

1 ROB BONTA
Attorney General of California
2 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
3 DIANE DE KERVOR
Deputy Attorney General
4 State Bar No. 174721
600 West Broadway, Suite 1800
5 San Diego, CA 92101
Telephone: (619) 738-9415
6 Facsimile: (916) 732-7920
E-mail: diane.dekervor@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 and Petition to
13 Revoke Probation Against:

14 **JOHN ROY BERGMAN**
15 **18582 Beach Blvd., Ste. 22**
16 **Huntington Beach, CA 92648**

17 **Chiropractor License No. DC 25409**

18 One Respondent.

Case No. AC 2021-1346

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

19 **PARTIES**

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

23 2. On or about May 9, 1998, the Board of Chiropractic Examiners issued Chiropractor
24 License Number DC 25409 to John Roy Bergman (Respondent). The Chiropractor License was
25 in full force and effect at all times relevant to the charges brought herein and will expire on April
26 30, 2026, unless renewed.

27 3. In a disciplinary action titled *In the Matter of the Accusation against John Roy*
28 *Bergman*, Case No. AC 2021-1346, the Board of Chiropractic Examiners issued a Decision and
Order effective February 18, 2024, in which Respondent's Chiropractor License was revoked.

1 However, the revocation was stayed and Respondent's Chiropractor License was placed on
2 probation for three (3) years with certain terms and conditions. A copy of that Decision and
3 Order is attached as Exhibit A and is incorporated by reference.

4 **JURISDICTION PROVISIONS FOR ACCUSATION**

5 4. This Accusation is brought before the Board under the authority of the following
6 sections of the Chiropractic Act (Act).¹

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

10 6. California Code of Regulations, title 16, section 355.1 (Regulation 355.1) states:

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

16 **REGULATORY PROVISIONS FOR ACCUSATION**

17 7. California Code of Regulations, title 16, section 302 (Regulation 302) provides, in
18 relevant part:

19 (a) Scope of Practice.

20

21 (4) A chiropractic license issued in the State of California does not
22 authorize the holder thereof:

23 (A) to practice surgery or to sever or penetrate tissues of human beings,
24 including, but not limited to severing the umbilical cord.

24

25 ///

26
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
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 8. California Code of Regulations, title 16, section 317 (Regulation 317), states:

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

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

5

6 (b) Repeated negligent acts;

7

8 (d) The administration of treatment or the use of diagnostic procedures
9 which are clearly excessive as determined by the customary practice and standards of
the local community of licensees;

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

12

13 (q) The participation in any act of fraud or misrepresentation;

14

15 **COST RECOVERY FOR ACCUSATION**

16 9. California Code of Regulations, title 16, section 317.5, subdivision (a) (Regulation
17 317.5(a)), states in pertinent part:

18 In any order in resolution of a disciplinary proceeding before the Board of
19 Chiropractic Examiners, the board may request the administrative law judge to direct
20 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.

21 **FACTUAL ALLEGATIONS**

22 10. On October 9, 2024, the Board received a complaint from CQ, Respondent's patient.
23 CQ alleged that Respondent did not tell her he was on Board probation, and he performed a "live
24 blood" diagnosis that included taking her blood. During the procedure, CQ reported that
25 Respondent made rude/inappropriate comments. A friend came with CQ to the appointment and
26 took a video of the appointment, which CQ provided to the Board. The video showed
27 Respondent take blood from CQ's finger, put it on a slide and analyze it with a microscope.

28 ///

1 11. CQ told the Board investigator that she followed Respondent on YouTube for five
2 years. He posted a treatment special on his social media, so CQ traveled from Las Vegas to
3 Respondent's office in Huntington Beach. For \$250 she received an assessment, diagnosis and
4 "live blood" diagnostics. Based upon his evaluation, Respondent recommended 60 adjustments.
5 CQ told the Board investigator that Respondent had a "poor attitude," and she didn't appreciate
6 his comments related to rape victims and the use of profanity.

7 12. Respondent used profane and unprofessional language in his communications with
8 CQ. For example, Respondent told CQ, "you sleep like shit;" used the terms "fucked up," "fuck,"
9 and "shit" several times in his discussions with the patient. The use of profane language, and
10 inappropriate joke made the patient uncomfortable, and did not properly communicate her
11 condition to the patient.

12 13. Respondent's probation order provides that Respondent notify all patients of his
13 Board probation. Respondent admitted that he did not personally notify CQ of his probation, but
14 it is posted in front of his office and in the x-ray room, and he has a handout for patients if
15 requested. Respondent further stated that he doesn't have a signed document from any patients
16 affirming they are notified of his Board probation.

17 14. When Respondent was interviewed by the Board's investigator, he stated that CQ
18 came from Las Vegas and had "every symptom." Respondent did not sign or initial CQ's Health
19 History & Trauma intake form and reported that he did not as a matter of practice sign intake
20 forms because he would have his assistant sign the forms to "confirm what was done."

21 15. Respondent reported that he never pokes a patient's skin, rather the patient pokes
22 their own finger for the live blood cell analysis, unless the patient had a problem with movement
23 or fine motor control. Respondent acknowledged that a chiropractor shouldn't push the button for
24 the sample.

25 16. Respondent did not document any adjustments provided to CQ but reported that
26 adjustments would be "crystal clear by looking at the X-rays," He reported that if an adjustment is
27 not documented, he "would assume that the x-ray would be enough."

28 ///

17. Respondent recommended a treatment plan to CQ, but did not include it in her chart. He reported that “It is a standard 30 or 60 based upon grade three arthritis,” said, “That is the protocol,” and said the treatment plan would have been given to CQ, but not put in her chart.

FIRST CAUSE FOR DISCIPLINE

(Exceeding Scope of Practice)

18. Respondent is subject to disciplinary action pursuant to section 10 of the Act and Regulation section 302(a)(4)(A) in that Respondent exceeded the scope of practice permitted by his chiropractic license as set forth above and incorporated herein, as follows:

A. Respondent punctured CQ's skin on the anterior distal aspect of her middle finger in order to obtain the blood reviewed for his live cell analysis.

B. It is Respondent's practice to puncture a patient's skin for a blood draw if a patient had fine motor controls or difficulties although the law does not permit a chiropractor to puncture the patient's skin even in such circumstances.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Excessive Treatment or Diagnostic Procedures)

19. Respondent's license is subject to disciplinary action for unprofessional conduct pursuant to section 10 of the Act and Regulation 317, subdivision (d), because he administered treatment and/or used diagnostic procedures which are excessive and without clinical justification, in the rendering of sixty chiropractic treatments for the same complaint, as set forth above and incorporated herein.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Endangering the Health, Welfare, or Safety of the Public)

20. Respondent's license is subject to disciplinary action for unprofessional conduct pursuant to section 10 of the Act and California Code of Regulations, title 16, section 317, subdivision (e). Complainant refers to and by this reference incorporates the allegations set forth above, and as follows:

A. In her initial workup at Respondent's clinic, CQ reported having problems with lymphedema, spinal stenosis, diffuse joint pain, sleeping problems, anxiety, diarrhea,

1 and constipation. CQ's records reflect that upon examination her blood pressure was
2 172/101, which was extremely high, potentially dangerous, and warranted immediate
3 referral to a medical facility. However, there is no reference in the record that
4 Respondent discussed CQ's high blood pressure reading with her or that he referred CQ
5 to a medical facility. Respondent's evaluation of the physical examination findings and
6 his treatment plan did not reflect the patient's need for immediate medical attention.
7 Respondent failed to address an immediate medical condition, but simply recommended
8 CQ schedule 60 adjustments, potentially endangering the health and welfare of his
9 patient.

10 B. Respondent did not implement any type of collimation to reduce the amount of
11 radiation CQ was exposed to during x-rays taken by Respondent. Collimation is
12 something that is required during radiographic procedures in order to reduce the amount
13 of radiation a patient does receive.

14 C. There are no markings on the x-rays which would indicate sidedness, left or right;
15 whether the person was in an anterior or posterior position; and whether the patient was
16 bending to the right or left on the motion studies. Several of the films did not have
17 patient identification on them. Without such markings, the x-rays are of less diagnostic
18 value to Respondent or another doctor. Respondent's facility did have markers for a
19 left shoulder marker as noted on the left shoulder exams, so it appeared that the office
20 had markers but did not use them in the x-rays.

21 D. Respondent used x-rays without appropriate clinical reasoning. Respondent reported to
22 the investigator that his recommended treatment plan for CQ was based on grade 3
23 arthritis and that the standard for this type of arthritis is 30 to 60 visits with x-rays
24 exposed after 30 visits and the additional x rays exposed after 60 visits. Respondent
25 does not indicate that he is going to do any re-evaluations of the patient with the
26 exception of retaking x-rays. Respondent's method and use of x-rays and plan for
27 additional x-rays without evaluation or medical justification would potentially expose
28 CQ to excessive radiation.

1 E. There was no indication that Respondent planned to do any re-evaluation of CQ, only
2 that he planned to repeat x-rays. Respondent indicated that he only diagnoses
3 subluxations; however, Respondent should have been aware of other health related
4 problems and made appropriate referrals.

5 F. Informing patients that Respondent can cure any problem with chiropractic spinal
6 manipulation endangers the health, safety, and welfare of CQ and other patients, as well
7 as the public.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct – Participation in Acts Involving Fraud and/or Misrepresentation)**

10 21. Respondent's license is subject to disciplinary action for unprofessional conduct
11 pursuant to section 10 of the Act and Regulation 317, subdivision (q), in that Respondent
12 participated in acts of fraud and/or misrepresentation. Complainant refers to and by this reference
13 incorporates the allegations set forth above, and as follows:

14 22. During Respondent's evaluation of CQ, he made numerous statements, which are
15 untrue and/or lack scientific supported. For example:

16 A. Respondent indicated that CQ has the type of arthritis that is protecting her and is
17 temporary. There is no scientific support for this statement. CQ's degenerative
18 condition is not temporary, rather it is permanent.

19 B. After reviewing the thermography, Respondent reported that CQ has problems
20 with her lymphatic system and that she has pulmonary and dental issues reflecting
21 dental toxicities. When confronted with the fact that CQ has very few original
22 teeth in her mouth, Respondent responded that when a tooth is extracted,
23 subclinical infections occur and implied that her dental extractions were not done
24 properly. Respondent's description of CQ's dental condition, and his description
25 of what he considers proper dental extraction procedures,² do not support his
26

27 ² Respondent reported that a dentist must provide plasma cell injections, treatment with
28 ozone, and while this is occurring a vitamin C IV must be provided at the same time an extraction
is being performed to prevent CQ's condition. There is no scientific support for this statement.

findings that CQ's extractions were improper leading to the need for chiropractic care now.

C. While Respondent was discussing the anterior posterior full spine study with CQ, Respondent indicated that the black areas in the abdominal region represent abnormal abdominal gas, which he referred to as leaky gut syndrome. He claimed the abdominal gas was the direct result of vaccines, medicines, toxic foods, and compromised nerves. Respondent then told CQ that this gut problem is causing CQ's lymphedema. There is no scientific support for this evaluation. The black areas on CQ's X-Ray reflect normal bowel gas, most likely in the transverse colon. It is not an abnormal finding, and it does not reflect "leaky gut" or any other type of medical condition.

D. Respondent also conferred with CQ about atherosclerotic plaquing in front of the lumbar region. He represented that this plaquing needs to be cleaned and that Linus Pauling developed a formula consisting of vitamin C and L-Lysine to accomplish this. There is no scientific support that vitamin C or L-Lysine will clear extensive atherosclerotic plaquing and Respondent's suggestion of this to CQ would give her false hope for treatment of an underlying condition.

E. While reviewing the x-rays, Respondent informed CQ that she has degenerative disc disease. Respondent then indicated to CQ that he can fix this problem with 60 treatment visits. However, since CQ she lives out of state and cannot come in the recommended three times per week for 20 weeks, Respondent offered to treat CQ three times a day so CQ may complete 60 treatment visits. Respondent's recommendations appear to be presented for the sole purpose of selling a 60-treatment program.

F. Respondent represented that his 60-visit treatment plan can solve all of CQ's described health problems with 60 treatments of chiropractic spinal manipulation. Nothing within the clinical records or current chiropractic or medical literature would indicate this is possible.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Repeated Negligent Acts)**

3 23. Respondent's license is subject to disciplinary action for unprofessional conduct
4 pursuant to section 10 of the Act and Regulation 317, subdivision (b). Complainant refers to and
5 by this reference incorporates all the allegations set forth above as though set forth herein.

6 **JURISDICTION FOR PETITION TO REVOKE PROBATION**

7 24. This Petition to Revoke Probation is brought before the Board under Probation Term
8 and Condition Number 9 of the Decision and Order in the Matter of the Accusation against John
9 Roy Bergman, Case No. AC 2021-1346. That term and condition states:

10 **9. Violation of Probation.** If Respondent violates probation in any respect, the
11 Board, after giving Respondent notice and the opportunity to be heard, may revoke
12 probation and carry out the disciplinary order that was stayed. If an Accusation or
13 Petition to Revoke Probation is filed against Respondent during probation, the
14 Board shall have continuing jurisdiction until the matter is final, and the period of
15 probation shall be extended until the matter is final. If Respondent has not complied
16 with any term or condition of probation, the Board shall have continuing jurisdiction
17 over Respondent, and probation shall automatically be extended until all terms and
18 conditions have been met or the Board has taken other action as deemed appropriate
19 to treat the failure to comply as a violation of probation, to terminate probation, and
20 to impose the penalty which was stayed.

21 25. Grounds exist to revoke Respondent's probation, set aside the stay order in Case
22 Number AC 2021-1346, and impose the stayed discipline, thereby revoking Respondent's
23 chiropractic license because he violated the conditions of his probation as set forth below. On or
24 about June 3, 2025, the Board requested that the Attorney General's Office prepare an Accusation
25 and Petition to Revoke Probation against Respondent's license, thereby automatically extending
26 Respondent's probationary period.

27 26. Respondent's probation is subject to revocation because he failed to comply with
28 Probation Condition 9, referenced above, in that Respondent has failed to fully comply with the
conditions of his probation as set forth herein.

///

///

///

///

1 **CAUSE TO REVOKE PROBATION**

2 **(Failure to Obey All Laws)**

3 27. At all times after the effective date of Respondent's probation, Condition 1 stated:

4 **1. Obey All Laws.** Respondent shall obey all federal, state and local laws, and
5 all statutes and regulations governing the practice of Chiropractic in California. A
6 full and detailed account of any and all arrests and or convictions for any violations
7 of law shall be reported by the Respondent to the Board in writing within 72 hours
8 of occurrence. To permit monitoring of compliance with this term, Respondent shall
submit completed fingerprint cards and fees within 45 days of the effective date of
this decision, unless previously submitted as part of the licensure application
process. Respondent shall submit a recent 2" x 2" photograph of himself or herself
within 45 days of the effective date of the final decision.

9 28. Respondent's probation is subject to revocation because he failed to comply with
10 Probation Condition 1, referenced above, in that Respondent failed to obey all federal, state and
11 local laws, and all statutes and regulations governing the practice of Chiropractic in California.
12 Complainant refers to and by this reference incorporates the allegations set forth above as though
13 set forth herein.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
16 Accusation and Petition to Revoke Probation, and that following the hearing, the Board of
17 Chiropractic Examiners issue a decision:

18 1. Revoking the probation that was granted by the Board of Chiropractic Examiners in
19 Case No. AC 2021-1346 and imposing the disciplinary order that was stayed thereby revoking
20 Chiropractor License No. DC 25409 issued to John Roy Bergman;

21 2. Revoking or suspending Chiropractor License No. DC 25409, issued to John Roy
22 Bergman;

23 3. Ordering John Roy Bergman to pay the Board of Chiropractic Examiners the
24 reasonable costs of the investigation and enforcement of this case, pursuant to California Code of
25 Regulations, title 16, section 317.5, subdivision (a); and

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DATED: 11/5/2025

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

SD2025801924
85307836

Exhibit A

Decision and Order

Board of Chiropractic Examiners Case No. AC 2021-1346