LOUISIANA BOARD OF MASSAGE THERAPY

IN THE MATTER OF: BEN LI, Massage Therapist No. 9442

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Pursuant to La. R.S. 37:3555(A)(1), LAC 46:XLIV.6101 and the Louisiana Administrative Procedure Act, an administrative hearing was held before the Louisiana Board of Massage Therapy on January 29, 2024 relative to the December 18, 2023 Order of Summary Suspension for Massage Therapist License No. 9442 issued to BEN LI:

Present were: Toshii Cooper; Amie Dudzinski; Donna M. Green; Kathryn

Lea Love, Chair; Karla Swacker; and Rosemary H.

Wilkinson, Board Members;

Sheri M. Morris, Counsel for the Board; and

James Raines, Complaint Counsel.

FINDINGS OF FACT

- 1. On May 10, 2021, Massage Therapist License No. 9442 was issued by the Louisiana Board of Massage Therapy ("Board") to BEN LI ("Respondent"), (Board Exhibit, 1).
- 2. On or about May 9, 2023, the Board received notice from the Federation of State Massage Therapy Boards ("FSMTB") of the rescission of its approval of World of Beauty Academy World of Beauty Academy was closed on June 20, 2022 for failure to meet the educational requirements to take the MBLEx; therefore, MBLEx results for students of World of Beauty Academy, regardless of the date the education was completed, are not recognized by MBLEx. FSMTB's correspondence indicated Respondent's MBLEx result was invalid and he is suspended from access to the MBLEx for 12 months.
- 3. On December 18, 2023, an Order of Summary Suspension was issued to Respondent pending the administrative hearing scheduled for January 29, 2024, (Board Exhibit 3).
- 4. The Order of Summary Suspension was sent to Respondent's email address on the renewal application submitted on February 28, 2023, (Board Exhibits 1 and 3).
- 5. Respondent did not appear for the hearing or request a continuance.
- 6. Respondent listed World Beauty Academy on his licensure application and renewal application; however, Respondent's name was not listed on the student roster provided by World Beauty Academy to FSMTB.

CONCLUSIONS OF LAW

- 1. La. R.S. 37:3555(A)(1) authorizes the Board to discipline licensed individuals for violations of law and authorizes the Board to impose fines and penalties.
- 2. La. R.S. 37:3556(A) requires an applicant for massage therapist license to 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.
- 3. La. R.S. 37:3563(A) provides in pertinent part:

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 documentation required by the board.
- (3) Engaging in unprofessional conduct that has endangered or that is likely to endanger the health, welfare, or safety of the public, as defined by the Board's rules.

4. Respondent violated:

- A. La. R.S. 37:3563(A)(1) by "obtaining a license by means of ... misrepresentation, or concealment of material facts, including making false statements on an application of other documentation required by the Board."
- B. La. R.S. 37:3563(A)(3) by engaging in unprofessional conduct "likely to endanger the health, welfare or safety of the public."

ORDER

Considering the applicable laws and the evidence, the Louisiana State Board of Massage Therapy ("Board") finds the violations of La. R.S. 37:3563(A)(1) and (3) are grounds for disciplinary action, therefore;

IT IS ORDERED, ADJUDGED AND DECREED that Massage Therapist License No. 4992 issued to BEN LI is hereby revoked;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to L.A.C. 46:XLIV.5501(B)(3), a fine of \$1,000 for each violation totaling \$2,000 is imposed on BEN LI;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that costs of this proceeding in the amount of \$1,000 are assessed to BEN LI; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that BEN LI shall be ineligible for licensure by the Board until all fines and costs are paid in full and he appears before the Board.

Signed this Aday of February 2024.

For the Louisiana Board of Massage Therapy

Kathryn Lea Love, Chair

Please notify via Certified U.S. Mail and Regular Mail:

Ben Li 1053 La Rue Avenue La Verne, CA 91750