

**STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL
LICENSURE AND CERTIFICATION**

BOARD OF ACUPUNCTURE LICENSING

**In Re: Joseph Matthews
Lic. # 49**

Docket No.: 2023-ACU-001

**ORDER OF EMERGENCY
SUSPENSION – 11/22/23**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On or about 11/21/2023, the Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement” filed a “Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 310:12, IV and N.H. Code Admin. R.Title Plc 206.07” with respect to the acupuncture detoxification specialist certification held by Joseph Matthews (“Licensee”). On 11/22/23, the New Hampshire Board of Acupuncture Licensing (“Board”) held an emergency meeting and voted to suspend the Licensee’s privilege to practice as an acupuncture detoxification specialist in New Hampshire on an emergency basis pursuant RSA 310:12, IV and N.H. Code Admin. R., Title Plc 206.07 (“Plc”) (“Rules”). This Order of Emergency Suspension follows.

II. LEGAL STANDARD:

“In cases involving imminent danger to public health, safety, or welfare, a board may order immediate suspension of a license or certification pending an adjudicative proceeding before the board to determine if the suspension should remain in place pending final adjudication of the matter.” RSA 310:12, IV. The Office of Professional Licensure and Certification has further interpreted that to mean that the Board “... shall issue an order that immediately suspends the respondent’s license based on: (1) [a] determination

that there is a reasonable basis to believe that public health, safety, or welfare requires emergency action...” Rule 206.07(a)(1).

III. EVIDENCE PRESENTED AND FINDINGS OF FACT:

A. Evidence Presented

The Board was presented with and/or considered the following evidence: a 11/21/23 “Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 310:12, IV and N. H. Code Admin.R. Title Plc 206.07” filed by Michael Porter, Investigations Bureau Chief, OPLC Division of Enforcement (“Verified Petition”). The Board also relied on its expertise in the field it regulates. A review of the evidence presented, and the reasonable inferences taken there from, allows the Board to find the following facts.

B. Findings of Fact

On or about 11/15/23, the OPLC Division of Enforcement received a complaint from a female alleging that the Licensee touched her in a sexual manner in private areas of her body during a recent acupuncture session he performed on her. On 11/17/23, the OPLC Division of Enforcement interviewed the female complainant, who provided detailed information about the alleged sexual contact, which was consistent with the 11/15/23 complaint she had made. On 11/21/23, the OPLC Division of Enforcement interviewed the Licensee who, with the assistance of counsel, advised he was unable to speak about the matter due to an ongoing criminal investigation into the allegations. The Licensee did; however, provide notes from the visit, which detail the purported professional services performed on the female client. The notes finish by recommending the female client seek help elsewhere. The notes as to the purported professional services performed on the female client are consistent with what the female patient stated occurred during her interview with the OPLC Division of Enforcement.

IV. CONCLUSIONS OF LAW:

The Board concludes there is a reasonable basis to believe that the public health, safety, or welfare requires the emergency action of suspending the Licensee's New Hampshire acupuncture license pursuant to RSA 310:12, IV and Plc 206.07(a)(1). The central facts are straightforward—the complaint alleges the Licensee touched a female client in a sexual manner in private areas of her body during an acupuncture session he performed on her. OPLC Enforcement interviewed the female client, who provided detailed information about the allegations that is consistent with her initial complaint. The limited information the Licensee has provided in relation to this matter corroborates the female client's account of the purported professional services performed and acknowledges that the female client was upset by the end of the session. While the session notes provided by the Licensee do not admit to any sexual wrongdoing by the Licensee, they acknowledge that the cause of the female client's consternation was sexual in nature. Accounting for the standard of proof under Plc 206.07(a)(1) , the Board concludes that the Licensee's alleged conduct, on its face, poses an imminent danger to the public health, safety, or welfare while licensed as a New Hampshire acupuncturist. The Board therefore orders the immediate emergency suspension of Joseph Matthews' acupuncture license pursuant to RSA 310:12, IV, pending a follow-up emergency suspension disciplinary hearing.

V. ORDER:

Pursuant to RSA 310:12, IV and Rule 206.07(a), the Board hereby orders the immediate emergency suspension of Joseph Matthews' certification as an acupuncture detoxification specialist, pending a follow up emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 11/22/2023

_____/s/ Nikolas Frye, Presiding Officer_____
Nikolas Frye, Hearings Examiner
On behalf of the New Hampshire Board of
Acupuncture
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