



Town of Southborough

Health Department

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Southborough Board of Health

Bodywork Regulations

ARTICLE 1. Authority

These regulations are adopted by the Southborough Board of Health, pursuant to its authority under Massachusetts General Laws, Chapter 111, section 31.

ARTICLE 2. Purpose

The purpose of these Bodywork Regulations is to protect the health and safety of the community and of the persons practicing Bodywork, Bodyworks or Bodywork Therapies, to maintain a standard of health minded practices, as well as to protect victims of human trafficking, who sometimes are exploited within commercial businesses offering legitimate services such as Bodywork, Bodyworks, and Bodywork Therapy. The purpose of these Bodywork Regulations is also to protect the health, safety, and consumer interests of all town residents, clients and employees of these establishments, including without limitation to protect employees of these establishment from becoming victims of human trafficking, who typically endure adverse psychological and physical impacts due to the conditions in which they are held.

ARTICLE 3. Definitions

The following terms, when used in these Bodywork Regulations, shall have the following meanings:

Agent shall mean a person employed by the Town of Southborough who has received authority from the Board of Health to perform functions subject to these Bodywork Regulations.

Applicant shall mean an individual seeking licensure that has: submitted an official application as provided by the Southborough Health Department, two forms of identification, and a CORI/SORI record request form; paid the application fee; and posed for a digital photograph.

Application shall mean the application form provided by the Southborough Health Department which has been signed by the Applicant under penalty of perjury that the information contained in the Application is true and correct, said declaration being duly dated, signed, and notarized within the Town, together with all items listed in Article 4 Section 1.A.-H.

Bodywork, Bodywork Therapy, Bodyworks or Bodyworks Therapy shall mean the practice of a person who uses touch, words or directed movement to deepen awareness of patterns of movement in the body, or the affectation of the human energy system or acupoints or QI meridians of the human body while engaged within the scope of practice of a profession with established standards and ethics; provided, however, that such services shall not be designated or implied to be massage or massage

therapy; provided further that **Bodywork, Bodywork Therapy, Bodyworks or Bodywork Therapy** shall also include, but not be limited to, Reflexology; Ayurvedic Therapies, Ayurvedic Medicine, Polarity or Polarity Therapy; Polarity Therapy Bodywork; Asian Bodywork. Asian Bodywork Therapy, Bodymind Acupressure™; Jin Shin Do; Qi Gong; Tui Na; Shiatsu; Japanese Shiatsu, Jin Shin Do®; Korean Bodywork, Polarity, Macrobiotic Shiatsu, Reiki, Rolph Structural Integration; Shiatsu; Shiatsu Amma Therapy, Traditional Thai Massage or Bodywork, Trager Approach, Tui na, Qi Gong, Zen Shiatsu, or other similar practices as they become known; provided further that **Bodywork, Bodywork Therapy, Bodyworks or Bodywork Therapy** shall not include diagnoses, the prescribing of drugs or medicine, spinal or other joint manipulations or any services or procedures for which a license to practice medicine, acupuncture, chiropractic, occupational therapy, physical therapy or podiatry is required by law.

Bodywork Establishment License shall mean a license issued by the Board of Health to open or conduct an Establishment.

Individual Bodywork Therapist License shall mean a license issued by the Board of Health to a person desiring to be a bodywork therapist at an Establishment.

CORI shall mean a record of criminal offenses committed as an adult or juvenile as compiled by the Criminal History Systems Board.

Establishment shall mean any location, or portion thereof, which advertises and/or provides **Bodywork, Bodywork Therapy, Bodyworks or 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 Commonwealth of Massachusetts is not an establishment for the purposes of these Bodywork Regulations. In addition, an Establishment shall not be located in a private residence, residential condominium, apartment, or other residentially zoned space.

License shall mean a Bodywork Establishment License or Individual Bodywork Therapist License.

Licensee shall mean the holder of a license to practice any form of Bodywork Therapy or to operate an Establishment in the Town of Southborough. Where applicable, this shall include an individual, corporation, limited liability company partnership and/or other business organization.

Patron or Client shall mean a person to whom an Establishment or an Individual Bodywork Therapist provides Bodywork Therapy.

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.

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.

Therapist shall mean a Bodywork practitioner licensed by the Southborough Health Department.

ARTICLE 4. Bodywork Establishment and Individual Bodywork Therapist Licenses

Section 1. Any person desiring to open or conduct a commercial business practicing Bodywork Therapy shall obtain a Bodywork Establishment License from the Town of Southborough Board of Health. Any person desiring to be a bodywork therapist at a Bodywork Establishment shall obtain an Individual Bodywork Therapist License from the Town of Southborough Board of Health. An Application for a Bodywork Establishment License or an Individual Bodywork Therapist License shall include each of the following items:

- A. Completed application form provided by the Southborough Health Department.
- B. Non-refundable application fee according to the Health Department Fee Schedule.
- C. Supporting documentation that the Applicant is eighteen (18) years of age or older by presenting 2 forms of positive identification. One form must include a photograph, such as a valid state driver's license with photo, a state identification card with photo and/or a valid passport. The second form of identification may be a certified long-form birth certificate, certified baptismal record, certified record of marriage, certified copy of Social Security Card, or other photo ID.
- D. A form authorizing the Town of Southborough 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 Southborough Health Department. All responses to the record checks shall be kept confidential. By signing the application or renewal form, the applicant gives authorization to the Town of Southborough 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.
- E. Disclosure of the following convictions or license revocations and explanation of circumstances surrounding them:
 - 1. Any conviction for any sexual-related offense including prostitution, sexual misconduct, and rape, and any other felony against persons occurring within the past ten (10) years.
 - 2. Any conviction of any misdemeanor or felony occurring within the past five (5) years.
 - 3. Revocation, suspension, or denial of a license to practice massage issued by any state or municipality.
 - 4. Loss or restriction of any licensure or certification by any municipality or other jurisdiction for any reason.
- F. Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated, signed, and notarized in the Town. False statements shall constitute grounds for revocation or denial of an issued or un-issued license.
- G. (Bodywork Establishment License only) Proof of professional liability and workers

compensation insurance.

- H. (Bodywork Establishment License only) Name or names of individuals that are currently certified in basic cardiopulmonary resuscitation (CPR) and a copy of their valid certification form. One individual trained in CPR shall be on-site at all times during operating hours.

Section 2. The Board of Health, in consultation with the Town of Southborough Police Department, shall determine whether an applicant's previous conduct, criminal or otherwise, shall disqualify that person from obtaining a license. Any conviction or license revocation as outlined in Article 4 Section 1.E.1-4 shall result in an automatic denial of the application.

Section 3. The Health Department, prior to the issuance of any license, shall evaluate each individual application by the information provided. The Board of Health may place special conditions on any Bodywork Establishment license or Individual Bodywork Therapist License that it issues.

Section 4. A false statement in an Application shall be grounds for denial, suspension or revocation of a Bodywork Establishment license or Individual Bodywork Therapist License.

Section 5. The holder of the Bodywork Establishment License shall be responsible for the physical facility, instruments, advertising, postings, and employees' compliance with these Bodywork Regulations.

Section 6. The holder of a Bodywork Establishment License shall also obtain an Individual Bodywork Therapist License if the individual holder will conduct Bodywork.

Section 7. An Applicant for an Individual Bodywork Therapist License shall allow one front faced digital photograph to be taken by the Southborough Health Department at the time of license Application submittal. This photograph will be attached to the license, if granted.

Section 8. An Applicant for an Individual Bodywork Therapist License shall obtain a physician's letter dated no earlier than six months prior to the submittal of the initial Application stating that the Applicant has had a physical examination and to the best of the physician's knowledge is in good general health, 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.

Section 9. An Applicant for an Individual Bodywork Therapist License must identify the name(s) of the licensed Establishment(s) where he or she will practice Bodywork Therapy. In addition, a license holder shall notify the Southborough Health Department if the individual changes employment venue within the Town.

Section 10. It is a violation of these Bodywork Regulations for any person who is not licensed in this manner described herein to operate a Bodywork Establishment or practice as an Individual Bodywork Therapist.

ARTICLE 5. License Renewal

Section 1. A Bodywork Establishment License or Individual Bodywork Therapist License shall expire on December 31st annually.

Section 2. The Applicant shall provide his/her completed renewal Application to the Southborough Health Department with all required documentation and shall appear in person to be digitally photographed.

Section 3. The fee for each renewal License shall be in accordance with the most recent Health Department fee schedule.

ARTICLE 6. Conditions of Bodywork License

Section 1. No Therapist shall perform services if either the Therapist or a patron has a communicable disease or exhibits any skin fungus, skin infection, skin inflammation, or skin eruption.

Section 2. No Therapist shall use the Therapist-Client relationship to solicit for or engage in sexual activity with any Client, whether consensual or otherwise, whether within or outside the Establishment, or to make arrangements to engage in sexual activity with any Client.

Section 3. Every Therapist must wash his/her hands with soap and water immediately before and after administering services to any Client. However, when access to running water is impractical the Therapists shall sanitize their hands using alcohol of no less than 62% solution or by using any other antiseptic having equal or better antiseptic properties.

Section 4. Every Therapist must maintain a sufficient level of personal cleanliness and be clothed in clean and appropriate attire which at no time will expose any portion of the areola of the female breast, pubic hair, cleft of the buttocks, or genitals.

Section 5. Each Client must be clothed in appropriate attire or draped with clean towels. At no time shall any portion of the Client's areola of the female breast, pubic hair, cleft of the buttocks, or genitals be exposed.

Section 6. A Therapist may not perform any service they are not specifically licensed to perform such as, for example, diagnose disease, perform joint/spinal manipulation, perform acupuncture, or other service. In addition, a Therapists shall not operate equipment they are not trained or licensed to use, such as x-ray, fluoroscope, diathermy, or other similar equipment.

Section 7. A Therapist may not use, or allow a Patron to use, alcoholic beverages, illegal drugs, or controlled drugs on the licensed premises.

Section 8. A Bodywork Establishment License or Individual Bodywork Therapist License is non-transferable. Any change in the business location of the licensee must be reported within fourteen (14) days of the change.

Section 9. The Health Department shall attach the Therapist's photograph and the addresses where the Therapist conducts business on the license.

Section 10. Each Therapist must prominently display his/her license in the waiting room of the Establishment where employed. A Therapist who performs Bodywork at more than one location shall post the license at all locations.

Section 11. The use of an alias by a Therapist is prohibited.

Section 12. A Therapist may not administer a massage unless properly licensed by the Massachusetts Board of Registration of Massage Therapy.

Section 13. A Therapist may not administer treatment to a person less than 18 years of age.

Section 14. Each Therapist shall have a valid form of identification on them at all times within the Establishment.

Section 15. All licensees shall notify the Department of a change of name and/or home address within fourteen (14) days.

Section 16. A Licensee shall notify the Health Department of any criminal complaint brought against him/her within seven (7) days of the issuance of the criminal complaint. Failure to do so may result in revocation of licensure.

ARTICLE 7. Facility and Equipment

Section 1. The holder of a Bodywork Establishment License shall provide that all public areas, rooms used for therapy, and employee areas are clean and sanitary. The 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.

Section 2. Every room used for the treatment of Patrons in an Establishment shall be equipped with a door and have at least 70 square feet of floor space. A treatment room door shall not be capable of being locked.

Section 3. No room or section of an Establishment shall be used as a bedroom or for sleeping purposes or as a domicile.

Section 4. Every waiting room area must be lit with a combination of natural and artificial lights. Blackout curtains, other light prohibitive shades, or window sprays are prohibited.

Section 5. Standard or portable massage tables shall be covered with a durable, washable material capable of being cleaned and sanitized which is cleaned and sanitized after each Patron use.

Section 6. Any room used by a Therapist shall have ready access to an adequate supply of hot and cold water and sanitizing chemicals/equipment. All furniture and equipment in each room shall be kept clean and sanitary at all times.

Section 7. Non-disposable instruments shall be sanitized after use on a Client.

Section 8. The Establishment shall have adequate equipment for disinfecting and sanitizing non-disposable instruments and materials used in administering Bodywork. No owner, operator, manager, responsible managing employee, or licensee in charge of or in control of an Establishment may employ or permit a person to act as a therapist who is not in possession of a valid License issued under these Bodywork Regulations.

Section 9. No un-sanitized part of an instrument (for example, Hot Stones) shall be applied directly to the skin of a Patron.

Section 10. A robe, towel, cloth, or other linen which comes into direct contact with the body of a Patron shall, after use and before re-use, be laundered in such a manner as to ensure effective sanitization.

Section 11. No common use of a robe, towel, cloth, sheet, or other linen 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 area shall be plainly marked as “CLEAN” OR “SOILED”.

Section 12. All oils, creams, lotions, talc, or other preparations used in administering Bodywork shall be kept in factory labeled containers in a clean and closed condition. All such containers shall be stored in appropriate cabinets or shelving.

Section 13. All non-disposable instruments and devices designed or used for direct application to the skin of a Patron shall be kept in a clean location.

Section 14. If latex-containing products are to be used, a sign shall be conspicuously posted stating all Clients shall be advised that latex containing products are in use.

Section 15. Bodywork Therapy shall be conducted only between the hours of 9:00am and 9:00pm.

Section 16. A Patron shall be granted access to inspect all oils, creams, lotions, talc, or other preparation or treatment substances before use on the Patron.

Section 17. Each Establishment shall have a conspicuously placed sign in the lobby which reads “Report any inappropriate actions, sexual or otherwise, to the Southborough Police Department at (508) 485-2121”.

Section 18. No item of sexual nature may be stored within the Establishment.

Section 19. Smoking is prohibited within an Establishment or on the grounds thereof.

Section 20. At least one individual trained in basic CPR must be on-site at the Establishment at all times during operating hours.

Section 21. A Department of State – “Know Your Rights” pamphlet or other educational material as deemed necessary by the Health Department shall be displayed prominently in employee areas in all languages spoken by on-site personnel.

Section 22. No Establishment shall contain or install a shower or other home good that would allow the employees of the Establishment the ability to live at the facility.

ARTICLE 8. Advertising

Bodywork therapists and owners of such Establishments shall be mindful of professional ethics when placing advertisements. Advertising in periodicals, newspapers, or on-line in a sexual or provocative manner (for example, 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.

ARTICLE 9. Department of State “Know Your Rights” Pamphlet

Section 1. Each Establishment shall conspicuously post a Department of State – Know Your Rights Pamphlet in a commonly visited employee information posting area. The pamphlet must be available in all employees’ primary language(s).

Section 2. This Pamphlet is available free of charge at the following web address:
<http://travel.state.gov/content/visas/english/general/rights-protections-temporary-workers.html>

ARTICLE 10. Inspections

Section 1. The purpose of inspections is to verify the compliance with these Bodywork Regulations.

Section 2. Denial of access to any part of an Establishment by the licensee, a bodywork therapist, or an employee shall result in immediate revocation of the License.

Section 3. Establishments shall be subject to periodic inspections by the Health Department or their authorized agents to verify the compliance with these Bodywork Regulations.

ARTICLE 11. Prohibitions

Section 1. No Therapist licensed by Health Department to perform Bodywork shall use the Therapist-Client relationship to solicit for or engage in sexual activity with any Client, whether consensual or otherwise, whether within or outside the massage establishment, or to make arrangements to engage in sexual activity with any Client. All sexual contact and/or sexual relationships are prohibited.

Section 2. At no time shall a Therapist conduct any business at his or her residence, or list as a business, his/her home address. Additionally, at no time may Clients be served at the Therapist’s residence.

Section 3. No Therapist shall operate a Bodywork business as a door-to-door enterprise.

Section 4. At no time shall a Therapist run a Bodywork business from a residence, residential

condominium, hotel, motel, mobile home, or other residential setting.

ARTICLE 12. Criminal Acts

The following criminal acts are prohibited at all Establishments:

Section 1. At no time shall an individual offer or agree to engage in sexual conduct with another person for a fee per Massachusetts General Laws (M.G.L.) Chapter 272, section 53A.

Section 2. At no time shall a customer of an establishment request to receive or agree to engage in sexual conduct with another regardless of age per M.G.L. Chapter 272, section 53A.

Section 3. At no time shall an individual derive support or income from a prostitute's earnings per M.G.L. 272, section 7.

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

Section 5. At no time shall an individual knowingly permit prostitution on the premises per M.G.L. Chapter 272, section 6.

Section 6. At no time shall an individual intentionally expose their genitals or breasts to one or more persons per M.G.L. Chapter 272, section 53.

Section 7. At no time shall an individual annoy or accost in a sexual way per M.G.L. Chapter 272, section 53.

Section 8. 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).

Section 9. At no time shall an individual commit an "indecent" assault & battery which the victim did not consent to regardless of age per M.G.L. Chapter 265, section 13(b) or 13(h).

Section 10. At no time shall an individual secretly video or photograph naked or partially naked people; 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.

Section 11. 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 them into servitude per M.G.L. Chapter 265, section 51.

Section 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 them into sexual servitude per M.G.L. Chapter 265, section 51.

ARTICLE 13. General Enforcement

Section 1. These Bodywork Regulations may be enforced by the Board of Health and its agents, Health Department, Building Department, Fire Department, and Police Department, except that only the Board of Health may grant, deny, revoke, suspend or modify a License granted pursuant to these Bodywork Regulations.

Section 2. The grounds on which the Board of Health may deny renewal, revoke, suspended, or modify a License include, but are not limited to:

- A. Refusal to permit an agent of the Board of Health or other government official to inspect the Establishment.
- B. Interference with an agent of the Board of Health or other government official in the performance of their duty.
- C. A criminal conviction of the License holder relating to the operation of the Establishment.
- D. Failure of the License holder to submit the appropriate documentation.
- E. Failure to pay the required License fees or assessed fines or penalties.
- F. The Establishment's owner, operator, or employee's failure to comply with these regulations.
- G. Committing a Prohibited or Criminal Act per Section 11 and/or Section 12 of these Bodywork Regulations.
- H. Keeping or submitting any misleading or false record or document related to the operation of the Establishment or practicing Bodywork.

Section 3. Otherwise operating an Establishment so as to cause a threat to the public health or safety shall cause suspension, modification, or revocation of License.

Section 4. Enforcement action may include ordering other appropriate relief, including but not limited to ordering corrections to the physical facility.

Section 5. These Bodywork Regulations may be enforced through appropriate criminal or civil process, including but not limited to that specified at M.G.L. c. 40, section 21D, in any court of competent jurisdiction.

Section 6. All criminal acts or violations of M.G.L. at an Establishment will be reported to the Southborough Police Department.

ARTICLE 14. Fines for Violations of Orders and Suspensions

ARTICLE 14. Fines for Violations of Orders and Suspensions

Any person or entity violating these Bodywork Regulations, or any Board of Health or Health Department suspension or order issued pursuant to these Bodywork Regulations, shall be subject to a fine for each violation of three hundred dollars (\$300) for each day that such violation continues. As an alternative to criminal prosecution, these Bodywork Regulations may be enforced pursuant to M.G.L. Chapter 40, section 21D by a Town Police Officer or a representative of the Board of Health or Health Department, in which case the penalty for each violation shall be one thousand dollars (\$1000).

ARTICLE 15. Exemptions

Any physician, chiropractor, osteopath, nurse, physical therapist, massage therapists or acupuncturist operating within the scope of his/her Commonwealth of Massachusetts license or registration and not representing him/herself as a Bodywork Therapist shall be exempt from these Bodywork Regulations.

Hospitals, long-term care facilities, and home health agencies licensed or certified under the laws of the Commonwealth of Massachusetts also shall be exempt from these Bodywork Regulations.

ARTICLE 16. Severability

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

ARTICLE 17

Existing Bodywork Establishments and individuals who conduct Bodywork shall submit applications for licensure to the Southborough Health Department within thirty (30) days of passage of these Bodywork Regulations.

ARTICLE 18

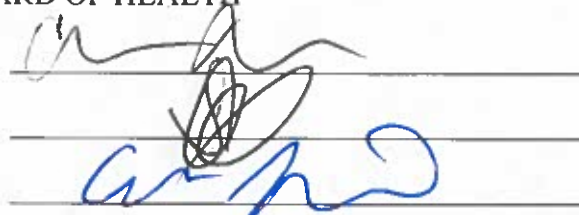
These Bodywork Regulations shall take effect as of August 1, 2025.

By SOUTHBOROUGH BOARD OF HEALTH

Chelsea Malinoski

Safdar Medina

Elizabeth Zulick

Three horizontal lines with handwritten signatures in black and blue ink.