

LOUISIANA BOARD OF MASSAGE THERAPY

IN THE MATTER OF

XIAOHONG TONG

LICENSE NO. 9488 (EXPIRED)

CONSENT AGREEMENT AND ORDER

WHEREAS, XIAOHONG TONG is a licensed massage therapist in the State of Louisiana and holds expired license number 9488 with the Louisiana Board of Massage Therapy (“LBMT” or “Board”), and is subject to the jurisdiction and rules and regulations of the LBMT;

WHEREAS, the Federation of State Massage Therapy Boards, a non-profit corporation comprised of massage therapy licensing boards and agencies in the United States (“FSMTB”), administers a national massage and bodywork licensing examination (“MBLEx”);

WHEREAS, pursuant to La. R.S. 37:3556, La. R.S. 37:3563, and LAC 46:XLIV §1301, in order to qualify for licensure as a massage therapist in the State of Louisiana, applicants must first pass the MBLEx within two years from the date the application is filed;

WHEREAS, on February 9, 2023, the Board was notified by the FSMTB that Footy Rooty Institute had possession of confidential, proprietary, and copyrighted MBLEx content and was distributing and sharing that content without the permission of FSMTB;

WHEREAS, this exam security breach was serious and involved posting translated exam questions and answers via videos posted on YouTube. An analysis by FSMTB of the examination content in the videos indicated that the harvesting scheme was significant and conducted over many years;

WHEREAS, based upon the breadth, depth, and pervasive public nature of the exam content sharing by the school, the FSMTB determined that all persons who attended Footy Rooty

are presumed to have had access to confidential exam content or otherwise participated in the exam irregularity before, during, or after their examination;

WHEREAS, FSMTB has determined to invalidate the MBLEx results of all Footy Rooty students;

WHEREAS, on February 2, 2023, Ms. Tong submitted a Professional License Renewal Application to the Board, wherein she sought to renew her license with the Board;

WHEREAS, Ms. Tong attended massage therapy school at Footy Rooty Institute in Houston, Texas, and took and passed the MBLEx on February 3, 2021;

WHEREAS, based on FSMTB's determination, Ms. Tong's MBLEx results have been invalidated;

WHEREAS, FSMTB offered Footy Rooty students and graduates the opportunity to establish or re-establish their entry-level competency by taking a special administration of the MBLEx on July 21, 2023;

WHEREAS, FSMTB advised the Board that Ms. Tong took the special administration, however, she did not pass the exam;

WHEREAS, Ms. Tong's license number 9488 expired on April 1, 2024;

WHEREAS, on February 29, 2024, pursuant to La. R.S. 49:977.3(C), the LBMT, through its Complaint Investigation Officer, Memry Tucker, issued an Order of Summary Suspension, which had the effect of summarily suspending LBMT license number 9488 issued to Ms. Tong, effective February 26, 2024, pending an administrative hearing scheduled for May 10, 2024;

WHEREAS, the Order of Summary Suspension notified Ms. Tong of her opportunity to appear and be heard, with or without counsel, and her entitlement to hear a statement of what

accusations have been made against her, to present evidence, to cross-examine witnesses, and to have witnesses subpoenaed;

WHEREAS, Ms. Tong, through counsel, expressed her desire to continue and reschedule the hearing of the summary suspension to August 2024, specifically waiving the right to raise the timing of the hearing of the summary suspension as a violation of her due process rights at any future hearing, trial, or appeal of this matter;

WHEREAS, Ms. Tong has indicated her desire to resolve this matter through a Consent Agreement and Order provided for in LAC 46:XLIV §5901 and La. R.S. 49:975(D) of the Louisiana Administrative Procedure Act;

WHEREAS, Ms. Tong has admitted to the following:

1. Ms. Tong is and was at all times pertinent to the facts and matters alleged herein a licensed massage therapist in the State of Louisiana, holding license number 9488 issued by the LBMT.
2. A valid MBLEx score is a requirement for licensure as a massage therapist in the State of Louisiana.
3. Because Ms. Tong did not pass the special administration of the MBLEx, she is not qualified for licensure as a massage therapist in the State of Louisiana as set forth in La. R.S. 37:3556, La. R.S. 37:3563, and LAC 46:XLIV §1301.

WHEREAS, Ms. Tong recognizes her right to continue the pending administrative adjudication of the charges outlined in the Order of Summary Suspension, at which time Ms. Tong would be entitled to be represented by legal counsel, to call witnesses, and to present witnesses on her behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law in accordance with the Louisiana

Administrative Procedure Act. Ms. Tong nonetheless waives her right to continue the pending formal adjudication and, pursuant to La. R.S. 49:975(D), consents to the entry of the Consent Agreement and Order set forth hereinafter. Ms. Tong also acknowledges that she waives any rights to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951, *et. seq.*, or which she otherwise may be afforded by any law, to contest her agreement to, or the force and effect of this Consent Agreement and Order, in any Court or other forum.

IT IS HEREBY ORDERED that in consideration of the foregoing and pursuant to the authority vested in the Board by La. R.S. 49:975(D), the Board orders and Ms. Tong accepts the following administrative action, which is a final decision pursuant to La. R.S. 49:977:

1. LBMT expired license number 9488 issued to Ms. Tong is hereby administratively REVOKED. This is an administrative determination and is not disciplinary in nature.
2. In order to reapply for licensure, Ms. Tong must have a qualifying MBLEx score and satisfy all other requirements for licensure in accordance with the law and the rules of the Board.
3. Ms. Tong specifically acknowledges that failure to comply with the terms of this Consent Agreement and Order may result in a denial, revocation, or suspension of any license, certificate, or registration issued by, or applied for, in accordance with LAC 46:XLIV §1701.
4. By agreeing to the terms of this Consent Agreement and Order, Ms. Tong waives all rights to appeal this adjudication.

Effect of Non-Acceptance of Agreement. Ms. Tong acknowledges that this Consent Agreement and Order is subject to the approval of the Board. She further acknowledges and

agrees that if the Board rejects this Consent Agreement and Order, it will be void, and further proceedings may continue regarding the hearing on the Order of Summary Suspension and/or an Administrative Complaint may be filed relative to the allegations contained herein. If this Consent Agreement and Order is rejected by the Board, it will not constitute a waiver of Ms. Tong's right to continue the pending hearing on the matters alleged in an Administrative Complaint and the admissions contained herein will have no effect. Ms. Tong further agrees that if the Board rejects this Consent Agreement and Order, the members of the Board may decide the matter after a hearing, and their consideration of this Consent Agreement and Order shall not alone be grounds for recusal of any member of the Board, including any claims that the Board is biased against her, that it cannot fairly decide the case, or that it has received *ex parte* communication.

Address of Board. All payments ordered and any reports required by this Consent Agreement and Order shall be addressed to Louisiana Board of Massage Therapy, 9619 Interline Ave., Suite B, Baton Rouge, Louisiana 70809.


IT IS HEREBY FURTHER ORDERED that this Consent Agreement and Order shall take effect immediately upon its adoption by the Board and is a public record of the Board. The terms of this Consent Agreement and Order shall be published and reported in, including but not limited to, the LBMT website.

THE ADMISSIONS AND FINDINGS CONTAINED HEREIN are intended solely for the purpose of resolving the case at hand or in connection with other matters before the LBMT involving Ms. Tong.

THIS CONSENT AGREEMENT AND ORDER shall take effect immediately upon adoption by the Board and is a matter of public record.

I, **JAMES R. RAINES**, serving as Prosecutor, do hereby acknowledge negotiation and preparation of this Consent Agreement and Order in order to resolve, with prejudice, all matters for which XIAOHONG TONG could be charged under this investigation, and further certify that this Consent Agreement and Order is consistent with the evidence, adequately addresses the complaint, and represents a true and correct statement of that which could be proven at a hearing of this matter.

DATED: 8/13/27


James Raines
Prosecutor

I, **XIAOHONG TONG**, make these acknowledgements and waivers in support of a final disposition of the pending investigation by Consent Agreement and Order (“Order”) pursuant to La. R.S. 49:975(D), rather than proceeding to formal hearing, and accordingly consent to the entirety of the Order set forth hereinbefore and further waive any right to which I may be entitled under the Louisiana Administrative Procedure Act or any other law to contest, in any court, my agreement to this Order. By my subscription hereto, I also hereby authorize the Prosecutor to present this Order to the LBMT for its consideration and to disclose to and discuss with the LBMT the nature and results of the investigation of this matter. I herein waive any objection to such disclosure based on due process of law under either the State or Federal Constitution or under State statutory law, including La. R.S. 49:977.2. I expressly acknowledge that the disclosure of such information to the LBMT shall be without prejudice to the Prosecutor’s authority to file a formal Administrative Complaint, or the LBMT’s capacity to adjudicate such Administrative Complaint, should the LBMT decline to approve this Consent Agreement and Order. I further acknowledge my awareness that should the LBMT approve this Consent Agreement and Order that the Consent Agreement and Order will become a matter of public record.

DATED: August 7, 2024

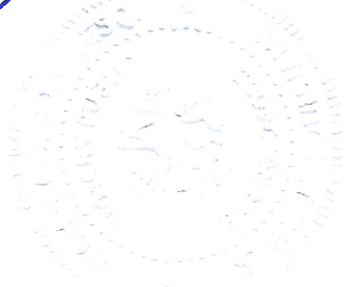
Xiaohong Tong
XIAOHONG TONG

SUBSCRIBED AND SWORN TO before me this 7 day of August,
2024, at Shreveport, Louisiana.

[Signature]
Notary Public

Print Name: MICHAEL G. CODE
My Commission Expires: ATTORNEY/NOTARY

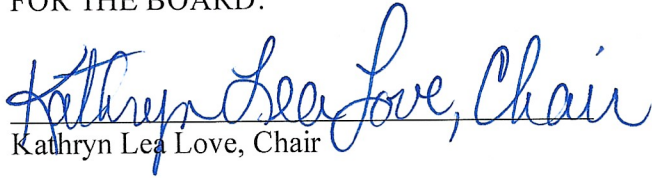
State of Louisiana
LSBA #24055
My Commission is issued for life



ORDER

By a majority vote of the Board members voting in favor of the Consent Agreement and Order at the Board meeting on Aug. 23, 2024, the Board hereby adopts said Agreement, and makes it an Order of this Board.

FOR THE BOARD:


Kathryn Lea Love, Chair