



Notice of Fine and Suspension of License for Subsequent/Repeat Violation

Louisiana Board of Massage Therapy
2645 O'Neal Lane, Bldg. C, Ste. E, Baton Rouge, LA 70816

Cashier's Check or Money Order Only
(225)756-3488 www.labmt.org

Establishment/Therapist Name: *Chinese Health Spa LLC DBA Chinese Massage*

License or Registration: *E4133*

Address: *503 Dodge Avenue*

Jefferson LA 70121

Phone: *626-759-1378*

Date of Notice: *April 19, 2021*

A. Based on investigation information provided to the Board the above named licensee has been determined to have violated the rules and/or regulations applicable to the practice of massage therapy as follows:

***According to La. R.S. 37:3558 (B)** A massage establishment shall employ or contract only Louisiana licensed massage therapist to perform massage therapy. Information provided established that an unlicensed person was working at your establishment. A failure to have only Louisiana licensed massage therapists working at your location is a violation of the applicable standards set forth below:

La. R.S. 37:3556 (A) 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 the state of Louisiana, an applicant shall pay the application fee pursuant to R.S. 37:3562 and shall submit evidence satisfactory to the board of meeting the requirements.

§3563. Grounds for discipline

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

Title 46 Professional and Occupational Standards Part XLIV. Massage Therapists Chapter 53. Misconduct and Negligence in the Practice of Massage Therapy

§5301. Unprofessional Conduct

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;

- 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 practicing massage therapy when a license to practice massage therapy has expired, been revoked, suspended or otherwise acted against, including the denial of licensure by the licensing authority of another state, territory or country;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;
- 18. engaging in the practice of reflexology without a current massage therapy license.

La. R.S. 37:3565 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 nor 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.

Title 46 Professional and Occupational Standards Part XLIV. Massage Therapists Chapter 55. Disciplinary Actions

§5501 (B) Penalties imposed by the board pursuant to this Section may be imposed in combination or individually, and are as follows:

- 1. Refusal to license an applicant; revocation or suspension of license;
- ...
- 2. Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

*B. The violation in this matter is a repeat infraction for hiring unlicensed therapists and disciplinary action imposed for the violation(s) noted above are as follows:

1. Suspension of Establishment License E 3154 for a period of six months commencing on May 1, 2021. During the period of suspension, the business is prohibited from engaging in the practice of massage therapy or employing massage therapists.

2. Imposition of a fine of **\$1,000.00**. The payment of the penalty/fine (cashier's check or money order only) is due within 30 days from the date of this notice.

Unless a timely notice of intent to contest this violation is filed within 15 days of the notice of violation, failure to timely pay the fine may result in additional formal disciplinary action which could result in permanent license revocation.

C. Unless a Notice of Intent to Contest is timely filed, the violation or violations noted above must be paid within the following designated time frame:

- (i) X Thirty (30) days from the date of this Notice of violation;
- or
- (ii) ___ within _____ days from the date of this Notice of Violation.

D. Notice of intent to contest any of the noted violations or penalties imposed, must be provided in writing to the Board office at the address noted above within 15 days of the date of this Notice of Violation. Upon receipt of such notice to contest, the contesting party will be advised as to the right for a formal disciplinary hearing or other options to resolve the matter. If scheduled, the contesting party will be provided with a Notice of Formal Disciplinary Hearing which will include the date, time and location of the hearing, right to representation, and options as to how the hearing will be conducted. A Notice of Intent to Contest form can be found on the LBMT website or can be requested from the board office.

Any questions regarding this notice may be directed to 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