MEMORANDUM

Date: November 8, 2002

TO: Board of Health Members

From: Joanne Scott

RE: Massage Regs Suggested Modification

Given the fact that Reiki is performed with light touch, if any, on a fully clothed body, I suggest the following modification to our Massage Regs:

- Change the definition of Massage (ll.A) adding this sentence to the end. Alternative therapies that employ the use of very light, involving no pressure, on fully clothed individuals, are not included in this definition.

In addition, in order to be sure that the public is fully informed regarding the exemption of such therapies from the permitting process and regarding the extent of training of such therapies, the following should be added to the Exceptions and Exclusions: III. A. (6):

. A person practicing an alternative therapy not included in the definition of massage (II.A) provided that the client is given a written statement that includes the exact training received by the practitioner including the number of hours of training received, and that the client signs a statement saying that that information has been disclosed prior to receiving treatment. Such statements must remain at the premises for a least one year.

And III. B(2), after numbering the existing establishment exclusion as (l):

. An establishment that only allows practice of alternative therapies that are not included in the definition of massage. Provided that all linens used in such establishments are washed and then sanitized with chlorine following each individual's session.

REGULATION 11

RULES AND REGULATIONS OF MASSAGE AND/OR COMPLEMENTARY THERAPIES OR CONDUCT OF AN ESTABLISHMENT FOR THE GIVING OF MASSAGE AND/OR COMPLEMENTARY THERAPIES, VAPOR, POOL OR SAUNAS

The Board of Health of Salem hereby orders that the following Regulations be and are hereby adopted under the authority of Section 31 of Chapter III; and Sections 51 and 53, Chapter 140 of the General Laws of the Commonwealth of Massachusetts. Regulation #11 adopted July 9, 2002 is hereby revoked.

PERMIT REQUIRED AND FEE: No person shall practice massage and/or complementary therapies or conduct an establishment for the giving of massage and/or complementary therapies or vapor, pool, shower or other saunas for hire, for reward, or for no fee, or advertise or hold himself out as being engaged in the business of massage and/or advertise or hold himself out as being engaged in the business of massage and/or complementary therapies, or the giving of said saunas, in the City of Salem without first obtaining a permit from the Board of Health. The permit fee for each establishment shall be Sixty ($60.00) dollars and for each therapist shall be Sixty ($60.00) dollars. A permit issued to an establishment or therapist is not transferable. All permits shall expire June 30 following the date of issue.

I. DEFINITIONS: for the purpose of these regulations;

A. Massage or Complementary Therapies shall be defined as the application of various techniques to the muscular structure and soft tissues of the human body. Application of massage and complementary therapies may include, but is not limited to, touching, stroking, kneading, tapping, compression, friction, pressure, and those techniques based on manipulation or the application of pressure to the muscular structure or soft tissues of the human body. Alternative therapies that employ the use of very light touch, involving no pressure, on fully clothed individuals, are not included in this definition.

B. Establishment shall mean the room or group of rooms, office, building, place of business, or premises where massage is practiced or where therapeutic or conditions saunas of water, vapor, or other substance are given.

C. Approved shall mean approved by the Salem Board of Health.

D. Approved course of massage and/or complementary therapies shall mean a course in the act and science of massage and/or complementary therapies that includes both theory and practice that is approved by the Salem Board of Health. This course of study shall include a 500 hour course of study that meets the standards of the Associated Bodywork & Massage Professionals (ABMP) or the American Massage Therapy Association (AMTA) or an equivalent professional organization approved by the Board of Health.

E. Massage and/or complementary therapies therapist shall mean a person who provides massage and/or complementary therapies services or therapy.

F. Permitted Massage and/or complementary therapies therapist of establishment shall mean those individuals and establishments that have complied with this regulation, submitted an application as required with a fee, and have been issued a permit by the Salem Board of Health to operate an establishment and/or to practice as a therapist.

EXCEPTIONS AND EXCLUSIONS:

A. Individual: These regulations shall not apply to the following individuals while engaged in the regular performance of the duties of their respective professions:

1. Physicians, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.

2. School athletic trainers.

3. Nurses who are registered or licensed in the Commonwealth of Massachusetts.

4. Barbers and beauticians who are duly registered under the laws of the Commonwealth of Massachusetts, except that this exemption shall apply solely to the massaging of the neck, face, scalp, and hair of the customer or client for cosmetic or beautifying purposes.

5. A person licensed to massage in any city or town in the Commonwealth may conduct massage in Salem, at the request of a physician, without taking out an additional permit, upon notification of the Health Agent.

6. A person practicing an alternative therapy not included in the definition massage (II.A.) provided that the client is given a written statement that included the exact training received by the practitioner including the number of hours of training received, and that the client signs a statement saying that that information has been disclosed prior to receiving treatment. Such statements must remain at the premises for at least one year.

B. Establishments.

1. These regulations shall not apply to institutions licensed as health care facilities such as hospitals, nursing homes, convalescent homes, home heath agencies, or other similarly licenses institutions.

2. An establishment that only allows practice of alternative therapies that are not included in the definition of massage. Provided that all linens used in such establishments are washed and then sanitized with chlorine following each individual's session.

IV. REQUIREMENTS FOR INDIVIDUAL PERMITTING: No person shall be permitted to practice massage and/or complementary therapies in the City of Salem unless they meet the following requirements:

A. Submits to the Salem Board of Health a completed application form, as adopted by the Board of Health, containing all the information therein requested. False statements in said application shall be grounds for denial, suspension, or revocation of a permit or a permit request.

B. Has completed a 500-hour course of study at an institution approved by the ABMP or the AMTA, or by the Salem Board of Health. Persons who have not completed the 500 hours course of study, but

can demonstrate to the Board of Health that they have satisfactorily practiced massage and/or complementary therapies for a period of at ten years next preceding the filing of an application for a permit, may be permitted if recommended by the Health Agent and approved by the Board of Health.

C. Provides written evidence of having satisfactorily completed a course of study from institutions mentioned above and that institution has ABMP, AMTA, or other similar professional organization certification.

D. Provides written evidence that he/she is at least 18 years of age.

E. Provides one face-front photograph at least two inches by two inches taken within 30 days prior to submission of the application.

F. Provides written evidence of professional membership with the ABMP, the AMTA, or other similar professional organization, including professional liability insurance.

G. Provides proof of a negative Tuberculin test as provided in Article V, Section J.

H. Provides three letters of reference from unrelated persons including at least one from a Salem resident.

I. Provide a list of towns or cities where the applicant is or has been permitted during the preceding five years.

V. <u>REQUIREMENTS FOR PERMITTING OF AN ESTABLISHMENT:</u>

Every establishment for the giving of massage and/or complementary therapies, or vapor, pool, shower, or other saunas, shall meet the following requirements:

A. Applicant must submit to the Salem Board of Health a completed application form containing all information therein requested. False statements in said application shall be grounds for denial of a permit request.

B. Every permitted establishment shall notify the Salem Board of Health prior to any change of name, address, or ownership, or prior to any physical alteration or renovation of the establishment.

C. Every permitted establishment shall operate under any name or designation not specified on the permit.

D. No permitted establishment shall be kept open between the hours of 9:00 PM and 7:00 AM, unless specifically authorized in writing by the Health Agent.

E. No permitted establishment shall allow the Salem Board of Health or Police Department to inspect such establishment at any time to the maximum extent allowed by law.

F. No establishment shall employ a massage and/or complementary therapies therapist not permitted by the Salem Board of Health to operate in the establishment.

G. It is forbidden to employ or allow any person in or on the permitted premises to perform a sexual and or acts, or to simulate an act or acts of sexual intercourse, masturbation, sodomy, flagellation, or any sexual acts prohibited by law.

H. If food is served, the establishment must be in compliance with Article X of the "State Sanitary code".

I. No alcoholic beverages shall be allowed in that portion of the building99999 used for the purpose of giving massage and/or complementary therapies, vapor, or other saunas.

J. No person shall treat or be treated if afflicted with a communicable disease such as draining herpes zoster (shingles). However, a person may treat or be treated when a written statement is received from a physician stating that the condition is no longer contagious. The Board of Health requires proof of a negative Tuberculin test with the submittal of an initial application to practice massage and/or complementary therapies.

K. The hands of every person practicing massage and/or complementary therapies shall be thoroughly cleansed by washing with soap and hot water immediately before and after treating a client.

L. All rooms shall be well lighted, well ventilated, and properly heated, in accordance with local and/or state regulations except during those periods declared as emergencies by local or state officials. Lighting in areas used for massage and/or complementary therapies, or saunas, shall be of such intensity that all parts of the room are clearly visible at all times for any employee of the Board of Health or Police Department to see the room from outside the room.

M. There shall be a safe adequate supply of hot and cold running water in a massage and/or complementary therapies room, or immediately adjacent thereto at all times.

N. In an establishment where saunas, vapors, or other substance therapy is provided, there shall be separate toilets, hand washing facilities, showers, and treatment rooms, if the establishment is to be used concurrently by both sexes.

O. All areas of the establishment, including the furniture and equipment, shall be kept in a sanitary condition at all times. This shall include the regular application of sanitizing cleansers and antibacterial agents.

P. All robes, sheets, towels, and any other fabric that may come in contact with the body, shall be white or light colored, properly cleaned, and laundered with bleach at high temperatures, and stored in a sanitary manner. Single service items are acceptable.

Q. Visual access to therapy rooms shall be designed by the permitted establishment to enable viewing of the interior thereof from the outside, subject to approval of the Health Agent.

R. No rooms used for conducting massage and/or related therapies of the giving of vapor or other saunas shall be fitted with doors capable of being locked.

S. All exterior openings to the establishment must be screened if they are left in the open position.

T. The establishment permit, and those of all therapists, must be displayed in a prominent location.

U. The establishment must comply with all local zoning and/or building code requirements.

V. The Board of Health, at its sole and absolute discretion, may waive any of these requirements.

VI. CONDUCT

A. Permitted therapists shall maintain the highest standards of professional conduct.

B. Permitted therapists are to provide services within the scope of the definition of massage and/or complementary therapies and the limits of their training. Permitted therapists are not to employ those complementary therapies and the limits of their training. Permitted therapists are not to employ those massage and/or complementary therapies techniques for which they have not had adequate training. Permitted therapists shall represent honestly their education, training, qualifications, and abilities.

C. Permitted therapists shall not perform manipulations or adjustments of the human skeletal structure, diagnose, prescribe, or provide any other service, procedure, or therapy which requires a license to practice chiropractic, osteopathy, physical therapy, podiatry, orthopedics, psychology, acupuncture, or any other profession or branch of medicine, unless specifically licensed to do so in the Commonwealth of Massachusetts.

D. Permitted therapists shall acknowledge the limitations of their skills and, when appropriate, refer clients to the appropriate qualified professional.

E. Permitted therapists shall not make false claims, regarding potential benefits of the techniques rendered and shall actively participate in educating the public regarding the actual benefits of massage and/or complementary therapies.

F. Permitted therapists shall conduct their business in a professional and ethical manner in relation to their clientele, business associates, acquaintances, and the general public.

G. Permitted therapists shall practice honesty in advertising, promote their services ethically, and practice and advertise only those techniques for which they have received adequate training and/or certification.

H. Permitted therapists shall not apply massage and/or complementary therapies in those cases where they may be contraindicated, without a written referral from the client's primary care provider.

I. Permitted therapists and their clients shall refrain from the use of any mind-altering drugs, alcohol, or intoxicants, prior to or during professional massage and/or complementary therapies sessions.

J. Permitted therapists shall dress in attire suitable and consistent with accepted business and professional practice.

K. Permitted therapists shall not instigate or tolerate any kind of sexual advance while acting in the capacity of a massage and/or complementary therapies therapist.

L. Permitted therapists shall not be affiliated with or employed by any business that utilizes any form of sexual suggestiveness or explicit sexuality in its advertising, promoting of services, or in the actual practice of its services.

M. Individual therapists may practice massage and/or complementary therapies only in permitted Establishments, except as provided herein.

N.

Certified to be a True Copy

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VII. MANDATORY DISCLOSURE

A. Permitted Therapists must provide each client with a Disclosure Document prior to their first session. This document must be presented in not less than 12-point type. The client must sign this document prior to the session. The document must include the following language:

"DISCLOSURE REQUIRED BY THE BOARD OF HEALTH"

"Massage and/or complementary therapies is defined as the application of various techniques to the muscular structure and soft tissues of the human body. Application massage and complementary therapies may include, but is not limited to, touching, stroking, kneading, tapping, compression, friction, pressure, and those techniques based on manipulation or the application of pressure to the muscular structure or soft tissues of the human body.

Massage and/or complementary therapies is provided for the basic purpose of relaxation, stress reduction, and relief of muscular tension.

Massage and/or complementary therapies should not be construed as a substitute for medical examination, diagnosis, or treatment. A physician, chiropractor, or other qualified medical specialist should be consulted for any physical ailment. Massage and/or complementary therapists are not qualified to perform spinal or skeletal adjustments, to diagnose, to prescribe, or to treat any physical or mental illness.

Because massage and/or complementary therapies should not be done under certain conditions, all known medical conditions should be disclosed to the therapist.

Illicit or sexually suggestive remarks or advances will result in immediate termination of the session.

The issuance of a permit for the practice of massage and/or complementary therapies does not constitute an endorsement of the establishment or the permitted therapist by the Board of Health."

B. The signed disclosure document shall be retained by the Permitted Establishment or the therapist for a least one year after services are provided. The establishment shall maintain a log listing client names, dates and times of service. These logs and signed disclosure forms shall be made available for inspections by the Board of Health and/or Police Department.

VIII DENIAL OF APPLICATION FOR PERMIT OR RENEWAL

Any person or establishment, whose application for a permit or permit renewal is denied, may within ten days of said denial, request in writing a hearing upon the cause or causes of denial. The Board of Health may set a time and place for said hearing within a reasonable time not to exceed 14 days.

IX SUSPENSION/REVOCATION OF PERMIT

A. No permit granted under these regulations, whether for individual therapists or for establishments, may be suspended or revoked without a hearing, except that the Health Agent may suspend establishment and therapist permits for flagrant violation of these regulations or under emergency circumstances as determined by the Health Agent. In the event that the Health Agent shall suspend any permit as herein provided, the permit holder shall be entitled to have such suspension reviewed by the Board of Health at its next regularly scheduled meeting or within 14 days of receipt of hearing request, whichever is sooner.

B. Such permits may be suspended or revoked if after a hearing, the Salem Board of Health finds that the permit holder has:

1. Made a material false statement on the application form;
2. Violated or allowed a violation of any of these regulations or any conditions of the permit; or
3. Violated or allowed a violation of any law of the Commonwealth.

X PENALTIES

Whoever violates any provisions of these rules and regulations shall be punished by a fine of not more that $100.00 or imprisonment for not more than six months, or both in accordance with Mass General Laws, Chapter 140, Section 53, as amended. Each day that these violations exist shall constitute a separate violation.

XI. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions and such holding shall not affect the validity of the remaining portions thereof.

City of Salem
Board of Health
120 Washington Street
Salem, MA 01970

Joanne Scott, Health Agent
Christine Harrington, Chair
Martin Fair
Irving Ingraham
Miroslaw Kantorosinski
Mary Leary
Lucy Corchado

A summary published in the Salem Evening News.

After a vote of the Board on March 11, 2003 with 6 affirmative, 0 negative, the Chair abstaining according to custom except to break a tie, the following signatures is authorized.

Christina Harrington, Chair

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APPLICATION FOR A PERMIT
FOR A MASSAGE AND/OR COMPLEMENTARY THERAPIES
ESTABLISHMENT OR FOR AN ESTABLISHMENT FOR THE GIVING
OF VAPOR, POOL OR SAUNAS

FEE $60.00

NAME OF ESTABLISHMENT_____

ADDRESS OR ESTABLISHMENT_____TEL. #_____

NAME OF OWNER_____

ADDRESS OF OWNER_____ TEL. #_____

NAME OF MANAGER_____

HOURS OF OPERATION_____

I verify that I have read the Salem Board of Health "Rules & Regulations of Massage and/or complementary Therapies of Conduct of An establishment for the Giving of Massage, and/or complementary Therapies, Vapor, Pool or Saunas," had an opportunity to ask questions about the regulation and agree to abide by it.

_____

Signature Date

In addition, pursuant to MGL C62C,S49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have fixed all state tax returns and paid all state taxes required under the law.

_____

Signature Date

masestap.wpd revised 11/25/02

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APPLICATION FOR A PERMIT TO PRACTICE MASSAGE AND/OR COMPLEMENTARY THERAPIES

FEE $60.00

NAME_____

ADDRESS_____TEL. #_____

WHERE DO YOU PLAN TO PRACTICE?_____

Have you completed a 500 hour course of study at an Institution approved by the AMBP, AMTA, or an equivalent Professional Organization approved by the Board of Health? Yes____ No ____

IF YES, NAME OF THE INSTITUTION: _____

ADDRESS OF THE INSTITUTION:_____

Have you included documentation of the course of study and documentation that the Institution has AMBP, AMTA, or other similar Professional Organization. Certification? Yes____ No ____

If no, have you practiced Massage and/or complementary Therapies for a period of ten years preceding the filing of this application?

NAME AND ADDRESS OF LOCATION(S) OF SUCH PRACTICE:

_____

_____

Have you provided written documentation that you are at least eighteen years of age?
Yes____ No ____

Have you provided one front face photograph at least two inches by two inches taken within thirty days prior to the submission of this application? Yes____ No ____

Certified to be a True Copy

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SALEM BOARD OF HEALTH

RULES AND REGULATIONS OF MASSAGE OR CONDUCT OF AN ESTABLISHMENT FOR THE GIVING OF MASSAGE, VAPOR, POOL OR SAUNAS

The Board of Health of Salem hereby orders that the following Regulations be and are hereby adopted under authority of Section 31 of Chapter III, and Sections 51 and 53, Chapter 140 of the General Laws of the Commonwealth of Massachusetts. Regulation #11 adopted January 14, 1980 is herby revoked.

I. LICENSE REQUIRED AND FEE: No person shall practice massage or conduct an establishment for the giving of massage or vapor, pool, shower or other saunas for hire or reward or advertise or hold himself out as being engaged in the business of massage, or the giving of said saunas, in the City of Salem without first obtaining a license from the Board of Health. The license fee for each establishment shall be One Hundred ($100.00) dollars and for each massage therapist shall be Fifty ($50.00) dollars. A license issued to an establishment or massage therapist is not transferable. All licenses shall expire June 30 following the date of issue.

II DEFINITIONS: For the purpose of these regulations

A. Massage/Bodywork shall be defined as the application of various techniques to the muscular structure and soft tissues of the human body. Application of massage and bodywork techniques may include, but is not limited to, stroking, kneading, tapping, compression, friction, pressure to the muscular structure of soft tissues of the human body.

B. Establishment shall mean the room or group of rooms, office, building, place of business, or premises where massage is practiced or where therapeutic or conditioning saunas of water, vapor, or other substance are given.

C. Approved shall mean approved by the Salem Board of Health.

D. Approved course of massage shall mean a course on the act and science of massage which includes both theory and practice that is approved by the Salem Board of Health. This course of study shall include a 500 hour course of study which meets the standards of the Associated Bodywork & Massage Professionals (ABMP) or the American Massage Therapy Association (AMTA).

E. Massage therapist shall mean a person who provides massage services or therapy for compensation.

III: **EXCEPTIONS AND EXCLUSIONS:**

A. Individual: these regulations shall not apply to the following individuals while engaged in the regular performance of the duties of their respective professions:

(1) Physicians, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.

(2) School athletic trainers.

(3) Nurses who are registered or licensed under the laws of the Commonwealth of Massachusetts.

(4) Barbers and beauticians who are duly registered under the laws of the Commonwealth of Massachusetts except that this exemption shall apply solely to the massaging of the neck, face, scalp, and hair of the customer or client for cosmetic or beautifying purposes.

(5) A person licensed to massage in any City or Town in the Commonwealth may conduct massage in Salem, at the request of a Physician, without taking out an additional license, upon notification to the Health Agent with written orders.

B. Establishments: these regulations shall not apply to institutions licensed as health care facilities such as, hospitals, nursing homes, convalescent homes, home health agencies or other similarly licensed institutions.

IV. REQUIREMENTS FOR INDIVIDUAL LICENSING: No person shall be licensed to practice massage in the City of Salem unless they meet the following requirements:

A. Submits to the Salem Board of Health a completed application form, in a form adopted by the Board of Health, containing all information therein requested. False statements in said application shall be grounds for denial, suspension or revocation of a license or a license request.

B. Has completed a 500 hour course of study at an institution approved by the AMBP or the AMTA, or by the Salem Board of Health. Persons who have not completed the 500 hour course but can demonstrate to the Board of Health that they have satisfactorily practiced massage therapy for a period of ten years next proceeding the filing of an application for license can be licensed also, if recommended by the Health Agent and approved by the Board of Health.

C. Provides written evidence of having satisfactorily completed a course of study from the institution mentioned above and that said institution has ABMP or AMTA certification.

D. Provides written evidence that he/she is at least eighteen years of age.

E. Provides on front-face photograph at least two inches by two inches taken within thirty days prior to the submission of the application.

F. Provides written evidence of professional membership with the ABMP or the AMTA including professional liability insurance.

G. Provides proof of negative Tuberculin test as provided in Article V, pJ.

H. Provide a list of towns and cities where applicant is or has been licensed for the past five years.

V. **REQUIREMENTS FOR LICENSING OF AN ESTABLISHMENT:** Every establishment for the giving of massage or vapor, pool, shower or other saunas shall meet the following requirements.

A. Applicant must submit to the Salem Board of Health a completed application form containing all information therein requested. False statements in said application shall be grounds for denial of a license request.

B. Every licensee shall notify the Salem Board of Health prior to any change of name, address or ownership or prior to any physical alteration or renovation of the establishment.

C. No licensed establishment shall operate under any name or designation not specified on the license.

D. No Licensed establishment shall be kept open between the hours of 9:00 P.M. and 7:00 A.M. unless specifically authorized in writing by the Health Agent.

E. Every licensee shall permit the Salem Board of Health or Police Department to inspect his/her place of business at any time to the maximum extent permitted by law.

F. No establishment shall employ a massage therapist not licensed by the Salem Board of Health or allow a massage therapist not licensed by the Salem Board of Health to operate in the establishment.

G. It is forbidden to employ or permit any person in or on the licensed premises to perform a sexual act or acts, or to simulate an act or acts of sexual intercourse, masturbation, sodomy, flagellation, or any sexual acts prohibited by law.

H. If food is served, the establishment must be in compliance with Article X of "The State Sanitary Code".

I. No alcoholic beverages shall be permitted in that portion of a building used for the purpose of giving massage, vapor or other saunas as determined by the Salem Board of Health.

J. No person shall treat or be treated if afflicted with a communicable disease such as draining herpes zoster (shingles). However, they may treat or be treated when a written statement is received from a physician to the effect that the condition is no longer contagious. The Board shall require proof of a negative tuberculin test with a new or renewal of a massage permit, to be repeated every two (2) years or at the discretion of the Board.

K. The hands of every person practicing massage shall be thoroughly cleansed by washing with soap and hot water immediately before and after treating a patron.

L. All rooms shall be well lighted, well ventilated and properly heated in accordance with local and/or State regulation except during those period declared as emergencies by local or state officials. Lighting in areas used for massage or saunas shall be of such intensity that all parts of the room are clearly visible at all times for any employee of the Board of Health or the Police Department to see the room from outside the room.

M. These shall be a safe, adequate supply of hot and cold running water in a massage treatment room or immediately adjacent thereto at all times.

N. In an establishment where saunas, vapors or other substance therapy is provided, there shall be separate toilets, hand washing facilities and showers and treatment rooms if the establishment is to be used concurrently by both sexes.

O. All areas of the establishment, including the furniture and equipment therein, shall be kept in a sanitary condition at all times. This shall include the regular application of sanitizing cleansers and antibacterial agents.

P. All robes, sheets, towels, etc., which may come in direct contact with the body shall be properly cleaned and laundered with bleach at high temperatures and stored in a sanitary manner. Single service items are acceptable.

Q. Visual access to therapy rooms shall be designed by the establishment licensee to enable viewing of the interior thereof from the outside subject to the approval of the Health Agent.

R. No rooms used for conducting the practice of massage or giving of vapor or other saunas shall be fitted with doors capable of being locked.

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

T. The establishment must comply with all local zoning and/or building code requirements.

U. The Board of Health at its discretion may waive any of these requirements in its sole and absolute discretion.

VI. **CONDUCT**

A. Licensees shall maintain the highest standards of professional conduct.

B. Licensees are to provide services within the scope of the definition of massage/bodywork and the limits of their training. Licensees are not to employ those massage or bodywork techniques for which they have not had adequate training and shall represent their educational, training, qualifications, and abilities honestly.

C. Licensees shall not perform manipulations or adjustments of the human skeletal structure, diagnose, prescribe, or provide any other service, procedure, or therapy, which requires a license to practice chiropractic, osteopathy, physical therapy, podiatry, orthopedics, psychotherapy, acupuncture, or any other profession or branch of medicine unless specifically licensed to do so.

D. Licensees shall acknowledge the limitations of their skills and, when appropriate, refer clients to the appropriate qualified professional.

E. Licensees shall not make false claims regarding the potential benefits of the techniques rendered and shall actively participate in educating the public regarding the actual benefits of massage and bodywork.

F. Licensees shall conduct their business in a professional and ethical manner in relation to their clientele, business associates, acquaintances, and general public.

G. Licensees shall practice honesty in advertising, promote their services ethically and in good taste, and practice and/or advertise only those techniques for which they have received adequate training and/or certification.

H. Licensees are to be thoroughly educated and understand the physiological effects of the specific massage/bodywork techniques utilized in order to determine whether such application is contraindicated and/or to determine the most beneficial techniques to apply to a given individual.

I. Licensees shall not apply massage or bodywork techniques in those cases where they may be contraindicated without a written referral from the client's primary care provider.

J. Licensees shall refrain from the use of any mind-altering drugs, alcohol, or intoxicants prior to or during professional massage or bodywork sessions.

K. Licensees shall always dress in a professional manner, proper dress being defined as attire suitable and consistent with accepted business and professional practice.

L. Licensees shall in no way instigate or tolerate any kind of sexual advance while acting in the capacity of massage or bodywork practitioner.

M. Licensees shall not be affiliated with or employed by any business that utilizes any form of sexual suggestiveness or explicit sexuality in its advertising promotion of services or in the actual practice of its services.

N. Individual licensees may practice massage only in Licensed Establishments, except as provided herein.

MANDATORY DISCLOSURE

A. No licensee shall provide any massage/bodywork to a client for the first time without first having provided the client with a disclosure document, and requiring the client to sign said document, that includes the following language in not less than 12 point type:

DISCLOSURE REQUIRED BY THE BOARD OF HEALTH

Massage/Bodywork is defined as the application of various techniques to the muscular structure and soft tissues of the human body. Application of massage and bodywork techniques may include, but is not limited to, stroking, kneading, tapping, compression, friction, pressure, and those techniques based on manipulation or the application of pressure to the muscular structure of soft tissues of the human body.

Massage/bodywork is provided for the basic purpose of relaxation, stress reduction, and relief of muscular tension.

Massage/bodywork should not be construed as a substitute for medical examination, diagnosis, or treatment. A physician, chiropractor, or other qualified medical specialist should be consulted for any medical physical ailment. Massage therapists are not qualified to perform spinal or skeletal adjustments, diagnose, prescribe, or treat any physical or mental illness.

Because massage should not be done under certain conditions, all known medical conditions should be disclosed to the massage therapist.

Illicit or sexually suggestive remarks or advances will result in immediate termination of the session.

The issuance of a license for the practice of massage therapy does not constitute the endorsement of the licensee or establishment by the Board of Health.

B. The signed disclosure document shall be retained by the licensee or establishment for at least one year after services are provided. Licensee shall maintain a log listing client names, dates and times of service. These logs and signed disclosure forms shall be made available for inspection by representatives of the Police Department or the Board of Health.

VIII **DENIAL OF APPLICATION FOR LICENSE OR RENEWAL THEREOF**

Any person or establishment whose application for a license or license renewal is denied may within ten (10) days of said denial request, in writing, a hearing upon the cause or causes of said denial. The Board of Health may set a time and place for said hearing within a reasonable time, not to exceed fourteen (14) days.

IX. **SUSPENSION/REVOCATION OF LICENSE:**

A. No license granted under these regulation, whether for individual practitioners or for establishments, may be suspended or revoked without a hearing, except that the Health Agent may suspend establishment and individual licenses for flagrant violation of these regulations or under emergency circumstances as determined by the Health Agent. In the even that the Health Agent shall suspend any license as herein provided, the licensee shall be entitled to have such suspension reviewed by the Board of Health at its next regularly scheduled meeting or within fourteen (14) days of receipt of hearing request, whichever is sooner.

B. Such licenses may be suspended or revoked if, after a hearing, the Salem Board of Health finds that the licensee has:

(1) Made a material false statement on the application form;

(2) Violated or permitted a violation of any of these regulations or of any conditions of the license; or

(3) Violated or permitted a violation of any law of the Commonwealth.

X. PENALTIES**:** Whoever violates any provisions of these rules and regulations shall be punished by a fine of not more than One Hundred $100.00) dollars or imprisonment for not more than six (6) months as amended. Each day that these violations exist shall constitute a separate violation.

XI. **SEVERABILITY:** If any section, subsection, sentence, clause, phrase or portion of these regulations is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such provisions and such holding shall not affect the validity of the remaining portions thereof.

City of Salem
Board of Health
9 North Street
Salem, MA 01970

Joanne Scott, Health Agent
George H. Levesque, Chairman
Martin Fair
Owen Meegan
Irving Ingraham, MD
Mary Madore
Leonard Milaszewski
Peter Saindon
Barbara a. Sirois, Clerk of the Board

Published in the Salem Evening News on October 27, 1995

After a vote of the Board, 4 affirmative,) negative and 0 abstaining, the following signature is authorized.

Signed

George H. Levesque, Chairman

APPLICATION TO PRACTICE MASSAGE

FEE $50.00
NAME_____

ADDRESS_____

Have you completed a 500 hour course of study at an institution approved by the ABMP or the AMTA, or the Board of Health? Yes No

If yes, name of the instuttion:_____

address of institution:_____

Have you included documentation of the course of study and documentation that the institution has ABMP nad/or AMTA certification? Yes No

If no, have you practiced massage therapy for a period of ten years preceding the filing of this application?

name and address of location(s) of such practice:

_____

_____

Have you provided written documentation that you are at least eighteen years of age? Yes No

Have you provided on front face photograph at least two inches taken within thirty days prior to the submission of this application? Yes No

Have you provided written evidence of professional membership with the ABMP or the AMTA, including professional liability insurance? Yes No

Have you provided proof of a negative Tuberculin test (for new applications and repeated every two years)? Yes No

Have you provided three letters of reference from unrelated persons including at least one from a Salem resident? Yes No

Have you provided a list of cities or towns where you are or have been licensed for the past five years? Yes No

I verify that I have read the Salem Board of Health "Rules & Regulations of Massage or Conduct of an Establishment for The Giving of Massage, Vapor, Pool or Saunas," had an opportunity to ask questions about the regulation and agree to abide by it.

_____

Signature Date

In addition, pursuant to MGL, C62C, S49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under the law.

_____

Signature Date

APPLICATION FOR A LICENSE
FOR A MASSAGE ESTABLISHMENT

FEE $100

NAME OF
ESTABLISHMENT_____

ADDRESS OF ESTABLISHMENT_____TEL. # _____

NAME OF OWNER_____

ADDRESS OF OWNER_____TEL.#_____

NAME OF MANAGER_____

HOURS OF OPERATION_____

I verify that I have read the Salem Board of Health "Rules & Regulations of Massage or Conduct of an establishment for The Giving of Massage, Vapor, Pool or Saunas," had an opportunity to ask questions about the regulation and agree to abide by it.

Signature Date

In addition, pursuant to MGL, C62C, S49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under the law.

Signature Date