

LOUISIANA BOARD OF MASSAGE THERAPY

IN THE MATTER OF

XIAOHONG TONG

LICENSE NO. 9488

ORDER OF SUMMARY SUSPENSION

Pursuant to La. R.S. 49:977.3(C), the Louisiana Board of Massage Therapy (“LBMT”) summarily suspends License number 9488 issued to Xiaohong Tong (“Ms. Tong”) pending an administrative hearing scheduled for May 10, 2024, at 9:30 a.m.

This Order of Summary Suspension is effective as of 2/26/2024, Upon execution of this Order, Ms. Tong 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. Tong 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 allegations against Ms. Tong.

On February 9, 2023, the Board was notified by the FSMTB, a non-profit corporation comprised of massage therapy licensing boards and agencies in the United States, that Footy Rooty Institute had possession of confidential, proprietary, and copyrighted MBLEx content and was distributing and sharing that content without the permission of FSMTB. This exam security breach was serious and involved posting translated exam questions and answers via videos posted on YouTube. An analysis by FSMTB of the examination content in the videos indicated that the harvesting scheme was significant and conducted over many years. Based upon the breadth, depth, and pervasive public nature of the exam content sharing by the school, the FSMTB determined

that all persons who attended Footy Rooty are presumed to have had access to confidential exam content or otherwise participated in the exam irregularity before, during, or after their examination. FSMTB has determined to invalidate the MBLEx results of all Footy Rooty students, including Ms. Tong's test results.

On February 2, 2023, Ms. Tong submitted a Professional License Renewal Application to the Board, wherein she sought to renew her license with the Board. Information provided by FSMTB indicates that Ms. Tong attended massage therapy school at Footy Rooty Institute in Houston, Texas, and took and passed the MBLEx on February 3, 2021. Based on FSMTB's determination, Ms. Tong's MBLEx results have been invalidated.

FSMTB offered Footy Rooty students and graduates the opportunity to establish or re-establish their entry-level competency by taking a special administration of the MBLEx on July 21, 2023. FSMTB advised the Board that Ms. Tong took the special administration, however, she did not pass the exam.

The qualifications for licensure by the Board are contained in La. R.S. 37:3556 and include passing a national examination approved by the Board under La. R.S. 37:3557 within two years from the date the application is filed. Because Ms. Tong did not pass the special administration of the MBLEx, Ms. Tong does not meet the requirements for licensure by the Board.

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

La. R.S. 37:3556 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. To receive a massage therapist license in this state, an applicant shall pay the application fee pursuant to R.S. 37:3562 and shall submit evidence satisfactory to the board of meeting the following requirements:

- (2) Has passed a national examination approved by the board under R.S. 37:3557 within two years from the date the application is filed.

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:

- (1) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts, including making false statements on an application or other document required by the board.

- (7) Failing to comply with license or renewal requirements.

LAC 46:XLIV §1301 Examination Requirements

A. Persons seeking a license must first pass a national examination that is:

1. approved and/or accredited by the National Commission for Certifying Agencies, an accrediting arm of the National Organization for Competency Assurance and approved by the board; or
2. approved and administered by the Federation of State Massage Therapy Boards including, specifically, the massage and bodywork licensing examination (MBLEx); and
3. taken and passed within two years from the date the license application is filed.

II. DECISION AND ORDER

To maintain public health, safety, and welfare, emergency action is required due to the allegations set forth in the allegations in the complaint against Ms. Tong. Accordingly, LBMT License number 9488 issued to Xiaohong Tong is **SUSPENDED**, effective immediately, pending proceedings for revocation of licensure or other action as the Louisiana Board of Massage Therapy deems fit.

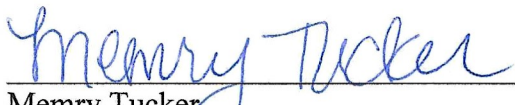
Proceedings before the Louisiana Board of Massage Therapy shall be promptly instituted and determined. Accordingly, an administrative hearing before the Louisiana Board of Massage

Therapy is scheduled for May 10, 2024, at 9:30 a.m., at the at the Jones Creek Library, 6222 Jones Creek Road, Meeting Room 1, Baton Rouge, Louisiana, 70817. 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.

Xiaohong Tong 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. Tong 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 10 days prior to the hearing, listing the names and addresses of the individuals to be subpoenaed, along with a brief summary as to what the individual will testify. 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 her expense.

La. R.S. 37:3555(A)(1) provides that the Board may discipline licensees, both individuals and establishments, who violate the law, and impose fines and penalties. In accordance with LAC 46:XLIV §5501(B)(3), the Board may impose an administrative fine not to exceed \$1,000 for each count or separate offense. You may also be assessed costs of the administrative hearing before the Board.

Date: 2-29-24



Memry Tucker
Complaint Investigation Officer
Louisiana Board of Massage Therapy