

Louisiana Board of Massage Therapy



John Bel Edwards
Governor

CEASE AND DESIST NOTICE

Snow Spa
712 O'Neal Lane
Baton Rouge, LA 70816

Date: September 19, 2022

Dear Jiaming Shi and Snow Spa;

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

A. On August 29, 2022, an investigation/audit conducted on behalf of the Board, the above named licensee/provider has been determined to have violated the rules and/or regulations applicable to the practice of massage therapy as follows:

§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.

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

§3559. License regulations

A. Each licensed massage therapist who works at a massage establishment shall display his LMT-ID Card in plain view in an appropriate public manner. A licensed massage therapist who is working outside of a massage establishment shall have in his possession his LMT-ID Card and shall present it for review upon request of a client or board representative.

B. Name or location changes to any license shall be submitted to the board within thirty days of the change with appropriate fees.

C. The license is nontransferable and shall be for the sole use and benefit of the licensee or location issued.

§3563. Grounds for discipline

(7) Failing to comply with license or renewal requirements

§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

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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.

Chapter 29. Notification to Board of Change of Status

§2901. Name, Ownership and/or Location Changes

A. All name, location and/or ownership changes of licensure must be reported in writing to the board within 30 days of occurrence using a form provided by the board.

Chapter 33. Displaying and Ownership of License

§3301. How to Display; Board Ownership

Each massage establishment shall post, in plain sight, its establishment license and the license or the licensed massage therapist identification card (LMT-ID) of each massage therapist who practices in the massage establishment. Each massage therapist must have his licensed massage therapist identification card (LMT-ID) in his possession while providing massage therapy for a client and present it for review upon request.

Chapter 41. Health Data Recordkeeping

§4101. Health Data

A. Data concerning an individual's health status must be systematically and continuously collected, recorded, and communicated in order to determine therapeutic needs, according to the following criteria.

1. The format for the collection and recordation of data must provide for systematic collection, frequent updating, accessibility, and appropriate confidentiality
4. Current client records are to be maintained at the licensed establishment location in a confidential manner.
5. All client records must be maintained for a minimum of five calendar years after the last service is performed for that client. After five years from the last date of service, client records may be disposed of in an appropriate and confidential manner

Chapter 53. Misconduct and Negligence in the Practice of Massage Therapy

§5301. Unprofessional Conduct

A. The following acts shall constitute misconduct in the practice of massage therapy or incorrect practice of massage for which disciplinary penalties may be imposed:

2. false, deceptive, or misleading advertising;
3. aiding, assisting, procuring, or advising any unlicensed person to practice massage therapy, contrary to this Rule or to a rule of the department or the board;
5. making deceptive, untrue, or fraudulent representations in the practice of massage;
6. practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform;
7. delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them;
12. practicing massage therapy when a license to practice massage therapy has expired, been revoked, suspended or otherwise acted against, including the denial of licensure by the licensing authority of another state, territory or country;
15. engaging in the practice of massage therapy without a current massage license;
17. failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition;
18. engaging in the practice of reflexology without a current massage therapy license.

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Based on the findings of the attached Inspection Report and Notice of Initial Violation, 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 you are currently licensed or otherwise exempt from possessing a license 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.

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