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DEPARTMENT OF HEALTH

ARTICLE 7. BODY CARE FACILITIES

Sec. 4 – 76. Purpose.

The purpose of this Article is to protect and preserve the public's health and well being of persons who patronize Body Care Facilities in Greenwich through a system of application, licensing, regulation and inspection. (2-14-84) (8-25-03)

Sec. 4 – 77. Definitions.

For the purpose of this Article, the following definitions shall apply:

- (a) Barbering is defined as those practices when performed upon the head, face, scalp or neck for cosmetic purposes only and are recognized as practicing the occupation of barber, including, but not limited to:
 - (1) The cutting, trimming or shaving, of the hair or beard;
 - (2) Singeing, shampooing, dyeing or styling of the hair;
 - (3) The application of cosmetic preparations, hair tonics, antiseptics, powders, oils, clays, creams or lotions;
 - (4) Giving facial and scalp massage or the application of oils, creams, lotions or other preparations either by hand or mechanical appliances; or
 - (5) Styling or cutting hairpieces and wigs.
- (b) Body Care Facility is defined as an establishment offering patron services in the areas including, but not limited to, barbering, hairdressing, cosmetology, skin care, skin treatment or nail care for a fee, charge or hire.
- (c) Connecticut General Statutes are defined as records of laws and acts enacted by the State of Connecticut Legislature.
- (d) Department is defined as the Department of Health of the Town of Greenwich.
- (e) Director is defined as the Director of Health of the Town of Greenwich or the Director's authorized agent.
- (f) Employee is defined as any person who renders any service in connection with the operation of the Body Care Facility.
- (g) Equipment is defined as all mechanical, non-mechanical, stationary or portable machinery used in administering procedures in a Body Care Facility.
- (h) Hairdresser and Cosmetician are defined as any person who engages in the practice of hairdressing and cosmetology and are licensed as such by the State Department.

- (i) Hairdressing and Cosmetology are defined as those practices when performed upon the head, face, scalp, neck, ankles, feet, nails and hands that are for cosmetic purposes only, including, but not limited to:
 - (1) Dressing, arranging, curling, waving, weaving, cutting, singeing, bleaching, and coloring of the hair;
 - (2) Massaging, cleansing, exercising, stimulating or manipulating, with the hands or mechanical appliances the scalp, face, neck, head, ankles, feet, hands or nails;
 - (3) Application of cosmetic preparations, antiseptics, tonics, lotions, creams powders, oils or clays to the scalp, face or neck;
 - (4) Manicuring fingernails of the hand; or
 - (5) Trimming, filing or painting healthy toenails for cosmetic purposes only, excluding cutting nail beds, corns and calluses or other medical treatment involving the foot or ankle, of any person for compensation.
- (j) Health Care Professional is defined as an individual who is certified or licensed by the State and who can demonstrate to the Director that they have been trained extensively by a physician, approved medical facility or school to administer a procedure or use a product or piece of equipment in a Body Care Facility. All health care professionals shall maintain a valid certificate or license that is issued by the State.
- (k) License is defined as a document issued to the Body Care Facility by the Department for specific services rendered.
- (l) Licensed Massage Practitioner or Massage Therapist is defined as any person who for compensation, hire or reward engages in the practice of massage under the provisions of Chapter 384a, Sec. 20-206 et seq. of the Connecticut General Statutes, as amended.
- (m) Licensee is defined as the person or persons who are issued a license to operate a Body Care Facility to render services therein by the Director under the provisions of this Article. The licensee may or may not render services to patrons.
- (n) Massage is defined as any method of manipulating the superficial (external) or deep tissues, muscles, joints or bones or soft parts of the body for remedial, hygienic or other purposes, consisting of rubbing, stroking, pressing, kneading, tapping or any similar treatment accomplished by hand or the use of electrical or mechanical apparatus or appliance. Massage may include the use of oils, ice, hot and cold packs, whirlpools, shower, steam, dry heat, lotions or powders, for the purpose of, but not limited to, maintaining good health. Massage does not encompass diagnosis, prescribing of drugs or medicines, spinal or other joint manipulations, or any service or procedure for which a license to practice medicine, chiropractic, naturopathy, physical therapy, or podiatry is required by law.
- (o) Massage Establishment is defined as the premises of the Body Care Facility that is used and approved to give massage.
- (p) Nail Technician is defined as a person who cuts, shapes, polishes or enhances the nails of the hands and feet for fee, charge or hire. A nail technician may also apply and remove sculptured or artificial nails. This person must meet the requirements set forth by the State Department.
- (q) Patron is defined as any person who is provided access to a Body Care Facility in exchange for a fee or other compensation or any person who, in exchange for a fee or other compensation, is afforded use of a Body Care Facility as a condition or benefit of membership or access.
- (r) Individual or person is defined as any group of individuals, persons, firm, partnership, association, corporation, company or organization of any kind.
- (s) Person In Charge is defined as the person(s) who is responsible for the day-to-day operation of the Body Care Facility. This person may or may not render services to a patron and may or may not be the licensee.

- (t) Physician is defined as an individual who is licensed in accordance with Chapter 370, Sec. 20 (8-14k) of the Connecticut General Statutes. In addition, each physician must be able to demonstrate to the Director that they have had training with equipment, products and/or procedures that they are administering or supervising. Each physician must be actively practicing medicine in the State of Connecticut.
- (u) Practicing Medicine is defined as a person who can append to his or her name the letters “M.D.,” “Doctor,” “Professor,” “Specialist,” “Physician” or any other title, letters or designation, which represents that such person is a physician licensed by the State to diagnose, treat, correct, change, relieve or prevent disease, deformity, defect, injury or other physical or mental condition; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic or other therapeutic or diagnostic substance or technique on any human.
- (v) Procedure is defined as any technique, treatment, service or method that is applied and/or administered to a patron in a Body Care Facility. Procedures are classified as either medical or non-medical. Medical procedures may be administered by a physician as outlined in this Article or by a health care professional when applicable under the direct supervision of a physician. The Director shall have discretion over what procedure is deemed a medical procedure, unless the laws of the State of Connecticut direct otherwise.
- (w) State Department is defined as the Connecticut Department of Public Health and/or any other Connecticut State Department.
- (x) Supplies are defined as general, medical or non-medical items that are used in administering procedures in a Body Care Facility.
- (y) Technical Standards is defined as a document which has been designed by the Department to outline requirements necessary to operate and maintain a Body Care Facility. (2-14-84) (8-25-03)

Sec. 4-77a. Exceptions

This Article shall not apply to any hospital or medical facility operating in accordance with the laws of the State of Connecticut. (8-25-03)

Sec. 4-78. Plan Review and Preoperational Inspection Procedure for a Body Care Facility.

Each licensee shall file an application with the Director on a form proscribed by the Department. A non-refundable filing and plan review fee shall be paid. Whenever a Body Care Facility having a permanent location is constructed, remodeled, or extensively altered, and whenever an existing structure is converted to use as a Body Care Facility, properly prepared plans and specifications for such construction, remodeling or alteration shall be submitted to the Director and other required town agencies for review and approval before construction, remodeling or alteration is begun. Each plan must be accompanied by specifics outlining the Body Care Facility’s operation.

The following requirements also shall apply:

1. Prepared plans drawn to scale of not less than ¼” : 1’ with specifications that shall include, but not be limited to, the proposed layout, construction materials of work areas, the type/model of proposed fixed and portable equipment. Equipment specification sheets must accompany the plan.
2. The plan shall be labeled with specific areas identified, including, but not limited to, procedure and non-procedure rooms, laundry areas, refuse storage, coloring rooms, bath and showering areas, staff lounges, offices, medical and non-medical storage areas.
3. The Director shall approve the plans and specifications if they meet the requirements of this Article and all applicable State Department laws, codes and regulations. The Director reserves the right to consider all recommendations made by the State prior to approving plans and specifications. Plans shall be approved in conjunction with other requirements outlined in this Article.

4. Prior to the Body Care Facility's opening, the Director shall conduct preoperational inspections to determine compliance with the approved plans and specifications with the requirements of this Article, local and state regulations and applicable town departments.
5. Plans are to be designed in conformance with the Department's Body Care Technical Standards as it relates to procedure and non-procedure areas, equipment, etc. The Director reserves the right to revise the Technical Standards as necessary. (2-14-84) (8-25-03)

Sec. 4-79. Licensure.

Each licensee will be required to obtain a license from the Director to maintain or operate a Body Care Facility used by patrons. Application for a license shall be made on forms furnished by the Department. The license shall be valid for one year or a portion thereof (half-year) and renewable each year thereafter.

The following requirements also shall apply:

1. Each licensee who applies for a license to operate a Body Care Facility shall pay a non-refundable annual fee to the Town of Greenwich along with inspection/reinspection fees as required.
2. No license shall be issued or renewed until a completed application has been submitted, the fee has been paid, the plan has been approved and the applicant's Body Care Facility is inspected. All requirements set forth in this Article and all other applicable state and local regulations must be met.
3. Each license issued pursuant to this Article shall be displayed in a conspicuous location in the Body Care Facility. The license shall be issued for only those services listed on the application and approved by the Director.
4. No license shall be issued or renewed to a facility operating within a residential household, or for a door-to-door service operation in the Town of Greenwich.
5. A Body Care Facility's license shall not be transferable from licensee to anyone else or exchangeable from one facility's location to another.
6. No license shall be issued or renewed to a Body Care Facility when an employee of the Body Care Facility has a revoked, suspended or invalid license or certificate to perform a service or procedure of any kind. (2-14-84) (8-25-03)

Sec. 4-79.1. Application Procedure for a Body Care Facility License.

Each applicant for a license to operate a Body Care Facility shall file an application with the Director on a form furnished by the Department. Each licensee shall pay a non-refundable filing fee.

The following requirements also shall apply:

1. The application for a license to operate a Body Care Facility shall include, but is not limited to, the exact nature of the business, hours of operation, the proposed location of the facility, the name, address and telephone number of the licensee, the names and addresses of all employees, copies of all required licenses, certificates and documents of training from individuals, including, but not limited to, physicians and health care professionals who are employed by the licensee to render an offered service or procedure. Authorization shall be given to the Director to verify employee information at the time of application.
2. If the licensee is a corporation, the name of the corporation, and all current directors and officers shall be provided. If the directors and officers of a corporation change, the licensee shall promptly notify the Director in writing.

3. The application shall contain a detailed outline of all services and procedures offered, a list of products, equipment and supplies used by the Body Care Facility, written policies and protocols as they relate to the operation of the Body Care Facility, literature on services and procedures, including, but not limited to, literature that outlines the risks associated with each service or procedure and forms that are designed by the facility that may be used for various purposes, such as the medical assessment of patrons to receive such service or procedure.
4. The application shall contain, for all employees who render a procedure or service, a medical history of all communicable diseases, a current state of health, disabilities and/or other documentation as requested. Information for new employees shall be furnished to the Department in writing at the time of hire. (2-14-84) (8-25-03)

Sec. 4-79.2. Issuance of a Body Care Facility License.

- (a) The issued license shall reflect the facilities complete operation. In the case where massage is offered, the license shall indicate this service as part of the total operation however; a separate massage establishment license must be obtained from the Department pursuant to Article 10 of the Greenwich Municipal Code.
- (b) Any Body Care Facility currently in operation must comply with the provisions of this Article.
- (c) The Director may issue a license within fifteen (15) days after final construction is completed for the Body Care Facility or upon renewal of a license, unless:
 - (1) The operation, as proposed by the licensee, if licensed, would not have complied with all applicable laws of the State of Connecticut and the Town of Greenwich, including, but not limited to, the Building, Planning and Zoning and Fire Departments.
 - (2) The licensee has not complied in full with the requirements set forth in this Article.
 - (3) The licensee or any employee who is directly or indirectly engaged in the management, operation of, or servicing of the Body Care Facility has violated the criminal laws of any state.
 - (4) The Department is denied access for inspection of the premises at any reasonable time or is not provided with the required documentation requested by the Director and consistent with this Article. (2-14-84) (8-25-03)

Sec. 4-80. Procedure for Inspection.

- (a) The Director, after proper identification, shall be permitted to enter, at any reasonable time, any portion of any Body Care Facility for the purpose of making inspections to determine compliance with this Article. No person shall hinder any official from carrying out an inspection under this Article.
- (b) At least once per year, the Director shall inspect each Body Care Facility and shall make as many additional inspections and reinspections as are necessary for the enforcement of this Article.

The following requirements also shall apply:

1. The Director shall have supervision over all matters pertaining to the administration of this Article.
2. The Director shall have the authority to adopt technical standards, policies and inspection procedures to assure proper sanitary maintenance and safe operation of all Body Care Facilities. Such standards, policies and inspection procedures shall conform to the purpose of this Article and may be amended or revised as deemed necessary by the Director. Failure of a Body Care Facility to comply with the requirements as outlined in this Article, the technical standards, policies and inspection procedures shall be considered a violation of this Article. (2-14-84) (8-25-03)

Sec. 4-81. License Suspension and Revocation.

Failure to comply with the provisions of this Article and any applicable state and local regulations shall be grounds for revocation or suspension of any license issued to a licensee under the provisions of this Article, in addition to any other penalty properly imposed.

The following requirements also shall apply:

1. If the Director finds unsanitary or other conditions in the operation of a Body Care Facility which, in the judgment of the Director, constitutes an immediate and substantial hazard to the public, the Director may immediately issue a written notice to the licensee, or person in charge, citing such conditions, specifying the corrective action to be taken and time frame within which action shall be taken. If correction is not made in the allotted time, the license may be revoked or suspended.
2. If the Director finds the condition or the practices of the Body Care Facility to be deleterious to the public's health and well-being, the Director may suspend or revoke a license, without warning, prior to notice or hearing if:
 - a) An outbreak of an infectious, pathogenic or toxic agent is capable of being transmitted to patrons;
 - b) There is an absence of potable water, supplied under pressure, in a quantity that, the Director finds necessary for meeting the needs of the facility.
 - c) There is a sewage backup into the facility;
 - d) There is an unlicensed, untrained, uncertified and/or unsupervised individual including, but not limited to, massage therapists, physicians health care professionals, when applicable, who are performing services and/or procedures requiring licensure, training and/or certification by the State of Connecticut or other recognized State or Federal institutions;
 - e) The Body Care Facility offers services or procedures that are not approved by the Director; or
 - f) The operation of the Body Care Facility constitutes an imminent hazard to the public's health for any reason.
3. A written notice to the licensee citing such conditions and/or violations, etc. shall be issued within 24 hours of closure. The facility will remain closed to the public until the violations are corrected and the Director finds the conditions of the Body Care Facility satisfactory.
4. Suspension or revocation is effective upon service of notice by the Director to the licensee or person in charge. Any notice provided for in this Article is properly served when it is hand delivered or when it is sent by registered or certified mail, return receipt requested, to the licensee to the last known address of the licensee, or to the person in charge at the Body Care Facility. A copy of any notice shall be filed in the records of the Director. When a license is suspended or revoked all operations shall immediately cease.
5. Whenever a license is suspended or revoked, the licensee may, within fifteen (15) working days, file a written appeal to the Director. If no appeal is filed within the fifteen (15) day period, the suspension or revocation shall become final. If an appeal is filed, the Director shall, as soon as reasonably practicable, examine the merits of such suspension or revocation and may vacate or affirm such action. The Director shall serve written notice of the decision and the reason or reasons therefore.
6. The licensee may within fifteen (15) working days appeal the written decision of the Director to the Board of Health. If no appeal is filed within the fifteen (15) day period the suspension or revocation shall become final. Upon receipt of an appeal by the Board of Health, said Board, within a reasonable time, shall schedule a hearing on such appeal. Written notice to the licensee of the hearing shall be given stating a date, not less than thirty (30) days from the date of the mailing or service of the notice, at which, the licensee shall be given an opportunity for a prompt and fair hearing. Either party at the hearing may call witnesses provided a notice of witnesses to be called at the hearing is provided five (5) days prior to the hearing date. The Chairman of the Board of Health shall establish reasonable procedures for the conduct of a fair hearing. On the basis of such hearing, the Board may affirm, modify or reverse the decision of the Director. Written notice of the decision shall be given to the licensee within thirty (30) days of the hearing. (2-14-84) (8-25-03)

Sec. 4-82. Reapplication and License Reinstatement.

- (a) Whenever a Body Care Facility license has been revoked or suspended, the licensee may make a written request for reinstatement of the license. Within ten (10) days following receipt of a written request, including a statement signed by the licensee that the conditions causing the suspension or revocation have been corrected, the Director shall examine the request and make a reinspection of the Body Care Facility within a reasonable time. If, in the opinion of the Director, the licensee has complied with the requirements of this Article and any applicable state and local regulations, the license shall be reinstated. A request for reinstatement of the license shall stay the time for the licensee to appeal and the time to appeal shall run from the date of denial of license reinstatement.
- (b) After a period of sixty (60) days from the date of revocation or refusal to renew, a written application may be made for the issuance of a new license. This application will be treated as a new application requiring the submission of all application materials, including, but not limited to inspections, plan review and fee. (2-14-84) (8-25-03)

Sec. 4-82.1. Transferability of License.

No license shall be transferable to a Body Care Facility that has a change in licensee unless upon the death of the licensee the Body Care Facility may continue to operate for a reasonable period of time, if approved by the Director, and such approval shall not be unreasonably withheld. (2-14-84) (8-25-03)

Sec. 4-82.2. Fees.

On an annual basis the Department may charge a non-refundable licensing fee associated with the operation of the Body Care Facility. In addition, a fee may be charged for repeated violations during a licensing year. The Board of Health shall set all fees for the Department. (2-14-84) (8-25-03)

Sec. 4-83. Penalties.

- (a) Unless otherwise provided, any licensee who violates any provision of this Article shall be fined not more than one hundred dollars (\$100.00) for each violation.
- (b) It shall be the responsibility of the licensee to abate the violation as ordered by the Director. Each day's violation shall be deemed a separate offense. (2-14-84) (8-25-03)

Sec. 4-84. Severability.

If any part of the Article shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Article. (2-14-84) (8-25-03)

Sec. 4-85. Applicability.

This Article shall be in full force and effect three (3) days after publication in a newspaper having general circulation within the Town of Greenwich. (2-14-84) (8-25-03)