



Louisiana Board of Massage Therapy
9619 Interline Ave, Suite B
Baton Rouge, LA 70809
225-756-3488 www.labmt.org

CEASE AND DESIST NOTICE

Date: 8/7/2023

Issued To:

Hong Tian – Vivian Therapy, LLC
5145 Main Street, Suite E

Re: Vivian Therapy – E4881

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.

Title 46 - PROFESSIONAL AND OCCUPATIONAL STANDARDS - Part XLIV. Massage Therapists
Chapter 27. Inspections

§2701. Inspections - Licensed and Unlicensed Establishments

- A. The board may make periodic inspections of all massage establishments, including licensed and/or unlicensed massage establishments.
- B. Such inspections may include, but need not be limited to, confirmation that the site is being utilized for massage therapy and a determination of whether the establishment is in compliance with the laws and rules governing the establishment's operation, facilities, personnel, safety, and sanitary requirements.
- C. Failure to cooperate with such inspections may lead to disciplinary action.

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.

§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.

§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.
- D. All licenses are the property of the board and shall be surrendered upon demand of the board.

§3561. License renewal requirements

- A. Each license shall be renewed annually, on or before its expiration date by submitting a renewal application form, payment of the renewal fee specified in R.S. 37:3562, and providing evidence that the licensee has completed continuing education requirements, as established by rule of the board.
- B. Any license not renewed on or before its expiration date shall expire and all rights and privileges under the license shall cease.

§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.

C. In all pictorial representations for any advertisement representing massage therapy, including such representations through video, all persons representing massage therapists shall be attired and posed in a manner as to avoid appealing to the prurient interest. Persons representing clients shall be appropriately draped and posed.

If you feel that the therapist/establishment cited is exempt from the license requirements of the statutes, notify the Board office in writing at the address listed above. 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. The Board may also elect to pursue civil injunctive remedies which could result in imposition of civil penalties and an award of attorney fees. Failure to comply with this notice may result in the matter being referred to the appropriate police authorities for a criminal investigation for the violation of the above statutes.

Louisiana State Board of Massage Therapy