

Louisiana Board of Massage Therapy
State of Louisiana



JOHN BEL EDWARDS
GOVERNOR

February 28, 2018

Ms. Tiffany Roy
La Beautique Shed Spa
9624 La. Highway 696
Abbeville, LA. 70510

Certified Mail R.R.R.

Re: Complaint of Practicing Massage Therapy without a license

Dear Ms. Roy:

On February 21, 2018, the Louisiana Board of Massage Therapy ("Board") received a complaint that "La Beautique Shed Spa" is advertising and providing "massage services" at its location in Abbeville, Louisiana, without being licensed as a massage establishment. An on-line check of the business name revealed descriptions and pricing for "massage" services.

This most recent complaint is identical to complaints filed with the Board in 2016 that the business was engaging in the practice of massage therapy without being properly licensed. In response to a March 17, 2016 cease and desist letter, you advised the Board office that you were not aware of the laws and regulations prohibiting the use of the term "massage" or any derivative or variation of the word "massage" on any sign or other form of advertising by any person or establishment that is not licensed as a massage therapist or a massage establishment. You further directed an e-mail to the Board office on June 13, 2016 stating that that both you and your business would cease using the term "massage" in any advertisements and would not engage in the practice of massage therapy without the proper licenses. A follow-up letter was directed to you advising that based upon your representations, the Board was going to close its investigation and would not refer the matter to local law enforcement for criminal investigation.

Based on the past dealing with this same issue, it is disappointing that La Beautique Shed Spa is apparently once again engaging in the unauthorized practice of massage therapy by violating the following portions of the Louisiana Massage Therapist and Massage Establishment Act ("Act"):

R.S. 37§3552 (1) "Definitions"

"(1) "Advertise" or "advertising" means to publish, display, or disseminate promotional information and includes but is not limited to the issuance of any card, sign, or direct mail, or in any newspaper, magazine, publication, or any announcement or display via any televised, computerized, electronic, or telephone networks, magnetic signs, or media. "Advertise" shall not include the following:

(a) Telephone directory information including white pages, yellow pages, and any Internet publication made by the phone directory company in which one is listed.

(b) Building signs identifying the location, unless the building sign contains promotional material.”

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 provision of this Chapter.”

R.S. 37§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.”

The Board office has no record of either you or La Beautique Shed Spa having a Louisiana massage therapy license, therefore, the “massage” references contained in your on-line listings and other written representations that the business offers massage services or actually providing such services would be a violation of the above referenced provisions of the Louisiana Massage Therapist and Massage Establishment Act. Any violation of the provisions of the Act is a criminal misdemeanor and upon conviction the offending party can be fined not less than one hundred dollars nor more than \$1,000 or imprisoned for not more than six months, or both. (See La. R.S. 37:3565 A). Upon conviction, the person is also ineligible for licensure for a period of up to five years from the date of the conviction. (La. R.S. 37:3565 B). The Board has the authority to refer the violations to local law enforcement authorities to take the necessary steps to institute formal criminal proceedings. The Board also has the option under La. R.S. 37:3566 to seek injunctive relief enjoining any person from violating the provisions of the Act and if successful the court may impose a penalty of \$50 per day, together with reasonable attorney fees and costs.

This letter will serve as a formal notice that you and La Beautique Shed Spa should immediately cease and desist using any form of on-line reference or other advertisement that uses the term “massage “ and should not otherwise engage in the practice of massage therapy until a proper Massage Therapy license is obtained. Your failure to abide by this notice will result in the matter being referred to local law enforcement for a criminal violation.

Should you have any questions concerning this matter, feel free to contact the Board office.

Regards,

Louisiana Board of Massage Therapy