

Louisiana Board of Massage Therapy
State of Louisiana

JOHN BEL EDWARDS
GOVERNOR



CEASE AND DESIST NOTICE

To: Katelyn Nail Spa
1826 Martin Luther King Jr Blvd
Houma LA 70360

Date: January 24, 2020

Re: Unauthorized Practicing and Advertising Massage Therapy

Dear Sir/Sirs:

The Louisiana Board of Massage Therapy (Board) is charged with licensing and regulating those persons and businesses engaged in the practice of Massage Therapy. The regulations are found in Louisiana Massage Therapists and Massage Establishments Act, La R.S. 37: Chapter 57.

Applicable Provisions of Louisiana Revised Statute 37, Chapter 57 are as follows:

§3556. Licensure; qualifications

A. No person shall engage in the practice of massage therapy without a current license issued pursuant to this Chapter unless such person is exempt under the provisions of this Chapter.

§3564. Regulation of advertising

A. A person or an entity that does not hold a license as a massage therapist, physical therapist, or chiropractor, a certificate to practice athletic training, or a license as a massage establishment shall not use the words "massage", "body work", or any derivative or variation of the word "massage", including specific bodywork or massage modalities, on any sign or other form of advertising. Any advertisement by a massage therapist or a massage establishment shall contain the license number of such therapist or establishment. Building signs with promotional material shall also include the professional or establishment number.

B. No Sexually oriented business, as defined in R.S.37:3558(C) shall use the word "massage", "body work", or any derivative or variation of the word "massage", including specific bodywork or massage modalities, on any sign or other form of advertising.

§3565. Penalties

A. Violation of the provisions of this Chapter shall be considered a misdemeanor and any person, including the owner or operator of a massage establishment, upon conviction, shall be fined not less than one hundred or more than one thousand dollars or imprisoned for not more than six months, or both.

B. A person convicted of a violation of the provisions of this Chapter shall additionally be ineligible for licensure as a massage therapist or as a massage establishment for a period of up to five years from the date of conviction.

§3558. Massage establishments

A. Massage establishments shall be required to be licensed as follows:

(1) Each person engaging in the practice of massage therapy at a massage establishment shall be the holder of a Licensed Massage Therapist Identification Card (LMT-ID Card), which shall identify the therapist as being properly licensed and shall authorize the therapist to provide off-site massage services.

(2) All locations where one or more persons are regularly engaged in the practice of massage therapy shall register with the board as a massage establishment. Additionally, all locations where more than one person is regularly engaged in the practice of massage therapy shall pay the establishment license fee.

(3) Obtaining a massage establishment license shall be the responsibility of the entity which controls the physical location where the services are provided, which entity may be a sole proprietor, lessee, owner, partnership, corporation, cooperative, association, or other legal entity.

B. A massage establishment shall employ or contract only licensed massage therapists to perform massage therapy.

C. For purposes of this Chapter, "sexually oriented business" means a sex parlor, massage parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult motel, or other commercial enterprise which has as its primary business the offering of a service or the sale, rent, or exhibit of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

D. A sexually oriented business shall be ineligible for registration as a massage establishment and shall not operate as a massage establishment.

Violations: During a recent inspection/review, the violations checked below were noted:

 X : The Board has no record of the business location having a current massage establishment license. Operating without a current license is a violation of §3558 A (2).

 : Persons providing massage therapy services at the business location were not licensed by the Board. Employing unlicensed therapists is a violation of §3558 B.

 X : The business location is using the term "massage" in advertising or promotional materials. Using that term without being properly licensed is a violation of §3564 A.

 : Other violation, as follows _____

You are hereby notified to immediately cease and desist advertising and/or performing massage therapy services. Your failure to immediately comply with this notice shall result in the matter being referred to the appropriate police authorities for a criminal investigation for the violation of the above statutes. The Board may also elect to pursue civil injunctive remedies which could result in imposition of civil penalties and an award of attorney fees.

If you feel that the therapist/establishment cited are currently licensed or otherwise exempt from the license requirements of the statutes, you need to immediately notify the Board office in writing at 2645 O'Neal Lane, Bldg. C Suite E. Baton Rouge LA 70816. The Board office can also advise as to the steps required to become properly licensed in the State of Louisiana to engage in the practice of massage therapy.

Should you have any questions concerning this notice, you may contact the Board Office.

Regards,

Louisiana Board of Massage Therapy

NOTICE: In compliance with Act 655 of the 2018 Regular Session, the LBMT hereby gives notice to its licensees and applicants of their opportunity to file a complaint about board actions and board procedures. You may submit such complaints to one or more of the following organizations:

* Louisiana Board of Massage Therapy: *Submit in writing to:* LBMT, 2645 O'Neal Lane, Bldg. C, Ste. E, Baton Rouge, LA 70816; admin@lbmt.org; (225)756-3488.

* Committee on House & Governmental Affairs, La. House of Representatives: *Submit to:* H&GA@legis.la.gov or Committee on House & Governmental Affairs, La. House of Representatives, PO Box 44486, Baton Rouge, LA 70804; (225) 342-2403

* Committee on Senate & Governmental Affairs, La Senate: *Submit to:* s&g@legis.la.gov or Committee on Senate & Governmental Affairs, La Senate PO Box 94183, Baton Rouge, LA 70804; (225)342-9845