

**La. R.S. 37:3551, et seq.**

**CHAPTER 57. MASSAGE THERAPISTS AND ESTABLISHMENTS**

**§3551. Short title**

This Chapter shall be known and may be cited as the "Louisiana Massage Therapists and Massage Establishments Act".

Acts 1992, No. 753, §2, eff. Sept. 1, 1992.

**§3552. Definitions**

As used in this Chapter:

(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.

(2) "Board" means the Louisiana Board of Massage Therapy.

(3) "Department" means the Department of Health and Hospitals.

(4) "Inactive status" means the status in which a licensed massage therapist has, pursuant to the provisions of this Chapter, notified the board of intent to voluntarily cease activity as a massage therapist for a period of time not to exceed five years.

(5) "Lapsed license" means a board-issued license which has not been renewed for a period of more than two years and the holder of the license has not taken inactive status.

(6) "Licensee" means any person or business that has a professional or establishment license issued by the board.

(7) "Massage establishment" means any place of business that offers the practice of massage therapy and where the practice of massage therapy is conducted on the premises of the business. A place of business includes any office, clinic, facility, or other location where a person or persons engage in the practice of massage therapy. The residence of a therapist or an out call location which is not owned, rented, or leased by a massage therapist or massage establishment

shall not be considered a massage establishment, unless the location is advertised as the therapist's or establishment's place of business. The term "massage establishment" shall not include physician offices, physical therapy facilities, chiropractic offices, or athletic training facilities, whether or not they employ, contract with, or rent to massage therapists, or institutions of secondary or higher education when massage therapy is practiced in connection with employment related to athletic teams.

(8) "Massage therapist" means a person who engages in the practice of massage therapy for compensation.

(9) "Person" means an individual, corporation, association, or other legal entity.

(10) "Practice of massage therapy" means the manipulation of soft tissue for the purpose of maintaining good health and establishing and maintaining good physical condition. The practice of massage therapy shall include advertising or offering to engage in the practice of massage therapy and holding oneself out or designating oneself to the public as a massage therapist or massage establishment. The practice of massage therapy shall include effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction (active/passive range of motion), stretching activities as they pertain to massage therapy, Shiatsu, acupressure, reflexology, and Swedish massage either by hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body massage. Massage therapy may include the use of lubricants such as salts, powders, liquids, creams with the exception of prescriptive or medicinal creams, heat lamps, hot and cold stones, whirlpool, hot and cold packs, salt glow, body wraps, or steam cabinet baths. It shall not include electrotherapy, laser therapy, microwave, colonic therapy, injection therapy, or manipulation of the joints. Equivalent terms for massage therapy are massage, therapeutic massage, massage technology, body work, or any derivation of those terms. As used in this Chapter, the terms "therapy" and "therapeutic" shall not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

(11) "Professional Massage Therapy Association" means a statewide organization or statewide chapter of an organization which meets all of the following criteria:

(a) Either directly, or through the parent organization, qualifies as a tax exempt nonprofit organization under 26 U.S.C. 501(c)(6).

(b) Within Louisiana, offers a voting membership to licensed massage therapists who practice or reside in Louisiana and who maintain their voting membership in good standing.

(c) Within Louisiana, is administered by a governing body composed of officers democratically elected by the organization's voting membership within Louisiana.

(12) "Writing" shall be a written communication transmitted either by United States mail or by electronic means such as e-mail.

Acts 1992, No. 753, §2, eff. Sept. 1, 1992; Acts 2012, No. 605, §1, eff. Jan. 1, 2013.

**§3553. Application of Chapter; exceptions and exemptions**

A. This Chapter shall apply to any person or massage establishment engaging in the practice of massage therapy within the state of Louisiana.

B. (1) This Chapter shall not apply to any services performed in hospitals licensed by the state.

(2) This Chapter shall also not apply to any of the following:

(a) Persons who are licensed, registered, or certified in another state, territory, the District of Columbia, or a foreign country when incidentally present in the state to teach a course of instruction related to massage and bodywork therapy as a continuing education course.

(b) Persons giving massage and bodywork to their immediate family without compensation.

(c) Persons incidentally present in the state to provide services as part of an emergency response team working in conjunction with relief officials during a disaster, provided such persons are properly licensed in the state from which they originate.

C. Nothing in this Chapter shall be construed as preventing or restricting the practice of any person licensed or certified in this state under any other law from engaging in the profession or occupation for which he is licensed or certified.

Acts 1992, No. 753, §2, eff. Sept. 1, 1992; Acts 1997, No. 567, §1, eff. July 3, 1997; Acts 2012, No. 605, §1, eff. Jan. 1, 2013.

**§3554. Louisiana Board of Massage Therapy; creation, membership, qualifications, terms, vacancies, officers, meetings, reimbursement, liability**

A. (1) The Louisiana Board of Massage Therapy is hereby created within the Louisiana Department of Health and Hospitals. It shall be composed of seven members appointed by the governor. Five of the members shall be appointed from a list of nominees submitted to the governor by professional massage therapy and bodywork associations. From the list of association nominees, three of the persons appointed shall be licensed massage therapists. Two lay members shall be appointed from the list of nominees, both of whom shall be consumers who have never been nor are currently a licensed massage therapist in the state. Two additional licensed massage therapists shall be appointed to the board from a general list of names which are submitted for consideration by other interested sources or individuals.

(2) All massage therapists appointed to the board by the governor shall be licensed and in good standing under this Chapter. The appointees shall have practiced massage therapy for at least three years.

B. All members of the board shall serve two-year terms. No member shall serve more than three consecutive terms. For the purposes of staggering the board member terms, the governor shall appoint to the board three massage therapists and one lay member in odd-numbered years and two massage therapists and one lay member in even-numbered years.

C. A vacancy on the board occurring prior to expiration of a term shall be filled in the manner of the original appointment for the remainder of the term.

D. The board shall meet at least twice each year. Additional board meetings may be held at the call of the chairman or upon the written request of any three members of the board.

E. Each year, the board shall elect a chairman, vice chairman, secretary, and treasurer from its membership and shall maintain records of the attendance of its members at board meetings.

F. Each member of the board shall serve with compensation, not to exceed fifty dollars per day consisting of at least three hours of board business, including travel time. Board members shall be reimbursed for travel and related expenses incurred, not to exceed those expenses authorized for reimbursement by the Department of Health and Hospitals, for each day that the member engages in board business.

G. No member of the board shall be liable to civil action for any act performed in good faith in the execution of his duties as a board member.

Acts 1992, No. 753, §2, eff. Sept. 1, 1992.; Acts 2001, No. 387, §1; Acts 2012, No. 605, §1, eff. Jan. 1, 2013.

### **§3555. Powers and duties of the board**

A. The board shall:

(1) Regulate the practice of massage and bodywork in Louisiana by licensing massage therapists who meet the state's minimum standards of education. Among its functions, the board promulgates rules and regulations, issues and renews professional and establishment licenses, collects and assesses fees pursuant to R.S. 37:3562, inspects, investigates, and disciplines licensees, including both individuals and establishments, who violate the law, and imposes fines and penalties.

(2) Perform inspections and investigate persons who may be engaging in practices which violate provisions of this Chapter and impose fines and penalties.

(3) Maintain a complete record going back for a period of at least five years of all licensed massage therapists and annually prepare a roster of the names and addresses of all such licensees. A copy of this roster shall be made available to any person requesting it, upon payment of a fee set by the board in an amount sufficient to cover the costs of its publication and distribution.

(4) Adopt and revise rules and regulations pursuant to the Administrative Procedure Act for the purpose of administering the provisions of this Chapter.

(5) Issue declaratory rulings interpreting the scope of practice of massage therapy, as that term is further defined in R.S. 37:3552(10).

B. The board may:

(1) Accept or deny entrance of any applicant applying for licensure.

(2) Establish continuing education requirements for license renewal.

Acts 1992, No. 753, §2, eff. Sept. 1, 1992; Acts 2012, No. 605, §1, eff. Jan. 1, 2013.

### **§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. 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 following requirements:

(1)(a) Has satisfactorily completed a minimum five hundred hour in-class supervised course of studies pursuant to rules promulgated by the board in accordance with the Administrative Procedure Act.

(b) A course of study may utilize a credit hours equivalent as defined by the United States Department of Education in lieu of clock hours to measure student achievement. A course of study using credit hours shall provide coursework consistent with the rules promulgated by the board including at least five hundred hours of in-class supervised instruction.

(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) Is a citizen or legal resident of the United States and has the ability to read, write, speak, and understand English fluently.

(4) Has not, within the five years preceding the date of the application, been convicted of a nonviolent felony.

(5) Has never been convicted of or pled nolo contendere to a violent felony or a criminal offense involving sexual misconduct.

(6) Has submitted to and cleared a background check.

B. The requirements set forth in R.S. 37:3556(A)(1) and (2) shall not apply to either of the following:

(1) Persons who have continuously held a license to engage in the practice of massage therapy issued by the board since March 1, 1998.

(2) Persons who hold a valid, current, and unexpired license or registration to engage in the practice of massage therapy in another state, territory, commonwealth, or the District of Columbia that has and maintains standards and requirements of practice and licensure or registration that substantially conform to the requirements in force in this state, as determined by the board.

C. After review of the evidence submitted, the board shall notify each applicant that his application and such evidence is accepted or rejected. If an application is rejected, such notice shall state the reasons for the rejection.

D. The board shall issue a license to each person who meets the qualifications provided for in this Section upon payment of the professional license fee provided pursuant to R.S. 37:3562. The license, in the form of a Licensed Massage Therapist Identification Card (LMT-ID Card), grants all professional rights, honors, and privileges to the licensed massage therapist.

E. Each license granted shall have a validity period of one calendar year and shall have an expiration date as determined by administrative rules promulgated by the board.

Acts 1992, No. 753, §2, eff. Sept. 1, 1992; Acts 1993, No. 766, §1; Acts 1997, No. 1013, §1; Acts 2012, No. 605, §1, eff. Jan. 1, 2012.

{NOTE: SEE ACTS 1993, NO. 766, §1.}

#### **§3556.1. Course of study; hours**

A. Pursuant to the licensure requirements provided in R.S. 37:3556, a course of study may utilize a credit hours equivalent as defined by the United States Department of Education in lieu of clock hours to measure student achievement. A course of study using credit hours shall provide course work consistent with the rules promulgated by the board including at least five hundred hours of in-class supervised instruction.

B. The provisions of this Section shall terminate on January 1, 2013.

Acts 2012, No. 605, §2, eff. June 7, 2012.

#### **§3557. Examination**

A. Examination of applicants to be massage therapists shall be conducted at such times and places and under such supervision as the board determines by rule.

B. The board shall determine by rule the scope, form, and content of the examination.

Acts 1992, No. 753, §2, eff. Sept. 1, 1992; Acts 2012, No. 605, §1, eff. Jan. 1, 2013.

### **§3558. Massage establishments**

A. Massage establishments shall be required to be licensed as follows:

(1) Each person engaging in the practice of massage therapy at a massage establishment shall be the holder of a Licensed Massage Therapist Identification Card (LMT-ID Card), which shall identify the therapist as being properly licensed and shall authorize the therapist to provide off-site massage services.

(2) All locations where one or more persons are regularly engaged in the practice of massage therapy shall register with the board as a massage establishment. Additionally, all locations where more than one person is regularly engaged in the practice of massage therapy shall pay the establishment license fee.

(3) Obtaining a massage establishment license shall be the responsibility of the entity which controls the physical location where the services are provided, which entity may be a sole proprietor, lessee, owner, partnership, corporation, cooperative, association, or other legal entity.

B. A massage establishment shall employ or contract only licensed massage therapists to perform massage therapy.

C. For purposes of this Chapter, "sexually oriented business" means a sex parlor, massage parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult motel, or other commercial enterprise which has as its primary business the offering of a service or the sale, rent, or exhibit of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

D. A sexually oriented business shall be ineligible for registration as a massage establishment and shall not operate as a massage establishment.

Acts 1992, No. 753, §2, eff. Sept. 1, 1992; Acts 1993, No. 766, §1; Acts 2001, No. 387, §1; Acts 2012, No. 605, §1, eff. Jan. 1, 2013.

### **§3559. License regulations**

A. Each licensed massage therapist who works at a massage establishment shall display his LMT-ID Card in plain view in an appropriate public manner. A licensed massage therapist who is working outside of a massage establishment shall have in his possession his LMT-ID Card and shall present it for review upon request of a client or board representative.

B. Name or location changes to any license shall be submitted to the board within thirty days of the change with appropriate fees.

C. The license is nontransferable and shall be for the sole use and benefit of the licensee or location issued.

D. All licenses are the property of the board and shall be surrendered upon demand of the board.

Acts 1992, No. 753, §2, eff. Sept. 1, 1992; Acts 2001, No. 387, §1; Acts 2012, No. 605, §1, eff. Jan. 1, 2013.

**§3560. Repealed by Acts 2012, No. 605, §3, eff. Jan. 1, 2013.**

**§3561. License renewal requirements**

A. Each license shall be renewed annually, on or before its expiration date by submitting a renewal application form, payment of the renewal fee specified in R.S. 37:3562, and providing evidence that the licensee has completed continuing education requirements, as established by rule of the board.

B. Any license not renewed on or before its expiration date shall expire and all rights and privileges under the license shall cease.

C. A person whose license has expired and who has ceased activities as a massage therapist for less than twenty-four consecutive months may have his license reinstated upon payment of the renewal fee and the late fee specified in R.S. 37:3562, upon submission of a renewal application form and providing evidence satisfactory to the board that he has fulfilled continuing education requirements and passed the examination provided for in R.S. 37:3557.

D. A licensee who chooses to adopt inactive status and cease activities as a massage therapist may submit an affidavit, along with the specified fee in R.S. 37:3562 to apply for inactive status as required by rule of the board. If the licensee does not request to be placed on inactive status, his license shall expire if not timely renewed.

E. If a person does not apply for inactive status and does not renew his license for a period of more than twenty-four consecutive months, the license shall be considered to have lapsed and in order to obtain a license, the person shall submit a new application which complies with all of the current requirements of this Chapter and the rules of the board as appropriate and shall pay the licensure application fee, the original professional license fee, and any other fees applicable to a new application.

Acts 1992, No. 753, §2, eff. Sept. 1, 1992; Acts 2012, No. 605, §1, eff. Jan. 1, 2013.

**§3562. Fees**

A. The board shall assess and collect fees as provided in this Section, including the following fees:

(1) Application fee \$ 75.00



(2) Original massage therapist license fee	\$125.00
(3) Annual license renewal fee	\$125.00
(4) Annual license renewal (late fee)	\$100.00
(5) Original certificate of registration as a massage establishment fee	\$100.00
(6) Annual certificate of registration as a massage establishment renewal fee	\$100.00
(7) Annual certificate of registration renewal, late fee	\$100.00
(8) Provisional license fee	\$ 25.00
(9) Directory fee	\$ 50.00
(10) Duplicate license	\$ 25.00
(11) Returned check fee	\$ 25.00
(12) Copy fee, per page, plus postage and handling	\$ .25
(13) Copies of statutes, rules, and regulations	\$ 15.00
(14) Continuing education provider biennial fee	\$100.00
(15) Continuing education program approval fee	\$ 50.00

B. If the board provides by rule or regulation for certifying massage therapy instructors, the board may set fees as part of such rules or regulations, not to exceed ten dollars for initial certification, ten dollars for annual renewal, fifty dollars for late applications less than thirty days late, and one hundred dollars for late applications thirty days late or more.

C. The fees established in this Section shall not be refundable except under such conditions as the board may establish.

D. All monies received by the board under this Chapter shall be paid into the treasury of the Louisiana Board of Massage Therapy and may be deposited into an account maintained by the board without appropriation for costs of administration and other expenses, and any surplus at

the end of a fiscal year or a biennium may be retained by the board for future expenditures and the board is not required to pay such surplus into the general fund of the state of Louisiana.

E. All funds received and expended by the board shall be audited annually in accordance with R.S. 24:513. The annual audit shall be submitted annually to the Joint Legislative Committee on the Budget.

Acts 1992, No. 753, §2, eff. Sept. 1, 1992; Acts 1997, No. 493, §1, eff. July 3, 1997; Acts 2001, No. 387, §1.

### **§3563. Grounds for discipline**

A. 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 document required by the board.
- (2) Selling, bartering, or offering to sell or barter a license.
- (3) Engaging in unprofessional conduct that has endangered or that is likely to endanger the health, welfare, or safety of the public, as further defined by rules of the board.
- (4) Conviction of a felony, unless such conviction was reversed on appeal.
- (5) Conviction of any crime arising out of or connected with the practice of massage therapy, unless such conviction was reversed on appeal.
- (6) Violating or aiding and abetting in the violation of any provisions of this Chapter or the rules and regulations promulgated hereunder.
- (7) Failing to comply with license or renewal requirements.

B. Any person who has been convicted of, entered a plea of nolo contendere to, or received deferred adjudication in connection with any criminal offense involving sexual misconduct shall be ineligible for licensure as a massage therapist.

C. The board shall revoke the license of any person who is convicted of, enters a plea of nolo contendere to, or receives deferred adjudication in connection with any criminal offense involving sexual misconduct or prostitution.

D. Any person who has been convicted of, entered a plea of nolo contendere to, or received deferred adjudication in connection with any criminal offense involving sexual misconduct or prostitution shall be ineligible for licensure as an owner or operator of a massage establishment. The board shall revoke the license of any person if the board determines that the establishment

is a sexually oriented business, as defined in R.S. 37:3558(C), or that a crime or offense involving prostitution or other sexual offenses and resulting in a conviction, to which a plea of nolo contendere was entered or deferred adjudication was received, has occurred on the premises of the establishment since the date of the most recent license renewal.

Acts 1992, No. 753, §2, eff. Sept. 1, 1992; Acts 2012, No. 605, §1, eff. Jan. 1, 2013.

#### **§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.

B. No sexually oriented business, as defined in R.S. 37:3558(C), shall use the word "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.

Acts 1992, No. 753, §2, eff. Jan. 1, 1995; Acts 1993, No. 766, §1; Acts 2012, No. 605, §1, eff. Jan. 1, 2013.

{{NOTE: SEE ACTS 1993, NO. 766, §1.}}

#### **§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.

Acts 1992, No. 753, §2, eff. Sept. 1, 1992; Acts 2012, No. 605, §1, eff. Jan. 1, 2013.

#### **§3566. Injunction**

A. In addition to the actions and penalties otherwise provided for by this Chapter, the board may cause to issue in any court of competent jurisdiction an injunction without bond enjoining any person from violating or continuing to violate the provisions of this Chapter.

B. In the suit for an injunction, the court may impose a penalty of fifty dollars per day for each violation, together with reasonable attorney fees and the costs of court.

C. An award of penalties, attorney fees, and court costs may be rendered in the same judgment in which the injunction is made absolute. If the board is unsuccessful in obtaining injunctive relief, the court may award attorney fees and costs to the prevailing party.

Acts 1992, No. 753, §2, eff. Sept. 1, 1992; Acts 2012, No. 605, §1, eff. Jan. 1, 2013.

**§3567. Effect on local regulations**

A. Except as otherwise provided by Subsection B of this Section, the provisions of this Chapter shall supersede any regulation adopted by a political subdivision of the state relating to the licensing or regulation of massage therapists or massage establishments.

B. This Chapter shall not affect:

(1) Local regulations relating to zoning requirements or occupational license taxes pertaining to massage therapists or massage establishments.

(2) Any local regulations that do not relate to the practice of massage therapy as performed by a licensed massage therapist, including those professions specified in R.S. 37:3553, while performing duties pursuant to their professions while working with a licensed massage therapist.

Acts 1992, No. 753, §2, eff. Sept. 1, 1992.

