



# LOUISIANA BOARD OF MASSAGE THERAPY

**BOBBY JINDAL**  
GOVERNOR

## CEASE AND DESIST NOTICE

To: Fortune Asian Spa  
117 Industrial Parkway  
Lafayette LA 70508

Date: 5-27-14, 2014

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 and businesses 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.

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.

#### **§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.

**§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.

The Board has no record indicating that there is any currently licensed massage establishment in the State of Louisiana and has received several complaints indicating that you are advertising and/or providing massage therapy services and the investigation of the Board indicates that the complaints have merit. **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 your therapist/establishment 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: *X* . *Sa Sa*

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 27 day of May, 2014.

Board Investigator

Terry L Sacomb

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