

Town of Hingham
Board of Health

“BODYWORK and BODYWORK THERAPY RULES & REGULATIONS”

Section 1. Authority to Promulgate

The following regulations are promulgated by the Town of Hingham Board of Health under the authority of Massachusetts General Law (MGL) Chapter 140, Sections 51 and 53, and Chapter 111, Section 31.

Section 2. 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 Hingham Board of Health finds it necessary to regulate the practice of bodywork and bodywork therapy within the Town of Hingham to protect the health, safety and consumer interest of all residents and visitors who utilize these services in Hingham.

Section 3. Definitions

For the purposes of these regulations, the following terms shall have the following meanings.

Board: The Hingham Board of Health.

Bodywork (Bodywork Therapy): *Bodywork* shall refer to the practice of Reflexology and/or Asian Bodywork (including, but not limited to: Accupressure, AMMA Therapy®, Chi Nei Tsang, Five Element Shiatsu, Integrative Eclectic Shiatsu, Japanese Shiatsu, Jin Shin Do®, Bodymind Acupressure™, Macrobiotic Shiatsu, Shiatsu Amma Therapy, Traditional Thai Massage, Tuina , Zen Shiatsu, and Ayurvedic medicine).

Bodywork Practitioner: Any person holding an active and valid license to practice bodywork in the Town of Hingham.

Establishment: The room or groups of rooms, offices, buildings, place of business or premises where bodywork is practiced in Hingham.

Massage (Massage Therapy): The systematic treatment of the soft tissues of the body by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion for purposes of demonstrating muscle excursion or muscle flexibility and nonspecific stretching.

Owner: Any person, partnership or corporation holding a valid permit to operate a bodywork establishment within the Town of Hingham.

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.

Section 4. Required License and Permit

- A. No person shall practice Bodywork for hire or reward or advertise or hold him/herself out as being so engaged in the Town of Hingham unless first having been issued a license to practice Bodywork pursuant to this regulation.
- B. No person shall own or operate an Establishment for the practice of Bodywork in the Town of Hingham unless first having been issued a permit pursuant to these regulations.
- C. Bodywork shall only be provided in a permitted Establishment. Permitted practitioners may provide services off-site for single events, such as health fairs and demonstrations, provided they request and receive approval of the Health Department at least five (5) days prior to the event.
- D. A license issued to a Bodywork Practitioner is not transferable to another person.
- E. A permit issued to the Owner of an Establishment is not transferable to another location, person or entity.
- F. A Bodywork Practitioner license shall expire on December 31st of each year. Any applications received after that date shall be subject to a twenty-five dollar (\$25.00) late fee.
- G. An Establishment permit shall expire on December 31st of each year. Any applications received after that date shall be subject to a twenty-five dollar (\$25.00) late fee.

Section 5. Exceptions and Exclusions

- A. This regulation shall not apply to the following persons duly licensed or registered in the Commonwealth of Massachusetts while engaged in the regular performance of their professional activities:
 - 1) Physicians, chiropractors, osteopaths, podiatrists, physical therapists, occupational therapists, athletic trainers, or acupuncturists;
 - 2) Massage therapists practicing Massage; and
 - 3) Barbers and beauticians when massaging of the face, scalp and hair of the client for cosmetic or beautifying purposes.
- B. A hospital, nursing home, convalescent home, rehabilitation facility, chiropractic facility, physical therapy facility, massage therapy facility or other institution or facility licensed by the Commonwealth of Massachusetts or the United States federal government is exempt from the Establishment permit requirement. However, any person providing Bodywork services in such an institution or facility is required to obtain a Bodywork Practitioner license as provided herein unless specifically excluded under this regulation or applicable statute.

Section 6. Practitioner License Application

No person shall be licensed as a Bodywork Practitioner in the Town of Hingham unless he or she provides the following:

- A. A complete and accurate application along with the appropriate non-refundable application fee to the Hingham Health Department. False statements in said application shall be grounds for denial or revocation of a license.
- B. Satisfactory evidence that the applicant is eighteen (18) years of age or older by presenting two forms of positive identification.
- C. The applicant shall provide satisfactory evidence of being certified by an appropriate licensing authority, or its equivalent or successor organization which shall be submitted directly to the Department.
- D. One face front photograph at least two (2) inches by two (2) inches in size taken within thirty (30) days prior to the submission of the application.
- E. Evidence of good moral character. Such evidence may consist of two (2) original letters attesting to the applicant's personal character and professional ethics. Said letters should be professional references from a prior employer, licensed medical professional, clergy or person deemed acceptable by the Board.
- F. Disclosure of any revocation, suspension, restriction or denial of any license, registration or certification previously issued to the applicant by any state, municipality or jurisdiction.
- G. Consent to a background check consisting of a current (within ninety 90 days) Massachusetts Criminal Offender Record Information (CORI) report. A CORI report may be obtained from the Hingham Police Department and included with the application. An applicant, by means of submitting an application, grants the Board the right to obtain and/or update a CORI report on the applicant or Bodywork Practitioner, once licensed, at any time.
- H. An attestation to adhere to all pertinent regulations specified herein.

Section 7. Establishment Permit Application

An Owner of an Establishment for the providing of Bodywork in the Town of Hingham shall provide the following:

- A. The applicant for the establishment permit application must provide written evidence of professional liability insurance.
- B. A complete and accurate application along with the appropriate non-refundable application fee to the Hingham Health Department. False statements in said application shall be grounds for denial or revocation of a permit.
- C. Satisfactory evidence that the applicant/Owner is eighteen (18) years of age or older by presenting two forms of positive identification.
- D. All documentation that identifies a duly chartered owning partnership and/or corporation for the Establishment which the Owner is affiliated, if applicable.

- E. The name of the Establishment's general manager who shall be designated by the Owner to act on its behalf. A general manager may be the Owner and/or a Practitioner.
- F. An attestation by the applicant to adhere to all pertinent regulations specified herein.

Section 8. Standards of Practice and Professional Conduct

A Bodywork Practitioner shall adhere to the following professional standards and conduct.

- A. A Bodywork Practitioner shall adhere to a scope of practice consistent with his or her professional educational background, instruction and experience.
- B. A Bodywork Practitioner shall maintain sufficient level of personal cleanliness and clothed in clean and appropriate attire.
- C. Inappropriate touching of a client during a Bodywork session in a provocative or sexual manner is prohibited.
- D. Sexual Activity between a Bodywork Practitioner and a client is prohibited.

Section 9. Establishment Standards

An Establishment Owner and its designated representatives shall adhere to the following operating standards:

- A. An Establishment shall operate under the name or designation on the permit. The Board should be notified within twenty-one (21) days prior to any intended change to the name of the Establishment.
- B. An Establishment shall conspicuously display a true copy of its permit to operate.
- C. An Owner shall employ due diligence when hiring personnel and delegating authority.
- D. Any person who performs Bodywork at an Establishment must possess a valid Bodywork Practitioner license.
- E. A client shall be entitled to view a copy of a Bodywork Practitioner's license if so requested. (The Bodywork Practitioner's personal address may be redacted from the copy that is reserved for this purpose)
- F. An Establishment shall maintain true and unaltered copy of a Bodywork Practitioner's license from all persons providing Bodywork services at an Establishment. These employment records shall be kept for at least three (3) years.
- G. An Establishment shall maintain a written record of all services that include the date, the name of the client, the Bodywork Practitioner providing service, the service provided and the charges imposed in adherence to standard business practices. These business records shall be kept for at least three (3) years.
- H. All room(s) used for Bodywork shall have at least one hundred (100) square feet of floor space.
- I. All room(s) used for Bodywork shall not have doors with locks nor capable of being locked in any way.
- J. All rooms used for Bodywork shall be clean, well lighted, adequately ventilated and properly heated in accordance with local and state regulations.
- K. No room or section of an Establishment shall be used as a bedroom or for sleeping or domicile.

- L. Any Sexual Activity within an Establishment is prohibited.
- M. No alcoholic beverages may be served in an Establishment.
- N. Any Establishment serving food or food products shall obtain a food service permit from the Hingham Health Department and adhere to the provisions of the Massachusetts Sanitary Code and any supplemental local regulations that govern this activity.
- O. The use of x-ray, fluoroscope, diathermy, ultrasound, laser, or other similar electro-therapeutic equipment or device is prohibited.
- P. Public advertisements describing an Establishment that appeal to prurient interests or advertising in a manner that uses sexual or provocative language or pictures, as determined by the Board, are prohibited.
- Q. An Establishment shall remain closed between the hours of 11:00PM and 7:00AM unless specifically authorized by variance by the Board.

Section 10. Renewals

- A. A Bodywork Practitioner must renew his or her license by December 31st of each year to maintain its active status. The renewal process includes:
 - 1) Submitting to the Board a complete and accurate renewal form along with payment of a non-refundable renewal fee.
 - 2) Disclosure of any revocation, suspension, restriction, or denial of any license, registration or certification issued by any state, municipality or jurisdiction.
 - 3) Disclosure of any criminal conviction involving the Bodywork Practitioner that has occurred over the previous year.
- B. An Owner must renew his or her Establishment permit by December 31st of each year in order to maintain its active status. The renewal process includes:
 - 1) Submitting to the Board a complete and accurate renewal form along with payment of a non-refundable renewal fee.
 - 2) Disclosure of any arrest that occurred within the Establishment during the previous year.
 - 3) Disclosure of any criminal conviction regarding the Owner(s) or any Bodywork Practitioner or employee associated with the Establishment that occurred over the previous year.

Section 11. Inspections

- A. An Establishment is subject to periodic and unannounced inspections by the Board or its authorized agent during all business hours. Authorized agents include designated Hingham Health Department employees or the Hingham Police Department.
- B. Denial of access for the purposes of inspection shall constitute grounds for revocation, suspension or modification of an Establishment permit.

- C. An inspection that reveals that an Establishment does not meet the standards and requirements set forth by this regulation may result in the revocation, suspension or modification of an Establishment permit or Bodywork Practitioner license(s) or both.
- D. A re-inspection may take place if an Establishment is found in noncompliance with the standards or requirements of these regulations. A \$50.00 fee for re-inspection will be charged to the Owner.

Section 12. Revocations, Suspensions, Modifications and Appeals

- A. The Hingham Board of Health may revoke, suspend or modify a Bodywork Practitioner license or Establishment permit for any violation of these rules and regulation.
- B. Any person(s) to whom has been served with an Order for noncompliance may request a hearing before the Board within seven (7) days after the date that the Order was served. Upon receipt of such petition, the Board shall set a time and place for such hearing, and shall inform the petitioner in writing. The hearing shall commence not later than sixty (60) days after the day on which the order was served. The sixty (60) day period may be extended, if in the opinion of the Board, the petitioner has submitted a good and sufficient reason for such postponement.
- C. At the hearing, the petitioner shall be given an opportunity to be heard and to show why the Order should be modified or withdrawn. After the hearing, the Board shall sustain, modify, or withdraw the Order and shall inform the petitioner in writing of this decision within ten (10) business days.

Section 13. Penalties

Any person who violates any provision of this regulation may be punished by a fine of not more than five-hundred dollars (\$500). Each day's failure to comply with an Order of the Board may constitute a \$25.00 fee per day for non-compliance.

Section 14. Variances

- A. The Board may vary the application of any provision of this regulation with respect to any particular variance request when, in the Board's opinion, the enforcement thereof would represent manifest injustice, provided that the decision of the Board shall not conflict with the intent and spirit of this regulation.
- B. A request for a variance shall be submitted in writing. The Board may ask for supporting evidence in order to consider the variance request. The request shall not be deemed complete until all such requested evidence has been received by the Board and certified as such by the Hingham Executive Health Officer.
- C. Any variance granted under this section may be subject to such qualifications, revocation, suspension, or expiration as the Board expressed in granting the variance. A variance granted may be revoked, modified or suspended in whole or in part, only after the person granted the variance has been notified in writing and given an opportunity to be heard in conformity with Section 12 of this regulation.

Section 15. Severability

If any section, subsection, sentence, clause, phrase, heading, or any portion of this regulation 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.

Section 16. Effective Date

This regulation was adopted by unanimous vote of the Town of Hingham Board of Health on June 25, 2025 and is to be in full force and effect on August 1, 2025. A summary explanation of this regulation shall be published in a newspaper of this town and a copy thereof shall be deposited in the Office of the Town Clerk.

HINGHAM BOARD OF HEALTH

- Elizabeth Eldredge, M.D., Chair
- Rosemary Byrne, MSN, ANP-BC, ACHRN
- Mark Lundin