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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 2025-1395

13 **SARAH JOAN SCHARF**
14 **1744 Novato Blvd. Ste 100**
15 **Novato, CA 94947**

ACCUSATION

16 **Chiropractic License No. DC 30528**

Respondent.

17 **PARTIES**

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

21 2. On or about February 26, 2007, the Board issued Chiropractic License Number DC
22 30528 to Sarah Joan Scharf (Respondent). The License was in full force and effect at all times
23 relevant to the charges brought herein and will expire on October 31, 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

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...)

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. Business and Professions Code section 651, states, in pertinent part:

(a) It is unlawful for any person licensed under this division or under any initiative act referred to in this division to disseminate or cause to be disseminated any form of public communication containing a false, fraudulent, misleading, or deceptive statement, claim, or image for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business for which he or she is licensed. A "public communication" as used in this section includes, but is not limited to, communication by means of mail, television, radio, motion picture, newspaper, book, list or directory of healing arts, practitioners, Internet, or other electronic communication.

(b) A false, fraudulent, misleading, or deceptive statement, claim or image includes a statement or claim that does any of the following:

...

(7) Makes a scientific claim that cannot be substantiated by reliable, peer reviewed, published scientific studies.

...

7. Business and Profession Code section 684 states, in pertinent part:

(a) For the purpose of this section:

(1) "FDA" means the United States Food and Drug Administration.

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 (2) ‘HCT/Ps’ means human cells, tissues, or cellular or tissue-based products, as
2 defined in Section 1271.3 of Title 21 of the Code of Federal regulations, as amended
3 August 31, 2016, as published in the Federal Register (81 Fed.Reg.60223).

4 (3) “Stem cell therapy” means a therapy involving the use of HCT/Ps, but shall not
5 include a therapy involving HCT/Ps that meets the criteria set out in Section
6 1271.10 of Title 21 of the Code of Federal Regulations as amended May 25, 2004,
7 as published in the Federal Register (69 Fed. Reg. 29829), or that qualifies for any
8 of the exceptions described in Section 1271.15 of Title 21 of the Code of Federal
9 Regulations, as amended May 25, 2004, as published in the Federal Registrar (69
10 Fed. Reg. 29829).

11 (b)(1) A health care practitioner licensed under this division who performs a stem cell
12 therapy that is subject to FDA regulation, but is not FDA approved, shall communicate
13 to a patient seeking stem cell therapy the following information in English:

14 “THIS NOTICE MUST BE PROVIDED TO YOU UNDER CALIFORNIA LAW.
15 This health care practitioner performs one or more stem cell therapies that have not
16 been approved by the United States Food and Drug administration. You are encouraged
17 to consult with your primary care physician prior to undergoing a stem cell therapy.”

18 (2) The information in paragraph (1) shall be communicated to the patient in all of the
19 following ways:

20 (A) In a prominent display in an area visible to patients in the health care practitioner’s
21 office and posted conspicuously in the entrance of the health care practitioner’s office.
22 These notices shall be at least eight and one-half inches by 11 inches and written in no
23 less than 40-point type.

24 (B) Prior to providing the initial stem cell therapy, a health care practitioner shall
25 provide the patient with the notice described in paragraph (1) in writing. The notice
26 shall be at least eight and one-half inches by 11 inches and written in no less than 40-
27 point type.

28 (c) This section does not apply to a health care practitioner license under this division
who has obtained approval or clearance for an investigational new drug, or an
investigational device exemption, from the FDA for the use of HCT/Ps.

...

8. California Code of Regulations, title 16, section 302 states, in pertinent part:

(a) Scope of Practice.

(1) A duly licensed chiropractor may manipulate and adjust the spinal column and other
joints of the human body and in the process thereof a chiropractor may manipulate the
muscle and connective tissue related thereto.

(2) As part of course of chiro practice treatment, a duly licensed chiropractor may use all
necessary mechanical, hygienic, and sanity measures incident to the care of the body,
including, but not limited to, air, cold, diet, exercise, heat, light, massage, physical
culture, rest, ultrasound, water, and physical therapy techniques in the course of
chiropractic manipulations and/or adjustments.

1 (3) Other than as explicitly set for in section 10(b) of the Act, a duly licensed chiropractor
2 may treat any condition, disease, or injury in any patient including a pregnant woman,
3 and may diagnose, so long as such treatment or diagnosis is done in a manner consistent
4 with chiropractic methods and techniques and so long as such methods and treatment do
5 not constitute the practice of medicine by exceeding the legal scope of chiropractic
6 practice as set forth in this section.

7 ...

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

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

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

13 (a) Gross negligence;

14 (b) Repeated negligent acts;

15 (c) Incompetence;

16 ...

17 (k) The commission of any act involving moral turpitude, dishonesty, or
18 corruption, whether the act is committed in the course of the individual's activities as
19 a license holder, or otherwise;

20 ...

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

22 ...

23 (w) Not referring a patient to a physician and surgeon or other licensed health
24 care provider who can provide the appropriate management of the patient's physical
25 or mental condition, disease or injury within his or her scope of practice, if in the
26 course of a diagnostic evaluation a chiropractor detects an abnormality that indicates
27 that the patient has a physical or mental condition, disease, or injury that is not
28 subject to appropriate management by chiropractic methods and techniques. This
subsection shall not apply where the patient states that he or she is already under the
care of such other physician and surgeon or other licensed health provider who is
providing the appropriate management for that physical or mental condition, disease,
or injury within his or her scope of practice.

COST RECOVERY

10. 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 licensee 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.

1 **MEDICAL TERMINOLOGY**

2 11. Stem cell therapy involves using stem cells or their derivatives to promote the repair
3 of diseased, dysfunctional, or injured tissue. Stem cells have the unique ability to self-renew and
4 differentiate into various cell types, making them useful for tissue maintenance and repair.

5 12. Umbilical cord vessels refer to the blood vessels found in the umbilical cord, which
6 contain hematopoietic stem cells and mesenchymal stem cells.

7 13. Wharton's jelly is a soft connective tissue found in the umbilical cord consisting of
8 large stellate fibroblasts and a few wandering cells and macrophages embedded in a homogenous
9 jellylike intercellular substance.

10 14. AM2 stem cell therapy refers to the use of adrenomedullin 2 (AM2), a member of the
11 calcitonin gene-related peptide (CGRP) superfamily, in regenerative medicine.

12 15. Platelet-rich plasma (PRP) is derived from a patient's own blood; the plasma is
13 separated and concentrated to contain a higher concentration of platelets than normal.

14 **FACTUAL ALLEGATIONS**

15 **Inadequate Medical Supervision**

16 16. Starting in or about August 2020, Respondent co-owned and operated an integrated
17 chiropractic and medical practice in California.

18 17. The practice was also co-owned by two different medical directors. S.R. was the first
19 medical director and R.S. was the second medical director.

20 18. Respondent continued to advertise S.R. on the practice website for a substantial time
21 period after S.R. had disassociated from the practice.

22 19. Respondent failed to ensure adequate physician supervision at the practice.

23 20. While S.R. was medical director, he did not participate in any direct patient care, and
24 Respondent did not refer patients to S.R. for examination, diagnosis or treatment. R.S. also did
25 not participate in any direct patient care, and also did not receive any referrals.

26 **Improper Provision of Stem Cell Therapy**

27 21. Respondent's practice advertised and offered stem cell therapy to treat joint pain.
28 There is no FDA approval for use of stem cell therapy to treat joint pain.

22. When asked about the practice's use of stem cell therapy, (second medical director) R.S. said that he did not believe the practice used umbilical cord vessels to treat joint pain and that he was not aware of stem cells, umbilical cord blood products, amniotic products, or exosomes being used at the practice for any purpose.

23. Conversely, Respondent stated that the "regenerative" part of the practice included the use of Wharton's jelly, AM2 stem cells, and PRP injections.

24. Respondent failed to provide adequate notice to patients regarding stem cell therapy, or encourage patients to consult with their primary care physician prior to undergoing therapy.

Treatment of Patient 1

25. From approximately August 20, 2020, to November 11, 2020, Respondent treated Patient 1 for knee pain. Respondent initially performed chiropractic adjustments on Patient 1.

26. After several treatments, the pain in Patient 1's right knee persisted, and Respondent took an X-ray of Patient 1's knee.

27. After reviewing the X-ray, Respondent provided a diagnosis, telling Patient 1 that there was "bone-to-bone" contact in the knee, and that the cartilage was gone.

28. Respondent advised Patient 1 that stem cells could "regrow" what was missing in her knee, explained stem cell therapy, and described a likelihood of overall success for the treatment.

29. Respondent told Patient 1 that she was a good candidate for the treatment and that stem cell therapy could make everything better without surgery, or words to that effect.

30. Patient 1 described Respondent as pushing stem cell therapy in a very high-pressure manner, and said that Respondent told Patient 1 that if she was having problems in the right knee, she would likely have problems in both knees, or words to that effect. Respondent advised Patient 1 to pursue stem cell therapy in both knees to receive a price break.

31. Patient eventually agreed to stem cell therapy treatment for both knees.

32. The stem cell injections were performed on Patient 1 over two appointments by an individual other than Respondent.

33. Respondent did not encourage Patient 1 to consult with her primary physician or any other provider regarding the use of stem cell therapy.

1 34. Less than one year after being treated by Respondent, Patient 1 underwent surgery on
2 her right knee after being diagnosed and treated by an orthopedic surgeon.

3 **FIRST CAUSE FOR DISCIPLINE**

4 (Unprofessional Conduct – False, Fraudulent, Misleading, or Deceptive Claim)

5 35. Respondent has subjected her Chiropractic License to disciplinary action pursuant to
6 Code section 651, subdivision (b)(7), in that, as described in paragraphs 25 to 31, Respondent
7 disseminated statements to the public that cannot be substantiated by reliable, peer-reviewed,
8 published scientific studies.

9
10 **SECOND CAUSE FOR DISCIPLINE**

11 (Unprofessional Conduct - Improper Notice for Use of Stem Cell Therapies)

12 36. Respondent has subjected her Chiropractic License to disciplinary action pursuant to
13 California Code of Regulations, title 16, section 317, subdivision (a), by reference to Code
14 section 684, in that as described in paragraph 24, Respondent failed to provide adequate notice to
15 patients regarding the use of stem cell therapy not approved by the FDA.

16
17 **THIRD CAUSE FOR DISCIPLINE**

18 (Unprofessional Conduct – Gross Negligence)

19 37. Respondent has subjected her Chiropractic License to disciplinary action pursuant to
20 California Code of Regulations, title 16, section 317, subdivision (a), in that, as described in
21 paragraphs 25 to 31, Respondent was grossly negligent.

22
23 **FOURTH CAUSE FOR DISCIPLINE**

24 (Unprofessional Conduct – Repeated Acts of Negligence)

25 38. Respondent has subjected her Chiropractic License to disciplinary action pursuant to
26 California Code of Regulations, title 16, section 317, subdivision (b), in that, as described in
27 paragraphs 25 to 31 and 19 to 20, Respondent engaged in repeated acts of negligence.

28 ///

1 **FIFTH CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct – Incompetence)

3 39. Respondent has subjected her Chiropractic License to disciplinary action pursuant to
4 California Code of Regulations, title 16, section 317, subdivision (c), in that, as described in
5 paragraph 33, Respondent acted with incompetence.

6
7 **SIXTH CAUSE FOR DISCIPLINE**

8 (Unprofessional Conduct – Dishonesty)

9 40. Respondent has subjected her Chiropractic License to disciplinary action pursuant to
10 California Code of Regulations, title 16, section 317, subdivision (k), in that, as described in
11 paragraphs 22, and 25 to 31, Respondent engaged in dishonesty by encouraging stem cell
12 treatments without any validating scientific evidence and/or FDA approval.

13
14 **SEVENTH CAUSE FOR DISCIPLINE**

15 (Unprofessional Conduct – Fraud/Misrepresentation)

16 41. Respondent has subjected her Chiropractic License to disciplinary action pursuant to
17 California Code of Regulations, title 16, section 317, subdivision (q), in that, as described in
18 paragraphs 22, and 25 through 31, Respondent participated in acts of fraud/or misrepresentation
19 by encouraging stem cell treatments without any validating scientific evidence and/or FDA
20 approval.

21
22 **EIGHTH CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct – Failure to Refer)

24 42. Respondent has subjected her Chiropractic License to disciplinary action pursuant to
25 California Code of Regulations, title 16, section 317, subdivision (w), in that, as described in
26 paragraphs 20 and 33, Respondent failed to refer patient(s) to a physician for the appropriate
27 management of the patient's condition.

PRAYER

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

1. Revoking or suspending Chiropractic License Number DC 30528, issued to Sarah Joan Scharf (Respondent);
2. Ordering Sarah Joan Scharf to pay the Board of Chiropractic Examiners the reasonable costs of the investigation and enforcement of this case, pursuant to California Code of Regulations, title 16, section 317.5 and, if placed on probation, the costs of probation monitoring; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 11/07/2025

Signature on File

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

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