

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following sections of the Chiropractic Act (Act).¹

4. Section 10(b) of the Act provides, in pertinent part, that the Board may refuse to grant, or may suspend or revoke, a license to practice chiropractic in this state, or may place the licensee on probation or issue a reprimand, for violation of the rules and regulations adopted by the Board, or for any cause specified in the Act.

5. California Code of Regulations, title 16, section 372 states:
The suspension, expiration, or forfeiture by operation of law of a license issued by the board, or its suspension, or forfeiture by order of the board or by order of a court of law, or its surrender without the written consent of the board shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

STATUTORY PROVISIONS AND REGULATORY PROVISIONS

6. California Code of Regulations, title 16, section 317 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct which has been brought to its attention, or whose license has been provided by fraud or misrepresentation or issued by mistake.

Unprofessional conduct includes, but is not limited to, the following:

7. California Code of Regulations, title 16, section 318 states, in pertinent part:

(a) Chiropractic Patient Records. Each licensed chiropractor is required to maintain all active and inactive chiropractic patient records for five years from the date of the doctor's last treatment of the patient unless state or federal law requires a longer period of retention. Active chiropractic records are all chiropractic records of patients treated within the last 12 months. Chiropractic patient records shall be classified as inactive when there has elapsed a period of more than 12 months since the date of the last patient treatment.

¹ The Chiropractic Act, an initiative measure approved by the electors on November 7, 1922, while not included in the Business and Professions Code by the legislature, is set out in West's Annotated California Codes as sections 1000-1 to 1000-19, and is included in Deering's California Codes as Appendix I, for convenient reference.

1 All chiropractic patient records shall be available to any representative of the Board
2 upon presentation of patient's written consent or a valid legal order. Active chiropractic
3 patient records shall be immediately available to any representative of the Board at the
4 chiropractic office where the patient has been or is being treated. Inactive chiropractic
5 patient records shall be available upon ten days notice to any representative of the
6 Board. The location of said inactive records shall be reported immediately upon
7 request.

8 Active and inactive chiropractic patient records must include all of the following:

9 ...

10 (2) Patient gender, height and weight. An estimated height and weight is acceptable
11 where the physical condition of the patient prevents actual measurements;

12 (3) Patient history, complaint, diagnosis/analysis, and treatment must be signed by the
13 primary treatment must be signed by the primary treating doctor. Thereafter, any
14 treatment rendered by any other doctor must be signed or initiated by said doctor;

15 ...

16 (7) Signed written informed consent as specified in Section 319.1.

17 (b) Accountable Billings. Each licensed chiropractor is required to ensure accurate billing
18 of his or her chiropractic services wither or not such chiropractor is an employee of any
19 business entity, whether corporate or individual, and whether or not billing for such
20 services is accomplished by an individual or business entity other than the licensee. In the
21 event an error occurs which results in an overbilling, the licensee must promptly make
22 reimbursement of the billing whether or not the licensees is in any way compensated for
23 such reimbursement by his employer, agent or any other individual or business entity
24 responsible for such error. Failure by the licensee, within 30 days after discovery or
25 notification of an error which resulted in an overbilling, to make full reimbursement
26 constitutes unprofessional conduct.

27 8. California Code of Regulations, title 16, section 319.1 states, in pertinent part:

28 (a) A licensed doctor or chiropractic shall verbally and in writing inform each patient of the
material risks of proposed care. "Material" shall be defined a s a procedure inherently
involving know risk of serious bodily harm. The chiropractor shall obtain the patient's
written informed consent prior to initiating clinical care. The signed written consent
shall become part of the patient's record.

COST RECOVERY

9. California Code of Regulations, title 16, section 317.5, subdivision (a),
states, in pertinent part:

In any order in resolution of a disciplinary proceeding before the Board of
Chiropractic Examiners, the board may request the administrative law judge to direct
a licentiate found to have committed a violation or violations of the Chiropractic
Initiative Act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

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FACTUAL ALLEGATIONS

10. From on or about June 19, 2024, to on or about July 9, 2024, H.F.² received chiropractic treatment from Respondent.

11. During H.F.'s initial appointment with Respondent on or about June 19, 2024, Respondent engaged in the "Gonstead Method" of treatment, which required skin-to-skin contact.

12. Respondent instructed H.F. to remove her sports bra and put on a medical gown that had an opening in the back of the gown.

13. While H.F. was leaning over, and Respondent was examining H.F.'s bare back, Respondent stated something to the effect of, "Here at this office, we have gowns and stuff available, but at my other office in Boulder Creek, we don't have this whole setup with gowns and everything, so we just do the examinations topless."

14. During H.F.'s appointment on or about June 21, 2024, Respondent performed a neck adjustment, and H.F. immediately felt pain in the left side of her head. The pain felt like a muscle spasm or injured nerve, causing discomfort all the way to H.F.'s left eye.

15. H.F. told Respondent that she had a sudden headache from the adjustment, and Respondent replied something to the effect of "Well, I'm not going to do something that will give you a headache," and went back to writing in his notes.

16. The pain in H.F.'s head persisted for two days. Respondent never followed up with or asked H.F. about the pain.

17. During H.F.'s appointment on or about June 25, 2024, Respondent told H.F. he had a joke to tell her. Respondent said something to the effect of, "What do you call lesbians on fire? LGBBQ."

18. When H.F. expressed discomfort with that comment, Respondent replied by defending the joke and saying something to the effect of "Oh come on, whatever. It's important to have fun and be sarcastic."

19. During H.F.'s appointment on or about July 9, 2024, Respondent told H.F. about his conversation with another patient who recently reviewed sexual harassment training videos.

² Full names will be disclosed during discovery.

Respondent referenced “toe cleavage,” and further stated “In corporate America, you just can’t say anything anymore, like as a joke. It doesn’t even matter what your intent is so you just can’t do anything anymore. Like right now, I’m trying not to look at your boobs.”

20. Respondent’s comments made H.F. uncomfortable.

21. Respondent failed to include the following items in H.F.’s treatment records:

a. Patient’s gender, height, and weight;

b. Patient history, complaint, diagnosis/analysis, and treatment, signed by Respondent; and

c. Written informed consent.

22. Respondent failed to maintain accurate billing records for treatment dates of June 25, 2024, July 2, 2024, and July 9, 2024.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

23. Respondent has subjected his Chiropractic License to disciplinary action pursuant to California Code of Regulations, title 16, section 317, in that, as described in paragraphs 10 through 20, Respondent engaged in unprofessional conduct.

SECOND CAUSE FOR DISCIPLINE

(Failure To Maintain Accurate Treatment Records)

24. Respondent has subjected his Chiropractic License to disciplinary action pursuant to Code section 10, subdivision (b) and/or by reference to the California Code of Regulations, title 16, section 318, subdivision (a), in that, as described in paragraph 21, H.F.’s treatment did not include all of the statutorily required items.

THIRD CAUSE FOR DISCIPLINE

(Failure to Maintain Written Informed Consent)

25. Respondent has subjected his Chiropractic License to disciplinary action pursuant to Code section 10, subdivision (b) and/or by reference to the California Code of Regulations, title 16, section, 318 (a)(7) in that, as described in paragraph 21(c), Respondent failed to maintain written informed consent as part of H.F.’s treatment records

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Ensure Accurate Billing)**

3 26. Respondent has subjected his Chiropractic License to disciplinary action pursuant to
4 Code section 10, subdivision (b) and/or by reference to the California Code of Regulations, title
5 16, section 318, subdivision (b), in that, as described in paragraph 22, Respondent failed to
6 maintain accurate billing records for H.F.

7
8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Chiropractic Examiners issue a decision:

11 1. Revoking or suspending Chiropractor License Number DC 14956, issued to Jeffrey
12 B. Kaplan (Respondent);

13 2. Ordering Respondent to pay the Board of Chiropractic Examiners the reasonable
14 costs of the investigation and enforcement of this case, pursuant to Title 16, California Code of
15 Regulations, section 317.5 and if placed on probation, the costs of probation monitoring;
16 and,

17 3. Taking such other and further action as deemed necessary and proper.

18
19 DATED: 4/14/2026

Signature on File

20 KRISTIN WALKER
21 Executive Officer
22 Board of Chiropractic Examiners
23 Department of Consumer Affairs
24 State of California
25 *Complainant*

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