron: shall mean a person with whom the bodywork therapist has an agreement to provide bodywork therapy services.
- S) Procedure Surface: means any surface of an inanimate object that contacts the client's unclothed body during a bodywork procedure, skin preparation of the area adjacent to and including the bodywork procedure, or any associated work area which may require sanitizing.
- T) Sanitization: shall mean effective bactericidal/germicidal treatment by a process approved by the Department or local approving authority 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.
- U) Sharps: means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa, including, but not limited to, needle devices, lancets, scalpel blades, razor blades, and broken glass.
- V) Sharps container: means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.
- W) Single use: means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, needles or sharps, and protective gloves.
- X) SORI: shall mean a record of convictions for specified sexual offenses committed as an adult, as compiled by the Sex Offender Registry Board.
- Y) Sterilize: means the use of a physical facility or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.
- Z) Therapist: shall mean a bodywork practitioner licensed by the Town of Bourne Health Department.
- AA) Universal precautions: means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol.38 No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis

B Virus to Patients During Exposure-Prone Invasive Procedures” in MMWR, July 12, 1991, Vol.40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human bodily fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and bodily fluid-contaminated products.

4) LICENSES

Any person desiring to open or conduct a commercial business practicing Bodywork Therapy shall obtain a Bodywork Establishment License from the Town of Bourne Health Department. Any person desiring to be a bodywork therapist at a Bodywork Establishment shall obtain an Individual Bodywork Therapist License. The application for these licenses shall include the items specified here in:

- A) A detailed list and description of bodywork services offered by the establishment, and the therapist who performs each procedure.
- B) Completed signed application form, with all required documentation, provided by the Town of Bourne Health Department.
- C) The applicant shall submit a non-refundable application fee according to the most recent Town of Bourne Health Department fee schedule.
- D) The applicant shall provide supporting documentation that they are eighteen (18) years of age or older, by presenting 2 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, certified baptismal record, certified record of marriage, certified copy of Social Security Card, or other photo ID.
- E) The applicant must submit a criminal and sexual history check CORI/SORI for bodywork therapists, operators, and establishment owners. All responses to these record checks are kept confidential. This information will not necessarily disqualify the applicant.
- F) The applicant shall disclose the circumstances surrounding any of the following convictions or license revocations:
 - (1) Disclosure of any conviction for any sexual-related offense, including prostitution or sexual misconduct, rape as well as other felony against persons occurring within the past ten (10) years. Disclosure of any conviction of any misdemeanor or felony occurring within the past five (5) years.
 - (2) Revocation, suspension or denial of a license to practice bodywork issued by any state or municipality.
 - (3) Loss or restriction of any licensure or certification by any municipality or other jurisdiction for any reason.
- 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 and signed, within the Town of Bourne.

- H) The Town of Bourne Health Department, prior to the issuance of any license, shall evaluate each individual application by the information provided. The Town of Bourne Health Department may place special conditions on any license that it issues.
- I) False statements in said application shall be grounds for denial, suspension or revocation of a license.
- J) Applicants for a Bodyworks Establishment License shall provide proof of professional liability and workers compensation insurance for the entire term of the license i.e. one calendar year.
- K) Applicants for a Bodyworks Establishment License shall authorize the Town of Bourne Board of Health to conduct unannounced inspections at any time deemed reasonable by the regulating authority.
- L) Applicants for a Bodyworks Establishment License shall provide the name or names of individuals that are currently certified in basic cardiopulmonary resuscitation (CPR) and a copy of their valid certification form.
- M) The holder of the Bodywork Establishment License shall be ultimately responsible for the physical facility, instruments, advertising, postings, and employee's compliance with these regulations.
- N) The operator of a Bodywork Establishment License shall also obtain an Individual Bodywork Therapist License, if the individual will conduct bodywork.
- O) All applicants for an Individual Bodywork Therapist License shall allow one front faced digital photograph to be taken by the Town of Bourne Health Department at the time of license application submittal. This photograph will be attached to the license, if granted.
- P) All applicants for an Individual Bodywork Therapist License shall obtain a physician's letter dated no earlier than six months prior to the submittal of the initial application, stating that the applicant has had a physical examination and is free of known communicable diseases. In addition, the examination report shall include whether a TB screening is indicated and, if indicated, a written negative result obtained.
- Q) Proof shall be provided to the Board that all bodywork therapists have completed the hepatitis B vaccination series.
- R) All Individual Bodywork Therapist License applicants must identify the name(s) of the licensed establishment(s) where he or she will practice bodywork therapy. In addition, a license holder shall notify the Town of Bourne Health Department at least two weeks in advance if the individual changes employment venue within the town.
- S) It is a violation of this regulation for any person who is not licensed in this manner described herein to operate a Bodywork Establishment or as an Individual Bodywork Therapist.

5) LICENSE TERM

- A) All Bodywork licenses valid January 1st- December 31st.

- B) The applicant shall provide his/her completed renewal application prior to the date of expiration, in person to the Town of Bourne Health Department, with all required documentation and shall be digitally photographed for their license.
- C) The fee for each renewal license shall be in accordance with the most recent Town of Bourne Health Department fee schedule. Late fees shall also apply for non-renewal.
- D) The individual license to conduct bodywork or bodywork establishment license is nontransferable. Any changes in the business location of the licensee must be reported within fourteen (14) days of the change.
- E) All licensees shall notify the Town of Bourne Health Department of a change of name and/or home address within fourteen (14) days.
- F) All licensees shall notify the Town of Bourne Health Department of any criminal complaint brought against him/her within seven (7) days. Failure to do so may result in revocation of licensure.

6) CONDITIONS OF BODYWORK LICENSE

- A) No bodywork therapist shall perform services if either the practitioner, or a patron, has a communicable disease or exhibits any skin fungus, skin infection, skin inflammation, or skin eruption. The bodywork therapist shall require the patron to sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving bodywork, and that the patron consents to the performance of the bodywork procedure. The bodywork establishment shall maintain this record for three years, and such records shall be made available to the Board of Health upon request.
- B) Bodywork therapists must wash his/her hands with soap and water immediately before and after administering services to any person and as often as necessary.
- C) Therapists must maintain a sufficient level of personal cleanliness and be clothed in clean and appropriate attire which at no time will expose any portion of the areola of the breast or any portion of the pubic hair, cleft of the buttocks, or genitals.
- G) Clients must be clothed in appropriate attire or draped with clean linen, at no time shall the client's areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals be exposed.
- H) Therapists may not perform services they are not specifically licensed to do, such as; diagnose disease, perform joint/spinal manipulation, perform acupuncture, or other. In addition practitioners shall not operate equipment they are not trained or licensed to use, such as; x-ray, fluoroscope, diathermy, or other similar equipment.
- I) Therapists may not use, or allow patrons to use, alcoholic beverages, illegal drugs, any mind altering substances, or controlled drugs on the licensed premises.
- J) The Town of Bourne Health Department shall attach the therapists photograph, as well as, the addresses where the therapist conducts business on the license.
- K) Bodywork therapists must prominently display his/her license in a conspicuous location of the licensed establishment where employed.

- L) The use of aliases by practitioners and apprentices is prohibited.
- M) Therapists may not administer treatment to a person less than 18 years of age without the written permission of either a parent or guardian.
- N) All therapists shall have a valid form of identification on them at all times within the establishment. Identification shall be made available upon request.

7) OPERATION OF A BODY WORK ESTABLISHMENT

Unless otherwise ordered or approved by the Board, each bodywork establishment shall be constructed, operated and maintained to meet the following minimum requirements:

(A) Physical Plant

- (1) All walls, floors, ceilings, and procedure surfaces within the bodywork establishment shall be smooth, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.
- (2) Effective measures shall be taken by the bodywork therapist to protect against entrance into the establishment and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any part of the establishment, its appurtenances, or appertaining premises.
- (3) A separate, readily accessible hand-sink, within the work space and within ten (10) feet of the operation being performed, with hot and cold running water, under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within the bodywork establishment, unless prior authorization is granted by the Board of Health.
- (4) All bodywork establishments shall have toilet facilities in compliance with local and state regulations.
- (5) At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable, and kept clean.
- (6) All instruments and supplies shall be stored in clean, dry, and covered containers.
- (7) Reusable cloth items shall be cleaned and sanitized by a commercial laundromat or mechanically washed with detergent and sanitizer and then dried after each use at the bodywork establishment. The cloth items shall be stored in a separate, designated dry, clean environment until used.
- (8) No animals of any kind shall be allowed in a bodywork establishment except service animals used by persons with disabilities (e.g., Seeing Eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.

(B) Information to be Kept on File

The following information shall be kept on file on the premises of a bodywork establishment and available for inspection by the Board:

- (1) employee information

- a. full names and exact duties;
 - b. date of birth;
 - c. gender;
 - d. home address;
 - e. home /work phone numbers;
 - f. Identification photos of all bodywork therapists.
 - g. establishment information
 - h. establishment name;
 - i. hours of operation;
 - j. owner's name and address;
- (2) A complete description of all bodywork procedures performed.
 - (3) An inventory of all instruments and all sharps used for any and all bodywork procedures, including names of manufactures and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.
 - (4) A copy of these regulations.
- (C) It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a valid permit.
- (D) The bodywork therapist/operator shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing bodywork procedures. Before performing bodywork procedures, the operator/therapist must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towel. This shall be done as often as necessary to remove contaminants.
- (E) In performing invasive bodywork procedures, the therapist shall wear disposable single-use gloves. Gloves must be changed if they become contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for handwashing procedures as part of a good personnel hygiene program.
- (F) If, while performing an invasive bodywork procedure, the therapist's glove is pierced, torn, or otherwise contaminated, the procedure delineated in section (I) shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see I above) before a fresh pair of gloves is applied. Any item or instrument used for bodywork that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- (G) Contaminated waste as defined in this code that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag marked with the International Biohazard Symbol. It must then be disposed in accordance with 105 CMR 480.00: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII, or, at a minimum, in compliance with 29 CFR Part 1910.1030, "Occupational Exposure to Bloodborne Pathogens". Used sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on site shall not exceed 30 days, as specified in 29 CFR Part 1910.1030. Said

establishments shall provide in writing to the Board of Health a detailed outline of disposal practices and shall include the method of disposal for blood products and for sharps.

- (H) The skin of the therapist shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a bodywork establishment in any capacity in which there is a likelihood that that person could contaminate bodywork equipment, supplies, or working surfaces with body substances or pathogenic organisms.

8) PREPARATION AND CARE OF THE BODYWORK AREA

- (A) Before an invasive bodywork procedure is performed, the immediate skin area and the areas of skin surrounding where the bodywork procedure is to be performed shall be washed with soap and water or an approved surgical skin preparation. The washing pad shall be discarded after a single use.
- (B) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.

9) SANITATION AND STERILIZATION PROCEDURES

- (A) Bodywork establishments that perform invasive procedures shall use only single-use, disposable instruments and products, and uses sterile supplies.
- (B) All instruments used for bodywork procedures shall remain stored in sterile packages until just prior to the performance of a bodywork procedure. When assembling instruments used for bodywork procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

10) REQUIREMENTS FOR SINGLE USE ITEMS

- (A) Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers and in accordance with 105 CMR 480.000.
- (B) All products applied to the skin shall be single use and disposable. Sanitization procedures in accordance with 105 CMR 124.011 shall be performed between uses.

11) EXEMPTIONS

- (A) Physicians licensed in accordance with M.G.L. c. 112 § 2 who perform bodywork procedures as part of patient treatment are exempt from these regulations

12) PUBLIC NOTIFICATION REQUIREMENT

- (A) The facility permit holder shall post in public view the name, address and phone number of the local Board of Health that has jurisdiction over this program and the procedure for filing a complaint.

13) COMPLIANCE AND ENFORCEMENT

- (A) The Board of Health Agent or his/ her designee shall be responsible for enforcing this regulation. Notification of violation of this regulation, whether written or verbal, shall be considered an official order to correct. Failure to correct within the time frame described will result in further action against the establishment owner. This may include non-criminal disposition of violations pursuant to the Bourne Board of Health Fine Regulation and Massachusetts General Laws c.40 §21D, shall be punishable by a fine of \$300. Each day's failure to correct citations shall constitute a separate violation of this regulation. Violations shall be payable to the Town of Bourne and shall not exceed one thousand dollars per day.
- (B) Existing establishments shall have thirty days from the date of adoption of this regulation to comply with this regulation in its entirety. Applications for a bodywork establishment and bodywork therapist license(s) must be submitted to the Board of Health within thirty days from the date of adoption of this regulation.

14) SEVERABILITY

Compliance with this regulation shall not thereby constitute compliance with any other bylaw, rule, or regulation in the Town of Bourne. Violation of this regulation does not thereby preclude violation of any other bylaw, rule, or regulation, and is in addition to any applicable penalties or enforcement actions.

15) EFFECTIVE DATE

This regulation shall take effect on March 10, 2016 when published in a newspaper of general circulation as amended at the public meeting on March 09, 2016.

-The Bourne Board of Health

Kathleen Peterson

Kathleen Peterson
Chairman

Stanley Andrews

Stanley Andrews
Vice-Chairman

Donald Utti

Donald Utti
Secretary

Galon Barlow Jr.

Galon Barlow Jr.
Member

Kelly Mastria

Kelly Mastria
Member

2016 MAR 11 AM 11 57
TOWN CLERK'S OFFICE
BOURNE, MASS