

# HOUSE . . . . . No. 4930

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 29, 2024.

The committee on Public Health, to whom was referred the petition (accompanied by bill, House, No. 2237) of Paul McMurtry relative to medical health and fitness facilities, reports recommending that the accompanying bill (House, No. 4930) ought to pass.

For the committee,

MARJORIE C. DECKER.

**HOUSE . . . . . No. 4930**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act relative to medical health and fitness facilities.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 111 of the General Laws is hereby amended by inserting after  
2 section 237 the following section:

3           Section 238. (A) As used in this section the following words shall have the following  
4 meaning unless the context clearly requires otherwise – “Medical Health and Fitness Facilities”  
5 (“MHFF”) are defined as any wellness facility that has created protocols and operating  
6 procedures which all such facilities will need to achieve and maintain in order to be recognized  
7 as such a facility by the Department.

8           (B)Medical Health and Fitness Facilities as recognized by the Department must adhere to  
9 and achieve the following safety standards and facility specifications and requirements:

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11           1.       Medical Application Standards: MHFF facilities must maintain, adhere to and  
12 provide for all of the following medical safeguards and medical service programs:

- 13 a. Written policies and procedures regarding member/guest safety
- 14 b. Emergency response procedures
- 15 c. Individualized health and mental health assessments
- 16 d. Disease management and prevention programs
- 17 e. Lifestyle change/health-risk and chronic pain reduction programs
- 18 f. Physical therapy, post-operative/injury
- 19 g. Physical therapy continued care program
- 20 h. Implementation and maintenance of a Medical Advisory Board
- 21 i. Mental health referral program
- 22 i. Medical Advisory Board (“MAB”) is group of healthcare professionals headed
- 23 by a Medical Director that meet on at least a quarterly basis for the
- 24 purpose of reviewing and providing professional oversight for all
- 25 aforementioned medical applications: The members of the MAB should be
- 26 recognized experts in their field. Their combined experience and valued
- 27 insights should direct the facility in all efforts to enhance all existing wellness
- 28 programs as well as maintain and improve the safety protocols for current
- 29 participants. The MAB also plays a large part in determining what new
- 30 services and or lifestyle improvement programs may be needed or valuable to
- 31 neighboring communities and the client/patient community.

- 32           i.        Medical Director
- 33                    i.        The Medical Director is a licensed medical physician who sits on the
- 34 Medical Advisory Board and oversees, directs and reviews all communications
- 35                               with the MAB.
- 36                    ii.       The Medical Director is responsible for the safe and appropriate
- 37 application of all medical programs within the facility.
- 38            3.        Staffing Requirements and Qualifications
- 39                    a.        All MHFF facilities are required to employ personnel in the following full-time
- 40 positions with qualifications listed.
- 41                    b.        Fitness Director: must have a minimum of an Exercise Physiology or Health
- 42 Science Degree or the equivalent.
- 43                    c.        Certified Pool Operator: Facilities with pools and/or hot tubs and Jacuzzi must
- 44 have a certified pool operator.
- 45                    d.        Operations Manager: Must have a BS in Facility and or Operations Management
- 46 with 5+ years of experience.
- 47                    e.        Fitness Manager on Duty (“FMOD”): all facilities must employ a fitness manger
- 48 on duty at all times of operation.
- 49                    f.        Medical Director: All facilities must have a licensed medical physician to oversee
- 50 the MAB. The Medical Director will be responsible for overseeing the medical and behavioral
- 51 change programs within each facility. The Medical Director will work with the MAB and facility

52 management in order to coordinate various interdisciplinary teams to execute the facility's  
53 medical and wellness policies, systems and agenda.

54 4. Cleaning and Hygiene Procedures: MHFF facilities must maintain and enforce the  
55 following cleaning protocols in accordance with the Massachusetts Safety and Standards  
56 Checklist

57 a. Provide ample and sufficient sanitation wipes easily accessed for members and  
58 staff to clean equipment before and after each individual use.

59 b. Provide ample and sufficient hand sanitation stations easily accessed for members  
60 and staff to consistently sanitize their hands.

61 c. Staff is required to spray down equipment with EPA approved disinfectant at  
62 scheduled times throughout the day to maintain optimal safety and cleanliness. Staff must log  
63 and track cleaning times.

64 d. Staff will disinfect high touch, high use areas consistently throughout the day,  
65 with EPA approved N list cleaning product and log and track times.

66 e. Increase cleaning staff to maintain and enable consistent, thorough and  
67 continuous facility sanitization.

68 5. Air Quality and Control

69 a. MHFF facilities will be required to purchase, install and continuously operate non-  
70 thermal plasma self-contained electronic air and surface decontamination unit(s)

71           b. Said unit(s) shall have the capacity to eradicate bacteria, viruses, mold and odor at an  
72 average reduction rate of 90% in the air and 95% on surfaces in large occupied spaces by  
73 creating oxidized molecules from ambient air using non-thermal plasma technology

74           c. Said unit(s) will not use chemicals in any aspect of operation and will comply with  
75 USDA National Organic Standards (7 CFR Part 205)

76           d. Said unit(s) shall be powered by standard 120 volt outlet

77           e. Said unit(s) shall have no effect on temperature or humidity of the facility

78           f. Said unit(s) shall offer continuous 24 hour treatment

79           g. Said unit(s) can be calibrated for different operations cycles

80           h. Said unit(s) shall be compliant with OSHA safety and air quality regulations.

81           6.       Safety Standards and Required Protocols: MHFF facilities will be required to  
82 implement and maintain the following protocols.

83           a.       Facilities must maintain an updated member contact process e-mail or cell phone.

84           b.       Signs must be posted conspicuously throughout required spaces communicating  
85 safety regulations and requirements for said spaces.

86           c.       All new members are required to fill out a detailed health check form.

87           d.       Automatic External Defibrillators (AEDs) are required; one unit for every 75,000  
88 sq. ft. to ensure prompt and timely application.

89           e.       All staff must be trained in CPR and AED use

- 90 f. All staff must have basic lifesaving skill certification
- 91 g. Facility must have and train all employees in an emergency action plan for the
- 92 following:
  - 93 i. Fire
  - 94 ii. Health emergency
  - 95 iii. Active shooter
  - 96 iv. Aquatic emergency
- 97 h. Facility must track and document training times and trained personnel

98 SECTION 2. The department of public health shall produce an application and any  
99 necessary regulations. The department, within 150 days of receipt of the Medical Health and  
100 Fitness Facility application pursuant to this act, render a final decision denying or granting a  
101 certificate. The department shall grant a facility a certificate to operate as a Medical Health and  
102 Fitness Facility pursuant to this act if, upon receipt of the application, if the department finds  
103 that: (i) the granting of such certificate would be consistent with the best interests of the public  
104 health, welfare or safety; and (ii) the facility is in compliance with the requirements of this act  
105 and applicable regulations. A certification shall last for a period of 24 months from the date of  
106 receipt.