



HUDSON BOARD OF HEALTH

78 Main Street, Hudson, Massachusetts 01749
Phone (978) 562-2020
Fax (978) 562-8508

REGULATION 17-1

RULES AND REGULATIONS GOVERNING THE PRACTICE OF BODYWORK

SECTION 1.

PURPOSE, SCOPE AND INTENT

1.1 Purpose. The purpose of these Rules and Regulations is to protect residents, businesses, and public health within the Town of Hudson. Whereas persons working in this particular service industry have often identified themselves as bodyworkers to gain exemption from the Massachusetts Rules and Regulation Governing Massage Therapists, it is necessary to enact these Rules and Regulations (herein “Regulations”) on the Practice of Bodywork to protect the public health, welfare and safety of the community.

1.2 Scope. The scope of these Regulations is broad and includes many aspects which, if not particularly regulated, could endanger the community through prostitution, human trafficking, and disease transmission.

1.3 Intent. It is the Board of Health’s intent that only individuals who meet and maintain a minimum standard of competence and conduct within their scope of practice, as a professional, may provide services to the public. These Regulations designate the requirements for obtaining a license to operate a bodywork establishment and a license to practice bodywork, as well as grounds for suspension, revocation, or denial of such license.

SECTION 2.

AUTHORITY

These Rules and Regulations Governing the Practice of Bodywork are promulgated by the Hudson Board of Health pursuant to its authority under Massachusetts General Laws Chapter 111, Section 31 and all other applicable provisions.

SECTION 3.

DEFINITIONS

Administrative Revocation: shall mean an administrative action with immediate effect taken by the Board of Health and Health Department for cause when a license holder fails to renew a license, or denies entry to an agent of the Department during the conducting of an inspection. A license holder whose license has been administratively revoked cannot lawfully continue to practice as a bodywork therapist or to operate a bodywork establishment in the Town of Hudson. Licenses that have been administratively revoked may be reinstated only upon meeting the conditions contained in these rules and regulations.

Agent: shall mean a person employed by the Town of Hudson who is authorized by the Hudson Board of Health to perform functions subject to these regulations.

Applicant: shall mean an individual or entity seeking licensure who has submitted an official application as provided by the Hudson Health Department, two forms of identification, a complete CORI/SORI record request form, has paid the application fee, and has posed for digital photograph taken by the Hudson Health Department, in addition to any specific requirements referenced in these regulations pertaining to the type of licensure requested.



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Application: shall mean the application form provided by the Hudson 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, signed, and notarized within the Town.

Board: shall mean the Hudson Board of Health.

Bodywork: shall refer to the practice of a person representing himself or herself as a Bodyworker or Bodywork Therapist, or the practice of a person using primary touch to manipulate tissue, which does not constitute Massage as defined in M.G.L. Chapter 112, Section 227 in the course of treatment or therapy provide to another person. Bodywork may include, but not limited to, Acupressure, Asian Bodywork, AMMA Therapy®, Body-Mind Centering, Chi Nei Tsang, Feldenkrais Method, Five Element Shiatsu, Integrative Eclectic Shiatsu, Japanese Shiatsu, Jin Shin Do®, Korean Bodywork, Bodymind Acupressure, Polarity, Macrobiotic Shiatsu, Reflexology, Reiki, Rolph Structural Integration, Shiatsu Amma Therapy, Traditional Thai Massage & Bodywork, Trager Approach, Tui Na, Qi Gong, Zen Shiatsu, Ayurveda medicine, and other practices as they become known.

Bodyworker: shall mean a Bodywork Therapist.

Bodywork Therapist: shall mean a person who practices Bodywork.

Client: shall mean a person with whom the Bodywork Therapist has an agreement to provide bodywork therapy services.

Certification: shall mean successful completion of the most current requirements of a national professional membership organization or national certification commission, such as American Organization for Bodywork Therapies of Asia (AOBTA), National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), American Reflexology Certification Board, Massachusetts Association of Reflexology (MAR), and the Reflexology Association of America (RAA). Any such national professional membership organization or national certification commission must include an established set of educational standards, require compliance with a specific code of ethics, and offer a grievance process. All certifications and/or credentials must be approved by the Department.

Criminal Offender Record Information (CORI): shall mean a record of criminal offenses committed as an adult or juvenile, as compiled by the Criminal History Systems Board.

Department: unless otherwise specified, shall mean the Hudson Health Department acting in its role as the agent for the Hudson Board of Health.

Director: shall mean the Director of Public and Community Health.

Establishment: shall mean any established location, or portion thereof, in the Town of Hudson which advertises and/or provides bodywork therapy services on the premises. 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. Any location within a licensed health care facility or health care professional's office, which is dedicated to and maintained for the use of a therapist who performs occasional therapy services to the patients of the facility, is a bodywork establishment for the purpose of permitting under these Regulations and the portions of the



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facility or office wherein bodywork therapy services are provided must be in compliance with these Regulations.

License: shall mean either a document issued by the Department allowing a specific person to operate a bodywork establishment in the Town of Hudson, or a document issued by the Department allowing a specific person to practice bodywork in the Town of Hudson.

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 Hudson. Where applicable, this shall include partnerships and/or corporations.

Nicotine Delivery Product: shall mean any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes, and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.

Cannabis Delivery Product: shall mean any manufactured object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing cannabis into the human body, and any object or device that facilitates cannabis combustion or vaporization that is used for ingesting or used to aid an individual in ingesting cannabis. Cannabis delivery products include, but are not limited to, vaporizers and portable hand-held pens.

Operation: shall mean times when the establishment is open to the public for the practice of bodywork.

Patron: shall mean a person with whom the bodywork therapist has an agreement to provide bodywork therapy services or a visitor or any other person on premises at the establishment who is not an employee.

Person-in-Charge: shall mean the license holder of a Bodywork Establishment License, or his/her designee, present at the bodywork establishment who is responsible for the operation at the time of inspection, and who is authorized to sign Department inspection forms and communicate with the Department or its authorized agent(s).

Retired License: shall mean a license that has not been renewed for more than twelve (12) consecutive months.

Sanitization: shall mean effective bactericidal/germicidal treatment by a process 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.

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.

Sexual Activity: shall mean any direct or indirect physical contact by any person or between persons which is intended to erotically stimulate either person or both, or which is likely to cause such stimulation and include, but not limited to: sexual intercourse, fellatio, cunnilingus, masturbation (or "hand release"), or



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anal intercourse. Masturbation shall mean the manipulation of any body tissue with the intent to cause sexual arousal. Sexual activity can involve the use of any device or object and is not dependent on whether penetration, orgasm, or ejaculation occurs.

SECTION 4. BODYWORK THERAPIST LICENSE

4.1 Requirements for Obtaining a Bodywork Therapist License.

Any person desiring to practice bodywork, or be a bodywork therapist at a Bodywork Establishment, shall obtain a Bodywork Therapist License issued by the Hudson Health Department. An application shall be obtained from the Hudson Health Department's office. The applicant understands that the Board of Health has the discretion to grant or deny any requested license.

Requirements for applicants are as follows:

1. Applicant must be twenty-one (21) years of age or older at the time of application.
2. Applicant shall submit a High School Diploma or its verifiable equivalent.
3. Applicant shall be able to communicate effectively in English.
4. The use of an alias is prohibited.
5. Applicant shall answer every question truthfully and completely and supply all information requested in the application to the Department as specified hereunder.

4.2 All applicants shall allow one front faced digital photograph to be taken by the Hudson Health Department at the time of license application submittal. This photograph will be attached to the license, if granted.

4.3 The applicant of a Bodywork Therapist License shall submit to the Department the items specified herein for the application of this license:

1. A completed application form provided by the Department. All required documents specified herein must be received by the Department within sixty (60) days for an active application.
2. A non-refundable application fee according to the Department's fee schedule.
3. Supporting documentation that the applicant is twenty-one (21) years of age or older by presenting two forms of positive identification. One form must be 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 government-issued photo ID.
4. Applicable documents as specified in Section 3.0 - *Certification* above.



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5. A form authorizing the Town of Hudson 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. By signing the application or renewal form, the applicant gives authorization to the Town of Hudson or its contracted third party to run a CORI/SORI background check, which will consist of the information pertaining to all convictions, non-convictions, and pending criminal case information. CORI and SORI checks may be conducted in all states in which the applicant has resided within the last ten (10) years.
6. If applicable, the applicant shall disclose the circumstances surrounding any of the following convictions or license revocations:
 - i. Disclosure of any conviction for any sexual-related offense, including prostitution or sexual misconduct, rape, or any other felony against persons occurring within the past ten (10) years.
 - ii. Disclosure of any conviction of any misdemeanor or felony occurring within the past five (5) years.
 - iii. Revocation, suspension or denial of a permit or license to practice bodywork issued by any state or municipality.
 - iv. Loss or restriction of a permit, license, or certification by any municipality or other jurisdiction for any reason.

Any convictions or license revocations as outlined in this subsection shall disqualify an applicant from obtaining a license pursuant to this regulation.
7. A signed passport-type photograph taken within the preceding thirty (30) days.
8. A fully executed copy of Lease Agreement to show leasehold interest of applicant and to verify control of the premises (i.e., Bodywork Establishment).
9. A Massachusetts physician's letter, on physician's official letterhead, dated no earlier than six (6) months prior to the submittal of the application, stating that the applicant has had a physical examination and to the best of the physician's knowledge is up-to-date with adult immunizations and free from communicable diseases and/or conditions that may be transmitted due to close physical contact and detrimental to the public's health. In addition, the examination report shall include whether a Tuberculosis (TB) screening is indicated and, if indicated, a written negative result obtained.
10. The applicant shall have submitted evidence of good moral character; such evidence shall consist of two (2) original letters from professionals attesting to the applicant's personal character and professional ethics.



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11. The name(s) of the licensed establishment(s) where the applicant will practice bodywork therapy in the Town of Hudson. In addition, a Bodywork Therapist License holder shall notify the Department if the individual changes employment venue within the Town of Hudson.
12. A written declaration, under penalty of perjury, that the foregoing information contained in the application is true and correct, and said declaration shall be duly dated, signed, and notarized by a Notary Public of the Commonwealth of Massachusetts. False statements shall constitute grounds for revocation of an issued license or denial of a pending license application or license renewal.

All documents submitted for the purpose of obtaining a Bodywork Therapist License become property of the Department and will not be returned.

4.4 The Department, in consultation with the Hudson Police Department, shall determine whether an applicant's conduct, criminal or otherwise, shall disqualify that person from obtaining a license.

4.5 The Department, prior to the issuance of any license, shall evaluate each individual application by the information provided. The Department or the Board may place special conditions on any license issued.

4.6 A Bodywork Therapist License shall be posted on the premise of the licensed bodywork establishment in a location that is conspicuous, open, and obvious to all people entering the establishment.

4.7 The holder of a Bodywork Therapist License shall notify the Department of a change of name and/or address within fourteen (14) days.

4.8 All Bodywork Therapist Licensees shall notify the Hudson Health Department of any criminal complaint brought against him/her within seven (7) calendar days. Failure to do so may result in revocation of licensure.

4.9 All Bodywork Therapist Licenses shall expire on December 31st annually. Licensee intending to renew a current Bodywork Therapist License shall provide to the Department *before* December 31st a completed renewal application, including a new Massachusetts physician's letter as specified in Section 4.3.8, CORI/SORI form authorization with required documentation, annual license fee, and allow for an updated front-facing digital photo be taken by the Hudson Health Department at the time of submittal of the renewal application, to be posted with the license, as renewed, if granted. The fee for each license renewal shall be in accordance with the most recent Hudson Health Department fee schedule.

4.10 Any Bodywork Therapist License not renewed by the thirty-first (31st) day of December shall be administratively revoked.

4.11 A Bodywork Therapist License shall be considered retired if not renewed for more than (12) months. A retired license may not be renewed; an initial license application must be submitted to the Department.



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SECTION 5. BODYWORK ESTABLISHMENT LICENSE

5.1 Requirements for Obtaining a Bodywork Establishment License.

Any person or entity desiring to open or conduct a commercial business practicing Bodywork shall obtain a Bodywork Establishment License together with Workers' Compensation Insurance Affidavit from the Hudson Health Department's Office. The applicant understands that the Board of Health has the discretion to grant or deny any requested license.

All documents submitted for the purpose of obtaining a Bodywork Establishment License become property of the Department and will not be returned.

Requirements for applicants are as follows:

1. Applicant must be twenty-one (21) years of age or older at the time of the application.
2. Applicant shall submit a High School Diploma or its verifiable equivalent.
3. Applicant shall be able to communicate effectively in English.
4. The use of an alias is prohibited.
5. Applicant shall answer every question truthfully and completely and supply all information requested in the application to the Department as specified hereunder.

5.2 All applicants shall allow one front faced digital photograph to be taken by the Hudson Health Department at the time of license application submittal. This photograph will be attached to the license, if granted.

5.3 The applicant of a Bodywork Establishment License shall submit to the Department the items specified herein for the application of this license:

1. A completed application form provided by the Hudson Health Department.
2. A non-refundable application fee according to the Department's fee schedule.
3. Supporting documentation that the applicant is twenty (21) years of age or older by presenting two 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 government-issued photo ID.
4. A form authorizing the Town of Hudson 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. By signing the application or renewal form, the applicant gives authorization to the Town of Hudson or its contracted third party to run a CORI/SORI background check, which



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will consist of the information pertaining to all convictions, non-convictions, and pending criminal case information. CORI and SORI checks may be conducted in all states in which the applicant has resided within the last ten (10) years.

5. Proof of satisfactory professional liability insurance with a minimum coverage amount of one million (\$1,000,000.00) U.S. dollars per occurrence, and at least one million (\$1,000,000.00) U.S. dollars aggregate, as well as workers compensation insurance. A Worker's Compensation Insurance Affidavit is to be submitted with the application as attached thereto.
6. Name or names of individuals that are currently certified in basic cardiopulmonary resuscitation (CPR) and a copy of their valid certification. One individual trained in CPR must be on-site *at all times* during operating hours.
7. Copies of the Bodywork Therapist Licenses of all therapists performing bodywork at the establishment. To obtain a Bodywork Establishment License, an establishment shall have at least one (1) duly licensed bodywork therapist employed at all times.
8. A written declaration, under penalty of perjury, that the foregoing information contained in the application is true and correct, and said declaration shall be duly dated, signed, and notarized by a Notary Public of the Commonwealth of Massachusetts. False statements shall constitute grounds for revocation of an issued license or denial of a pending license application or license renewal.

5.4 The Department, in consultation with the Hudson Police Department, shall determine whether an applicant's conduct, criminal or otherwise, shall disqualify that person or establishment from obtaining a license.

5.5 Any false statements or information furnished and/or contained in the application as submitted to the Department shall be grounds for denial, suspension or revocation of a license.

5.6 The Department, prior to the issuance of any license, shall evaluate each individual application by the information provided. The Department or the Board may place special conditions on any license issued.

5.7 The holder of a Bodywork Establishment License shall be ultimately responsible for the physical facility, instruments, advertising, postings, employees, and all compliance with these regulations.

5.8 The holder of a Bodywork Establishment License shall also obtain an Individual Bodywork Therapist License, if the individual will conduct bodywork. An establishment license does not permit the person to practice without a therapist license.

5.9 A Bodywork Establishment License shall not be transferred in any manner, including new ownership or change of address.

5.10 A Bodywork Establishment License shall be posted on the premise of the establishment in a location that is conspicuous, open, and obvious to all people entering the establishment.

5.11 The holder of a Bodywork Establishment License shall notify the Department of a change of name and/or address within fourteen (14) days.



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5.12 All Bodywork Establishment Licenses shall expire on December 31st annually. Licensee intending to renew a current Bodywork Establishment shall provide to the Department *before December 31st* a completed renewal application, including CORI/SORI form authorization with required documentation, copies of all Bodywork Therapist Licenses of all therapists performing bodywork at the establishment, copy of valid CPR certification forms, proof of professional liability insurance and worker's compensation insurance, Worker's Compensation Insurance Affidavit, fully executed Lease for the premises, annual license fee, and allow for an updated front-facing digital photo be taken by the Hudson Health Department at the time of submittal of the renewal application, which is to be posted with the license, as renewed, if so granted. The fee for each license renewal shall be in accordance with the most recent Hudson Health Department fee schedule.

5.13 Any Bodywork Establishment License not renewed by the thirty-first (31st) day of December shall be administratively revoked.

5.14 A Bodywork Establishment License shall be considered retired if not renewed for more than (12) months. A retired license may not be renewed; an initial license application must be submitted to the Department.

SECTION 6. REQUIREMENTS AND STANDARDS FOR BODYWORK THERAPISTS

6.1 No Bodywork Therapist shall perform services if either the Bodywork Therapist, or a client, has a communicable disease or exhibits any skin fungus, skin infection, skin inflammation, or skin eruption. All Bodywork Therapists shall practice safe work-related procedures in accordance with universal precautions, Occupational Safety and Health Administration (OSHA) standards, and the established guidelines of their profession.

6.2 No Bodywork Therapist shall use the therapist-client relationship to solicit for or engage in any sexual activity with any client, whether consensual or otherwise, whether for a fee or otherwise, whether within or outside the Licensed Bodywork Establishment, or to make arrangements to engage in any sexual activity with any client.

6.3 Bodywork Therapists must wash their hands with soap and water immediately before and after administering services to any person.

6.4 Bodywork Therapists must maintain a sufficient level of personal cleanliness and be properly clothed, within the bounds of decency and propriety, in accordance with the standards of their profession. Abbreviated or provocative attire is prohibited. Bodywork Therapists shall wear appropriate attire which at no time will expose any portion of the areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals. The Board or Department shall be the final arbiter as to what constitutes inappropriate or prohibited attire in their discretion.

6.5 Bodywork Therapists may not perform services they are not specifically licensed to perform, such as diagnose disease, joint/spinal manipulation, acupuncture, or massage therapy.

6.6 Bodywork Therapists shall not operate equipment they are not trained or licensed to operate, such as x-ray, fluoroscope, diathermy, or other similar equipment.



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6.7 Bodywork Therapists may not use, or allow any client to use, alcoholic beverages, illegal drugs, illicit drugs, marijuana, whether for medical or recreational usage, or controlled substances in the Licensed Bodywork Establishment.

6.8 Bodywork Therapists may administer treatment to a person younger than 18 years of age, provided that a parent or guardian signs an intake form for the client younger than 18 years of age who is receiving treatment and provided that the parent or guardian of the client is provided the option to observe the treatment session from inside the therapy room.

6.9 Bodywork Therapists may only practice bodywork in Licensed Bodywork Establishment(s).

6.10 At no time shall a practitioner of bodywork therapy conduct any business, or list as a business, his/her address. Additionally, at no time may clients be seen at the Bodywork Therapist/practitioner's residence or run a bodywork business as a door-to-door enterprise.

6.11 At no time shall a Bodywork Therapist conduct or run a business from a residence, condominium, hotel, motel, mobile home, or other residential setting.

SECTION 7. REQUIREMENTS AND STANDARDS FOR BODYWORK ESTABLISHMENTS

7.1 Bodywork Establishments shall comply with zoning requirements of the Town of Hudson.

7.2 Bodywork Establishments shall provide that all public areas and rooms used for therapy, and all employee areas, are clean and sanitary.

7.3 The Bodywork Establishment must be well-lighted, adequately ventilated, properly heated, and free from defects that would create a public health or employee safety hazard in accordance with all local, state and federal regulations.

7.4 Bodywork Establishments shall contain a waiting area for clients within the establishment. Such waiting room shall not have shades, covers, or blackout curtains. Each waiting area must be lit with a combination of natural and artificial lights. Window sprays are prohibited.

7.5 Bodywork Establishments shall have at least one handwashing sink, located within close proximity to all therapy rooms. Such sink shall be supplied with hot water between 100°F – 110°F, hand soap, and disposable paper towels. Hand washing sinks located inside a restroom shall not be used to satisfy this requirement.

7.6 All bodywork within the Bodywork Establishment shall be conducted in adequately lighted, heated, and ventilated rooms.

7.7 Every room used for treatment of patrons shall be equipped with a door and have at least seventy (70) square feet of floor space. All treatment room doors shall not be capable of being locked.

7.8 Floors, walls, and ceilings of Bodywork Establishments shall be constructed of materials that are easily cleanable. These surfaces shall be kept clean at all times.



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7.9 All equipment, furniture, linens, and supplies used in the performance of Bodywork shall be maintained in a safe and sanitary manner.

7.10 Linens, towels, robes, and cloths, which come into direct contact with the bodies or patrons shall, after each use and before each reuse, be laundered in such a manner as to ensure effective sanitation.

7.11 No common use of robes, towels, cloths, sheets, or other linens is permitted. All used robes, towels, cloths, or other linens shall be kept in covered containers, closed cabinets, or closed bags and shall be held separately from clean robe, towel, cloth or linen storage areas. Such separate storage areas shall be plainly marked as "CLEAN" or "SOILED".

7.12 All oils, creams, lotions, talc, or other preparations used in administering bodywork shall be kept in a clean and closed condition. All such containers shall be stored in appropriate cabinets or shelving. Patrons shall be granted access to inspect all oils, creams, lotions, talc, or other preparation treatment substances before use on the individual.

7.13 If any latex-containing products are used, a sign shall be conspicuously posted alerting all clients that latex-containing products are in use.

7.14 Hours of operation for any Bodywork Establishment shall be limited to 8:00 AM to 9:00 PM, with the last appointment to end no later than 9:00 PM.

7.15 There shall be at least one (1) Licensed Bodywork Therapist/person-in-charge present in the Bodywork Establishment when it is in operation.

7.16 One (1) individual trained in CPR must be on-site at the Bodywork Establishment at all times during operating hours.

7.17 All Bodywork Establishments shall keep records of clients who have received services. These records shall be made available to the Department during an active investigation of reported communicable disease.

7.18 No room or section of a Bodywork Establishment shall be used as a bedroom or for sleeping or domicile. A Bodywork Establishment shall not be located in, or a portion of, a residence, condominium, hotel, motel, mobile home, or any other residential setting.

7.19 Standard or portable massage tables shall be covered with a durable washable material, which is capable of being cleaned and sanitized, and is cleaned and sanitized after each patron use.

7.20 Any room used by any person licensed to practice bodywork shall have ready access to an adequate supply of hot and cold water, sanitizing chemicals and equipment. All Sanitizing chemicals/equipment on site should be labeled with all ingredients it contains, in case of a spill. All furniture and equipment in each room shall be kept clean and sanitary at all times.

7.21 Restrooms must be made available to customers/employees and shall be located in an easily accessible area within or near the permitted establishment.



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7.22 All non-disposable instruments or devices designed or used for direct application to the skin shall be sanitized after use on each person in a manner sufficient to maintain cleanliness. All such instruments or devices shall be kept in a clean location.

7.23 The facility shall have adequate equipment for disinfecting and sanitizing non-disposable instruments and materials used in administering bodywork.

7.24 No un-sanitized part of an instrument (i.e. Hot Stones) shall be applied directly to the skin of a patron.

7.25 No items of sexual nature may be stored or displayed within the Bodywork Establishment or on premise.

7.26 Use of any kind of nicotine or cannabis delivery product is prohibited within a Bodywork Establishment or on premise.

7.27 Smoking is prohibited within a Bodywork Establishment or on premise.

7.28 No owner or operator, manager, responsible managing employee, or licensee in charge of or in control of a Bodywork Establishment or business may employ or permit a person to act as a Bodywork Therapist who is not in possession of a valid license issued under this regulation.

7.29 The Bodywork Establishment shall have a conspicuously placed sign in the lobby or waiting area that reads "Report any inappropriate actions or unsanitary conditions to the Hudson Police Department at (978)-562-7122 or to the Hudson Health Department at (978)-562-2020".

7.30 A Department of State – "Know Your Rights" Pamphlet and other educational material as deemed necessary by the Public Health Department shall be displayed prominently in employee areas of the Bodywork Establishment in English, as well as in all languages spoken by on-site personnel.

7.31 No Bodywork Establishment shall install a shower or other home good that would allow the employees of such establishment with the ability to live at the facility.

7.32 A written plan describing sanitation measures must be submitted by the applicant to the Department for any bodywork that entails disrobing and/or draping, use of oils or lotions, and/or use of a massage-type table.

7.33 Each Bodywork Establishment shall create specifications and/or qualifications for its employees. These specifications shall be submitted to the Board of Health in writing with the first establishment application after the enactment of these regulations, and shall re-submit the specifications when alterations are made.

SECTION 8. ADVERTISING

8.1 Bodywork Therapists and owners of Bodywork Establishments shall be mindful of professional ethics when placing advertisements. Advertising in periodicals, newspapers, or online in a sexual or provocative manner (i.e. pictures or language) to promote business may be construed as a violation of the proper standards of bodywork and will result in the revocation of the license.



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8.2 The use of an alias by a Bodywork Therapist or apprentice is prohibited, unless the actual name that appears on the License is also used in all advertising and representations.

8.3 Any person who is not permitted in the manner described herein may not represent him/herself as being a licensed bodywork therapist or to hold him/herself out to the public as being licensed by using a title on signs, mailboxes, address plates, stationary, announcements, telephone listings, calling cards, or other instrument of professional identification or advertisements of any sort. The word “Bodywork(s)” may be used in the title or advertisement of an establishment whereas the establishment and the therapist(s) are licensed by the Town of Hudson.

SECTION 9. DEPARTMENT OF STATE – “KNOW YOUR RIGHTS” PAMPHLET

9.1 Any place of employment that is thought to be a common location of human trafficking, as reported by the National Human Trafficking Resource Center, shall post a Department of State – “Know Your Rights” Pamphlet as indicated in Section 7.30.

9.2 The “Know Your Rights” Pamphlet is available free of charge at the following web address:

<https://travel.state.gov/content/dam/visas/LegalRightsandProtections/Wilberforce/Wilberforce-ENG-100116.pdf>

9.3 As of the date these regulations are enacted, common human trafficking locations shall include hotels, nail salons, restaurants, bars, strip clubs, farm labor camps, construction companies, large factories, and bodywork establishments as defined herein.

9.4 The Hudson Health Department has the right to include more business locations for human trafficking as they become known to the Department, Hudson Police Department, or the National Human Trafficking Resource Center.

SECTION 10. INSPECTIONS

10.1 The purpose of inspections is to verify the compliance of these Bodywork Regulations.

10.2 Denial of access to any part of a Bodywork Establishment by the licensee, Bodywork Therapist, or an employee may result in immediate revocation/suspension of the license.

10.3 All Licensees shall be subject to a minimum of two (2) inspections by the Department, Hudson Police Department, Hudson Fire Department, or authorized agents over the course of the calendar year. One inspection may be announced to the Bodywork Establishment prior to the visit, and one or more inspections may be unannounced, where an agent visits without prior notification to the establishment.

10.4 If, upon inspection, conditions are found that do not comply with the standards and requirements set forth in these Regulations, a re-inspection may be necessary to ensure corrective action was taken to achieve compliance with these Regulations.

10.5 Re-inspection shall take place when a Bodywork Establishment does not pass an inspection.



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10.6 In the event a Bodywork Establishment does not pass an inspection, it shall submit an application for re-inspection, which shall include the following:

1. A correction plan to be submitted to the Hudson Health Department within five (5) business days of initial inspection.
2. If more than one re-inspection is required, re-inspection fees of \$50 by check or money order may be made payable to the Town of Hudson.
3. A re-inspection application must be submitted to the Hudson Health Department in writing.

10.7 If, upon inspection, conditions are found that do not comply with the provisions set forth in these Regulations, both the operator and any bodywork therapist responsible for violating any of these Regulations may be subject to enforcement proceedings and penalties pursuant to Section 11, Section 13, 14 and 15 hereunder.

SECTION 11. DISCIPLINARY ACTIONS, ORDERS AND HEARINGS

11.1 Disciplinary Actions.

Upon a finding by an agent that a licensee has violated any provisions of these regulations, the Department and/or the Board may impose any of the following actions separately or in any combination that is deemed appropriate to the offense:

1. Suspension of a licensee's right to practice or maintain an establishment for a fixed period of time, or denial of a license application or license renewal.
2. Administrative revocation for failing to renew licensure in a timely manner. Licenses that have been administratively revoked may be reinstated upon the licensee's achievement of all the renewal requirements of these regulations. The license will expire if there is no renewal and the therapist will be considered to not have a license until the renewal requirements are achieved and a license is renewed or (re)issued.
3. Revocation for cause, which terminates the license. The Department and/or the Board may allow reinstatement of a revoked license upon conditions and after a period of time deemed appropriate. Any person whose license has been revoked may not apply for licensure for at least one (1) year, unless otherwise stated in the revocation order.

11.2 Orders.

1. All orders shall be in writing.
2. Orders shall be served on the licensee or licensee's agent as follows:
 - i. by sending a copy of the order by certified mail, return receipt requested, at the last known address or the address appearing on the license, or
 - ii. personally, by any person authorized to serve civil process, or
 - iii. by posting a copy in a conspicuous place on or about the establishment.



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11.3 Hearings.

1. The person to whom any order or notice has been issued pursuant to violations of any provision of these regulations may request a hearing before the Board of Health. Such a request must be in writing and shall be filed with the Department within five (5) business days of receipt of the order or notice. Upon receipt of such request, the Board or its agent shall inform the petitioner thereof in writing of the time and place of said hearing, which shall be commenced within a reasonable time.
2. At the hearing, the petitioner shall be given an opportunity to be heard, to challenge the inspection findings, and/or to show why the order should be modified or rescinded, or why the license should not be suspended or revoked. Any oral testimony given at a hearing shall be recorded electronically and shall be part of the licensee's file.
3. After the hearing, the Board shall make a final decision based upon the complete hearing record and shall inform the petitioner in writing of the decision. If the Board of Health sustains or modifies an order, it shall be carried out within the time period allotted in the original order or in the modification.
4. Every notice, order, decision or other record prepared by the Board in connection with the hearing shall be entered as a matter of public record in the Department.

SECTION 12. CRIMINAL ACTS

12.1 Sexual activity by any person or persons in any Bodywork Establishment is prohibited.

12.2 At no time shall an individual offer, or agree to engage in sexual conduct, with another person for a fee per M.G.L. Chapter 272, Section 53A.

12.3 At no time shall a customer of a Bodywork Establishment request to receive, or agree to engage in, sexual conduct with another regardless of age, M.G.L. Chapter 272, section 53A.

12.4 At no time shall an individual derive support or income from a prostitute's earnings per M.G.L. Chapter 272, Section 7.

12.5 At no time shall an individual induce a minor to become a prostitute or knowingly assist in inducing a person under the age of eighteen (18) to become a prostitute per M.G.L. Chapter 272, Section 4A.

12.6 At no time shall an individual knowingly permit prostitution on the premises per M.G.L. Chapter 272, Section 6.

12.7 At no time shall an individual intentionally expose his/her genitals or breasts to one or more persons per M.G.L. Chapter 272, Section 53.

12.8 At no time shall an individual annoy or accost in a sexual way per M.G.L. Chapter 272, section 53.



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12.9 At no time shall an individual engage in natural or unnatural sexual intercourse with a victim, by compelling the victim to submit by force and against her or his will, or by threat of bodily injury per M.G.L. Chapter 265, Section 22(a) or 22(b).

12.10 At no time shall an individual commit an “indecent” assault and battery, which the victim did not consent to, regardless of age, per M.G.L. Chapter 265, Section 13(b) or 13(h).

12.11 At no time shall an individual secretly video or photograph naked or partially naked people, and at no time shall an individual disseminate secretly obtained videos or photographs of nude or partially nude individuals, per M.G.L. Chapter 272, Section 105.

12.12 At no time shall an individual provide or obtain another individual, or subject, recruit, entice, harbor, or transport an individual by any means, in order to force him or her into servitude per M.G.L. Chapter 265, Section 51.

12.13 At no time shall an individual provide or obtain another individual, or subject, recruit, entice, harbor, or transport an individual by any means, in order to force him or her into sexual servitude per M.G.L. Chapter 265, Section 51.

SECTION 13. GENERAL ENFORCEMENT

These regulations may be enforced by the Department, the Hudson Police Department, Hudson Fire Department, and other departments or agencies appointed by the Board, except that only the Department and/or the Board may grant, deny, revoke, suspend or modify licenses or variances of these regulations.

13.1 The grounds on which the Department may deny renewal, revoke, suspend, or modify any license issued pursuant to these regulations include, but are not limited to:

1. Refusal to permit an agent of the Department or other designated enforcement official to inspect the facility.
2. Interference with an agent of the Department or other designated enforcement official in the performance of their duty.
3. A criminal conviction of the license holder relating to the operation of the establishment.
4. Failure of the licensee to submit the appropriate documentation.
5. Failure to pay the required license fees or assessed fines or penalties.
6. The establishment’s owner, operator, or employee’s failure to comply with these regulations.
7. Committing a Prohibited or Criminal Act as outlined in these regulations.
8. Keeping or submitting any misleading or false records or documents related to the operation of the establishment or practicing bodywork.
9. Otherwise operating a bodywork facility or practicing bodywork so as to cause a threat to the public health or safety shall cause suspension, modification or revocation of a license by the Hudson Health Department after a hearing before the Hudson Board of Health.



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13.2 Enforcement action by the Department may include ordering other appropriate relief, including but not limited to, ordering corrections to the physical facility.

13.3 These regulations may be enforced through appropriate criminal or civil process, including but not limited to that specified at M.G.L. Chapter 40, Section 21D, in any court of competent jurisdiction.

13.4 All criminal acts or violations of Massachusetts General Laws will be enforced by the Hudson Police Department. The Hudson Police Department or the Hudson Health Department may also issue fines per this regulation in addition to penalties assessed by the appropriate criminal court.

SECTION 14. FINES FOR VIOLATIONS OF ORDERS AND SUSPENSIONS

14.1 Any person or entity violating any term or condition of these regulations, or any Department suspension or order enforcing these regulations, shall be subject to a fine for each violation of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each day that such violations continue.

SECTION 15. PENALTIES

15.1 Criminal Penalties.

Pursuant to M.G.L. Chapter 111, Section 31, any person who violates any provision of these regulations shall, upon conviction, be fined not more than one thousand dollars (\$1,000.00) for violation of these regulations. Each day's failure to comply with an order of the Department shall constitute a separate offense.

15.2 Non-criminal Penalties.

Pursuant to M.G.L. Chapter 21D, Section 40, a civil penalty of three hundred dollars (\$300.00) each day a violation exists shall constitute a separate offense and may be assessed at the discretion of the Director, the Department, or the Board of Health for violation(s) of these Regulations.

SECTION 16. EXEMPTIONS

16.1 Pursuant to these regulations, a Bodywork Therapist License shall not be required of the following individuals while engaged in the regular performance of the duties of their respective professions:

1. Physicians, chiropractors, osteopaths, occupational therapists, physical therapists, massage therapists, podiatrists, and athletic trainers that are licensed to practice their respective professions in the Commonwealth of Massachusetts;
2. Hospitals, long-term care facilities, and home health agencies licensed or certified under the laws of the Commonwealth of Massachusetts;
3. Nurses who are registered or licensed under the laws of the Commonwealth of Massachusetts;
4. Barbers, cosmetologists, electrologists, manicurists, and aestheticians who are duly registered under the laws of the Commonwealth of Massachusetts, provided that this exemption shall apply



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solely to the massage of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes in a licensed salon or shop;

5. Acupuncturists duly licensed under the laws of the Commonwealth of Massachusetts;
6. Naturopathic Physicians who are duly licensed by a state or province;

SECTION 17. SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of these regulations shall be declared invalid for any reason whatsoever by a court of competent jurisdiction, that decision shall not affect any other portion of these regulations, which shall remain in full force and effect; and to this end the provisions of these regulations are hereby declared severable.

SECTION 18. TRANSITIONAL RULES

Existing bodywork establishments, as well as individuals who conduct bodywork, shall submit applications for licensure to the Department within thirty (30) days of passage of these regulations (regulations adopted November 1, 2022; application must be submitted by December 1, 2022).

SECTION 19. EFFECTIVE DATE

These Rules and Regulations are formally adopted by the Board of Health and shall be effective upon and after publication of notice in a local newspaper, pursuant to a majority vote of the Board at a public meeting held on October 12, 2022, following a public hearing held on November 1, 2022, and so remain until modified or amended by the Board. **The effective date for this regulation is November 2, 2022.**

HUDSON BOARD OF HEALTH:

Chair, Ms. Christie Vaillancourt

Board Member, Mr. Michael Delfino

Board Member, Ms. Cassia Monteiro



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TOWN OF HUDSON BOARD OF HEALTH

RULES AND REGULATIONS GOVERNING THE PRACTICE OF BODYWORK

NOTICE OF PUBLIC HEARING

Notice for public hearing was published in the Community Advocate on October 21, 2022:

22 • COMMUNITY ADVOCATE • Friday, October 21, 2022

LEGAL NOTICES

contact the Department of Planning and Community Development at (978) 562-2989. All persons interested or wishing to be heard relative to the proposed zoning amendment should appear at the time and place designated above.

A Public Hearing will be held on said petition at 78 Main Street Hudson, MA, 2nd floor meeting room at Hudson Town Hall, 78 Main Street, Hudson, MA at 7:00 PM, Tuesday November 1, 2022

**Hudson Planning Board Chair,
Robert D'Amelio**

CM 10/14

BODYWORK REGULATION - LEGAL NOTICE

The Hudson Board of Health will hold a public hearing on Tuesday, November 1, 2022 at 5:30 p.m. in the Town Hall Auditorium, 78 Main Street Hudson, MA. The Board will consider revising the "Rules and Regulations on Governing the Practice of Bodywork (Regulation # 17-1)." A copy of the proposed revisions to the rules and regulations is available at the Board of Health Office located within Town Hall at 78 Main Street Hudson, MA. The Board invites public comment.

**Christie Vaillancourt
Chair, Hudson Board of Health**

CM 10/21

Tobacco Regulations "Regulating the Sale of Tobacco Products" proposed amendments would change the number of tobacco sale days for selling a tobacco product to an individual under the age of 21.

The complete text of the regulations is available in the Board of Health at the D. Carney Municipal Office 100 Maple Avenue, Shrewsbury 01545. Business hours are through Friday, 8:00 a.m. to 4:00 p.m. Any person wishing to be heard should appear at the time and place designated above, or should send a written request to the Board of Health in time to be heard during the hearing.

PLEASE NOTE: Individuals requesting special accommodations should contact the Health Department at 841-8384 at least five (5) days before the hearing date in order to be heard. Thank you.

CM 10/21

TOWN OF SHREWSBURY PUBLIC HEARING

Notice is hereby given that M. LLC, d/b/a MB Spirits, Adam C. Manager, 200 Hartford Turnpike, has applied to the Select Board for a Transfer of the Section 15 Alcohol Beverage Package License from Landoli Austin's II