

FILED

JUN 23 2023

**BOARD OF MASSAGE
AND BODYWORK THERAPY**

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N.J. BOARD OF
COSMETOLOGY & HAIRSTYLING

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FILED
JUN 27 2023
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
BOARD OF MASSAGE AND BODYWORK THERAPY
STATE BOARD OF COSMETOLOGY AND
HAIRSTYLING

IN THE MATTER OF THE UNLICENSED
OF MEDICINE AND MASSAGE AND
BODYWORK THERAPY, AND THE
INDIVIDUAL AND SHOP LICENSES
TO PRACTICE COSMETOLOGY AND
HAIRSTYLING

Administrative Action

CONSENT ORDER

MARISOL CABRERA
License No. 32WG06221600
License No. #32WE00101800

This matter was opened to the New Jersey State Board of Medical Examiners, State Board of Cosmetology and Hairstyling, and Board of Massage and Bodywork Therapy ("Boards") upon receipt of information alleging that Marisol Cabrera ("Respondent") has exceeded the scope of her cosmetology licenses and was engaging in

CERTIFIED TRUE COPY

the unlicensed practice of medicine and massage and bodywork therapy. Specifically, it was alleged that Respondent was performing incisional drainage by opening incisions, squeezing fluid out through surgical incisions, and utilizing syringes to suck blood and fluid out of clients.¹ Respondent is a licensed Cosmetologist-Hairstylist, and was the owner and operator of Marysol's Beauty Works ("Marysol's"), located in Union, New Jersey, and which is now closed.

On February 18, 2022, Enforcement Bureau investigators, acting on behalf of the Boards, conducted an inspection of Marysol's and interviewed Respondent. Respondent reported that in addition to offering cosmetology services, she also offered post-surgical massages.² Respondent admitted that she had been performing post-surgical massages for the past three to five years. Respondent denied being a licensed massage and bodywork therapist. Respondent advised that she sometimes utilized ultrasounds when performing the post-surgical massages. Respondent denied performing incisional drainage, and advised that she only

¹ Incisional drainage utilizes the practice of massage to force out bodily fluids through a surgical incision.

² Post-surgical massage, or post-operative massage, is also known as lymphatic drainage massage or manual lymphatic drainage. Lymphatic drainage massage is a gentle form of massage used to relieve painful swelling caused by lymphedema. The massage moves a patient's lymphatic fluid to their lymph nodes, allowing the patient to expel the lymphatic fluid naturally through a bowel movement or urination.

performed manual manipulation, which could sometimes cause drainage of fluids through operational incisions. Respondent advised that the fluid would either drain into a bag, or flow onto a disposal pad. However, contrary to statements made by Respondent, photographs found on Respondent's social media websites advertised her performing incisional drainage on patients. The photographs also showed Respondent utilizing an ultrasound, radiofrequency and cavitation machines, and performing cavitation services.

Respondent additionally advised that the employees present during the inspection solely provided administrative and cleaning services. However, during the inspection an employee was observed providing wax services.

Multiple services which Respondent provided constitute the practice of medicine and massage and bodywork therapy and/or exceed the scope of Respondent's cosmetology license, in violation of N.J.A.C. 13:28-2.15 (b)(2)(7)-(8) and the scope of Respondent's cosmetology shop license, in violation of N.J.S.A. 45:5B-9. These services include: performing lymphatic drainage massages and incisional drainage; and utilizing ultrasound, radiofrequency and cavitation machines. Further, Respondent allowed an unlicensed individual to perform cosmetology services, in violation of N.J.A.C. 13:28-2.14. Thus, the State Board of Cosmetology and Hairstyling deems Respondent's practice outside the scope of her individual and shop license authority and the allowing for the

unlicensed practice of cosmetology services, misrepresentation of the scope of her license and/or who would be performing services to constitute a violation of Board regulations, and professional misconduct in violation of N.J.S.A. 45:1-21 (b), (e) and (h).

Respondent's advertising and provision of services, including medical treatment, as described above constitutes the unlicensed practice of medicine, in violation of N.J.S.A. 45:1-18.2.

Respondent's provision of post-surgical massages, and advertising for said services, as described above, constitutes the unlicensed practice of massage and bodywork therapy in violation of the Massage and Bodywork Therapist Licensing Act (N.J.S.A. 45:11-53 et seq. and N.J.A.C. 13:37A-1.1 et seq.), as well as in violation of and N.J.S.A. 45:1-18.2 and N.J.S.A. 45:1-21(h).

The parties, desiring to resolve this matter without the need for a hearing, and it appearing that Respondent has read the terms of the within Final Consent Order and understands their meaning and effect and consents to be bound by same, and the Boards finding that the within disposition adequately protects the public health, safety and welfare, and for good cause shown,

ACCORDINGLY, IT IS on this 23rd day of June, 2023, ORDERED and AGREED that:

1. Respondent is hereby reprimanded for practicing and advertising outside the scope of her cosmetology-hairstyling

license, and her cosmetology-shop license, as more fully detailed above.

2. Respondent shall cease and desist from advertising and providing any and all medical services. The provision of medical services includes, but is not limited to performing incisional drainage, and utilizing ultrasound, radiofrequency and cavitation machines.

3. Respondent shall cease and desist from advertising and providing any and all massage and bodywork therapy services.

4. Respondent is assessed a civil penalty by the Board of Medical Examiners in the amount of \$6,000, pursuant to N.J.S.A. 45:1-25, for engaging in the unlicensed practice of medicine. The civil penalty shall be paid within eighteen (18) months from the date this Order is filed. The payments shall be made in equal monthly installments of \$333.33. Each payment shall be due on the first business day of each month, commencing on July 1, 2023. Respondent may prepay, or make monthly payments in excess of monthly amount owed, at any time. Payment shall be made by bank check, money order, wire transfer or credit card made payable to the New Jersey Board of Medical Examiners and mailed to the New Jersey State Board of Medical Examiners, ATTN: Antonia Winstead, Executive Director, 140 East Front St., 2nd Floor, PO Box 183, Trenton, NJ 08608. Any other form of payment will be rejected and will be returned to the party making the payment. In the event

that Respondent fails to make timely payment, interest shall begin to accrue at the annual court rule rate, a Certification of Debt shall be issued, and the Board may institute such other proceedings as are authorized by law.

5. Respondent is assessed a civil penalty by the Board of Massage and Bodywork Therapy in the amount of \$6,000, pursuant to N.J.S.A. 45:1-25, for engaging in the unlicensed practice of massage and bodywork therapy. The civil penalty shall be paid be paid within eighteen (18) months from the date this Order is filed. The payments shall be made in equal monthly installments of \$333.33. Each payment shall be due on the first business day of each month, commencing on July 1, 2023. Respondent may prepay, or make monthly payments in excess of monthly amount owed, at any time. Payment shall be made by bank check, money order, wire transfer or credit card made payable to the New Jersey Board of Massage and Bodywork Therapy and mailed to the State Board of Massage and Bodywork Therapy, Attention: Lisa Tadeo, Acting Executive Director, State Board of Massage and Bodywork Therapy, 124 Halsey Street, P.O. Box 45048, Newark, New Jersey 07101. Any payment in a form other than those noted in this Paragraph will be rejected and returned to the sender. In the event that Respondent fails to make timely payment, interest shall begin to accrue at the annual court rule rate, a Certification of Debt shall be

issued, and the Board may institute such other proceedings as are authorized by law.

6. Respondent is assessed a civil penalty by the Board of Cosmetology and Hairstyling in the amount of \$5,650 for professional misconduct in violation of N.J.S.A. 45:1-21(e), misrepresentation in violation of N.J.S.A. 45:1-21(b), and for engaging in unlawful and prohibited practice in violation of N.J.S.A. 45:1-21(h), and N.J.A.C. 13:28-2.15(b). The civil penalty shall be paid be paid within eighteen (18) months from the date this Order is filed. The payments shall be made in equal monthly installments of \$313.89. Each payment shall be due on the first business day of each month, commencing on July 1, 2023. Respondent may prepay, or make monthly payments in excess of monthly amount owed, at any time. Payment shall be made by bank check, money order, wire transfer or credit card made payable to the Board of Cosmetology and Hairstyling shall be made by bank check, money order, wire transfer or credit card made payable to the New Jersey Board of Cosmetology and Hairstyling, Attention: Jay A. Malanga, Executive Director, Board of Cosmetology and Hairstyling, 124 Halsey Street, 6th Floor, P.O. Box 45003, Newark, New Jersey 07101. Any payment in a form other than those noted in this Paragraph will be rejected and returned to the sender. In the event that Respondent fails to make timely payment, interest shall begin to accrue at the annual court rule rate, a Certification of Debt shall

be issued, and the Board may institute such other proceedings as are authorized by law.

7. Failure to comply with any of the terms of this Final Consent Order may result in further disciplinary action and any additional sanction determined by the Boards to be appropriate based on the conduct found.

NEW JERSEY STATE BOARD OF MEDICAL
EXAMINERS



By Otto F. Sabando, D.O.
Otto F. Sabando, D.O.
Board President

NEW JERSEY STATE BOARD OF COSMETOLOGY
AND HAIRSTYLING

By: 
Janice Alvarez
Board President

NEW JERSEY BOARD OF MASSAGE AND
BODYWORK THERAPY


By: David Bank
David Bank, LMBT
Board Chair

I have read the within Final Consent Order,
understand its terms and agree
to be bound by them.

Marisol Cabrera
Marisol Cabrera

Dated: 6-14-23.

Consent is hereby given
as to the form and entry of
this Final Consent Order.



Louis David Balk, Esq.
Attorney for the Respondent

Dated: 6/14/23

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ORDERS/ACTIONS

All Orders filed by the New Jersey State Board of Medical Examiners are "government records" as defined under the Open Public Records Act and are available for public inspection, copying or examination. See N.J.S.A. 47:1A-1 et seq., N.J.S.A. 52:14B-3(3). Should any inquiry be made to the Board concerning the status of a licensee who has been the subject of a Board Order, the inquirer will be informed of the existence of the Order and a copy will be provided on request. Unless sealed or otherwise confidential, all documents filed in public actions taken against licensees, to include documents filed or introduced into evidence in evidentiary hearings, proceedings on motions or other applications conducted as public hearings, and the transcripts of any such proceedings, are "government records" available for public inspection, copying or examination.

Pursuant to N.J.S.A. 45:9-22, a description of any final board disciplinary action taken within the most recent ten years is included on the New Jersey Health Care Profile maintained by the Division of Consumer Affairs for all licensed physicians. Links to copies of Orders described thereon are also available on the Profile website. See <http://www.njdoctorlist.com>. Copies of disciplinary Orders entered by the Board are additionally posted and available for inspection or download on the Board of Medical Examiners' website. See <http://www.njconsumeraffairs.gov/bme>.

Pursuant to federal law, the Board is required to report to the National Practitioner Data Bank (the "NPDB") certain adverse licensure actions taken against licensees related to professional competence or conduct, generally including the revocation or suspension of a license; reprimand; censure; and/or probation. Additionally, any negative action or finding by the Board that, under New Jersey law, is publicly available information is reportable to the NPDB, to include, without limitation, limitations on scope of practice and final adverse actions that occur in conjunction with settlements in which no finding of liability has been made. Additional information regarding the specific actions which the Board is required to report to the National Practitioner Data Bank can be found in the NPDB Guidebook issued by the U.S. Department of Health and Human Services in April 2015, See <http://www.npdb.hrsa.gov/resources/npdbguidebook.pdf>.

Pursuant to N.J.S.A.45:9-19.13, in any case in which the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, the Board is required to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders entered by the Board is provided to the Federation on a monthly basis.

From time to time, the Press office of the Division of Consumer Affairs may issue press releases including information regarding public actions taken by the Board.

Nothing herein is intended in any way to limit the Board, the Division of Consumer Affairs or the Attorney General from disclosing any public document.