

SECTION 12: MASSAGE THERAPY ESTABLISHMENTS

12.10: Authority and Purpose.

These guidelines are adopted by the Marion Board of Health as authorized by Massachusetts General Laws, Chapter 111, Section 31, and Massachusetts General Laws, Chapter 140, Section 51.

The Board of Health is authorized to take action to promulgate rules and regulations for the purpose of ensuring proper sanitation and maintenance of health care clinics.

12.20: Definitions.

12.20.1: MASSAGE/BODYWORK shall be defined as the application of various techniques to the muscular structure and soft tissue of the human body. Application of massage and bodywork techniques may include, but is not limited to stroking, kneading, tapping, compression, friction, pressure, and those techniques based on manipulation or the application of pressure to the muscular structure of soft tissue of the human body.

12.20.2: ESTABLISHMENT shall mean the room or group of rooms, office, building, place of business, or premises where massage is practiced or where therapeutic or conditioning baths of water, vapor, or other substances are given.

12.20.3: APPROVED COURSE OF MASSAGE shall mean a course on the art and science of massage that includes both theory and practice. This course of study shall include a 500-hour course of study, which meets the standards of the Associated Body Work and Massage Professionals (AMP) or the American Massage Therapy Association (AMTA).

12.20.4: MASSAGE THERAPIST shall mean a person who provides massage services or therapy for compensation.

12.30: Requirements For Individual Licensing.

12.30.1: No person shall practice massage/muscular therapy or conduct massage/muscular/body work therapy at an establishment for the giving of massage, vapor, pool shower or other baths for hire or reward OR advertise or hold himself/herself out as being engaged in the business of massage, or giving said baths in the Town of Marion without obtaining a valid license from the Board of Health.

12.30.2: All establishments offering massage/muscular therapy shall hold a valid license to operate such establishment from the Marion Board of Health. A license issued to an establishment or massage therapist is not transferable.

12.30.3: All persons engaged in the practice of massage/muscular therapy shall hold a license from the Marion Board of Health.

12.30.4: The license of the establishment and all massage therapists must be displayed in a conspicuous place.

12.30.5: The application for a massage therapy license shall consist of:

- a) The Marion Board of Health Application for Massage Therapy completed by the applicant.
- b) Proof of satisfactorily completing a 500-hour course of study at an approved school of massage therapy or muscular therapy approved by the American Massage Therapy Association or similar professional organization.

- c) Certificate that the applicant is free of tuberculosis in a communicable form as set forth by the Department of Public Health.
- d) Certification of professional liability insurance.
- e) Every licensee shall notify the Marion Board of Health prior to any change of name, address, OR landlord/owner of property or business.

12.40: Exceptions and Exclusions.

12.40.1: The licensing provisions of these regulations shall not apply to the following classes of individuals, while engaging in the performance of the duties of their respective professions:

- a) Physicians, surgeons, chiropractors, osteopaths (D.O.), podiatrists, physical therapists, occupational therapists,
- b) Barbers and beauticians, while engaging in the practices within the scope of their licenses,
- c) Personnel in hospitals, nursing homes, or other health care facilities licensed by the Commonwealth of Massachusetts,
- d) Coaches and athletic trainers, acting within the scope of their employment, at accredited schools,
- e) Employees of hospitals, nursing homes, convalescent homes, home health agencies, or other similarly licensed institutions, AND
- f) Apprentices under the provisions of section eighty-seven H or section eighty-seven I of chapter one hundred and twelve, or as a hairdresser, operator, or a student under the provisions of sections eighty-seven T to eighty-seven JJ, inclusive of said chapter one hundred and twelve, may practice facial and scalp massaging without taking out a license as provided in this section.

12.50: Requirements For Licensing An Establishment.

12.50.1: No establishment shall be kept open between the hours of 11:00 PM and 7:00 AM unless specifically authorized in writing by the Board of Health and the Marion Planning Board.

12.50.2: No person shall treat, or be treated, if afflicted with a reportable communicable disease. However, the person may treat, or be treated, when a written statement is received from a physician to the effect that the condition is no longer contagious.

12.50.3: The establishment shall be connected to the public sewage system or private septic system.

12.50.4: All rooms shall be well lit, well ventilated, and properly heated in accordance with local and/or State regulations.

12.50.5: There shall be a safe, adequate supply of hot and cold running water at all times.

12.50.6: There shall be a toilet, handwash facilities, and one or more treatment rooms.

12.50.7: Massage/muscular therapy establishments shall, at all times, be equipped with an adequate amount of clean sanitary towels, covering, and linens, which shall be stored so as to protect them from contamination.

12.50.8: Towels and linens shall not be used on more than one patron, unless they have been first laundered and sanitized. Disposable towels and coverings shall not be reused. Soiled linens and disposable items shall be deposited in separate covered receptacles.

12.50.9: All instruments and devices, used by any person licensed to practice massage/muscular therapy for direct application to the bodies of patrons or for holding materials to be applied to the body, shall be kept clean and sanitized. Adequate provisions shall be made for cleaning and sanitizing.

12.60: Denial Of Application For License Or Renewal.

Any person or establishment whose application for a license or license renewal is denied may within ten (10) days of said denial request, in writing, a hearing upon the cause or causes of said denial. The Board of Health may set a time and place for said hearing within a reasonable time, not to exceed thirty (30) days.

12.70: Suspension Or Revocation Of License.

12.70.1: No license granted under these regulations, whether for individual practitioners or for an establishment, may be suspended or revoked without a hearing. The Board of Health may suspend an establishment and an individual license for flagrant violation of the regulations or under emergency conditions as determined by the Regional Sanitarian.

12.70.2: In the event of a suspension of a license, the licensee shall be entitled to have such suspension reviewed by the Board of Health at its next regularly scheduled meeting.

12.70.3: A license may be suspended or revoked if the Board of Health determines after a public hearing that the applicant made a false statement on the application, violated or permitted a violation of any of these regulations, or of any condition of the license, or violated or permitted a violation of any law of the Commonwealth.

12.80: Penalties.

Whoever violates any provision of section fifty-one, or any rule or regulation made under authority thereof, or prevents or hinders any member of a police force from exercising the authority conferred upon him by section fifty-two, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or both. [November 1, 2005]