

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

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**ADVISORY BOARD OF MASSAGE THERAPISTS**

**In Re: Michael Diamond, LMT  
Lic. # 875**

Docket No.: 23-MAS-006

**ORDER OF EMERGENCY  
SUSPENSION – 11/21/23**

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**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 massage therapist license held by Michael Diamond, LMT (“Licensee”). Pursuant to OPLC Executive Director Standing Order 2023-1, the OPLC Hearings Examiner reviewed the petition on behalf of the Executive Director and ordered the immediate temporary suspension of the Licensee’s ability to practice as a massage therapist 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 OPLC Hearings Examiner 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, OPLC Investigations Bureau Chief, OPLC Division of Enforcement (“Verified Petition”). A review of the evidence presented, and the reasonable inferences taken there from, allows the OPLC Hearings Examiner to find the following facts.

#### **B. Findings of Fact**

Two female clients of the Licensee have alleged that he engaged in inappropriate sexual contact with private areas of their bodies while conducting massages on them on separate occasions—one incident occurred on 10/30/23 and the other on 11/11/23. These female patients have no relationship to each other and one of them has practiced as a licensed massage therapist in another state for 10 years. These female clients were both consistent and detailed in their descriptions of the inappropriate contact when separately recounting what happened to the Jackson, New Hampshire Police Department and OPLC Division of Enforcement. One of the female clients also reported the incident to management staff at the spa where the massage occurred. This description of events was also consistent with what she told the Jackson, New Hampshire Police Department and OPLC Division of Enforcement. The Licensee currently remains licensed to practice in New Hampshire.

### **IV. CONCLUSIONS OF LAW:**

The OPLC Hearings Examiner 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

massage therapist license pursuant to RSA 310:12, IV and Plc 206.07(a)(1). The central facts are straightforward—two female clients of the Licensee who have no relation to each other have alleged that he touched them in a sexually inappropriate manner during separate massage sessions occurring on 10/30/23 and 11/11/23 respectively. These women have provided independent, detailed, and consistent statements as to what occurred to the Jackson, New Hampshire Police Department and OPLC Division of Enforcement. One of these female clients has practiced as a massage therapist in another state for 10 years. The OPLC Hearings Examiner concludes that the Licensee’s conduct, on its face, poses an imminent danger to the public health, safety, or welfare while licensed as a New Hampshire massage therapist. The OPLC Hearings Examiner therefore orders the immediate emergency suspension of Michael Diamond’s 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 OPLC Hearings Examiner hereby orders the immediate emergency suspension of Michael Diamond’s license as a New Hampshire massage therapist, pending a follow up emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 11/21/2023

\_\_\_\_\_/s/ Nikolas Frye, Presiding Officer\_\_\_\_\_  
Nikolas Frye, Hearings Examiner  
New Hampshire Office of  
Professional Licensure & Certification  
7 Eagle Square  
Concord, NH 03301