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BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:
DANIEL DUNG NGUYEN; AKA DUNG H. NGUYEN
8341 Westminster Blvd, Suite 201 A
Westminster, CA 92683
Chiropractic License No. DC 23078

Case No. AC 2024-1387

ACCUSATION

Respondent.

PARTIES

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

2. On or about January 28, 1994, the Board issued Chiropractic License Number DC
3 23078 to Daniel Dung Nguyen; aka Dung H. Nguyen (Respondent). The Chiropractic License
4 was in full force and effect at all times relevant to the charges brought herein and will expire on
5 August 31, 2025, 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

4. Section 10 of the Act 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 Chiropractic Initiative Act.

5. California Code of Regulations, title 16, section 372, provides that the suspension, expiration, forfeiture, or surrender of a license shall not deprive the Board of its authority to institute or continue a disciplinary proceeding against a licensee, or its authority to suspend, revoke, or take other disciplinary action against the license.

STATUTES AND REGULATIONS

6. Section 726 of the Code states:

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

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

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

• • •

(b) Where a chiropractic license is used in connection with any premises, structure or facility, no sexual acts or erotic behavior involving patients, patrons or customers, including, but not necessarily limited to, sexual stimulation, masturbation or prostitution, shall be permitted on said premises, structure or facility.

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

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

2 The board shall take action against any holder of a license who is guilty of
3 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 (a) Gross negligence;

6 (b) Repeated negligent acts;

7 ...

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

10 ...

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

13 9. 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
17 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.

18 **COST RECOVERY**

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

21 In any order in resolution of a disciplinary proceeding before the Board of
22 Chiropractic Examiners, the board may request the administrative law judge to direct
23 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.

25 **FACTUAL ALLEGATIONS**

26 **Patient KS**

27 11. Patient KS was experiencing back and neck pain after a car accident and went to
28 Respondent for chiropractic care. During her first two visits on May 18, 2021, and May 20, 2021,

1 Patient KS interacted with a female receptionist who placed her on a massage bed and placed
2 electrical stimulation.

3 12. On May 22, 2021, Patient KS had her first visit with Respondent. According to
4 Patient KS, Respondent put his hand down her sports bra and massaged her in between and on the
5 sides of her breast. Patient KS stated that Respondent touched the crease between her inner thigh
6 on both sides near her genitals.

7 13. Patient KS asked Respondent to stop. She denied any pain in the groin or pelvic
8 region. Patient KS further stated that Respondent rested an open hand on the top of her groin area
9 and she asked him not to touch there.

10 14. Patient KS was seen for a second visit on May 27, 2021. Once again, she stated that
11 Respondent proceeded to put his hands under her shirt and massage her muscles. Furthermore,
12 Respondent lowered the waist of her leggings to massage her lower back. Patient KS stated that
13 Respondent then put his hand down her leggings and massaged her buttocks. Patient KS also
14 described Respondent putting his hands down the “neck hole” of her shirt and pressed on her
15 sternum. He then proceeded to put his hands under the sports bra and massage in between the
16 sides of the breast. Patient KS described Respondent placing his hands on top of each breast and
17 simultaneously squeezing her breasts for approximately five minutes. Patient KS stated that at
18 one point she asked Respondent to stop. She described Respondent resting his hand on her pubic
19 hair for thirty seconds and asked her to take three deep breaths and then he removed his hand.

20 **Patient DA**

21 15. Patient DA was in a car accident in 2016 and subsequently received treatment from
22 Respondent. Patient DA stated that Respondent put his hands underneath her leggings and near
23 her crotch area when he was making adjustments on her body. She states he did not wear gloves.
24 Patient DA stated that Respondent massaged both of her breasts for approximately fifteen minutes
25 with both of his hands.

26 16. The massage took place under her clothes with his bare hands on her breasts. Patient
27 DA stated during her last visit Respondent put his hands underneath her panties and pressed down
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1 for approximately ten seconds. Patient DA stated that Respondent scheduled her to be the last
2 patient of the day and that there was no one in the office.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct: Sexual Misconduct)**

5 17. Respondent is subject to disciplinary action under Business and Professions Code
6 section 726 and California Code of Regulations, title 16, section 316, subdivision (c), in that he
7 engaged in sexual conduct with a patient as fully set forth in paragraphs 11 through 16 above,
8 which are incorporated herein by reference.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct- Sexual Acts and Erotic Behavior at Place of Business)**

11 18. Respondent is subject to disciplinary action under Business and Professions Code
12 section 726 and California Code of Regulations, title 16, section 316, subdivision (b), in that he
13 committed multiple sexual acts, including erotic behavior with his patients at his chiropractic
14 office as fully set forth in paragraphs 11 through 16 above, which are incorporated herein by
15 reference.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct: Moral Turpitude and Dishonesty)**

18 19. Respondent is subject to disciplinary action under section 10 of the Act, in
19 accordance with California Code of Regulations, title 16, section 317, subdivision (k), for
20 unprofessional conduct as fully set forth in paragraphs 11 through 16 above, which are
21 incorporated herein by reference.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct: Endanger the Health, Welfare and Safety of Patients)**

24 20. Respondent is subject to disciplinary action under section Business and Professions
25 Code section 726 and California Code of Regulations, title 16, section 317, subdivision (e), in that
26 he endangered the health, welfare and safety of his patients as fully set forth in paragraphs 11
27 through 16 above, which are incorporated herein by reference.

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FIFTH CAUSE FOR DISCIPLINE

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(Unprofessional Conduct: Gross Negligence)

3 21. Respondent is subject to disciplinary action under California Code of Regulations,
4 title 16, section 317, subdivisions (a), and (b), in that Respondent engaged in unprofessional
5 conduct, gross negligence, and repeated negligent acts, as fully set forth in paragraphs 11 through
6 16 above, which are incorporated herein by reference.

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PRAYER

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

10 1. Revoking or suspending Chiropractic License Number DC 23078, issued to Daniel
11 Dung Nguyen; aka Dung H. Nguyen;

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

15 and,

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

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18 DATED: 02/04/2025

Signature on File

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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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