

LOUISIANA BOARD OF MASSAGE THERAPY

IN THE MATTER OF

XIAOMEI DONG

LICENSE NO. 7287

ORDER OF SUMMARY SUSPENSION

Pursuant to La. R.S. 49:961(C), the Louisiana Board of Massage Therapy ("LBMT") summarily suspends License number 7287 issued to Xiaomei Dong ("Ms. Dong"), pending an administrative hearing scheduled for January 21, 2022, at 11:00 a.m.

This Order of Summary Suspension is effective as of December 16, 2021. Upon execution of this Order, Ms. Dong is not authorized to engage in the practice of massage therapy and must immediately cease and desist from the practice of massage therapy, as defined by La. R.S. 37:3552. Further, Ms. Dong must cease and desist from referring to herself as a licensed massage therapist.

I. INITIAL FINDINGS

To protect public health, safety, and welfare, emergency action is required due to the nature of the complaints against Ms. Dong. On October 6, 2021, the LBMT received information regarding the conduct of Ms. Dong while providing massage therapy services, as detailed below. On October 6, 2021, a customer ("E.W.") entered a business advertising the provision of massage services located at 3634 Eunice Iota Hwy., Iota, Louisiana, 70543. E.W., who was five (5) months pregnant at the time of the incident, requested a thirty (30) minute massage. E.W. was not asked to complete any paperwork or an intake form.

Ms. Dong asked E.W. to get undressed and closed the door to the room. E.W. removed all of her clothing and laid on the massage table. She was given a sheet with which to cover her body, which she described as barely covering her body. E.W. stated that the massage began in a typical fashion. However, Ms. Dong began massaging her buttocks and slid her fingers high up her inner

thigh, and brushed against her vagina multiple times. At this time, Ms. Dong was breathing in a heavy, moaning tone.

Ms. Dong then moved to the other side of the massage table and became more sexually aggressive in conducting the massage. Ms. Dong moaned louder, and inserted her finger inside of E.W.'s vagina, without E.W.'s consent. E.W. pushed Ms. Dong's hand away and told her to stop the massage. Ms. Dong apologized and left the room. After E.W. got dressed and exited the room, Ms. Dong asked E.W. for a tip. After E.W. refused, Ms. Dong again asked for a tip in a more aggressive manner. E.W. took down Ms. Dong's license number and left the establishment.

Based on the foregoing, it is alleged that Ms. Dong violated the following rules and regulations applicable to the LBMT:

Code of Conduct for Licensed Professional Counselors, La. Admin Code. tit. 46, Pt XLIV, §3101, et seq.:

§3101 Prohibitions of Sexual Activity

- A. All sexual activity by any person or persons in any massage establishment is absolutely prohibited.
- B. No massage establishment owner or operator shall engage in, or permit any person or persons to engage in, sexual activity in a massage establishment or to use that establishment to make arrangements to engage in sexual activity in any other place.
- C. No massage therapist shall engage in sexual activity with a current client of the therapist.
- E. As used in this Rule and §5301 of this Part:
 - a. sexual activity—includes:
 - b. the purposeful touching of the genitals of another person...whether through draping or clothing, whether resulting in penetration or orgasm or not, and whether by instrumental manipulation, touching with the hands, or other bodily contact;
- F. For purposes of this rule, the term *client* means and includes any person receiving massage therapy services provided for compensation...

La. R.S. 37:3563 Grounds for Discipline

- A. The board may suspend, revoke, or refuse to issue or renew a license after notice and opportunity for hearing pursuant to the Administrative Procedure Act, upon proof of any of the following:
- (3) Engaging in unprofessional conduct that has endangered or that is likely to endanger the health, welfare, or safety of the public, as further defined by rules of the board.
 - (6) Violating or aiding and abetting in the violation of any provisions of this Chapter or the rules and regulations promulgated hereunder.

II. DECISION AND ORDER


To maintain public health, safety, and welfare, emergency action is required due to the allegations set forth in the complaint filed by E.W. against Ms. Dong. Accordingly, summary suspension of LBMT License Number 7287, issued to Xiaomei Dong, is ordered, effective immediately, pending proceedings for a revocation of licensure or other action as the Louisiana Board of Massage Therapy deems fit.

Proceedings before the Louisiana Board of Massage Therapy shall be promptly instituted and determined. Accordingly, an administrative hearing before the Louisiana Board of Massage Therapy is scheduled for January 21, 2022, at 11:00 a.m., at the Louisiana State Archives Building, 3851 Essen Lane, Baton Rouge, Louisiana, 70809. The hearing panel will consist of current Board Members. The hearing will be conducted in accordance with the Administrative Procedure Act, the Louisiana Massage Therapists and Establishments Act, and the rules promulgated by the LBMT.

Xiaomei Dong will be given a full opportunity to appear and be heard, with or without counsel, and is entitled to hear a statement of what accusations have been made against her, to present evidence, to cross-examine witnesses, and to have witnesses subpoenaed. Ms. Dong may request that subpoenas be issued by the Louisiana Board of Massage Therapy and must send a

request to the Louisiana Board of Massage Therapy office at least 5 days prior to the hearing, listing the names and addresses of the individuals to be subpoenaed, along with a brief summary of what the individual will testify to. The testimony will be under oath and a court reporter will record the proceedings at the hearing, and any party wishing to obtain a transcript of the hearing may do so at their expense.

Date: 12/16/2021



James E. Steele,
Complaint Investigation Officer
Louisiana Board of Massage Therapy