WEST VIRGINIA CODE: §30-37-14

§30-37-14. Emergency orders for establishment violations; penalty for continued violation.

(a) The executive director of the board may issue an emergency order suspending the operation of a massage establishment if:

(1) A law-enforcement agency provides notice to the board, that the law-enforcement agency is investigating the massage establishment for an offense pursuant to §61-8-1 *et seq.*, §61-14-1 *et seq.*, or §30-37-1 *et seq*. of this code, and rules promulgated thereunder; or

(2) The board has reasonable cause to believe that an offense pursuant to §30-37-1 *et seq*. of this code, or the rules promulgated thereunder is being committed at the massage establishment, and upon inspection by the board, one or more violations of §30-37-1 *et seq*. of this code or rules promulgated thereunder are observed; or

(3) Upon inspection of a massage establishment, one or more violations of §30-37-1 *et seq*. of this code or rules promulgated thereunder are observed.

(b) After an inspection where violations were observed, the executive director of the board shall issue an emergency order. If the board believes the massage establishment may be in violation of a local, municipal, or other applicable law, the board shall notify law enforcement of the possible violations.

(c) An emergency order shall identify the massage establishment by its business name, state that the massage establishment is closed by order of the WV Massage Therapy Licensing Board pursuant to §30-37-1 *et seq*. of this code, and rules promulgated thereunder. The massage establishment shall remain closed to the public until the it is in compliance with the provisions of §30-37-1 *et seq*. of this code and rules promulgated thereunder. The board shall provide the massage establishment with a written summary of the findings of the inspection resulting in the emergency order, describing what compliance measures are necessary. Within three business days the board shall provide to the massage establishment a written complaint resulting in the emergency order suspending the operation of the massage establishment, which describes the compliance measures which must be taken for the emergency order to be rescinded.

(d) The emergency order shall be noticed by being printed on 8 1/2" x 11" paper and taped to the front door of the massage establishment where it is clearly visible to the public.

(e) A massage establishment may not remove the emergency order notice suspending its operations or open for business until it is in compliance with §30-37-1 *et seq*. of this code, and rules promulgated thereunder as verified by a board inspection.

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(f) A massage establishment that opens its business to the public while subjected to an emergency order suspending its operations, shall be fined $1,000 per day, for each day of the violation.

(g) If the board has to take legal action against a massage establishment for continued violations of §30-37-1 *et seq*. of this code, and rules promulgated thereunder, the court may triple the applicable fines and order the massage establishment to reimburse the board for all legal fees, and all administrative costs.

(h) A massage establishment may appeal the action of the executive director of the board to the board pursuant to the provisions of §30-1-8 of this code.

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