

# WEBSTER BOARD OF HEALTH REGULATIONS GOVERNING THE PRACTICE OF BODYWORK

## SECTION 1: AUTHORITY

In accordance with the provisions of Chapter 111, Section 31 of the Massachusetts General Laws, the Webster Board of Health hereby adopts these Regulations, entitled "Regulations Governing the Practice of Bodywork," to protect the health and safety of the community. These Regulations shall take effect on January 6, 2025.

## SECTION 2: RATIONALE/PURPOSE

The Webster Board of Health is adopting the "Regulations Governing the Practice of Bodywork" to establish minimum standards for individuals and establishments engaged in bodywork practices. These Regulations are designed to protect public health, safety, and welfare by ensuring that practitioners adhere to standards of sanitation, hygiene, and professional conduct, thereby minimizing risks of communicable disease transmission, injury, and unethical practices. Bodywork practitioners must demonstrate knowledge of and adherence to proper safety measures, including universal precautions, cleanliness, and professional standards of practice to prevent the spread of infectious diseases. These Regulations are also intended to address broader public health concerns, such as the prevention of human trafficking, prostitution, and other unlawful activities that may be associated with this industry. By enacting these Regulations, the Webster Board of Health affirms its commitment to safeguarding the well-being of both clients and practitioners within the community. The rules outlined herein set forth the requirements for obtaining and maintaining permits to operate a bodywork establishment and practice bodywork, as well as the grounds for suspension, revocation, or denial of such permits.

## SECTION 3: DEFINITIONS

**Administrative Revocation** refers to an immediate administrative action taken by the Department for cause, such as failure to renew a permit or refusal to grant access to an authorized agent of the Department during an inspection. A permit holder whose permit has been administratively revoked is prohibited from practicing bodywork or operating a bodywork establishment within the Town of Webster. Permits revoked under this provision may be reinstated upon compliance with the conditions set forth in these Regulations.

**Agent** shall mean an individual authorized by the Webster Board of Health to carry out duties and enforce provisions outlined in these Regulations.

**Applicant** shall mean any individual who has submitted a completed application along with the required application fee, in pursuit of a permit under these Regulations.

**Application** shall mean the form approved by the Director of Health and issued by the Webster Health Department for the purpose of obtaining a permit under these Regulations.

**Board of Health** shall mean the Webster Board of Health

**Bodywork** refers to therapeutic practices involving touch, movement, or manipulation of the human body aimed at promoting physical, emotional, or energetic well-being. It includes techniques such as energy work, acupressure, reflexology, Reiki, and other modalities affecting tissues, energy systems, or meridians. Bodywork is distinct from Massage Therapy and medical treatments governed by state licensure laws. The Webster Board of Health will maintain a list of approved and excluded Bodywork modalities and may update it as needed. Bodywork does not include massage as defined by MGL Ch. 112, sec. 227.

**Client** shall mean any individual who has entered into an agreement with a bodywork practitioner to receive bodywork therapy services.

**Certification** shall mean a successful completion of the most current standards established by a nationally recognized professional organization or certifying body specific to bodywork practices. These organizations must meet the following criteria:

a. Educational Standards:

The organization must have a defined set of educational requirements that ensure the bodywork practitioner has acquired the necessary knowledge and skills to practice bodywork safely and effectively.

b. Code of Ethics:

The organization must enforce a specific code of ethics that governs the professional conduct of its certified members.

c. Grievance Process:

The organization must maintain a formal grievance procedure to address and resolve complaints or violations against certified individuals.

d. Accreditation:

All certifications and credentials must be accredited by the Institute for Credentialing Excellence or its accrediting body, ensuring legitimacy and adherence to national standards.

Examples of such organizations include, but are not limited to:

- American Organization for Bodywork Therapies of Asia (AOBTA®)
- National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM)
- American Reflexology Certification Board
- National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)
- Federation of State Massage Therapy Boards (FSMTB)
- Associated Bodywork & Massage Professionals (ABMP)
- American Massage Therapy Association (AMTA)

All certifications and credentials must be approved by the Webster Board of Health before being accepted for licensure or permitting purposes.

**Criminal Offender Record Information (CORI)** shall mean a record of criminal offenses committed as an adult or juvenile, as compiled by the Massachusetts Department of Criminal Justice Information Systems (DCJIS).

**Department** shall mean the Webster Health Department, including the Office of the Board of Health.

**Director** shall mean the Health Director for the Town of Webster.

**Establishment** shall mean any location, or portion thereof, listed on the permit and under the control of an individual operator, where bodywork therapy services are advertised and/or provided on the premises. Facilities licensed as health care facilities by the Commonwealth of Massachusetts, or offices of health care professionals licensed by the Commonwealth, are excluded from this definition if bodywork therapy services are not advertised or provided, except on an occasional outcall basis. However, any designated area within a licensed health care facility or health care professional's office maintained for and used by a bodywork practitioner to provide bodywork services on an ongoing basis is considered a bodywork establishment for the purposes of these Regulations. Such areas must comply with all applicable requirements outlined in these Regulations.

**Operation** shall mean the hours during which a bodywork establishment is open to the public for the practice of bodywork.

**Operator** shall mean the individual holding a permit issued by the Webster Department of Health to operate a bodywork establishment.

**Permit** shall refer to a document issued by the Webster Department of Health either allowing a specific individual to operate a bodywork establishment or to practice bodywork within the Town of Webster.

**Permit Holder** shall mean any individual whose name appears on a valid permit issued by the Webster Department of Health.

**Person** shall mean any individual, firm, corporation, partnership, organization, or legal entity.

**Person in Charge** shall mean the permit holder present at the bodywork establishment during its operation, responsible for managing the establishment, authorizing Department inspection forms, and communicating with the Department or its agents.

**Practitioner** refers to any individual licensed or permitted to provide bodywork services, including but not limited to reflexologists, Reiki practitioners, and other individuals performing bodywork modalities as defined herein.

**Retired Permit** shall mean a permit that has not been renewed for a period exceeding twelve (12) consecutive months.

**Sex Offender Registry Information (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.

## **SECTION 4: EXEMPTIONS**

1. Any physician, chiropractor, osteopath, nurse, physical therapist, occupational therapist, massage therapist, or acupuncturist who is operating within the scope of their Commonwealth of Massachusetts license or registration and does not represent themselves as a bodywork therapist shall be exempt from these Regulations.
2. Hospitals, long-term care facilities, and home health agencies licensed or certified under the laws of the Commonwealth of Massachusetts are exempt from these Regulations.

## **SECTION 5: BODYWORK PRACTITIONER**

### **5.1 Requirements for Obtaining a Bodywork Practitioner Permit**

Any person desiring to practice bodywork, or be a bodywork practitioner at a Bodywork Establishment, shall obtain a Bodywork Practitioner Permit issued by the Webster Health Department. Requirements for Bodywork Practitioners are as follows:

1. Practitioner must be at least eighteen (18) years of age at the time of application.
2. Practitioner must maintain an individual professional liability insurance policy of at least one million dollars (\$1,000,000) per occurrence and at least one million dollars (\$1,000,000) aggregate.
3. Practitioner must maintain a valid CPR certification through the American Red Cross or American Heart Association.
4. Practitioner shall agree to:
  - a. Adhere to all rules and Regulations outlined in the Webster Board of Health Regulations Governing the Practice of Bodywork.
  - b. Conduct themselves in accordance with the standards of practice and ethical guidelines established by relevant state or national professional associations or institutes.
  - c. Accurately represent their training, experience, credentials, and title.

## **5.2 Requirements for Annual Bodywork Practitioner Permit Application**

The applicant understands that the Board of Health has the discretion to grant or deny any requested permit.

All documents submitted for the purpose of obtaining a Bodywork Practitioner Permit become property of the Department and will not be returned to the applicant.

1. Applicant shall answer every question truthfully and completely and supply all information requested in the application to the Department as specified hereunder.
2. Applicant shall provide their complete name (use of an alias is prohibited), address, telephone number, and email address.
3. Applicant shall provide proof of coverage for an individual professional liability insurance policy of at least one million dollars (\$1,000,000) per occurrence and one million dollars (\$1,000,000) aggregate.
4. Applicant shall provide proof of valid CPR certification issued by the American Red Cross or American Heart Association.
5. A CORI Acknowledgment Form authorizing the Town of Webster or a contracted third party to conduct a Criminal Offender Record Information (CORI) inquiry and a Sex Offender Registry Information (SORI) inquiry, and to report the results of those inquiries to the Department. All responses to these record checks shall be kept confidential as required by law. By signing the application or renewal form and completing the required CORI Acknowledgment Form, the applicant gives authorization to the Town of Webster or its contracted third party to run a CORI/SORI background check.
6. If applicable, the Applicant must disclose any of the following circumstances:
  - a. Any convictions for sexual-related offenses, including but not limited to prostitution or sexual misconduct.
  - b. Any misdemeanor or felony convictions within the past ten (10) years.
  - c. Any open criminal charges currently pending judicial action.
  - d. Any revocation, suspension, or denial of a permit or license to practice bodywork or massage by any state, county, or municipality.
  - e. Any loss or restriction of licensure or certification by any jurisdiction for any reason.

7. Application must include a signed passport-style photograph, taken within the last twelve (12) months.
8. A non-refundable application fee, as determined by the Webster Board of Health, must be submitted with the application. Applications without the applicable fee will be deemed incomplete.

### **5.3 Requirements for Initial Bodywork Practitioner Permit Application**

For an initial application, a paper application form shall be obtained from the Webster Health Department's office.

In addition to the requirements of the above-mentioned criteria in **Section 5.2**, the following shall be included with the *initial application* for new Practitioners in Webster:

1. Applicant shall provide proof of age by submitting two (2) forms of identification, one of which includes a photograph. Acceptable forms of identification include:
  - a. One with a photograph (e.g. valid driver's license, state ID, or Passport)
  - b. A second form (e.g. certified birth certificate, marriage certificate, or another government-issued photo ID)
2. Applicant shall provide proof of completion of professional training in Bodywork practices, appropriate to the modality being practiced. Training must include:
  - a. A minimum number of hours of education as required by a recognized certifying body for the applicant's modality (e.g. reflexology, energy work, or acupressure).
  - b. Coursework covering anatomy, physiology, ethics, hygiene, and client safety.
  - c. Hands-on practical training in the modality, supervised by a qualified instructor or mentor.
  - d. Evidence of certification in accordance with Section 3: "Certification" shall be provided.
3. Applicant shall submit a letter on official letterhead from a licensed Massachusetts healthcare provider (e.g. Physician, Nurse Practitioner, Physician's Assistant), dated no earlier than six (6) months prior to the submittal of the application, which includes the following:
  - a. Date of most recent physical examination.

- b. Statement that the applicant is free from communicable diseases or conditions that may be transmitted through close physical contact.
  - c. Report shall include whether a Tuberculosis (TB) screening is indicated, and if indicated, a written negative result obtained.
- 4. The completed Bodywork Practitioner application form shall be sworn to, under the pains and penalties of perjury, and signed by the applicant and notarized by a Notary Public of the Commonwealth of Massachusetts.

#### **5.4 Standards and Code of Conduct of Bodywork Practitioners**

- 1. Practitioners must wash their hands with soap and water immediately before and after providing services to any person.
- 2. Practitioners must maintain a sufficient level of personal cleanliness and wear clothing that is clean, as determined by the Department.
- 3. Practitioners shall be properly clothed, within the bounds of decency and propriety, in accordance with the standards of their profession. Abbreviated or provocative attire is prohibited. The Board, Director, Department or an Agent will make the judgement in regard to what constitutes inappropriate or prohibited attire.
- 4. Practitioners must carry a valid form of identification at all times within the establishment.
- 5. Practitioners must ensure clients are properly clothed in appropriate attire or draped with clean towels during treatment.
- 6. Practitioners may not administer bodywork therapy to a client with a communicable disease that could be transmitted during treatment.
- 7. Practitioners may not perform any Bodywork modalities on individuals under eighteen (18) years of age unless:
  - a. A parent or legal guardian provides written consent by signing a detailed consent form. This form must include:
    - i. A description of the type of bodywork service being performed; and
    - ii. Information about the potential risks and benefits of the service, if applicable; and
    - iii. An acknowledgement that the parent or guardian understands and consents to the treatment; and

- iv. The parent or legal guardian is provided the option to observe the treatment session inside the therapy room.
- b. The signed consent form must be retained in the client's file and made available for inspection by the Webster Health Department upon request.

8. Prohibited Activities:

- a. Practitioners must not perform any services outside their scope of licensure, including diagnosing disease, joint/spinal manipulation, acupuncture, or use of specialized medical equipment without proper licensure.
- b. Practitioners may not administer massage unless licensed by the Massachusetts Board of Registration of Massage Therapy and working in a properly licensed massage establishment.
- c. Practitioners may not use or allow the use of alcohol, illegal drugs, marijuana (medical or recreational), or controlled substances on the premises.
- d. Practitioners must not solicit or engage in sexual activity with clients, whether consensual or not, within or outside the establishment.
- e. Practitioners must not conduct business at their residence or list their residence as a business address.

## **SECTION 6: BODYWORK ESTABLISHMENT**

### **6.1 Requirements for Obtaining Bodywork Establishment Permit**

To operate a bodywork establishment in the Town of Webster, an individual must obtain a valid permit issued by the Webster Health Department. The process includes the following steps:

1. All persons with an ownership interest in the business shall be eighteen (18) years of age or older.
2. Bodywork Establishment Permits are non-transferable in any way; including change of ownership or change of location.
3. Every Establishment shall have at least one (1) Person in Charge who shall be responsible for ensuring the Establishment and all Practitioners and clients comply with all requirements of these Regulations and such Person in Charge shall be authorized to act on behalf of the owner(s) at all times that the Establishment is open for business. All Persons in Charge shall be a Permitted Bodywork Practitioner and may be an owner of the Establishment.

### **6.2 Requirements for Annual Bodywork Establishment Permit Application**

All documents submitted for the purposes of obtaining a Bodywork Establishment Permit become property of the Department and will not be returned to the applicant.

1. Applicant must answer all questions truthfully and completely, providing all requested information. False statements may result in denial of the application.
2. Applicant shall provide the full legal name, address and telephone number for all persons with ownership interest in the business.
3. Applicant shall provide a list and contact information for all Bodywork Practitioners Permitted to work at the Establishment.
4. At least one (1) person with ownership interest in the business shall obtain and maintain a valid Bodywork Practitioner Permit with the Department.
5. A non-refundable application fee, as determined by the Webster Board of Health, must be submitted with the application. Applications without the application fee will be deemed incomplete.
6. Applicant shall include a completed "Workers' Compensation Insurance Affidavit: General Business" with a copy of the workers' compensation policy declaration page that shows the policy number and expiration date. Applications with an expired workers' compensation insurance policy will be deemed incomplete.
7. Applicant shall submit a Certificate of Good Standing / Letter of Compliance from the Massachusetts Department of Revenue (DOR).

### **6.3 Requirements for Initial Bodywork Establishment Permit Application**

For an initial application, a paper application form shall be obtained from the Webster Health Department's office.

In addition to the requirements of the above-mentioned criteria in **Section 6.2**, the following shall be included with the *initial application* for new Establishments in Webster:

1. A detailed floor plan of the premises must be submitted with the application, ensuring compliance with the Facility or Equipment requirements of these Regulations and suitability for the practice of bodywork. The Board of Health may require an inspection of the premises prior to the issuance of the permit.
2. The completed Bodywork Establishment application form shall be sworn to, under the pains and penalties of perjury, and signed by the applicant and notarized by a Notary Public of the Commonwealth of Massachusetts.

#### **6.4 Requirements and Standards for Bodywork Establishments**

1. Hours of operation for any Establishment shall be limited to 8:00 AM and 10:00 PM. All appointments must conclude by 10:00 PM.
2. Rooms used for Bodywork must have at least seventy (70) square feet of floor area and be equipped with a door.
3. Bodywork may be conducted only in adequately lighted, heated and ventilated rooms, which are constructed so that they can be kept clean. Floors, walls, ceilings and windows must be kept free from dust, soil, and other unclean substances.
4. Doors on rooms used for Bodywork shall not have a lock or be capable of being locked.
5. All Establishments shall have a waiting area for clients within the Establishment.
6. Waiting room areas must be adequately lit with a combination of natural and artificial light. Blackout curtains, other light-prohibitive shades, or window sprays are prohibited. Storefront windows must remain unobstructed; posters, advertisements, or other materials that block visibility into the establishment from the outside are not permitted.
7. Establishments shall have a sink for hand washing immediately available at all times. Such sink shall be supplied with hot water between 110-130°F, hand soap, and hand drying provisions.
8. No room or section of an Establishment shall be used as a bedroom, for sleeping purposes, or as a domicile.
9. Establishments may not install showers or other amenities that would allow employees to live on the premises.
10. Restrooms must be accessible to customers and employees and must be maintained in a clean and sanitary manner.
11. All furniture, equipment, linens and supplies used in the performance of Bodywork shall be maintained in a safe and sanitary manner.
12. Sanitizing chemicals must be labeled with their ingredients.
13. Non-disposable instruments must be sanitized after each use. Instruments and equipment shall not be applied directly to a client's skin unless properly sanitized.
14. Linens, towels, and robes that come into direct contact with clients must be laundered and sanitized after each use.

15. Non-latex gloves must be available on-site.
16. If any latex-containing products are used, a sign shall be prominently displayed alerting all clients that latex-containing products are in use.
17. Establishments must maintain a written or electronic record of all services provided, including the date, client name, practitioner's name, service performed, and charges. These records must be maintained at the Bodywork Establishment for at least three (3) years and shall be made available to the Board of Health upon request.
18. Establishments must comply with all local zoning requirements. Bodywork Establishments cannot be located within a private residential property.
19. No alcoholic beverages may be served in any Bodywork Establishment.

## **SECTION 7: PERMITS**

1. All permits shall expire on the thirty-first (31<sup>st</sup>) day of December.
2. Permit holders intending to renew a current permit must submit the appropriate renewal application(s) provided by the Department, along with the applicable fee as determined by the Board of Health, prior to the thirty-first (31<sup>st</sup>) day of December.
3. Permits not renewed by the thirty-first (31<sup>st</sup>) day of December shall be administratively revoked.
4. New applications shall be accepted throughout the year. The Department will make reasonable efforts to process completed applications within thirty (30) days of receipt.
5. All Establishment and Practitioner's Permits and valid CPR Certifications shall be displayed prominently on the premises in a location that is conspicuous, accessible, and visible to all individuals entering the establishment.
6. Administratively revoked permits may be subject to a reinstatement fee, as determined by the Board of Health.
7. Administratively revoked permits may be reinstated upon meeting all renewal requirements.
8. A permit that has not been renewed for more than twelve (12) months shall be considered retired. Retired permits are not eligible for renewal, and a new initial permit application must be suited to the Department.
9. No replacement permits will be issued.

10. Practitioner Permit holders must notify the Department of any changes to their legal name and/or address within thirty (30) days of the change. For name changes, photo identification will be required as specified in Section 5.3(1).

## **SECTION 8: SEXUAL ACTIVITY PROHIBITED**

1. Sexual activity by any person or persons in any bodywork establishment is strictly prohibited.
2. For the purposes of these Regulations, “sexual activity” is defined as any direct or indirect physical contact or communication by any person or between persons that is intended to erotically stimulate either person or both, or that is likely to cause such stimulation. This includes, but is not limited to:
  - (a) Sexual intercourse.
  - (b) Fellatio.
  - (c) Cunnilingus.
  - (d) Masturbation or “hand release,” defined as the manipulation of any body tissue with the intent to cause sexual arousal.
  - (e) Anal intercourse.
3. For the purpose of these Regulations, “sexual activity” may involve the use of any device or object and is not dependent on whether penetration, orgasm, or ejaculation occurs.

## **SECTION 9: ADVERTISING**

### **9.1 Ethical Advertising Standards:**

1. Establishments and practitioners must adhere to professional ethics when placing advertisements.
2. Advertisements include, but are not limited to, service offerings or promotions in or on newspapers, periodicals, television, radio, print media, or any form of internet or web-based marketing.
3. Advertisements that appeal to prurient interests or include exotic, sexual, or provocative language and/or images may be construed as a breach of proper bodywork standards.

### **9.2 Misrepresentation of Credentials:**

1. Any individual not permitted in accordance with these Regulations may not represent themselves as a permitted or licensed bodywork practitioner.

2. This prohibition applies to the use of titles on signs, mailboxes, address plates, stationery, announcements, telephone listings, calling cards, or other instruments of professional identification or advertisements of any sort.

#### **9.3 Establishment Representation:**

1. If any bodywork practitioners within an establishment do not possess individual permits to practice bodywork in the Town of Webster, the operator may not present the establishment as a permitted or licensed bodywork establishment.
2. This restriction applies to signs, mailboxes, address plates, stationery, announcements, telephone listings, calling cards, or other forms of professional or promotional advertisements.

#### **9.4 Prohibition of Aliases:**

1. The use of aliases by practitioners or establishment operators is prohibited.
2. If a practitioner or establishment operator wishes to use a name other than that which appears on their permit, both names must be used together in all advertising and representations.

### **SECTION 10: DEPARTMENT OF STATE KNOWS YOUR RIGHTS PAMPHLET**

1. Sex trafficking is a form of modern-day slavery in which individuals perform commercial sex through the use of force, fraud, or coercion. Minors under the age of 18 engaging in commercial sex are considered to be victims of human trafficking, regardless of the use of force, fraud, or coercion. Sex traffickers frequently target victims and then use violence, threats, lies, false promises, debt bondage, or other forms of control and manipulation to keep victims involved in the sex industry for their own profit.
2. Sex trafficking exists within diverse and unique sets of venues and businesses including fake massage businesses, escort services, residential brothels, in public on city streets and in truck stops, strip clubs, hotels and motels, and elsewhere.
3. The Board of Health has determined that Bodywork Establishments have a likelihood of becoming common locations for human trafficking.
4. Therefore, the owner of a Bodywork Establishment shall conspicuously post in an area commonly visited by employees of the Establishment the Department of State – Know Your Rights pamphlet, which is available at the following link:

<https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/temporary-workers.html>

5. The pamphlet must be available in the primary language of the employees at the Establishment.

## **SECTION 11: INSPECTIONS**

### **11.1 Inspection Authority:**

Establishments and practitioners are subject to inspections by the Board of Health or its authorized agent(s) during all hours of operation.

### **11.2 Frequency of Inspections:**

Inspections will be conducted at random at least twice per year to ensure compliance with these Regulations.

### **11.3 Purpose of Inspections:**

The purpose of inspections is to verify compliance with all provisions outlined in these Regulations.

### **11.4 Denial of Access:**

Denial of access to an authorized agent of the Board during an inspection shall result in the immediate administrative revocation of the permit to operate a bodywork establishment.

### **11.5 Non-Compliance:**

1. If, during an inspection, conditions are found to be non-compliant with these Regulations, both the operator and any bodywork practitioner responsible for the violations may be subject to enforcement proceedings and penalties as outlined in Section 12 and Section 13.
2. Non-compliant conditions must be corrected promptly to achieve full compliance and must be resolved within a fourteen (14) day period or within a timeframe determined at the discretion of the Health Agent.

  

1. If a re-inspection is deemed necessary to verify corrective action, the operator will be subject to a re-inspection fee as determined by the Board of Health.
2. Re-inspections will ensure that all violations have been addressed and that compliance with these Regulations has been restored.

## **SECTION 12: ENFORCEMENT**

### **12.1 Authority:**

These Regulations may be enforced by the Webster Health Department, Webster Police Department, Webster Fire Department, or other supporting agencies of the Town of Webster.

However, only the Health Department and/or the Webster Board of Health may grant, deny, revoke, suspend, or modify permits or variances issued under these Regulations.

### **12.2    Grounds for Enforcement Actions:**

The Webster Board of Health may deny renewal, revoke, suspend, or modify any permit or certification issued pursuant to these Regulations for reasons including, but not limited to:

1. Refusal to permit an agent of the Department, Police, Fire Department, or other government official to inspect the facility.
2. Interference with the Department, Police, Fire Department, or other government official in the performance of their duties.
3. A criminal conviction of the permit holder related to the operation of the establishment.
4. Failure of the permit holder to submit the appropriate documentation as required by these Regulations.
5. Failure to pay the required permit fees, fines, or penalties.
6. Failure of the establishment's owner, operator, or employees to comply with these Regulations.
7. Committing a prohibited or criminal act as defined by these Regulations.
8. Keeping or submitting any misleading or false records or documents related to the operation of the establishment or the practice of bodywork.
9. Operating a bodywork facility or practicing bodywork in a manner that poses a threat to public health or safety.

### **12.3    Immediate Closure:**

The Board of Health may immediately close a bodywork establishment or prohibit an individual from practicing bodywork for violations including, but not limited to:

1. Engaging in sexual activity as outlined in Section 8 of these Regulations.
2. Violations of prohibited activities or provisions that endanger public health or safety are identified.
3. Evidence of individuals living on the premises in violation of residential use prohibitions.

4. The establishment or individual practitioners are operating without a current and valid permit as required by these Regulations.
5. Failure to maintain or provide proof of current CPR certification for all required individuals, as mandated by these Regulations.
6. Denial of access for inspection by any authorized department, including the Webster Health Department, Police Department, Fire Department, or any other agency tasked with enforcement under these Regulations.

**12.4 Additional Actions:**

1. The Department or Board of Health may take further actions as necessary to correct violations, including ordering physical or operational changes to the facility.
2. Any operation of a bodywork establishment or practice of bodywork that causes a threat to public health or safety shall result in suspension, modification, or revocation of the permit.

**12.5 Enforcement Mechanisms:**

1. These Regulations may be enforced through appropriate criminal or civil processes, including, but not limited to, those specified under M.G.L. c. 40, § 21D, in any court of competent jurisdiction.
2. All criminal acts or violations of Massachusetts General Laws (M.G.L.) will be enforced by the Webster Police Department.
3. The Webster Police Department or Health Department may issue fines in addition to penalties assessed by the appropriate criminal court.

**SECTION 13: PENALTIES**

Non-Criminal Penalties:

Pursuant to Massachusetts General Laws (M.G.L.) Chapter 40, Section 21D, a civil penalty may be assessed for each violation of these Regulations at the discretion of the Director, the Department, or the Board of Health. The penalty for a first offense shall be one hundred dollars (\$100.00), for a second offense two hundred and fifty dollars (\$250.00), and for a third offense five hundred dollars (\$500.00) per day for each continued violation. Each day's failure to comply with an order of the Department shall constitute a separate offense.

**SECTION 14: PERMIT REVOCATION, SUSPENSION, MODIFICATION, AND APPEALS**

**14.1 Authority for Enforcement:**

The Board of Health may suspend, revoke, or modify a permit for a professional practitioner or bodywork establishment for any violation of these Regulations or for the performance of any illegal act on the premises. The Board shall issue an order in writing to the person(s) responsible for the violation, specifying the grounds for the enforcement action.

**14.2 Right to Appeal:**

1. Any person(s) to whom an order has been served may request a hearing before the Board of Health within seven (7) days from the date the order was served.
2. Upon receipt of a written request for a hearing, the Board of Health shall schedule a time and place for the hearing and provide written notice to the petitioner.
3. The hearing shall commence no later than thirty (30) days from the date the order was served. The thirty (30) day period may be extended if the Board of Health determines that the petitioner has provided a valid and sufficient reason for postponement.

**14.3 Hearing Process and Decision:**

1. At the hearing, the petitioner shall have the opportunity to present their case and provide evidence as to why the order should be modified or withdrawn.
2. After the hearing, the Board of Health shall issue a written decision to the petitioner, either sustaining, modifying, or withdrawing the order.
3. The decision of the Board of Health shall be final and binding.

## **SECTION 15: VARIANCE**

**15.1 Authority to Grant Variances:**

The Board of Health may grant a variance from any provision of these Regulations in cases where strict enforcement would result in manifest injustice, provided that the decision aligns with the intent and spirit of these Regulations.

**15.2 Variance Request Process:**

1. A request for a variance must be submitted in writing to the Board of Health.
2. The Board may require supporting evidence to evaluate the request. The request will not be deemed complete until all requested evidence has been received by the Department.

**15.3 Conditions of Variance:**

- Any variance granted under this section may be subject to qualifications, revocation, suspension, or expiration, as determined by the Board of Health.

- A variance may be revoked, modified, or suspended, in whole or in part, only after the holder of the variance has been notified in writing and given the opportunity to be heard in accordance with these Regulations.

**15.4 Documentation of Variance:**

1. Any variance granted by the Board of Health shall be documented in writing.
2. A copy of the variance, while it remains in effect, shall be made available to the public at reasonable times at the Department.
3. The variance must also be kept on file at the applicant's usual place of practice.

**SECTION 16: SEVERABILITY**

If any section, subsection, sentence, clause, phrase, heading, or portion of these Regulations is deemed invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining provisions. All other portions of these Regulations shall remain in full force and effect.

## **Appendix A: RECOGNIZED BODYWORK MODALITIES**

The following is a list of Bodywork modalities recognized by the Webster Board of Health. These practices are considered non-invasive techniques aimed at promoting physical, emotional, or energetic well-being. Each modality must adhere to the standards and requirements outlined in the bodywork Regulations to ensure public health and safety. The Webster Board of Health reserves the right to review and classify additional modalities as Bodywork under these Regulations, based on their scope, purpose, and alignment with public health and safety standards. The Board will maintain an updated list of approved modalities and provide clarification on practices as needed.

### **Acupressure**

- *Description:* Involves applying pressure to specific points on the body, known as acupoints, to influence energy flow (Qi) and promote relaxation and healing.
- *Limitations:* Practitioners should not claim to diagnose or treat medical conditions. Must not involve the insertion of needles (reserved for acupuncture, a licensed practice).

### **Reflexology**

- *Description:* Manipulation of specific areas on the hands, feet, or ears believed to correspond to other parts of the body. Promotes relaxation and internal balance.
- *Limitations:* Restricted to non-invasive techniques; practitioners should avoid claims of medical efficacy.

### **Reiki**

- *Description:* A non-invasive energy-based practice where the practitioner channels universal energy through their hands to promote balance and relaxation.
- *Limitations:* May not be advertised as a treatment for specific medical or psychological conditions. Physical contact must be minimal and only with consent.

### **Shiatsu**

- *Description:* A Japanese modality that uses finger and palm pressure on specific points along the body's energy pathways to restore balance.
- *Limitations:* Restricted to pressure techniques; must avoid deep tissue manipulation that may fall under massage therapy.

### **Craniosacral Therapy**

- *Description:* Gentle manipulation of the skull, spine, and sacrum to relieve tension and improve the function of the central nervous system.
- *Limitations:* Practitioners must avoid spinal adjustments, or any invasive techniques reserved for chiropractors or medical professionals.

### **Polarity Therapy**

- *Description:* Combines touch, movement, and diet recommendations to balance the body's energy fields and promote healing.
- *Limitations:* Limited to non-invasive energy work and should not involve dietary prescriptions without proper licensure.

### **Thai Bodywork (Thai Yoga)**

- *Description:* Combines acupressure, assisted stretching, and yoga postures to promote relaxation and energy flow.
- *Limitations:* Practitioners must not force movements or offer chiropractic-like adjustments.

### **Trager Approach**

- *Description:* Involves gentle, rhythmic movements designed to release tension and improve body awareness.
- *Limitations:* Practitioners should avoid manipulative techniques that mimic chiropractic adjustments or massage therapy.

### **Rolfing (Structural Integration)**

- *Description:* A hands-on technique focusing on manipulating connective tissue to align and balance the body.
- *Limitations:* Deep tissue manipulation must remain within the scope of bodywork and not cross into massage therapy or physical therapy.

### **Breathwork**

- *Description:* Guided breathing exercises designed to reduce stress, improve emotional regulation, and promote mental clarity.
- *Limitations:* Should not be used to address or treat respiratory conditions unless the practitioner is medically qualified.

### **Feldenkrais Method**

- *Description:* A movement-based therapy aimed at improving physical function and self-awareness through guided sessions.
- *Limitations:* Restricted to movement guidance; must avoid physical manipulation or medical claims.

### **Alexander Technique**

- *Description:* A practice focusing on posture, movement, and alignment to alleviate tension and improve coordination.
- *Limitations:* Limited to verbal guidance and light touch; must not perform manipulations that require licensure.

### **Myofascial Release**

- *Description:* A technique targeting the fascia (connective tissue) to release tension and improve mobility.
- *Limitations:* Deep manipulation should not be advertised as therapeutic massage or medical treatment.

### **Aromatherapy Bodywork**

- *Description:* Combines the use of essential oils with touch-based techniques to enhance relaxation and well-being.
- *Limitations:* Oils must be used externally only; practitioners should not recommend ingestion or make medical claims.

### **Energy Balancing**

- *Description:* A broad category of practices aimed at harmonizing the body's energy fields using touch or non-touch techniques.
- *Limitations:* Should not be marketed as a cure for specific conditions or diseases.

---

### **Notes:**

- Practitioners must adhere to all local, state, and federal laws regulating health and safety.
- Each modality requires explicit client consent, with clear communication regarding the scope of practice.
- Practitioners may not advertise services as medical treatments unless appropriately licensed.

**Appendix B:**  
**EXCLUDED PRACTICES**

In Massachusetts, and under the Webster Board of Health bodywork Regulations, the following practices are explicitly excluded from the definition of Body work. These practices fall under the jurisdiction of other professional licensing boards or Regulations and are subject to compliance with applicable state licensing laws and professional standards. The Webster Board of Health does not regulate these practices as Bodywork because they require separate qualifications, oversight or professional licensure:

**1. Massage Therapy**

Governed by M.G.L. c. 112, §§ 227-235, and requiring licensure by the Massachusetts Board of Registration of Massage Therapy. [Massachusetts Government](#)

**2. Chiropractic Care**

Includes spinal adjustments or manipulations regulated by the Massachusetts Board of Registration of Chiropractors under M.G.L. c. 112, §§ 89-97.

**3. Physical Therapy**

Encompasses rehabilitative and therapeutic exercises governed by licensure requirements for physical therapists as outlined in M.G.L. c. 112, §§ 23A-23Q. [Massachusetts Government](#)

**4. Occupational Therapy**

Focuses on aiding individuals with physical or mental disabilities to improve daily living skills, requiring licensure under M.G.L. c. 112, §§ 23A-23Q. [Massachusetts Government](#)

**5. Acupuncture**

Involves the insertion of needles into the body and is regulated under M.G.L. c. 112, §§ 148-162, requiring licensure by the Massachusetts Board of Registration in Medicine. [Massachusetts Government](#)

**6. Psychotherapy and Counseling**

Includes mental health counseling, talk therapy, or trauma recovery techniques that require licensure as a mental health professional under M.G.L. c. 112, §§ 163-172.

**7. Medical Practices**

Encompasses diagnostic, therapeutic, or surgical procedures provided by physicians, nurses, or other licensed medical professionals regulated under various chapters of M.G.L. c. 112.

**8. Cosmetology and Esthetics**

Services such as facials, waxing, or skin treatments regulated under M.G.L. c. 112, §§ 87T-87KK, requiring licensure by the Board of Registration of Cosmetology and Barbering.

**9. Athletic Training**

Services focused on sports-related injury prevention or rehabilitation, requiring certification as an athletic trainer under M.G.L. c. 112, §§ 23A-23Q. [Massachusetts Government](#)

**10. Dietary and Nutritional Counseling**

Involves creating or prescribing specific diets, which must be performed by licensed dietitians or nutritionists under M.G.L. c. 112, §§ 201-210.

**11. Tattooing and Body Piercing**

Governed by specific body art Regulations separate from bodywork, as outlined in M.G.L. c. 111, § 31.

**12. Medical Massage or Rehabilitation Massage**

Any massage provided under a medical diagnosis or prescription, regulated as massage therapy under M.G.L. c. 112, §§ 227-235. [Massachusetts Government](#)

**13. Diagnostic Techniques**

Includes imaging, lab tests, or any practice intended to diagnose medical conditions, which are regulated under various chapters of M.G.L. c. 112.

**14. Energy Practices Claiming Medical Outcomes**

Any energy-based work (e.g., Reiki or polarity therapy) advertised or performed as a treatment for specific medical conditions, which may fall under the purview of medical practice Regulations.

**General Exclusion Clause**

Practices excluded from the definition of Bodywork must comply with their respective regulatory and licensing requirements as defined by Massachusetts General Laws and the relevant state boards. Offering such services without proper licensure or outside the scope of Bodywork Regulations is prohibited.