

Louisiana Board of Massage Therapy
State of Louisiana

JOHN BEL EDWARDS
GOVERNOR



CEASE AND DESIST NOTICE

To: (Name) David Pham
(Address) 209 Harrison
New Orleans LA 70124

Date: May 30, 2019

Re: Unauthorized Practicing and Advertising Massage Therapy

Dear Sir/Sirs:

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.

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.

§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.

§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 or 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.

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

5301. 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.

2645 O'Neal Lane, Bldg. C, Ste E ♣ Baton Rouge, LA 70816
Phone (225) 756-3488 ♣ Fax (225) 756-3493
email: admin@labmt.org ♣ website: www.labmt.org

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;
18. engaging in the practice of reflexology without a current massage therapy license.

The Board has no record indicating that you are a currently licensed massage therapist in the State of Louisiana and you are advertising and/or providing massage therapy services without a current license. **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.

Louisiana Board of Massage Therapy

Acknowledged Received: _____

David Pham

Certification of hand delivery:

I hereby certify that the above and forgoing Cease and Desist Notice was personally hand delivered to the person identified in the notice on the 30th day of May, 2019.

Board Investigator: _____

Chanda Sofer

NOTICE: In compliance with Act 635 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) 343-2403
 * 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