

**HOUSE . . . . . No. 2237**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul McMurtry***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to medical health and fitness facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/18/2023</i>

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By Representative McMurtry of Dedham, a petition (accompanied by bill, House, No. 2237) of Paul McMurtry relative to medical health and fitness facilities. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2364 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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**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:

10           1.       Size: MHFF facilities must exhibit the ability to physically accommodate the  
11 rules and regulations set forth by the Massachusetts Safety and Standards Checklist with regard  
12 to:

13           a.       Social distancing

14           b.       6ft and 14ft separation requirements

15           c.       Directional pathways

16           d.       Adhere to limitations on maximum facility occupancy at any given time

17           2.       Medical Application Standards: MHFF facilities must maintain, adhere to and  
18 provide for all of the following medical safeguards and medical service programs:

19           a.       Written policies and procedures regarding member/guest safety

20           b.       Emergency response procedures

21           c.       Individualized health assessments

22           d.       Disease management and prevention programs

23           e.       Lifestyle change/health-risk reduction programs

24           f.       Physical therapy, post-operative/injury

25           g.       Physical therapy continued care program

26           h.       Implementation and maintenance of a Medical Advisory Board

27 i. Medical Advisory Board (“MAB”) is group of healthcare professionals headed  
28 by a Medical Director that meet on at least a quarterly basis for the  
29 purpose of reviewing and providing professional oversight for all  
30 aforementioned medical applications: The members of the MAB should be  
31 recognized experts in their field. Their combined experience and valued  
32 insights should direct the facility in all efforts to enhance all existing wellness  
33 programs as well as maintain and improve the safety protocols for current  
34 participants. The MAB also plays a large part in determining what new  
35 services and or lifestyle improvement programs may be needed or valuable to  
36 neighboring communities and the client/patient community.

37 i. Medical Director

38 i. The Medical Director is a licensed medical physician who sits on the  
39 Medical Advisory Board and oversees, directs and reviews all communications  
40 with the MAB.

41 ii. The Medical Director is responsible for the safe and appropriate  
42 application of all medical programs within the facility.

43 3. Staffing Requirements and Qualifications

44 a. All MHFF facilities are required to employ personnel in the following full-time  
45 positions with qualifications listed.

46           b.       Fitness Director: must have a minimum of an Exercise Physiology or Health  
47 Science Degree or the equivalent.

48           c.       Certified Pool Operator: Facilities with pools and/or hot tubs and Jacuzzi must  
49 have a certified pool operator.

50           d.       Operations Manager: Must have a BS in Facility and or Operations Management  
51 with 5+ years' experience.

52           e.       Fitness Manager on Duty ("FMOD"): all facilities must employ a fitness manger  
53 on duty at all times of operation.

54           f.       Medical Director: All facilities must have a licensed medical physician to oversee  
55 the MAB. The Medical Director will be responsible for overseeing the medical and behavioral  
56 change programs within each facility. The Medical Director will work with the MAB and facility  
57 management in order to coordinate various interdisciplinary teams to execute the facility's  
58 medical and wellness policies, systems and agenda.

59           4.       Cleaning and Hygiene Procedures: MHFF facilities must maintain and enforce the  
60 following cleaning protocols in accordance with the Massachusetts Safety and Standards  
61 Checklist

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

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

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

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

71 e. Increase cleaning staff to maintain and enable consistent, thorough and  
72 continuous facility sanitization.

73 5. Air Quality and Control

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

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

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

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

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

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

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

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

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

88 a. Temperature must be taken for any person entering the facility. Any person with a  
89 measured temperature of 100 degrees Fahrenheit or higher shall not be

90 allowed to enter the facility.

91 b. Any person entering the facility must be checked in for tracing purposes. (Club  
92 must have a computerized check-in system.)

93 c. Facilities must maintain an updated member contact process e-mail or cell phone

94 d. Signs must be posted conspicuously throughout required spaces communicating  
95 safety regulations and requirements for said spaces.

96 e. All new members are required to fill out a detailed health check form

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

99 g. All staff must be trained in CPR and AED use

100 h. All staff must have basic lifesaving skill certification

101 i. Facility must have and train all employees in an emergency action plan for the  
102 following:

103 i. Fire

- 104            ii.     Health emergency
- 105            iii.    Active shooter
- 106            iv.    Positive COVID test
- 107            v.     Aquatic emergency
- 108            j.     Facility must track and document training times and trained personnel