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**Bodyworks Regulations**

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## **1.0 PURPOSE**

Only persons who meet and maintain a minimum standard of competence and conduct within their professional scope of practice may provide health-related services to the public. The Oxford Board of Health finds it necessary to regulate the practice of bodywork and bodywork therapy within the Town of Oxford. These regulations protect the health, safety and consumer interest of all residents and visitors who utilize these services as well as, protect the employee or potential victims of human trafficking who typically endure psychological and physical impacts due to the conditions in which they are held. We believe these regulations will help create a safe and healthy environment.

## **2.0 AUTHORITY**

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

## **3.0 DEFINITIONS**

**Agent** shall mean a person employed by the Town of Oxford who has received authority from the Oxford Board of Health to perform functions subject to these regulations.

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

**Application Applicant** shall mean an individual seeking a permit that has submitted a complete official application as provided by the Oxford Board of Health, including all required payments and documentation. For Bodywork Establishment permits, the applicant shall be considered all persons who are Owners as defined herein.

**Bodywork or Bodywork Therapy** shall refer to the practice of a person who uses touch, words or directed movement to deepen awareness of the patterns of movement in the body, or the affectation of the human energy system or accupoints or Qimeridians of the human body while engaged within the practice of a profession with established standards and ethics, by any name, including but not limited to Reflexology and/or Bodywork which includes, but not limited to: Acupressure, Asian Bodywork, AMMA Therapy®, Body-Mind Centering, Chi Nei Tsang, Feldenkrais Method, FiveElement Shiatsu, Integrative Eclectic Shiatsu, Japanese Shiatsu, Jin Shin Do®, Korean Bodywork, Bodymind Acupressure TM, Polarity, Macrobiotic Shiatsu, Reiki, Rolph Structural Integration, Shiatsu Amma Therapy, Traditional Thai Massage or Bodywork, Trager Approach, Tuina, Qi Gong, Zen Shiatsu, Ayurvedic medicine or other practices as they become known. The term Body work shall not include practices by persons licensed to conduct Massage or Massage Therapy in accordance with G.L. c. 112, §228 and 269 CMR 2.00, et seq.

**Client** shall mean a person who receives Bodywork Therapy at a Bodywork Establishment.

**Certificate** shall mean successful completion of the most current requirements of the American Organization for Bodyworks Therapies of Asia (AOBTA ®), National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), American Reflexology Certification Board, or other nation professional membership organization recognized by the Institute for Credentialing Excellence, or its accrediting body, that provides a certifications or credential. Any such national professional membership organization or national certification commission must include and established set of

educational standards, require compliance with a specific code of ethics, and offer a grievance process. All certifications and/or credential must be approved by the Oxford Board of Health.

**Bodywork Practitioner or Practitioner** shall mean a person who performs Bodywork Therapy services on clients at a Bodywork Establishment

**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.

**Bodywork Establishment or Establishment** shall mean any location, or portion thereof, which advertises and/or provides bodywork therapy services on the premises in exchange for payment of a fee. 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. In addition, bodywork establishments shall not be located in a private residence, condo, apartment, or other residentially zoned space, unless specifically permitted by the Oxford Board of Health.

**Owner** Any person who operates a bodyworks establishment within the Town of Oxford. For purposes of this regulation, the following individuals shall be considered owners:

- **If the establishment is owned by a corporation, all officers and directors and all stockholders who hold 5% or more of any class of stock;**
- **If the establishment is owned by a Limited Liability Company, the managers and all members who own a 5% or more interest in the Company;**
- **If the establishment is a partnership, all individuals who own 5% or more of the business;**
- **Any other person who directly or indirectly has an interest of 5% or more in the business.**

**Person** shall mean any natural person, firm, corporation, association, partnership or business entity of any kind.

**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.

**Sexual Activity** Any direct or indirect physical contact or communication by any person or between persons which is intended to erotically stimulate either person or both.

**Sex Offender Record 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.

**Therapist** – shall mean a bodywork practitioner permitted by the Oxford Board of Health.

#### **4.0 BODYWORK ESTABLISHMENT& INDIVIDUAL BODYWORK THERAPISTPERMITS**

##### **4.1 Permit Required**

- 1) No person shall operate a Bodywork Establishment in the Town of Oxford unless they are first issued a Bodywork Establishment permit by the Board of Health.
- 2) No person shall allow another to practice Bodyworks Therapy on premises owned and/or controlled by him/her unless the practitioner holds a Bodywork Practitioner permit issued by the Board of Health.
- 3) No person shall engage in the practice of Bodywork in the Town of Oxford unless they are first issued a Bodywork Practitioner permit by the Board of Health.
- 4) No person shall practice Bodywork in the Town of Oxford in any location that is not licensed as a Bodywork Establishment.

##### **4.2 Bodywork Establishment Standards**

- 1) All owners of a Bodywork Establishment shall demonstrate that they have suitable character and qualifications to operate and oversee the practice of Bodywork in manner that is sufficiently protective of public health and safety
- 2) All owners of the Bodywork Establishment must also obtain a Bodywork Practitioner Permit if they are going to perform Bodywork on clients.
- 3) The owners of the Bodywork Establishment are responsible for ensuring that the practice of Bodywork at the Establishment is conducted in accordance with accepted industry standards, all applicable rules, laws and regulations and these regulations, and the owners shall be responsible for any violations occurring on the premises whether they are present or not.
- 4) Each Bodywork Establishment shall designate at least one individual who holds a Bodywork Practitioner permit to be the manager of the facility. Said manager shall be onsite at all times that the Establishment is open for business and shall be responsible for ensuring that the Establishment and all practitioners comply with the requirements of these regulations.
- 5) Each Bodywork Establishment shall have on the premises at all times at least one individual who is currently certified in basic cardiopulmonary resuscitation (CPR) and the use of Automated External Defibrillators(A.E.D.) Each Bodywork Establishment shall have at least on functioning A.E.D. on the premises.
- 6) The premises of every Bodywork Establishment shall be suitable for the practice of Bodywork in a clean, sanitary and safe manner and shall comply with the Facility and Equipment requirements of these Regulations and shall comply with all requirements of

the Town's Police, Fire and Building Department requirements and all other applicable laws.

- 7) No changes shall be made to the physical layout or facilities of the Establishment unless the change is first approved by the Board of Health.
- 8) A Bodywork Establishment permit is valid only for the location stated in the permit and is not transferrable to any other location. The owner of the Establishment shall not allow Bodywork Therapy to be performed in any other location, including but not limited to private homes of clients.
- 9) A Bodywork Establishment permit is not transferrable. Any transfer of ownership interest in the permit must be approved by the Board of Health prior to the transfer.
- 10) By accepting a Bodywork Establishment permit, the owner consents to inspection by officials from the Town of Oxford Board Health, Police, Fire and Building Departments during any time that Bodywork practitioners are on the Premises. Any refusal to allow entry for purposes of inspection may result in suspension, revocation or modification of the permit.
- 11) Bodywork Establishment permits shall be subject to such conditions as the Board deems necessary for the protection of public health and safety, including but not limited to limitations on hours of operation, types of Bodywork that may be performed and number of clients that may be on the premises.

#### **4.3 Bodywork Practitioner Standards**

- 1) Bodyworks Practitioner permits shall only be issued to individuals eighteen years of age or older, who can effectively communicate in English and who are verified by the Board of Health as having suitable character and qualifications to practice Bodywork in a manner that is sufficiently protective of public health and safety.
- 2) The practice of Bodywork shall be conducted in accordance with accepted industry standards, and all applicable rules, laws and regulations and these Regulations.
- 3) The practice of Bodywork shall only be conducted at a Bodywork Establishment with a permit issued by the Board of Health and Bodywork shall not be performed in any other location, including but not limited to the private homes of clients.
- 4) The practice of Bodywork shall comply with the Code of Professional Ethics as set forth in 269 CMR 5.01 and the Standards of Professional Practice as set forth in 269 CMR 5.02. Said regulations are incorporated herein except that the term "Massage" shall be replaced with "Bodywork".
- 5) Bodywork Practitioner permits are non-transferrable.
- 6) Bodywork Practitioner permits shall be subject to such conditions as the Board of Health deems necessary for the protection of public health and safety.

#### **4.4 Permit Application and Procedure**

Any person desiring to operate a Bodywork Establishment or practice Bodywork Therapy in the Town of Oxford shall obtain a Permit from the Oxford Board of Health. The application for this permit shall include the items specified here in:

- 1) Completed application form provided by the Oxford Board of Health, shall include the name, address, telephone number and social security number of the applicant
- 2) Bodywork Establishment applicants shall include, at a minimum, the name, address and telephone number and social security number of every person who will have an ownership interest in the business; the name, address and telephone number and social security number of every Bodywork Practitioner who is expected to work at the establishment, the name, address, telephone number and social security number of all employees who will be working at the Establishment and the name of on-site the manager of the Establishment.
- 3) Bodywork Establishment applicants shall include a floor plan of the Premises with sufficient detail to ensure that the Premises will comply with the Facility and Equipment requirements of these regulations and that the Premises are suitable for the practice of Bodywork. The Board of Health may require an inspection of the Premises prior to issuance of the Permit.
- 4) If the owners of the Bodywork Establishment do not own the property on which the business will be conducted, proof of a signed lease or other authorization from the owner of the property.
- 5) The applicant shall submit a non-refundable application fee with their application. The fee will be determined by the Oxford Board of Health. An application is not considered complete unless accompanied by the applicable fee. All documents submitted for the purpose of obtaining a permit become the property of the Oxford Board of Health and will not be returned.
- 6) The applicant shall provide supporting documentation that they are 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 ID may be a certified long-form birth certificate, or
  - certified baptismal record, or
  - certified record of marriage, or
  - certified copy of Social Security Card.
- 7) A copy of a high school diploma or its verifiable equivalent may be required, upon request of Oxford Board of Health.
- 8) The name, address and telephone number of at least three professional references who can attest to the character and professional competence of the applicant. By submitting

an application, the applicant consents to a representative of the Board contacting the listed references and discussing the application. For Bodywork Establishment permits, references shall be given for each person having an ownership interest in the business.

- 9) The educational and employment history of the applicant. Employment history shall be provided for a period of five years preceding the date of the application. Applicant must disclose of any other business, where applicant is owner, operator or employed. If applicant is working elsewhere the business name and address along with phone number must be disclosed. If you are the business owner, and your employees are employed or were employed elsewhere, the business name and address along with phone number must be disclosed.
- 10) To enhance public safety, permit applicants are required to undergo Criminal Offender Record Information background checks maintained by the Department of Criminal Justice Information Systems (DCJIS), and Sex Offender Record Information checks (SORI) maintained by the Massachusetts Sex Offender Registry Board as part of the license process. CORI checks will be performed in accordance with the Town's CORI policy and will only be conducted as authorized by the DCJIS and G.L. c. 6, § 172, and only after a CORI Acknowledgement Form has been completed by the individuals to be checked.
- 11) 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 by a Notary Public of the Commonwealth of Massachusetts. False statements shall constitute grounds for revocation or denial of an issued or un-issued permit. For Bodywork Establishment permits, the person signing the application shall certify that they are authorized to submit the application on behalf of all owners.
- 12) False statements in said application shall be grounds for denial, suspension or revocation of a permit.
- 13) Applicants for a Bodyworks establishment permit shall provide proof of professional liability of at least one million dollars (\$1,000,000) per occurrence and at least one million dollars (\$1,000,000) aggregate in addition to workers compensation insurance.
- 14) Applicants for a Bodyworks Establishment permit shall provide the name or names of individuals that are currently certified in CPR and A.E.D. certified and the application shall include a copy of their valid certification form.
- 15) All applicants for a Bodywork Practitioner permit must allow one front faced digital photograph to be taken by the Oxford Police Department prior to submission of application submittal. This photograph will be attached to the permit, if granted.
- 16) All Bodywork Practitioner permit applicants must identify the name(s) of the permitted establishment(s) where he or she will practice bodywork therapy. In addition, a permit

holder shall notify the Oxford Board of Health if the individual changes employment venue within the town.

#### **4.5 Issuance or Denial of Permit**

The Board of Health will review all completed permit applications to determine whether the applicant has suitable character and qualifications. Determinations of an applicant's suitability will be based on criminal history checks, consistent with the Town's CORI Policy and any applicable law or regulation, and other information concerning the character, qualifications and fitness of the applicant.

Factors to be considered in determining the suitability of an applicant based on criminal history may include, but not be limited to, the following:

- Relevance of the offense(s) noted on the record to the license sought;
- The nature of the work to be performed (where applicable);
- Time since the conviction(s);
- Age of the candidate at the time of the offense;
- Seriousness and specific circumstances of the offense;
- The number of offenses;
- Whether the applicant has pending charges;
- Any relevant evidence of rehabilitation or lack thereof; and
- Any other relevant information, including information submitted by the individual or requested by the Board of Health.

Other factors to be considered in determining the suitability of an applicant may include, but not be limited to:

- Education and experience level;
- Whether a permit to operate an Establishment or to practice Bodywork has previously been revoked or suspended;
- Whether the applicant has demonstrated an ability to practice Bodyworks in a manner that is sufficiently protective of public health, safety and welfare.

The applicant is to be notified in a timely matter of the decision regarding the determination of suitability.

The Board of Health may deny any application if it finds that the applicant is not a suitable candidate.

The Board of Health may impose conditions upon issuance of a permit that it deems necessary for the protection of public health, safety and welfare.

Upon submission of a completed application, the Board of Health shall consider the application at a duly noticed public meeting.



#### **4.6 PERMIT RENEWAL**

- 1) This permit shall expire on the thirty-first (31<sup>st</sup>) of December annually, unless sooner revoked in accordance with these Regulations.
- 2) The applicant shall provide his/her completed renewal application, in person to the Oxford Board of Health, with all required documentation and shall be digitally photographed at the Oxford Police Department for their permit, no later than the thirty-first (31<sup>st</sup>) of October annually.
- 3) The renewal application shall include any changes occurring since the date of the original application and shall include authorization to conduct a fresh CORI check.
- 4) The fee for each renewal permit shall be in accordance with the most recent Oxford Board of Health fee schedule.
- 5) If the applicant fails to submit a renewal application by the October 31<sup>st</sup> deadline, the permit will expire on December 31<sup>st</sup> and may only be reinstated after the applicant meets all criteria for issuance of a new permit.
- 6) Holders of Bodywork Establishment permits may apply for change in ownership or premises by submitting a written application with such information as may be required by the Board of Health and payment of the applicable fee.
- 7) No replacement permits will be issued.
- 8) All permit holders shall notify the Oxford Board of Health of a change of name and/or address within thirty (30) days. Failure to notify the Oxford Board of Health of any changes may result in suspension or revocation of the permit.
- 9) All permits shall be displayed on the premises in a location that is conspicuous, open and obvious to all people entering the establishment.

#### **5.0 CONDITIONS OF BODYWORK PERMIT**

In addition to the requirements set forth in Section 4.3 of this Regulation, the practice of Bodywork Therapy shall comply with the following:

- 1) No bodywork therapist shall perform services if either the practitioner, or a client, has a communicable disease or exhibits any skin fungus, skin infection, skin inflammation, or skin eruption.
- 2) No permitted 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 of the establishment, or to make arrangements to engage in sexual activity with any client.

- 3) Bodywork therapists must wash his/her hands with soap and water immediately before and after administering services to any person. However, when access to running water is impossible bodywork therapists shall sanitize their hands using alcohol of no less than 62% solution or using any other antiseptic having equal or better antiseptic properties.  
**This is to be used as a temporary solution, not in lieu of proper washing guidelines.**
- 4) Therapists 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 or any portion of the pubic hair, cleft of the buttocks, or genitals.
- 5) Clients must be clothed in appropriate attire or draped with clean towels, at no time shall the client's areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals be exposed.
- 6) Therapists may not perform services they are not specifically permitted to do, such as; diagnose disease, perform joint/spinal manipulation, perform acupuncture, or other. In addition practitioners shall not operate equipment they are not trained or licensed to use, such as; x-ray, fluoroscope, diathermy, or other similar equipment.
- 7) Therapists may not use, or allow patrons to use, alcoholic beverages, illegal drugs, or controlled drugs on the permitted premises.
- 8) Therapists, who conduct business at more than one location, shall need to obtain a permit for each and every location. The practitioner shall post a copy of the permit to which an original Oxford Board of Health stamp has been placed.
- 9) Bodywork therapists must prominently display his/her permit in the waiting room of the permitted establishment where employed.
- 10) The use of aliases is prohibited. If the therapist or establishment operator wishes to use a name other than that which appears on a permit, both names must be used together in all advertising and representations.
- 11) Therapists may not administer a massage, unless the individual is properly licensed by the Massachusetts Board of Registration of Massage Therapy.
- 12) Therapists may not administer treatment to a person less than 18 years of age. Proof of age shall be required prior to performing services for a client.
- 13) All therapists shall have a valid form of identification on them at all times within the establishment.
- 14) All permittees shall notify the Oxford Board of Health and the Oxford Police Department of any criminal complaint brought against him/her within seven (7) days. Failure to do so may result in revocation of permit.

- 15) A written plan describing sanitation measure must be submitted by the applicant to the Oxford Board of Health for any bodywork that entails disrobing and /or draping, use of oils or lotions, and /or use of a massage-type of table.

## **6.0 FACILITY and EQUIPMENT**

In addition to the requirements set forth in Section 4.2 of this Regulation, all Bodywork Establishments shall comply with the following:

- 1) The operator 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.
- 2) Every room used for the treatment of patrons shall be equipped with a door and have at least 70 square feet of floor space. All treatment room doors shall not be capable of being locked.
- 3) No room or section to an establishment shall be used as a bedroom or for sleeping purposes, or as a domicile.
- 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, posters or advertisements are prohibited.
- 5) All new establishments initially permitted after the effective date of these regulations must contain a waiting area for clients within the establishment.
- 6) During open hours the main entrance doors are to remain unlocked, and exits are to be clearly marked. No one other than employees is to utilize the rear entrance to access the business.
- 7) **No bodywork facility shall install a shower or other home good that would allow the employees of such establishment, the ability to live at the facility.** Any establishment, and/or facilities already equipped with showers, table showers and sinks, shall at all times meet the requirements of the Oxford Fire Department and the Oxford Board of Health.
- 8) 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.
- 9) Any room used by any person permitted to practice bodyworks shall have ready access to an adequate supply of hot and cold water and sanitizing chemicals/equipment. Such sink shall be supplied with hot water between 110-130°F, hand soap and hand drying provisions. All furniture and equipment in each room shall be kept clean and sanitary at all times.

- 10) Non-disposable instruments shall be sanitized after each use.
- 11) The facility shall have adequate equipment for disinfecting and sanitizing non-disposable instruments and materials used in administering bodywork. No owner or operator, manager, responsible managing employee, or permitted person in charge of or in control of an establishment or business may employ or permit a person to act as a therapist who is not in possession of a valid permit issued under this regulation.
- 12) No un-sanitized part of an instrument (i.e. Hot Stones) shall be applied directly to the skin of a patron.
- 13) Robes, towels, cloths, or other linens, which come into direct contact with the bodies of patrons shall, after use and before re-use, be laundered in such a manner as to ensure effective sanitization.
- 14) 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".
- 15) 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.
- 16) All non-disposable instruments and devices designed or used for direct application to the skin shall be kept in a clean location.
- 17) 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.
- 18) Conducting of bodywork therapy shall be limited between the hours of 9:00am and 9:00pm. No clients or customers shall remain in the business after hours. Extended hours may be granted by the Oxford Board of Health, on a case by case evaluation.
- 19) Not including clients and exempt professionals, only permit holders may be present or employed in an establishment during operation.
- 20) There shall be at least one (1) permitted, bodywork therapist present in the establishment at all times of the operation.
- 21) Clients shall be granted access to inspect all oils, creams, lotions, talc, or other preparations treatment substances before use on the individual.
- 22) A written plan describing sanitation measure must be submitted by the applicant to the Oxford Board of Health for any bodywork that entails disrobing and /or draping, use of oils or lotions, and /or use of a massage-type of table.

- 23) The facility shall have a conspicuously placed sign in the lobby which reads “Report any inappropriate actions, sexual or otherwise to the Oxford Police Department at (508) 987-0156”.
- 24) No items of sexual nature will be stored within the establishment.
- 25) Smoking is prohibited within a bodywork establishment.
- 26) No therapist in a bodywork establishment may be unclothed.
- 27) All permit holders shall notify the Oxford Board of Health of any criminal complaint brought against him/her within seven (7) days. Failure to do so may result in an Administrative Revocation.
- 28) All therapists shall be properly clothed, within the bounds of decency and propriety, in accordance with the standards of their profession. Abbreviated or provocative attire is prohibited. The Oxford Board of Health or its agent will make the judgment in regards to what constitutes inappropriate or prohibited attire.

## **7.0 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 (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 permit.

Any person who is not permitted in the manner described herein may not represent him/herself as being a permitted or licensed bodywork therapist or to hold him/herself out to the public as being permitted by using a title on signs, mailboxes, address plates, stationery, announcements, telephone listing, calling cards or other instruments of professional identification or advertisements of any sort.

Unless all bodywork therapists within the establishment possess individual permits to practice bodywork in the Town of Oxford, any person operating a bodywork establishment may not present his/her establishment as a permitted bodywork establishment or to hold his/her establishment out to the public as being permitted by using a title on signs, mailboxes, address plates, stationery, announcements, telephone listings, calling cards, or other instruments of professional or advertisements of any sort.

## **8.0 DEPARTMENT OF STATE – KNOW YOUR RIGHTS PAMPHLET**

Sex trafficking is a form of modern-day slavery in which individuals perform commercial sex through the use of force, fraud, or coercion. Minors under the age of 18 engaging in commercial sex are considered to be victims of human trafficking, regardless of the use of force, fraud, or coercion. Sex traffickers frequently target victims and then use violence, threats, lies, false promises, debt bondage, or other forms of control and manipulation to keep victims involved in the sex industry for their own profit.

Sex trafficking exists within diverse and unique sets of venues and businesses including fake massage businesses, escort services, residential brothels, in public on city streets and in truck stops, strip clubs, hotels and motels, and elsewhere.

The Oxford Board of Health has determined that Bodywork Establishments have a likelihood of becoming common locations for human trafficking.

Therefore, the owner of a Bodywork Establishment shall conspicuously post in an area commonly visited by employees of the Establishment the Department of State – Know Your Rights pamphlet, which is available at the following link:

<http://travel.state.gov/content/visas/english/general/rights-protections-temporaty-workers.html>

## **9.0 INSPECTIONS**

- 1) The purpose of inspections is to verify the compliance of these regulations.
- 2) Denial of access to any part of an establishment, by the permittee, by a bodywork therapist, or their employee shall result in immediate revocation of the permit.
- 3) Applicants will be subject to periodic inspections by the Oxford Board of Health, Oxford Police Department, or their authorized agents.
- 4) All bodyworks establishments will keep records of all clients who have received services, which may be used in the event of a communicable disease being reported to the board. Client's information shall include but not limited to Name, Address, drivers license number and state. If the client does not have a drivers license, information from a state ID, passport or other legal document will be accepted. These records shall be produced immediately upon request by the Oxford Board of Health or its Agents.
- 5) Establishments and therapists are subject to inspection by the Oxford Board of Health or its authorized agents(s) during all times of operation. **Inspections will be conducted at random no less than two (2) times a year. Not to include state inspections or in relation to a complaint.**

## **10.0 PROHIBITIONS**

- 1) Sexual contact and/or sexual relationships. No person permitted by Oxford Board of Health 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.
- 2) At no time shall a practitioner of bodywork therapy conduct any business, or list as a business, his/her home address, condominium, hotel, motel, mobile home, or other residential setting. The Oxford Board of Health may allow permitted operations at these

locations upon request. Additionally, at no time may clients be seen at the practitioner's residence or run a bodywork business as a door-to-door enterprise.

- 3) No therapist shall provide bodywork therapy services on a client when a communicable disease will be spread through the bodywork process. All therapists must practice safe work-related procedures in accordance with universal precautions, Occupational Safety and Health Administration (OSHA) standards, and the established guidelines of their profession.

## **11.0 CRIMINAL ACTS**

- 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 .
- 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.
- 3) At no time shall an individual, derive support or income from a prostitute's earnings per M.G.L. 272, section 7.
- 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.
- 5) At no time shall an individual knowingly permit prostitution on the premises per M.G.L. Chapter 272, section 6.
- 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.
- 7) At no time shall an individual annoy or accost in a sexual way per M.G.L. Chapter 272, section 53.
- 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).
- 9) At no time shall an individual commit an "indecent" assault & battery which the victim did no consent to, regardless of age, per M.G.L. Chapter 265, section 13(b) or 13(h).
- 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.
- 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.

- 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.

## **12.0 ENFORCEMENT**

- 1) A duly authorized agent of the Board or member of the Oxford Police Department may issue an order to immediately suspend any permit issued pursuant to these regulations if the permit holder, or any person acting on its behalf, refuses to permit entry or interferes in an inspection in any way, or if there is an immediate threat to public, health, safety or welfare. In the case of such suspension, the practice of bodywork shall immediately cease and, in the case of an establishment, the establishment shall be closed. Any person aggrieved by such suspension may request a hearing before the Board of Health. Said request shall be in writing and received by the Board within seven (7) days of issuance of the order. After hearing the evidence at such hearing, the Board may modify, affirm or rescind the order, or it may revoke the permit in accordance with paragraph 2 of this section. If no hearing is requested within the time set forth herein, the order of suspension shall remain in place until such time as the Board of Health certifies, in writing, that all violations have been corrected.

## **12.0 FINES FOR VIOLATIONS OF ORDERS AND SUSPENSIONS**

- a) criminal conviction of the permit holder relating to the operation of the establishment;
  - b) Failure of the permit holder to submit the appropriate documentation;
  - c) Failure to pay the required permit fees or assessed fines or penalties;
  - d) The establishment's owner, operator, or employee's failure to comply with these regulations or any other applicable rule, law or regulation;
  - e) Committing a Prohibited or Criminal Act per sections 7.0 and 8.0 of this document;
  - f) Keeping or submitting any misleading or false records or documents related to the operation of the establishment or practicing bodywork; or
  - g) Otherwise operating a bodywork facility or practicing bodywork so as to cause a threat to the public health or safety.
- 1) Such revocation or suspension may take place after a hearing held by the Board of Health of which the permit holder is given seven (7) days written notice. Such notice shall be deemed given upon mailing same, certified mail, return receipt requested, to the address listed on the permit application.
  - 2) Upon a finding of a violation as set forth in paragraph 1, permit holders may be subject to discipline based on the following guidelines:



First Violation: Permit Modification or Suspension, 1 to 7 days  
Second Violation: Permit Modification or Suspension, 7 to 30 days  
Third Violation: Permit Modification or Suspension of 30 days or Revocation  
Fourth or subsequent violation: Revocation of Permit

Only offenses which have occurred within the thirty-six months preceding the date of violation shall be used in calculating the number of offenses for purposes of the sentencing guidelines.

The sentencing guidelines are only a guide. The Board may use its discretion in determining whether the facts surrounding a violation warrant a penalty which is more lenient or severe than that suggested by the guidelines.

The sentencing guidelines shall not be construed so as to limit the Board's authority to consider alternative dispositions, or further conditions on a permit or even alternate penalties (e.g. roll back of operating hours).

- 3) These regulations may be enforced by the Oxford Board of Health, Inspectional Services Department, Oxford Fire Department, and Oxford Police Department, and their duly authorized agents, except that only the Oxford Board of Health may grant, deny, revoke, suspend or modify permits or variances of these regulations. Whoever violates any provision of this regulation may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition by-law. If noncriminal disposition is elected, then the non-criminal fine for each such violation, if not otherwise specified, shall be \$300.00.

Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

- 4) Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- 5) The Board of Health may enforce these Regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

### **13.0 EXEMPTIONS**

- 1) Any Physician, chiropractor, osteopath, nurse, physical therapist, massage therapist 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 regulations.
- 2) Hospitals, long-term care facilities, and home health agencies licensed or certified under the laws of the Commonwealth of Massachusetts shall be exempt from these regulations.

#### **14.0 SEVERABILITY**


If any chapter, section, paragraph, sentence, clause, phrase, or word of these regulations shall be declared invalid for any reason whatsoever, 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.

#### **15.0 TRANSITIONAL RULES**

Existing bodywork establishments, as well as, individuals who conduct bodywork shall submit applications for licensure to the Oxford Board of Health within thirty (30) days of passage of these regulations.

#### **16.0 EFFECTIVE DATE**

These regulations shall take effect as of February 4, 2019.

  
Kerrie Singer, Chairman

2-4-19  
Date

  
David Escobar, Vice Chairman

2/4/19  
Date

  
Dina Costa, Member

2-4-19  
Date