



Based on the sworn testimony of witnesses, and documents entered into evidence at the Hearing, the Board hereby makes the following:

### **FINDINGS OF FACT**

1. Respondent holds a North Carolina Doctor of Chiropractic License, license number 2347, which was first issued on June 10, 1996, with an expiration date of December 31, 2024, and is currently active. At all relevant times, Respondent practiced chiropractic at A Healthy Back, located in Fayetteville, North Carolina.
2. On February 27, 2024, Patient T.B. filed a complaint with the Board alleging Respondent provided inappropriate care, committed acts which constituted violations of sexual boundaries, and committed lewd and immoral conduct towards her.
3. Following submission of the Complaint, Board Investigator Lisa Hicks-Jones conducted an investigation. On March 13, 2024, Investigator Hicks-Jones requested from Respondent the complete medical records for Patient T.B. in preparation for a meeting of the Board's Disciplinary Review Committee.
4. On April 11, 2024, the matter was heard by the Board's Disciplinary Review Committee but was not resolved.
5. On May 20, 2024, a Notice of Hearing was issued to the Respondent, notifying him that a Hearing on the matter would be held on June 14, 2024. On May 31, 2024, Respondent executed a Return of Service, agreed to accept service of the Notice of Hearing, and agreed to waive the notice requirements in N.C.G.S. 150B-38.
6. T.B. became a patient of the Respondent initially in 2012, seeking treatment for back pain.
7. Patient T.B. visited Respondent twice in July 2022. Petitioner and Respondent developed a personal relationship following time spent together on a cruise in 2023.
8. After the cruise, and during the period from October 2023 through January 2024, Patient T.B. made at least 8 visits to the Respondent's office for treatment. Her medical records for these visits do not show that any vital signs were taken.
9. Patient T.B. and Respondent developed a personal relationship. At the invitation of Respondent, Patient T.B. and her family attended "game nights" and "dinner nights" at Respondent's home.
10. During the period October 2023 through January 2024, Respondent communicated with Patient TB through Facebook Messenger. Some of the messages were sexually suggestive "memes" or pictures. Both agreed to regularly delete the messages.
11. Respondent provided chiropractic treatment to R.C.B, minor daughter of Patient T.B. He also provided chiropractic treatment to R.C.B.'s female friend N.R.R. Respondent had no properly executed patient records; Intake Forms, Informed Consent to Treat, or Medical History for R.C.B. or for N.R.R.

12. During an office visit by Patient T.B. in December 2023, Respondent asked her to remove items of clothing, without explanation and without her consent. This action made her uncomfortable.
13. During a subsequent office visit by Patient T.B. in December 2023, Respondent unhooked her bra and lowered her pants. Again, there was no explanation and no consent. Patient T.B. was shocked and uncomfortable.
14. During an office visit by Patient T.B. in January 2024, Respondent pulled her pants down all the way and touched her inappropriately, without her consent.
15. In January 2024, Patient T.B. visited Respondent's home one morning at approximately 5:30 a.m. Respondent met her wearing little or no clothing. Respondent took Patient T.B. to his bedroom, where they had sexual contact.
16. Patient T.B. was scared by this encounter. She told her husband about the incident and filed a complaint with the Fayetteville Police Department.
17. Respondent was not forthcoming in his testimony to the Board. Further, when questioned by Board members about his treatment and personal interactions with Patient T.B., Respondent was not completely truthful.
18. Respondent has practiced as a Chiropractor in Fayetteville, N.C. for 28 years. Prior to this matter, he has never had a complaint filed against him, nor disciplinary action taken against him by the Board of Chiropractic Examiners.
19. The following persons testified at the hearing on behalf of the Petitioner:
  - a. Lisa Hicks-Jones, Board Investigator
  - b. Patient T.B.
  - c. Patient R.C.B.
20. The following persons testified at the hearing on behalf of the Respondent:
  - a. Robert Twaddell, D.C.

21. The following Exhibits were introduced into evidence by Petitioner:

1. Notice of Hearing/Affidavit of Service/Return of Service
2. Complaint filed with the Board by Patient T.B.
3. Email Response by Respondent to Investigator + certain medical records for Patient T.B.
4. Additional information from Respondent re treatment of Patient T.B and of minor R.C.B. and friend N.R.R.
5. Additional Medical Records provided by Respondent for Patient T.B.
6. Respondent's Therapy Daily Notes for Patient T.B.

22. The following Exhibit was introduced into evidence by Respondent:

1. (8 pages)

Copy of an online review posted by Patient T.B for A Healthy Back.;

Photo of examination rooms;

Copy of text message from T.B. to Respondent;

Photo of R.C.B. and N.R.R. and accompanying text message;

Photo of Respondent's massage chair and acupuncture equipment;

Receipt for Respondent's purchase of Chiro Touch software;

Certificate of Respondent's attendance (June 11, 2024) – seminar on Documentation;

Registration information form – Program on Professional Boundaries and Ethics.

Based on the foregoing Findings of Fact, the Board hereby makes the following:

### **CONCLUSIONS OF LAW**

1. Disciplinary action is appropriate pursuant to N.C.G.S 90-154(b)(7), as defined in N.C. G.S. 90-154.3, in that Respondent failed to maintain adequate patient records. Specifically, Respondent treated a minor without notation of consent; Respondent provided certain methods of treatment to Patient T.B. without notation of informed consent; treatment records for Patient T.B. do not reflect that any vital signs were taken; and Respondent treated patient R.C.B. at his home without any notes or records of the treatments.
2. Disciplinary action is appropriate pursuant to N.C.G.S 90-154(b)(8), in that Respondent engaged in lewd or immoral conduct toward a patient. Specifically, Respondent communicated inappropriate sexual "memes" and pictures with Patient T.B. through social media. Further, during treatments in his office, Respondent removed items of Patient T.B.'s clothing without explanation or consent. Further, during an office visit in January 2024, Respondent lowered Patient T.B.'s pants and touched her inappropriately and without clinical justification. Further, at some point later in January 2024, Respondent received Patient T.B. into his home and engaged in sexual contact with her.
3. Disciplinary action is appropriate under N.C.G.S. 90-154 (b) (19) in that Respondent concealed information from the Board or failed to respond truthfully and completely to an

inquiry from the Board concerning matters affecting his licensure. Specifically, Respondent was evasive and not completely truthful when questioned by Board members about his treatment and personal interactions with Patient T.B.


Based on the foregoing Findings of Fact and Conclusions of Law, the Board hereby enters the following:

### **ORDER**

1. Respondent's license shall be placed on probation for twelve (12) months, which shall commence upon the Effective Date of this Order. At the end of this period, Respondent must send a letter to the board requesting that the Probationary status be removed from his license.
2. Respondent shall, at his own expense and within forty-five (45) days of the Effective Date of this Consent Order, complete and pass the following essay exams offered by Ethics and Boundaries Assessment Services (EBAS):
  - i. one (1) essay focusing on the area of Boundary Violations;
  - ii. one (1) essay on Professional Standards
  - a) Information for EBAS can be found at <http://www.ebas.org>. Respondent will need to provide the examiners with a copy of this notification prior to the beginning of the examinations. Respondent must sign all necessary waivers to allow Board staff to communicate with instructor(s) as needed and submit proof of satisfactory completion along with a copy of the written report. On the EBAS application, Respondent shall designate the topic essays set forth above.
  - b) Failure to obtain a passing score on the initial EBAS essays will result in the Respondent being required to complete a mental health assessment by a provider approved by the Board which concludes that Respondent does not have any condition, tendency, or risk that might make him unsafe to practice chiropractic on members of the public in relation to the complaints that have been filed against him.
3. If Respondent fails to complete and pass the essay exams within forty-five days of the Effective Date, his probation shall convert to a License Suspension. Respondent's license to practice chiropractic shall be suspended until further Order of this Board.
4. For a period of twelve (12) months following the Effective Date of this Order, Respondent shall, at his own expense and within forty-five (45) days of the effective date of this Order, engage a third-party monitoring firm to audit Respondent's record keeping for compliance with this Order during the period of probation. Said firm shall submit monthly reports to the Board confirming such compliance.
5. Upon the Effective Date of this Order and for twelve (12) months thereafter, Respondent is required to ensure that a certified chiropractic assistant or an assistant that is actively pursuing certification as a CCA with the Board, or chiropractic doctor licensed by the Board, is present for any chiropractic care, treatment, or therapies of female patients that he treats. Additionally, Respondent shall obtain signatures of the certified assistant or chiropractic doctor licensed by the Board in the patient's treatment record for the visit.

6. Within forty-five (45) days of the Effective Date of this Order, Respondent shall pay to the Board the costs of this disciplinary proceeding in the amount of \$10,000.
7. This is a Final Agency Decision and will be reported to the National Practitioner Database. Based on Board policy, this will also be posted to the Board's website.
8. This Order shall take effect on July 1, 2024.

Adopted this 14<sup>th</sup> day of June 2024.

  
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R. Todd Shaver, D.C., President & Presiding Officer  
NC State Board of Chiropractic Examiners

**CERTIFICATE OF SERVICE**

In accordance with N.C.G.S. Section 150B-42, this is to certify that the undersigned has served the foregoing Final Agency Decision and Order upon the following person by mailing a copy via Federal Express, postage prepaid, to each of the addresses below:

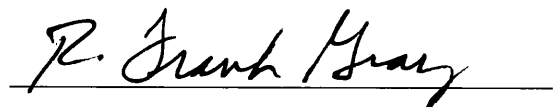
Robert Twaddell, D.C.  
4574 Canasta Court  
Hope Mills, NC 28348

A Healthy Back  
Attn: Robert Twaddell, D.C.  
1332 Bragg Blvd.  
Fayetteville, N.C. 28301

*And by first-class mail to the following:*

Grant Simpkins, *Counsel for the Board of Chiropractic Examiners*  
Hedrick Gardner Law Offices  
4131 Parklake Avenue, Suite 300  
Raleigh, NC 27612

This is the 24<sup>th</sup> day of June 2024.



R. Frank Gray State Bar #5630

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*Admin. Law Counsel to the Board of  
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