

# LOUISIANA BOARD OF MASSAGE THERAPY

IN THE MATTER OF

LONG KE HEALTH

LICENSE NO. E5142

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## ORDER OF SUMMARY SUSPENSION

Pursuant to La. R.S. 49:977.3(C), the Louisiana Board of Massage Therapy (“LBMT”) summarily suspends License number E4349 issued to Long KE Health pending an administrative hearing scheduled for **December 9, 2024, at 9:30 a.m.**

This Order of Summary Suspension is effective as of November 7, 2024. Upon execution of this Order, Long KE Health must immediately cease and desist from providing massage therapy services.

### **I. INITIAL FINDINGS**

To protect public health, safety, and welfare, emergency action is required due to the nature of the allegations against Long KE Health.

On April 18, 2024, LBMT Board Investigator Alon Frazier performed an inspection of Long KE Health (3805 Jefferson Highway, Jefferson, LA 70121). A Cease and Desist Notice was issued the same day to the establishment. During the inspection of Long KE Health, Mr. Frazier observed the following deficiencies at the establishment:

1. The sign did not match the name of the establishment/registration certificate. The sign said “Jefferson Massage”;
2. The establishment certificate was not posted in plain sight, where patrons can see;
3. The professional licenses were not posted in plain sight, were not on the premises, and were not current;

4. The promotional materials on the premises did not match the business name. The promotional material listed “Harmony Massage Spa,” with the same address;
5. Current client records were not maintained at the establishment in a confidential manner;
6. Client records were not maintained at the establishment for a minimum of five calendar years after the last service was performed for the client;

On May 3, 2024, the LBMT sent an Initial Violation Notice to Long KE Health in which a \$750.00 was assessed. In the Initial Notice, Long KE Health was notified that the fine was due on June 2, 2024. On May 6, 2024, Long KE Health received the Initial Notice via certified mail. Having not received Long KE Health’s payment, on June 10, 2024, the LBMT sent a Notice of Repeat/Subsequent Violation, assessing a \$1,500.00 fine due on or before July 11, 2024. On June 12, 2024, the LBMT received a \$750.00 payment for fines from Long KE Health but did not receive any proof of violations being rectified. On June 20, 2024, Long KE Health received the Notice of Repeat/Subsequent Violation via certified mail. As of October 16, 2024, Long KE Health has not paid the remaining \$750.00 fine and has not notified the LBMT of any changes.

Additionally, as part of the LBMT’s review of licensed massage establishments, the LBMT regularly searches websites where businesses offering illicit services and/or illegal prostitution regularly advertise. The LBMT searches these websites to compare the names, addresses, and phone numbers of its licensed massage establishments. The phone number associated with Long KE Health – (504) 702-8577 – and address associated with Long KE Health – 3805 Jefferson Highway, Jefferson, Louisiana, 70121 – were identified on illicit websites, “Adult Fantasy;” “Skip The Games;” “Backpage;” “Scarlet Amour;” “Top Escorts;” “On Date;” “Body Rub;” “Escorts Liaison;” and “Eccie.” The advertisements include photographs of nude Asian women engaged in

sexually explicit acts and scantily-clad Asian women and advertise services such as “licking and sucking,” “69,” and “bbbj.”

Based on the foregoing, it is alleged that Long KE Health violated the following rules and regulations applicable to the LBMT:

**La. R.S. 37:3558. 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.

**La. R.S. 37:3563. 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:

(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.

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(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.

**La. 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.

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.

C. In all pictorial representations for any advertisement representing massage therapy, including such representations through video, all persons representing massage therapists shall be attired and posed in a manner as to avoid appealing to the prurient interest. Persons representing clients shall be appropriately draped and posed. No licensed therapist or establishment shall advertise in any publication or any website marketing services appealing to the prurient interest.

**LAC 46:XLIV §2701. Inspections – Licensed and Unlicensed Establishments**

A. The board may make periodic inspections of all massage establishments, including licensed and/or unlicensed massage establishments.

- B. Such inspections may include, but need not be limited to, confirmation that the site is being utilized for massage therapy and a determination of whether the establishment is in compliance with the laws and rules governing the establishment's operation, facilities, personnel, safety, and sanitary requirements.
- C. Failure to cooperate with such inspections may lead to disciplinary action.

**LAC 46:XLIV §3101. Prohibition of Sexual Activity.**

- A. All sexual activity by any person or persons in any massage establishment is absolutely prohibited.
- B. No massage establishment owner or operator shall engage in, or permit any person or persons to engage in, sexual activity in a massage establishment or to use that establishment to make arrangements to engage in sexual activity in any other place.
- C. No massage therapist shall engage in sexual activity with a current client of the therapist.
- D. No massage therapist shall engage in sexual activity with a former client of the therapist within three months after cessation of professional services.
- E. As used in this Rule and §5301 of this Part:
  - a. sexual activity—includes:
    - i. coital sexual intercourse;
    - ii. anal sexual intercourse;
    - iii. fellatio, cunnilingus;
    - iv. masturbation;
    - v. passionate kissing and acts of sadomasochistic abuse;
    - vi. flagellation; or
    - vii. torture in the context of sexual conduct;
  - b. the purposeful touching of the genitals of another person and the purposeful erotic stimulation of the anus, the male or female nipple, or the female breast, whether through draping or clothing, whether resulting in penetration or orgasm or not, and whether by instrumental manipulation, touching with the hands, or other bodily contact;
  - c. any sexual offenses proscribed by the criminal laws of Louisiana including, but not limited to, R.S. 14:83.3 and 83.4.
- F. For purposes of this rule, the term client means and includes any person receiving massage therapy services provided for compensation (regardless of

the source, recipient or nature of the compensation), and any person receiving massage therapy services that are not provided for compensation either because of indigence or because the massage therapy services were provided within the context of a community outreach or other public service program. A massage therapist's own spouse is excluded from the term client under this rule.

**LAC 46:XLIV §4101. Health Data**

- A. Data concerning an individual's health status must be systematically and continuously collected, recorded, and communicated in order to determine therapeutic needs, according to the following criteria.

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- 4. Current client records are to be maintained at the licensed establishment location in a confidential manner.
- 5. All client records must be maintained for a minimum of five calendar years after the last service is performed for that client. After five years from the last date of service, client records may be disposed of in an appropriate and confidential manner.

**LAC 46:XLIV §5301. Unprofessional Conduct**

- A. The following acts shall constitute misconduct in the practice of massage therapy or incorrect practice of massage for which disciplinary penalties may be imposed:

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- 4. engaging in or attempting or offering to engage a client in sexual activity, including any genital contact, as provided under §3101 of this Part....

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- 8. violating any provision of any rule of the board, or a lawful order issued at a board hearing, or, failing to comply with a lawfully issued subpoena....

**LAC 46:XLIV §5501. Grounds for Disciplinary Actions**

- A. When the board finds that an applicant or licensee whom it regulates has committed any of the prohibited acts set forth in the statute or rules, the board may impose appropriate penalties within the ranges recommended in the following disciplinary guidelines.
- 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. issuance of a reprimand or censure;
  3. imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.
- C. The provisions of this Section are not intended and shall not be construed to limit the ability of the board to informally dispose of disciplinary actions by agreement.
- D. The provisions of this Section are not intended and shall not be construed to limit the ability of the board to pursue collateral, civil or criminal actions when appropriate.

**Fines and Penalty Schedule – Effective September 9, 2022**

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2. Multiple Violations: Initial Violation will be \$300.00, First Violation will be \$100.00, Second violation will be \$200.00, Additional Violation not to exceed \$750.00.
 

A. Initial Violation	\$300.00
B. First Violation	\$100.00
C. Second Violation	\$200.00
D. Additional Violations Not to exceed	\$750.00
3. Repeat/subsequent Violations: If a violation is issued against a licensee or provider for the same infraction within 24-month period, it will be considered a subsequent violation and the penalty or fines involved will be doubled. If the same violation occurs three times or more over a 36 month period, a hearing before the board will be required.

**II. DECISION AND ORDER**


To maintain public health, safety, and welfare, emergency action is required due to the allegations set forth in the allegations in the complaint against Long KE Health. Accordingly, LBMT License number E5142 issued to Long KE Health, effective immediately, pending proceedings for revocation of licensure or other action as the Louisiana Board of Massage Therapy deems fit.

Proceedings before the Louisiana Board of Massage Therapy shall be promptly instituted and determined. Accordingly, an administrative hearing before the Louisiana Board of Massage

Therapy is scheduled for **December 9, 2024**, at **9:30 a.m.**, at the **Jones Creek Library, 6222 Jones Creek Rd., Baton Rouge, Louisiana, 70817**. The hearing panel will consist of current Board Members. The hearing will be conducted in accordance with the Administrative Procedure Act, the Louisiana Massage Therapists and Establishments Act, and the rules promulgated by the Louisiana Board of Massage Therapy.

Long KE Health will be given a full opportunity to appear and be heard, with or without counsel, and is entitled to hear a statement of what accusations have been made against it, to present evidence, to cross-examine witnesses, and to have witnesses subpoenaed. Long KE Health may request that subpoenas be issued by the Louisiana Board of Massage Therapy and must send a request to the Louisiana Board of Massage Therapy office at least 10 days prior to the hearing, listing the names and addresses of the individuals to be subpoenaed, along with a brief summary of what the individual will testify to. The testimony will be under oath and a court reporter will record the proceedings at the hearing, and any party wishing to obtain a transcript of the hearing may do so at their expense.

Date: November 7, 2024

  
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Memry Hodum  
Complaint Investigation Officer  
Louisiana Board of Massage Therapy