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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 2025-2061

13 **JACK MILLER EIVINS**
1506 S. Court Street
Visalia, CA 93277

ACCUSATION

14 **Chiropractic License No. DC 23798**

15 Respondent.

16
17 **PARTIES**

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

20 2. On or about August 31, 1995, the Board of Chiropractic Examiners (Board) issued
21 Chiropractic License Number DC 23798 to Jack Miller Eivins (Respondent). The Chiropractic
22 License was in full force and effect at all times relevant to the charges brought herein and will
23 expire on April 30, 2026, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board under the authority of the following
26 sections of the Chiropractic Act (Act).¹ Business and Professions Code (Code) section 1000-

27 ¹ The Chiropractic Act, an initiative measure approved by the electors on November 7,
28 1922, while not included in the Business and Professions Code by the legislature, is set out in
(continued...)

1 10(a) provides that the Board may by rule or regulation adopt, amend or repeal rules of
2 professional conduct appropriate to the establishment and maintenance of a high standard of
3 professional service and the protection of the public. The regulations adopted by the Board
4 appear in California Code of Regulations, title 16, section 300, et seq.

5 4. Section 10 of the Act states, in pertinent part, that the Board may suspend or revoke a
6 license to practice chiropractic or may place the license on probation for violations of the rules
7 and regulations adopted by the Board or for any cause specified in the Chiropractic Initiative Act.

8 5. California Code of Regulations, title 16, section 372 states:

9 The suspension, expiration, or forfeiture by operation of law of a license issued
10 by the board, or its suspension, or forfeiture by order of the board or by order of a
11 court of law, or its surrender without the written consent of the board shall not, during
12 any period in which it may be renewed, restored, reissued, or reinstated, deprive the
13 board of its authority to institute or continue a disciplinary proceeding against the
14 licensee upon any ground provided by law or to enter an order suspending or
15 revoking the license or otherwise taking disciplinary action against the licensee on
16 any such ground.

14 **STATUTORY PROVISIONS**

15 6. Section 726 of the Code states:

16 (a) The commission of any act of sexual abuse, misconduct, or relations with a
17 patient, client, or customer constitutes unprofessional conduct and grounds for
18 disciplinary action for any person licensed under this or under any initiative act
19 referred to in this division.

20 (b) This section shall not apply to consensual sexual contact between a licensee
21 and his or her spouse or person in an equivalent domestic relationship when that
22 licensee provides medical treatment, to his or her spouse or person in an equivalent
23 domestic relationship.

21 **REGULATORY PROVISIONS**

22 7. California Code of Regulations, title 16, section 316, states:

23 . . .

24 (c) The commission of any act of sexual abuse, sexual misconduct, or sexual
25 relations by a licensee with a patient, client, customer or employee is unprofessional
26 conduct and cause for disciplinary action. This conduct is substantially related to the
27 qualifications, functions, or duties of a chiropractic license.

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28 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 This section shall not apply to sexual contact between a licensed chiropractor
2 and his or her spouse or person in an equivalent domestic relationship when that
chiropractor provides professional treatment.

3 8. California Code of Regulations, title 16, section 316.5, states:

4 (a) For the purposes of the denial, suspension or revocation of a license
5 pursuant to Section 141 of the Business and Professions Code, Division 1.5
6 (commencing with Section 475) of the Business and Professions Code, or a violation
7 of Section 10(b) of the Chiropractic Initiative Act of California, a crime, professional
8 misconduct, or act shall be considered substantially related to the qualifications,
functions or duties of a licensee, if, to a substantial degree, it evidences present or
potential unfitness of a person holding a license to perform the functions authorized
by the license in a manner consistent with the public health, safety or welfare.

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

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

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

14 (a) Gross negligence;

15 . . .

16 (c) Incompetence;

17 . . .

18 (e) Any conduct which has endangered or is likely to endanger the health,
19 welfare, or safety of the public;

20 . . .

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

23

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

25 (a) Chiropractic Patient Records. Each licensed chiropractor is required to
26 maintain all active and inactive chiropractic patient records for five years from the
27 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
28 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 All chiropractic patient records shall be available to any representative of the
2 Board upon presentation of patient's written consent or a valid legal order. Active
3 chiropractic patient records shall be immediately available to any representative of
4 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.

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

7 (1) Patient's full name, date of birth, and social security number (if available);

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

9

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

11

12 **COST RECOVERY**

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

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

18 **FACTUAL ALLEGATIONS**

19 12. In or about 2009, Respondent treated patient S.H. for back pain until her insurance
20 changed in or about 2015, and he was no longer a contracted provider. In or about February
21 2023, patient S.H. was involved in a car accident injuring her back and required further treatment.
22 She sought Respondent's services again. Respondent treated patient S.H. from February 2023
23 until April 17, 2023. During the first visit, patient S.H. felt uncomfortable when Respondent sat
24 close behind her to massage her back. During other visits, Respondent would sit very close and
25 speak into patient S.H.'s ear, suggest she straddle his lap so he could get the knots out of her back
26 better, and would hug her after some sessions.

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1 13. Following her first visit, Respondent began sending patient S.H. text messages,
2 almost daily. Patient S.H. rarely responded to the text messages as she felt they were
3 inappropriate and flirtatious. The text messages included, but were not limited to the following:

- 4 • [Don't ice] too much I don't want to lose you /² Are you up for the more hands on;
- 5 • [H]opefully many many visits...of course to help your back;
- 6 • [W]e will be seeing a LOT of each other/ It's what wanted [sic] anyway;
- 7 • Since I know your [sic] not working yet thought I might get a response from you /
- 8 Great seeing you / makes my day and week / look forward to next week all [sic]
- 9 ready;
- 10 • [N]ot too much [icing] / I want you to need me;
- 11 • Just trying to work my way up from #6 to #5 on your I like you number;
- 12 • Do you read all the texts I send;
- 13 • So am I climbing up / I'm very patient / I'm always willing to work my way up;
- 14 • And thanks for making my day / Makes me special that you respond;
- 15 • I guess your [sic] going to be stuck with me [smiling emoji] / I'm super happy about
- 16 that [smiling emoji];
- 17 • It was AWESOME yesterday / You really have no idea how attractive you are / it's
- 18 great;
- 19 • Hope you are having an awesome day / Make sure to read my texts;
- 20 • I'm not giving you away / I want to see you a lot (of course to help you) / I really
- 21 enjoy seeing you / You just admit that you like it too [smiling emoji];
- 22 • Let me know how [your ergonomic evaluation] goes/ It's also a way to make you
- 23 text me again / this way I move up in the like you scale to a 5.5 I hope;
- 24 • Good morning bright and pretty [S.H.];
- 25 • You know that seeing you on Monday makes my whole week better / But seeing
- 26 you next gives me something to really look forward to [smiling emoji];

27 _____
28 ² Punctuation marks added for clarity. Slash marks denote new sentence in same text message.

- If you get bored (not likely) Shoot me a text [smiling emoji];
- So besides being smart and attractive you also have a great fashion sense;
- See that's why I threw out the nicknames for ya / Attractive [S.H.] / Smart [S.H.] / Hardworking [S.H.] / They are ALL applicable / See you in 12 days / hope you [sic] eye is better;
- I can take a look at [your eye] if you want it would [sic] pleasure / Might have to get close could be awkward I hope;
- I just want to let you know I AM thinking of you;
- My birthday is tomorrow / Please no gift / Would love to hear from you;
- My pleasure / Can't wait / Love seeing you;
- So what [day] does attractive soft on me [S.H.] want;
- Open 830-1 but I'm there until about 230 / After 130 I'll have no staff / What do you think [smiling emoji] / 130 [smiling emoji];
- I'll do virtually anything for you;
- Come on I know it's awkward but are we dating.

14. On or about April 3, 2023, patient S.H. fell off a scooter and injured her left shoulder. During her visit with Respondent on or about April 3 and April 17, 2023, Respondent did not document an evaluation of the patient's shoulder. Respondent attempted to treat/adjust her shoulder, but the treatment caused patient S.H. severe pain. In or about June 2023, patient S.H. underwent an MRI of her shoulder and discovered she had a partial tear in her rotator cuff, which required surgery.

15. On or about February 21, 2024, the Board received a complaint from K.O. who was treating patient S.H. K.O. alleged that Respondent had made numerous unprofessional and flirtatious comments to patient S.H. in person and over text messages during his treatment of patient S.H. prior to K.O. treating her.

16. During the Board's investigation, Respondent admitted that his messages to patient S.H. could be perceived as inappropriate, that he does not send those types of messages to other

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1 patients, or typically communicate with patients outside normal business hours as he did with
2 patient S.H.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Sexual Misconduct)**

5 17. Respondent is subject to disciplinary action pursuant to Code section 726, subdivision
6 (a), and section 10 of the Act, in conjunction with California Code of Regulations, title 16,
7 section 316, subdivision (c), in that in and between February 2023 and April 2023, Respondent
8 committed acts of sexual misconduct with Patient S.H. by making sexually suggestive and
9 inappropriate comments to her on a near-daily basis throughout the 56 days she was his patient,
10 and by engaging in harassing and stalking conduct through sending her 129 text messages during
11 that period, as more fully set forth in Paragraphs 12 through 13, and 15 through 16 above, and
12 incorporated by reference as if fully set forth herein.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Patient Records)**

15 18. Respondent is subject to disciplinary action pursuant to section 10 of the Act, in
16 conjunction with California Code of Regulations, title 16, section 318, subdivisions (a)(1), (2),
17 and (7), in that Respondent's patient records for S.H. failed to include her social security number,
18 height, weight, gender or mention any treatment of her shoulder in his treatment records.
19 Respondent also failed to obtain and maintain a signed informed consent forms as required, as
20 more fully set forth in Paragraph 14 above, and incorporated by reference as if fully set forth
21 herein.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Endangering Public Health)**

24 19. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
25 section 10 of the Act, in conjunction with California Code of Regulations, title 16, section 317,
26 subdivision (e), in that Respondent endangered or was likely to endanger the health, welfare, or
27 safety of the patient S.H. when he repeatedly treated her shoulder injury without first performing

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1 an evaluation, which may have caused her further injury, as more fully set forth in Paragraph 14
2 above, and incorporated by reference as if fully set forth herein.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Incompetence)**

5 20. Respondent is subject to disciplinary action pursuant to section 10 of the Act, in
6 conjunction with California Code of Regulations, title 16, section 317, subdivision (c), in that
7 Respondent demonstrated incompetence in his care and treatment of Patient S.H., when he failed
8 to evaluate her shoulder injury for treatment prior to rendering any treatment as more fully set
9 forth in Paragraph 14 above, and incorporated by reference as if fully set forth herein.

10 **FIFTH CAUSE FOR DISCIPLINE**

11 **(Gross Negligence)**

12 21. Respondent is subject to disciplinary action pursuant section 10 of the Act, in
13 conjunction with California Code of Regulations, title 16, section 317, subdivision (a), in that on
14 or about May 1, 2022, he was grossly negligent in his care and treatment of Patient S.H., when he
15 treated her shoulder on more than one occasion without first performing an evaluation, as further
16 set forth in paragraph 14 above, and incorporated by reference as if fully set forth herein.

17 **SIXTH CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 22. Respondent is subject to disciplinary action for unprofessional conduct³ pursuant to
20 section 10 of the Act, in conjunction with California Code of Regulations, title 16, section 316,
21 subdivision (m), for violating or attempting to violate any provision or term of the Act or the
22 regulations adopted by the Board as further set forth in paragraphs 17-21, above and incorporated
23 by reference as if fully set forth herein.

24 **PRAYER**

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

27 ³ “Unprofessional conduct is that conduct which breaches the rules or ethical code of a
28 profession or conduct which is unbecoming a member in good standing of a profession.” (*Shea v.*
Board of Medical Examiners (1978) 81 Cal.App.3d 564, 575.)

1 1. Revoking or suspending Chiropractic License Number DC 23798, issued to Jack
2 Miller Eivins;

3 2. Ordering Jack Miller Eivins to pay the Board of Chiropractic Examiners the
4 reasonable costs of the investigation and enforcement of this case, pursuant to Title 16, California
5 Code of Regulations, section 317.5 and if placed on probation, the costs of probation monitoring;
6 and,

7 3. Taking such other and further action as deemed necessary and proper.
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9

10 DATED: 12/4/2025

Signature on File

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

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