*Welcome to LLA Reports, a podcast produced by the Louisiana Legislative Auditor’s office. This podcast is intended to be an oral representation of the written report it highlights and is primarily for the use of the Louisiana Legislature.*

This is Emily Dixon. I’m a manager with LLA Performance Audit Services. This episode of LLA Reports focuses on our new report titled “Regulation of the Massage Therapy Profession – Louisiana Massage Therapy Board.”

This report provides the results of our performance audit of the Louisiana Massage Therapy Board – or LBMT. The purpose of this audit was to evaluate LBMT’s regulation of the massage therapy profession.

Overall, we found that LBMT needs to improve its regulation to make sure massage therapists and establishments are complying with the Louisiana Massage Therapists and Massage Establishments Act. The board also needs to better identify unlicensed and illicit establishments that threaten the integrity of the profession. In addition, we found that changes in the Act could help the board better meet its mission of protecting the public.

Among the specific things we found was that state law does not require LBMT to conduct background checks on massage therapists or establishment owners.Instead,the law only requires massage therapists to send their background checks to the board when they are applying for their initial license. Since this law did not go into effect until January of 2013 that means that as of April 2020 fewer than half of the state’s 2,784 massage therapists and none of the 628 establishment owners had submitted a background check to the board.

LBMT also does not have an effective process to identify unlicensed massage therapists and establishments. We found 115 establishments that may have been operating without a license as of September 2020.

When LBMT does identify a massage establishment that is operating without a license, it will issue a cease and desist order, but it does not monitor the establishment to make sure it closes and that it stays closed. LBMT also does not impose fines or penalties on any of these unlicensed businesses they find, even state law gives it the authority.

In addition, while LBMT investigates complaints and inspects establishments, its monitoring process is really not sufficient to make sure these businesses are not operating as sexually-oriented businesses, which would violate state law.

For instance, LBMT has not developed criteria for when complaints can be dismissed, its inspectors do not check for establishments that are advertising or operating as sexually-oriented businesses, and the board does not track inspections to know that it is meeting its goal of inspecting each establishment once every three years.

We also found that the maximum fines imposed by LBMT are low compared to other states and that the fines are not always increased based on the severity of the violation. LBMT also has not developed guidance, policies, or procedures to help it make consistent and appropriate disciplinary decisions.

In addition, LBMT could do more to help combat human trafficking by coordinating more with law enforcement agencies and other stakeholders and by providing better training for its board members, staff, and inspectors on how to identify potential human trafficking.

As a result of our audit, we made 11 recommendations to LBMT, including developing processes to identify unlicensed activity and to continuously monitor establishments that have been issued cease and desist orders.

In addition, we recommended LBMT impose fines and penalties on establishments that it finds operating without licenses, establish written criteria for when it should dismiss complaints, and require inspectors to help determine whether an establishment is operating as a sexually-oriented business.

We also recommended LBMT develop criteria for choosing which establishments are inspected and how often inspections are conducted, track completed inspections, evaluate its fine schedule, and make sure fines increase as the severity of the violations increase.

Finally, we recommended LBMT develop a consistent, objective approach to disciplinary actions, find training opportunities to help board members, staff, and inspectors recognize signs of human trafficking, and improve its coordination efforts with law enforcement.

We also suggested two matters for legislative consideration. The first was that legislators may wish to consider requiring LBMT to conduct background checks on all massage therapists and establishment owners. The second was that legislators may wish to consider amending state law to include a member of the massage therapy industry on the advisory committee for the Louisiana Human Trafficking Prevention Commission.

In its response to our report, which is detailed in the report appendix, LBMT agreed with four of our 11 recommendations and disagreed with seven.

*We hope you found this podcast informative, and that you’ll follow future episodes of LLA Reports.*

*This podcast was created as part of the audit report just discussed and is intended primarily for the use of the Louisiana Legislature. Both the full report and the podcast can be found on the LLA’s website at* [*www.lla.la.gov*](http://www.lla.la.gov)*.*

*Thank you for listening.*