

LOUISIANA BOARD OF MASSAGE THERAPY

IN THE CONSOLIDATED MATTERS OF:

XIANGMEI LI, Massage Therapist No. 8251

J & B SPA, INC., Massage Establishment No. E4690

NEW FUSION MASSAGE, Massage Establishment No. E3393 (Expired 06/30/2020)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Pursuant to La. R.S. 37:3555(A)(1), LAC 46:XLIV.6101 and the Louisiana Administrative Procedure Act, an administrative hearing was held before the Louisiana Board of Massage Therapy (“Board”) on June 10, 2022 relative to the May 10, 2022 Orders of Summary Suspension for Massage Therapist License No. 8251 issued to XIANGMEI LI (“LI”); Massage Establishment License No. E4690 issued to J & B MASSAGE (“J & B”); and Massage Establishment License No. E3393 issued to NEW FUSION MASSAGE (“NEW FUSION”).

Present were: Donna M. Green; Casey A. Little; Kathryn Lea Love, Chair; Karla Swacker; and Rosemary H. Wilkinson, Board Members;

James E. Steele, Complaint Investigation Officer was recused from the hearings;

Sheri M. Morris, serving as Counsel for the Board; and

James Raines, serving as Complaint Counsel.

FINDINGS OF FACT

1. XIANGMEI LI

- A. LI is listed as the sole Licensed Massage Therapist on the J&B’s application.
- B. LI is listed as one of two Licensed Massage Therapists on NEW FUSION’s application, (Board Exhibit 4-C).
- C. On March 28, 2022, LI was not present when J&B or NEW FUSION were inspected by a Board Inspector. The establishments were open for business and the Board’s Inspector observed signs of human trafficking and/or illicit activity. There was no evidence that data concerning health status was systematically and continuously collected, recorded and communicated to determine therapeutic needs. There was no evidence of current client records maintained in a confidential manner for a minimum of five year after the last service.
- D. On May 10, 2022, LI’s Massage Therapist License No. 8251 issued by the Board on January 19, 2016 and valid through March 31, 2023 (Board Exhibit 4-A) was

suspended pursuant to La. R.S. 49:961(C) pending an administrative hearing scheduled for June 10, 2022, (Board Exhibit 2).

- E. On May 10, 2022, the Order of Summary Suspension was emailed to the email address on LI's licensure application and sent by U.S. Certified Mail to LI's address of record, 1079 Coursey Boulevard, Suite J, Baton Rouge, Louisiana 70817, the address of NEW FUSION. The Order of Summary Suspension sent by Certified U.S. Mail was delivered to the address, (Board Exhibit 3). LI did not appear for the hearing.
- F. LI did not appear for the administrative hearing.
- G. LI aided and abetted in the violation of provisions of Chapter 57 or Title 37 of the Louisiana Revised Statutes and the rules promulgated by the Board by participating in the operation of J&B and NEW FUSION which employs unlicensed individuals to perform massage therapy.

2. **J&B SPA, INC.**

- A. J&B also known as Wellness Spa at 7829 Bluebonnet Boulevard, Baton Rouge, Louisiana 70810 is owned by An-Kuo Ho, who is not licensed by the Board.
- B. LI is listed as the sole Licensed Massage Therapist on the J&B's application.
- C. On March 28, 2022, a Board Inspector inspected the establishment and reported that the sign on the building read "Wellness Spa." The posted license stated "J&B Spa, Inc." The only Massage Therapist License posted was for LI who was not present. The two females present were not currently licensed in Louisiana and did not have a license with the establishment address listed. The promotional signs, brochures, displays and business cards at the establishment did not include the license number of the therapist or the name of the establishment on the license. There was no evidence that data concerning health status was systematically and continuously collected, recorded and communicated to determine therapeutic needs. There was no evidence of current client records maintained in a confidential manner for a minimum of five years after the last service. The females were present did not have identification and were unable to speak English. LI's license was posted at J&B but she was not present during the inspection. The Board's Inspector observed signs of human trafficking and/or illicit activity including the two women were wearing lingerie and appeared to be living in the establishment, (Board Exhibit 1-C).
- D. On March 28, 2022, the Board's Inspector issued a Cease and Desist Order to J&B.
- E. On May 10, 2022, LI's Massage Therapist License No. 8251 issued by the Board on January 19, 2016 and valid through March 31, 2023 (Board Exhibit 4-A) was suspended pursuant to La. R.S. 49:961(C) pending the June 10, 2022 administrative hearing, (Board Exhibit 2).
- F. On May 10, 2022, Massage Establishment License No. E4690 for J&B valid through March 31, 2023 at was suspended pursuant to La. R.S. 49:961(C) pending the June 10, 2022 administrative hearing, (Board Exhibit 2).
- G. On May 10, 2022, Notice of the Order of Summary Suspension was sent to J&B's email address on its licensure application and by U.S. Certified Mail to J&B. The U.S. Certified Mail was delivered to J&B, (Board Exhibit 3).

H. No representative of J&B appeared for the administrative hearing.

3. **NEW FUSION MASSAGE**

- A. NEW FUSION at 10979 Coursey Boulevard, Suite J, Baton Rouge, Louisiana 70816 is owned by Xu Qiang Sun, (Board Exhibit 1-A, p. 3), who is not licensed by the Board.
- B. LI is listed as one of two Licensed Massage Therapists on NEW FUSION's application, (Board Exhibit 4-C). The other Licensed Massage Therapist surrendered her license leaving LI as the only Licensed Massage Therapist for NEW FUSION.
- C. On March 28, 2022, a Board Inspector inspected the NEW FUSION and reported that the sign on the building read "Wellness Spa." The Board Investigator was asked if he wanted a massage. The two females present were not licensed in Louisiana and did not have a license with the establishment address listed. The promotional signs, brochures, displays and business cards at the establishment did not include the license number of the therapist or the name of the establishment on the license. There was no evidence that data concerning health status was systematically and continuously collected, recorded and communicated to determine therapeutic needs. There was no evidence of current client records maintained in a confidential manner for a minimum of five years after the last service. The females were present did not have identification and were unable to speak English. The windows were completely blacked out. LI's license was posted at NEW FUSION but she was not present during the inspection. The Board's Inspector observed signs of human trafficking and/or illicit activity including the women were wearing lingerie and appeared to be living in the establishment, (Board Exhibit 1-A).
- D. On March 28, 2022, the Board's Inspector issued a Cease and Desist Notice to NEW FUSION.
- E. Massage Establishment License No. E3393 for NEW FUSION which expired on June 30, 2020 (Board Exhibit 4-C) was suspended pursuant to La. R.S. 49:961(C) on May 10, 2022 pending the June 10, 2022 administrative hearing, (Board Exhibit 2).
- F. On May 10, 2022, the Order of Summary Suspension was sent to NEW FUSION's email address on its application and by U.S. Certified Mail to the establishment. The Order of Summary Suspension sent by U.S. Certified Mail was delivered to the address, (Board Exhibit 3).
- G. On May 17, 2022, a Board Investigator inspected New Fusion, which was open for business. The Board Investigator was asked if he wanted a massage. LI's Massage Therapist License was posted; however, no establishment license or registration was posted. LI was not present during the inspection. The promotional signs, brochures, displays, and business cards at the establishment did not contain the license number of the therapist or the correct name of the establishment. There was no evidence that data concerning health status was systematically and continuously collected, recorded and communicated in order to determine therapeutic needs. There was no evidence that current client records were maintained at the establishment in a confidential manner or that client records were maintained for a minimum of five years after the last service.

The female present during the inspection, used a language translation app to communicate, and stated she was only there to clean and did not know how many massage therapists worked at the establishment. The Board's Inspector observed signs of human trafficking including one bedroom with a mattress and box spring and a shower where people appeared to be living, the windows were completely covered and the rooms were dimly lit. The female appeared nervous and was trying to "hurry" her out of the establishment. The inspector heard male voices in a room that was not shown during the inspection.

H. No representative of NEW FUSION appeared for the administrative hearing.

CONCLUSIONS OF LAW

1. XIANGMEI LI and NEW FUSION MASSAGE AND J&B SPA, INC. and the owners thereof violated:
 - A. La. R.S. 37:3556(A) by allowing unlicensed individuals who are not exempt by law to practice of massage therapy at J&B and NEW FUSION.
 - B. La. R.S. 37:3558(B) by employing individuals to perform massage who are not licensed as massage therapists.
 - C. La. R.S. 37:3563(A)(3) by engaging in unprofessional conduct likely to endanger the health, welfare, or safety of the public, as further defined by rules of the board by failing to systematically and continuously collect, record and communicate health data in order to determine therapeutic needs.
 - D. La. R.S. 37:3563(A)(6) by violating or aiding and abetting in the violation of any provisions of this Chapter or the rules and regulations promulgated hereunder by failing to maintain client records at the establishment in a confidential manner for a minimum of five years after the last service.
 - E. La. R.S. 37:3564(A) by failing to include the license number of therapist and the establishment on promotional materials.
 - F. La. R.S. 37:3564(A) by using the word "massage" on the sign and advertising of J&B.
2. La. R.S. 37:3555(A)(1) and La. R.S. 37:3563 authorize the Board to discipline licensed individuals and establishments for violations of law and authorizes the Board to impose fines and penalties.

ORDER

Considering the applicable laws and the evidence and testimony presented, the Louisiana State Board of Massage Therapy finds violations of La. R.S. 37:3546(A), La. R.S. 3563(A)(3) and (6), La. R.S. 37:3556(A) and La. R.S. 37:3558(B) therefore,

IT IS ORDERED, ADJUDGED AND DECREED that pursuant to LAC 46:XLIV.5501(B)(3), a fine of \$1,000 is imposed on XIANGMEI LI and Massage Therapist

License No. 8251 is hereby revoked and is ineligible for reinstatement until XIANGMEI LI pays all fines and costs set forth herein and appears before the Board;

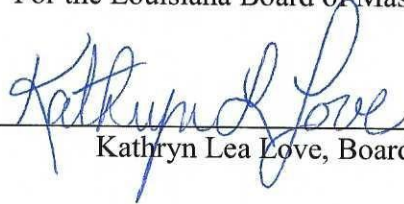
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to LAC 46:XLIV.5501(B)(3), a fine of \$1,000 is imposed on NEW FUSION MASSAGE and Massage Establishment License No. E3393 issued to NEW FUSION MASSAGE where XIANGMEI LI is listed as the only Licensed Massage Therapist is hereby revoked;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to LAC 46:XLIV.5501(B)(3), a fine of \$1,000 is imposed on J&B SPA, INC. and Massage Establishment License No. E3393 issued to J&B SPA, INC. where XIANGMEI LI is listed as the only Licensed Massage Therapist is hereby revoked; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to LAC 46:XLIV.5501(B)(3) all costs of this proceeding are assessed to XIANGMEI LI, J&B SPA, INC. and NEW FUSION MASSAGE.

Signed this 24th day of July 2022.

For the Louisiana Board of Massage Therapy


Kathryn Lea Love, Board Chair