



Report Highlights

Regulation of the Massage Therapy Profession *Louisiana Board of Massage Therapy*

Audit Control # 40190023
Performance Audit Services • March 2021

Why We Conducted This Audit

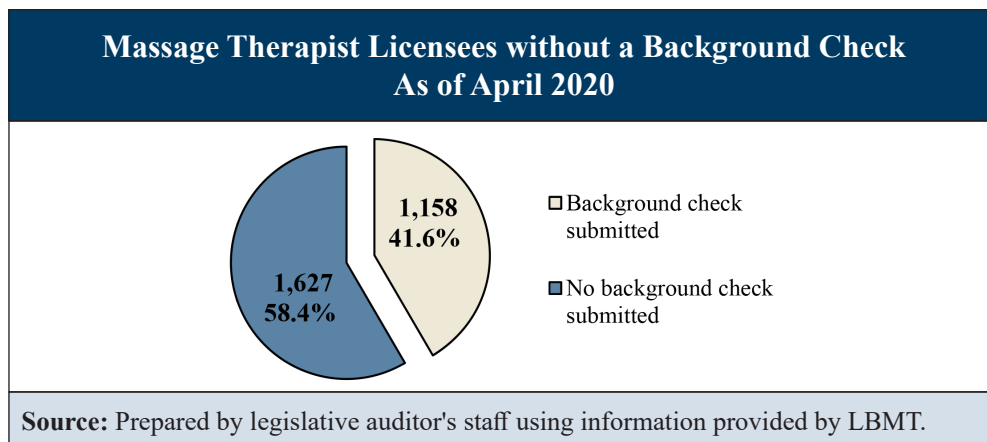
We evaluated whether the Louisiana Board of Massage Therapy (LBMT or Board) effectively regulated the massage therapy profession during fiscal years 2017 through 2019 to ensure compliance with the Louisiana Massage Therapists and Massage Establishments Act. We conducted this audit to determine whether LBMT is meeting its mission of protecting the public and integrity of the profession and whether its processes ensure that licensees comply with the Massage Therapy Act.

What We Found

Overall, we found that LBMT needs to improve its regulation of the massage therapy profession to ensure compliance with the Louisiana Massage Therapists and Massage Establishments Act and to better identify unlicensed and illicit establishments that threaten the integrity of the profession. We also found that the changes to this Act could help LBMT better meet its mission of protecting the public. Specifically, we identified the following:

The mission of LBMT is to protect the health, safety, and welfare of the public as well as the integrity of the profession by regulating the practice of massage therapy.

- **State law does not require LBMT to conduct background checks on massage therapists or establishment owners. State law only requires that massage therapists who apply for licensure after January 2013 submit a background check to the Board. As a result, less than half (1,158, or 41.6%) of the 2,784 massage therapists and none of the 628 establishment owners were required to submit a background check as of April 2020, as shown in the exhibit below.** Revising state law to require the Board to conduct background checks on both therapists and establishment owners would better protect the public and allow the Board to receive notifications from Louisiana State Police if any licensees are arrested after their initial background checks.



Regulation of the Massage Therapy Program

Louisiana Board of Massage Therapy

What We Found (Cont.)

- **LBMT does not have an effective process to identify unlicensed massage therapists and establishments.** As a result, we found 115 establishments that may be operating without a license as of September 2020. In addition, when LBMT identifies an unlicensed business and issues a cease and desist order, it does not monitor the establishment to ensure it remains closed. LBMT also does not impose fines or penalties for establishments that are operating without a license, even though it is authorized by state law to do so.
- **While LBMT investigates complaints and inspects establishments, its monitoring process is not sufficient to ensure that licensed massage establishments are not operating as sexually-oriented businesses, which would violate state law.** For instance, LBMT has not developed criteria for when complaints should be dismissed, its inspectors do not determine whether establishments are advertising or operating as sexually-oriented businesses, and it does not track inspections to know if it is meeting its goal of inspecting each establishment once every three years.

Allegations Received by LBMT, by Type Fiscal Years 2017 through 2019		
Allegation Type	No.	%
Unlicensed Therapist/Establishment	63	32.6%
Sexual Misconduct	33	17.1%
Sexually-Oriented Business	30	15.5%
Signs of Human Trafficking	17	8.8%
Sexually-Suggestive Advertisement	15	7.8%
Sanitary Issues	5	2.6%
Other (i.e. Unprofessional Conduct, Scope of Practice, Customer Service, etc.)	30	15.5%
Total	193*	100%

*Some complaints contained multiple allegations.
Source: Prepared by legislative auditor's staff using LBMT's data

- **The maximum fines levied by LBMT for noncompliance with state law are low compared to other states, and fines are not always increased based on the severity of the violation. Additionally, LBMT has not developed guidance, policies, or procedures to help the Board make consistent and appropriate disciplinary decisions. Inconsistent disciplinary actions may cause confusion for the Board, the public, and licensees, and actions that are too lenient may not deter potential offenders.** Developing a matrix similar to the one used by the Louisiana Physical Therapy Board could help LBMT establish a graduated and equitable system of sanctions by specifying the number or severity of violations that trigger each level of sanctions.
- **Increased coordination with law enforcement agencies and other stakeholders and training on human trafficking could help LBMT to identify and address illicit activity including human trafficking in the massage industry.** For instance, according to the Louisiana Human Trafficking Prevention Commission executive director, having a LBMT representative appointed to its advisory committee would be helpful in making meaningful recommendations related to the massage therapy profession.