



Notice of Fine and Revocation 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 Ave.*

Jefferson, LA 70121

Phone: *626-759-1378*

Date of Notice: *May 28, 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. 37:3563 (A)(6) violating or abetting in the violation of any provisions of this Chapter or the rules and regulations promulgated hereunder. Title 46, Part XLIV, Chapter 53: §5301 (10) operating a massage establishment under a suspended, expired or revoked license. The establishment was issued a Notice of a six-month Suspension of License on April 20, 2021, which suspension was not contested. Information provided to the board established that an unlicensed person was working at the establishment location on May 13, 2021 during the time of suspension. A failure to cease operations during a board-imposed suspension and allowing an unlicensed therapist to continue to provide service to the public 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;
- 10. operating a massage establishment under a suspended, expired or revoked license;
- 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;

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 the intentional operation of a massage establishment under a suspended license and allowing an unlicensed therapist to continue to operate out of the location. Disciplinary action imposed for the violation(s) noted above are as follows:

1. Permanent Revocation of Establishment License E 4133 and 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.

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