

Synopsis of Changes

The proposed amendments to the Massage Regulations will update the ordinance to address the threat posed by flu viruses such as H1N1, streamline administrative processes, and clarify unclear areas of the regulations regarding plan review and massage therapists working under the supervision of licensed medical practitioners. This proposal will also reduce paperwork for massage therapists by 60% by increasing the period massage therapist permits are valid for from two years to five years.

The proposed fee changes in the accompanying resolution will make the Health Department's Massage Therapy Program essentially self-supporting. These are the first fee increases since 1998. These fees still remain less than those of nearby localities such as Prince William County (where a massage establishment costs \$204 for the initial annual permit and \$153 annually thereafter) and Washington, DC (where a massage therapist permit costs \$177 annually and late renewal fees are \$85 and permit reinstatement fees are \$229).

The proposed amendments to the Massage Regulations would specifically:

1. Clarify that persons who do not hold a massage therapy permit that are providing massages at hospitals, nursing homes, medical clinics, or the offices of a physician, surgeon, physical therapist, chiropractor or osteopath must work under the supervision of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath.
2. Require that a massage therapist who begins to work at a new massage establishment or hotel must notify the Health Department of this change within five business days. The previous language said "immediately", but that was not defined. In the past, these notifications have not always occurred in a timely way.
3. Require that a massage therapist who changes their name, mailing address or telephone number must notify the Health Department of this change within five business days. Currently this is not required. As a result, many massage therapist permit renewal notices are returned as undeliverable mail.
4. Require each massage establishment to provide the names and contact information for each massage therapist working in the massage establishment at the time of their permit application. This information is not currently required. Permitting a massage establishment that does not employ any licensed massage therapists is not appropriate.
5. Require each massage establishment to provide to the Health Department the names and contact information for each massage therapist that enters or leaves their employment. These notifications must be made within five business days. When a massage establishment makes changes in the massage therapists they employ, the Health Department needs to update its records.

6. Drop the requirement that approval of massage therapist applications be communicated by certified mail. Sending only application denials by certified mail will reduce administrative costs.
7. Drop the requirement that applicants for a massage therapist permit disclose their weight on the massage therapist application. This reflects the national trend to not require weight disclosure as many persons are uncomfortable doing so. (Note that DMV no longer requires your weight on your driver's license application.)
8. Allow shower facilities (but not bathtubs) to be cleaned daily instead of after each patron. This will make this section consistent with the cleaning requirements for showers at pool facilities.
9. Change the period a massage therapist permit is valid from two years to five years. This will reduce the paperwork required of massage therapists by 60% and will reduce the Health Department's administrative costs of invoicing for permit renewals.
10. Require that plans for a massage establishment be submitted for review and a facility inspection be conducted by the Health Department at the time an application for a new massage establishment is submitted and whenever a massage establishment is modified or remodeled. Although the Health Department currently conducts a pre-opening inspection of each massage establishment to determine compliance with the Massage Regulations before a permit is issued, pre-opening plan review and inspection was not expressly required. This amendment corrects that omission.
11. Allow City Council to establish a plan review fee for massage establishments. This will allow the City to recover some of the cost of permitting a new massage establishment. An accompanying Council Resolution proposes to set this fee at \$100.
12. Establish February 14 as the expiration date for all massage therapist permits and massage establishment permits in order to streamline administrative operations. Permit fees will not be prorated for part of a year.
13. Remove all references to fee amounts and simply states that fees will be in an amount set by City Council. This will allow Council to adopt fees by resolution rather than having to change the ordinance in order to change fee amounts. An accompanying Council Resolution proposes to set the massage therapist permit fee at \$250 for the period from the date of issuance until February 14 five years after the year of issuance (currently \$50 for two years), the fee for a home massage permit at \$100 annually (currently \$25 annually), and the massage establishment fee at \$100 for the period from the date of issuance until February 14 of the year after the year of issuance (currently \$25 annually).
14. Create a suspended massage therapist permit category that would allow assessment of a reinstatement fee to cover the administrative costs of notifying permit holders of permit suspensions, reviewing documents submitted with applications for permit reinstatement, and notifying permit

holders of reinstatement application determinations. An accompanying Council Resolution proposes to set the massage therapist permit reinstatement fee at \$60.

15. Establish a late renewal application fee for renewal applications submitted more than 14 days late. This will recover some of the administrative costs of multiple permit renewal notices and certified letters notifying massage therapists and massage establishments that they no longer have a permit to operate. An accompanying Council Resolution proposes to set the late permit renewal fee at \$25.
16. Require disinfection of massage tables and bathtubs after cleaning. This is an appropriate public health intervention given the increased prevalence of MRSA, flu viruses like H1N1, and other communicable diseases.
17. Require that all new massage facilities be equipped with a hand sink in each room where massages are performed. Existing massage facilities are grandfathered and will not have to comply with this requirement until they change ownership or until January 1, 2015, whichever comes first. Currently some massage establishments lack easily accessible hand washing facilities. Hand washing is a basic public health intervention to help prevent the spread of diseases. The ordinance change will assure that all massage establishments permitted in the future will have adequate hand washing facilities.
18. Require that a massage therapist thoroughly wash their hands immediately before and after performing a massage. This is a basic public health intervention that had been omitted from the current ordinance.

The DRAFT of the proposed ordinance and resolution are available online on the Health Department's website at: www.alexandriava.gov/MessagePermits.