

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3373
6 Facsimile: (415) 703-5480
E-mail: Leslie.Brast@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF CHIROPRACTIC EXAMINERS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. AC 2024-2032

13 **KIMBERLY R. GORDACAN**
14 **1144 Sonoma Avenue #101,**
Santa Rosa, California 95405

ACCUSATION

15 **Chiropractor License No. DC 17362**

16 Respondent.

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19 **PARTIES**

20 1. Kristin Walker (Complainant) brings this Accusation solely in her official capacity as
21 the Executive Officer of the Board of Chiropractic Examiners (Board), Department of Consumer
22 Affairs.

23 2. On or about January 7, 1986, the Board issued Chiropractor License Number DC
24 17362 to Kimberly R Gordacan (Respondent). The Chiropractor License was in full force and
25 effect at all times relevant to the charges brought herein, and will expire on August 31, 2026,
26 unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following sections of the Chiropractic Act (Act),¹ the Board's regulations, and the Business and Professions Code.

4. 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 AND REGULATORY PROVISIONS

5. Section 10, subsection (b), of the Act² states, in pertinent part, that the Board may suspend or revoke a license to practice chiropractic or may place the license on probation for violations of the rules and regulations adopted by the Board or for any cause specified in the Act.

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

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 procured by fraud or misrepresentation or issued by mistake.

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

(a) Gross negligence;

(b) Repeated negligent acts;

(c) Incompetence;

...

(m) Violating or attempting to violate, directly or indirectly, or assisting in or abetting in the violation of, or conspiring to violate any provision or term of the Act or the regulations adopted by the board thereunder;

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.

² Section 10 of the Act is located in West's Annotated California Codes as section 1000-10.

(p) The use of advertising relating to chiropractic which violates section 17500 of the Business and Professions Code;

...

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

(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 laws require 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.

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

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

- (1) Patient's full name, date of birth, and social security number (if available);
- (2) Patient gender, height and weight. An estimated height and weight is acceptable where the physical condition of the patient prevents actual measurement;
- (3) Patient history, complaint, diagnosis/analysis, and treatment must be signed by the primary treating doctor. Thereafter, any treatment rendered by any other doctor must be signed or initialed by said doctor;
- (4) Signature of patient;
- (5) Date of each and every patient visit;
- (6) All chiropractic X-rays, or evidence of the transfer of said X-rays;
- (7) Signed written informed consent as specified in Section 319.1.

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

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

2 (a) A licensed doctor of chiropractic shall verbally and in writing inform each
3 patient of the material risks of proposed care. "Material" shall be defined as a
4 procedure inherently involving known 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.

5 (b) A violation of this section constitutes unprofessional conduct and may
6 subject the licensee to disciplinary action.

7 9. Business and Professions Code section 17500 states:

8 It is unlawful for any person, firm, corporation or association, or any employee
thereof with intent directly or indirectly to dispose of real or personal property or to
9 perform services, professional or otherwise, or anything of any nature whatsoever or
to induce the public to enter into any obligation relating thereto, to make or
10 disseminate or cause to be made or disseminated before the public in this state, or to
make or disseminate or cause to be made or disseminated from this state before the
11 public in any state, in any newspaper or other publication, or any advertising device,
or by public outcry or proclamation, or in any other manner or means whatever,
12 including over the Internet, any statement, concerning that real or personal property
or those services, professional or otherwise, or concerning any circumstance or matter
of fact connected with the proposed performance or disposition thereof, which is
13 untrue or misleading, and which is known, or which by the exercise of reasonable
care should be known, to be untrue or misleading, or for any person, firm, or
14 corporation to so make or disseminate or cause to be so made or disseminated any
such statement as part of a plan or scheme with the intent not to sell that personal
15 property or those services, professional or otherwise, so advertised at the price stated
therein, or as so advertised. Any violation of the provisions of this section is a
16 misdemeanor punishable by imprisonment in the county jail not exceeding six
months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by
17 both that imprisonment and fine.

18 **COST RECOVERY**

19 10. California Code of Regulations, title 16, section 317.5, subdivision (a), states, in
20 pertinent part, that the Board may request that the administrative law judge to direct a licensee
21 found to have committed a violation or violations of the Act to pay a sum not to exceed the
22 reasonable costs of the investigation and enforcement of the case.

23 **FACTUAL BACKGROUND**

24 11. On or about July 9, 2021, Respondent undertook the chiropractic care of a three-day-
25 old puppy and engaged in a physical altercation with the puppy's owner over payment for
26 Respondent's services. When questioned about the altercation, Respondent admitted she was
27 paid \$60 and took, without the owner's permission, another \$60 cash she saw pinned to the
28 owner's refrigerator, which prompted the conflict and ensuing fight.

12. At the time of the altercation, Respondent had an internet website advertising her provision of chiropractic care for animals. The website advertised that Respondent had “been working with all breeds and all ages of dogs for many years under the supervision of a veterinarian.” This was untrue.

13. During a pretext phone call on November 8, 2022, Respondent told an investigator posing as the owner of an injured dog that she had a solo “boutique” office and worked from the tailgate of her truck “rain or shine” seeing animal patients in the parking lot at Montecito Veterinary Center (Montecito) in Santa Rosa. Respondent falsely claimed she had a veterinarian on the premises there to review and sign paperwork.

14. On November 16, 2022, the investigator arrived for an appointment scheduled during the pretext phone call and located Respondent’s truck in the parking lot at Montecito. As the investigator waited, Respondent finished a chiropractic adjustment to another dog using an activator instrument.

15. Respondent had no formal or informal arrangement with a veterinarian supervisor, as advertised, and did not provide chiropractic care under the supervision of either of the two veterinarians that worked at Montecito. Respondent did not get written informed consent for her chiropractic treatment of animals, and did not keep treatment records for her animal patients.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence, Repeated Acts of Negligence, and/or Incompetence)

16. Respondent is subject to disciplinary action under section 10 of the Act and under California Code of Regulations, title 16, section 317, subdivisions (a), (b), and/or (c), for unprofessional conduct in that she committed gross negligence, repeated acts of negligence, and/or demonstrated incompetence in the practice of chiropractic care, as set forth in paragraphs 11 through 15, above, and incorporated herein.

SECOND CAUSE FOR DISCIPLINE

(False Advertising)

17. Respondent is subject to disciplinary action under section 10 of the Act and under California Code of Regulations, title 16, section 317, subdivision (p), and/or Business and

1 Professions Code section 17500 for unprofessional conduct in that she engaged in false
2 advertising of her chiropractic care of animals, as set forth in paragraphs 12 through 15, above,
3 and incorporated herein.

4 **THIRD CAUSE FOR DISCIPLINE**

5 (Failure to Maintain Accurate Patient Records and Ensure Accurate Billing)

6 18. Respondent is subject to disciplinary action under section 10 of the Act and under
7 California Code of Regulations, title 16, sections 317, subdivision (m), and/or 318 for
8 unprofessional conduct in that she failed to maintain accurate patient records and/or ensure
9 accurate billing of her chiropractic services, as set forth in paragraph 15, above, and incorporated
10 herein.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 (Failure to Procure Informed Consent)

13 19. Respondent is subject to disciplinary action under section 10 of the Act and under
14 California Code of Regulations, title 16, sections 317, subdivision (m), 318, subdivision (a)(7),
15 and/or 319.1 for unprofessional conduct in that she failed to procure written informed consent for
16 the treatment of animals, as set forth in paragraph 15, above, and incorporated herein.

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18 **PRAYER**

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

21 1. Revoking or suspending Chiropractor License Number DC 17362, issued to Kimberly
22 R. Gordacan;

23 2. Ordering Kimberly R. Gordacan to pay the Board of Chiropractic Examiners the
24 reasonable costs of the investigation and enforcement of this case, pursuant to Title 16, California
25 Code of Regulations, section 317.5 and if placed on probation, the costs of probation monitoring;
26 and,

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

DATED: 09/24/2025

Signature on File
KRISTIN WALKER
Executive Officer
Board of Chiropractic Examiners
Department of Consumer Affairs
State of California
Complainant

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