

1 ROB BONTA
Attorney General of California
2 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
3 DIANE VON DER AHE
Deputy Attorney General
4 State Bar No. 294767
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9463
7 Facsimile: (619) 645-2012
E-mail: Diane.VonDerAhe@doj.ca.gov
8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. AC 2024-2044

13 **JOSEPH A. MURPHY**
14 **20280 SW Acacia Street #200**
Newport Beach, CA 92660

ACCUSATION

15 **Chiropractor License No. DC 25758**

16 Respondent.

17
18
19
20 **PARTIES**

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

24 2. On or about September 11, 1998, Board of Chiropractic Examiners issued
25 Chiropractor License Number DC 25758 to Joseph A. Murphy (Respondent). The Chiropractor
26 License was in full force and effect at all times relevant to the charges brought herein and will
27 expire on March 31, 2025, unless renewed.

28 ///

1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the following
3 sections of the Chiropractic Act (Act).¹

4 4. Section 118, subdivision (b), of the Business and Professions Code provides that the
5 suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of
6 jurisdiction to proceed with a disciplinary action during the period within which the license may
7 be renewed, restored, reissued or reinstated.

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
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.

14 **STATUTORY PROVISIONS**

15 6. Section 10² of the Act states, in pertinent part, that the Board may suspend or revoke
16 a license to practice chiropractic or may place the license on probation for violations of the rules
17 and regulations adopted by the Board or for any cause specified in the Chiropractic Initiative Act.

18 7. Section 726 of the Business and Professions Code states:

19 (a) The commission of any act of sexual abuse, misconduct, or relations with a
20 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.

21 ...

22
23
24 ¹ The Chiropractic Act, an initiative measure approved by the electors on November 7,
25 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.

26 ²The Chiropractic Act, an initiative measure approved by the electors on November 7,
27 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
28 California Codes as Appendix I, for convenient reference.

1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 311 (Regulation 311), states:

3 Constructive educational publicity is encouraged, but the use by any licensee of
4 advertising which contains misstatements, falsehoods, misrepresentations, distorted,
5 sensational or fabulous statements, or which is intended or has a tendency to deceive the
6 public or impose upon credulous or ignorant persons, constitutes grounds for the imposition
7 of any of the following disciplinary penalties:

8 (a) Suspension of said licensee's right to practice in this State for a period not
9 exceeding one (1) year.

10 (b) Placing said licensee upon probation.

11 (c) Taking such other action, excepting the revocation of said licensee's license, in
12 relation to disciplining said licensee as the board in its discretion may deem proper.

13 9. California Code of Regulations, title 16, section 316 (Regulation 316), states:

14 (a) Every licensee is responsible for the conduct of employees or other persons
15 subject to his supervision in his place of practice, and shall insure that all such conduct in
16 his place of practice conforms to the law and to the regulations herein.

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

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

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

28 10. California Code of Regulations, title 16, section 316.5 (Regulation 316.5), states:

(a) For the purposes of the denial, suspension or revocation of a license
pursuant to Section 141 of the Business and Professions Code, Division 1.5
(commencing with Section 475) of the Business and Professions Code, or a violation
of Section 10(b) of the Chiropractic Initiative Act of California, a crime, professional
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.

(b) In making the substantial relationship determination required under
subdivision (a) for a crime, the Board shall consider all of the following criteria:

(1) The nature and gravity of the offense.

1 (2) The number of years elapsed since the date of the offense.

2 (3) The nature and duties of a chiropractor.

3 (c) For purposes of subdivision (a), a substantially related crime, professional
4 misconduct, or act shall include, but is not limited to, the following:

5 (1) Violating or attempting to violate, directly or indirectly, or assisting in
6 or abetting the violation of, or conspiring to violate any provision or term of the
7 Chiropractic Initiative Act of California, these regulations and/or other state or
8 federal laws governing the practice of chiropractic.

9 (2) Conviction of a crime or act of child abuse, as defined in Sections 270
10 through 273.75 of the Penal Code, or dependent adult or elder abuse.

11 (3) A conviction requiring a person to register as a sex offender pursuant
12 to Section 290 of the Penal Code.

13 (4) Any crime, professional misconduct, or act involving the sale, gift,
14 administration, or furnishing of narcotics or dangerous drugs or dangerous
15 devices, as defined in Section 4022 of the Business and Professions Code.

16 (5) Conviction for assault, battery or other violence including, but not
17 limited to, those violations listed in subdivision (d) of Section 11160 of the
18 Penal Code.

19 (6) Conviction of a crime involving lewd conduct or sexual impropriety,
20 as defined in Section 726 of the Business and Professions Code.

21 (7) Conviction of a crime or act involving fiscal dishonesty, theft, fraud
22 or deceit.

23 (8) Conviction or act involving the use of drugs or alcohol to an extent or
24 in a manner dangerous to the individual or the public.

25 11. California Code of Regulations, title 16, section 317 (Regulation 317), states:

26 The board shall take action against any holder of a license who is guilty of
27 unprofessional conduct which has been brought to its attention, or whose license has
28 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;

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

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

1 ...

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

5 (l) Knowingly making or signing any certificate or other document relating to
6 the practice of chiropractic which falsely represents the existence or nonexistence of a
7 state of facts;

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

11 ...

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

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

15 ...

16 (t) The offering, delivering, receiving or accepting of any rebate, refund,
17 commission, preference, patronage, dividend, discount or other consideration as
18 compensation or inducement for referring patients to any person;

19 ...

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

...

12. California Code of Regulations, title 16, section 318 (Regulation 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

1 chiropractic office where the patient has been or is being treated. Inactive chiropractic
2 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.

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

- 4 (1) Patient's full name, date of birth, and social security number (if available);
5 (2) Patient gender, height and weight. An estimated height and weight is acceptable
where the physical condition of the patient prevents actual measurement;
6 (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
7 signed or initialed by said doctor;
8 (4) Signature of patient;
9 (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.

10 13. California Code of Regulations, title 16, section 319.1 (Regulation 319.1) states:

11 (a) A licensed doctor of chiropractic shall verbally and in writing inform each
12 patient of the material risks of proposed care. "Material" shall be defined as a procedure
inherently involving known risk of serious bodily harm. The chiropractor shall obtain the
13 patient's written informed consent prior to initiating clinical care. The signed written
consent shall become part of the patient's record.

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

16 **COST RECOVERY**

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

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

23 **FACTUAL ALLEGATIONS**

24 15. At all times relevant to this Accusation, Respondent was treating patients C.S., J.M.,
25 D.K. and L.S. in his chiropractic office, Newport Mesa Wellness, in Newport Beach, California.
26 Respondent also treated patient S.K., who worked part-time as a physical therapist in his office
27 and with whom he had a consensual sexual relationship. Respondent admitted to the relationship
28 with S.K.

1 16. On or about and between 2017 and August 2022, during chiropractic treatments in his
2 office, Respondent touched intimate parts of his patients for the purpose of sexual arousal or
3 gratification, including:

4 a. On or about January 4, 2020, during C.S.'s chiropractic appointment,
5 Respondent had C.S. fully undress and enter the sauna in only a towel. Respondent then had C.S.
6 remove the towel and exfoliated C.S.'s body, including her breasts and buttocks.

7 b. On or about January 24, 2020, during C.S.'s chiropractic appointment,
8 Respondent touched C.S.'s vagina over her underwear during a PEMF treatment. Subsequently,
9 during a massage, Respondent touched C.S.'s naked vagina, then put his finger in his mouth. As
10 C.S. tried to dress, Respondent pulled her head back, kissed her using his tongue, and then licked
11 her nipple. As C.S. laid back down to move away from him, Respondent inserted his fingers into
12 her vagina, licked those fingers, and commented that she "had a clean diet" and how can she go
13 around all day and "taste that good." Respondent then switched hands, commented "this hand is
14 better, isn't it?" and continued to rub her vagina for approximately one minute.

15 c. D.K. became a patient around late 2017. During a subsequent chiropractic
16 appointment, Respondent had patient D.K. remove all clothing below the waist, including
17 underwear. D.K. had a small towel to cover her, with her leg "frog-legged" out to treat her groin.
18 Respondent stopped laser treatment, rubbed her vagina without gloves, tasted his fingers and said,
19 "you taste really good, I don't know why any man would ever want to leave you." When D.K.
20 objected, Respondent said, "don't be such a prude, I barely touched you."

21 d. On March 16, 2023, S.K. reported that Respondent require she be naked for
22 massages on the chiropractic table, and he would massage her "private parts."

23 e. On or about August 23, 2022, during L.S.'s chiropractic appointment and while
24 L.S. was in the reception area, Respondent placed his left arm around L.S.'s left shoulder and
25 across her chest and spanked L.S., then sixteen years old, on the buttocks four to five times. L.S.
26 could not walk away until he released her. Respondent told L.S. that if she had a boyfriend, she
27 would be getting spanked by her boyfriend.

28 ///

- 1 17. Respondent made sexual comments to patients, such as:
- 2 a. During chiropractic appointments in his office, Respondent called L.S., then
- 3 sixteen years old and whose mother called her “chicken” as a nickname, a “chicken with boobs,”
- 4 stared at her and told her she could be a model.
- 5 b. Respondent made comments to C.S. about her sex life, and told her she should
- 6 have sex, as it was therapeutic to do so.
- 7 c. Respondent commented on C.S.’s buttocks by saying her “shape” was good and
- 8 she will “age well.” Respondent referred to C.S.’s nipples as her “puffies,” explaining to her that
- 9 “puffies” are what girls have when they first reach puberty.
- 10 d. Respondent showed J.M. pictures on his phone of his other patients, including a
- 11 picture of a patient’s breasts that he lasered.
- 12 e. Respondent made inappropriate comments to J.M. during a chiropractic
- 13 appointment as his hands were working on her thigh and inner groin. When J.M. told Respondent
- 14 her boyfriend would not like those comments, Respondent said, “it’s not like I’m trying to stick
- 15 my finger in your butt or something.”
- 16 18. In addition to inappropriate sexual touching and comments by Respondent, patients
- 17 reported other unprofessional conduct such as: Respondent had “weird” physical boundaries,
- 18 would have them go into the sauna nude, demanded all clothes come off for massages, would pull
- 19 pants and/or underwear lower than necessary for treatments (and sometimes would do it himself
- 20 without asking the patient to do it), would advise them not to wear bras or underwear for
- 21 appointments, and would hug them after appointments.
- 22 19. A review of patient records revealed they failed to contain signed consent to treat
- 23 forms for patients D.K., J.M., and D.S., and failed to notate the height and weight of patients D.K.
- 24 and D.S. Additionally, Respondent failed to maintain any records at all for S.K., despite
- 25 admitting they “worked on each other all the time,” or D.K.
- 26 20. Respondent consistently used fantastic statements to get patients to agree to
- 27 treatment. For example:
- 28 a. Respondent told C.S. that she needed to give him \$50,000 and see him for a year,

1 or she would become debilitated. Additionally, Respondent “guaranteed” to C.S.
2 that he could remove her shingles.

3 b. Respondent promised the parents of L.S. her disease “would be gone within two
4 years” under his care.

5 c. Respondent’s website states that he is “widely recognized as a leader in the non-
6 drug, non-surgical treatment and support of chronic pain, chronic neurological
7 and metabolic conditions, such as autoimmune disorders, shingles, POTS –
8 dizziness/vertigo, fibromyalgia, migraine headaches, IBS/Crohns/Celic, anxiety
9 and depression.” His CV makes no mention of any publications, treatises,
10 fellowships, chiropractic or hospital affiliations or anyone who “recognizes” him
11 as a “leader” in these areas.

12 a. Respondent’s website states “his office has always been on the cutting edge of the
13 healthcare industry.” However, Respondent’s treatment modalities, such as using
14 sauna, chiropractic manipulations, or PEMF are not “cutting edge” in
15 chiropractic. This is another fabulous statement.

16 **FIRST CAUSE FOR DISCIPLINE**

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

18 21. Respondent is subject to disciplinary action under Code section 726(a) and
19 Regulation 316, in that Respondent committed acts of sexual abuse and sexual misconduct with
20 patients listed herein as C.S., J.M., L.S, D.K., and S.K., as more fully described above and
21 incorporated herein as though set forth in full.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct – Gross Negligence)**

24 22. Respondent is subject to disciplinary action under Regulation 317, subdivision (a), in
25 that Respondent engaged in an extreme departure from the standard of care when he committed
26 acts of sexual abuse and sexual misconduct with patients listed herein as C.S., J.M., L.S, D.K. and
27 S.K., as more fully described above and incorporated herein as though set forth in full.

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

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Repeated Departure from Standard of Practice)

23. Respondent is subject to disciplinary action under Regulation 317, subdivision (b), in that Respondent engaged in repeated departures from the standard of care when he committed acts of sexual abuse and sexual misconduct with patients listed herein as C.S., J.M., L.S, D.K. and S.K., as more fully described above and incorporated herein as though set forth in full.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Conduct Likely to Endanger Public)

24. Respondent is subject to disciplinary action under Regulation 317, subdivision (e), in that Respondent engaged in conduct likely to endanger the health, safety and welfare, of the public when he committed acts of sexual abuse and sexual misconduct with patients listed herein as C.S., J.M., L.S, D.K. and S.K., as more fully described above and incorporated herein as though set forth in full.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Sexual Relationship with Employee and/or Patient)

25. Respondent is subject to disciplinary action under Regulation section 316, subdivision (c), in that Respondent had a sexual relationship with S.K. who worked for him at the premises and who was also his patient, as more fully described above and incorporated herein as though set forth in full.

SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Fabulous or Sensational Statements)

26. Respondent is subject to disciplinary action under Regulation 311, in that Respondent made fabulous or fantastic statements to gain patients’ business, trust, and compliance, as more fully described above and incorporated herein as though set forth in full.

SEVENTH CAUSE FOR DISCIPLINE

(Failure to Record Patient’s Height and Weight)

27. Respondent has subjected his license to disciplinary action under Regulation 318(a)(2), for unprofessional conduct in that Respondent failed to record height and weight for

1 patients DC and DK, as more fully described above and incorporated herein as though set forth in
2 full.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 **(Failure to Have Signed Consent to Treat Form in Records)**

5 28. Respondent has subjected his license to disciplinary action under Regulations 318 and
6 319.1 for unprofessional conduct in that Respondent failed to have signed consent-to-treat forms
7 on file for patients DC, JM, SK, and DK, and failed to have any patient records at all for S.K. and
8 D.K., as more fully described above and incorporated herein as though set forth in full.

9 **NINTH CAUSE FOR DISCIPLINE**

10 **(General Unprofessional Conduct)**

11 29. Respondent has subjected his license to disciplinary action under Regulation 317 for
12 general unprofessional conduct, as more fully described above and incorporated herein as though
13 set forth in full.

14 **PRAYER**

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

- 17 1. Revoking or suspending Chiropractor License Number DC 25758, issued to Joseph
18 A. Murphy;
- 19 2. Ordering Joseph A. Murphy to pay the Board of Chiropractic Examiners the
20 reasonable costs of the investigation and enforcement of this case, pursuant to Title 16, California
21 Code of Regulations, section 317.5 and if placed on probation, the costs of probation monitoring;
22 and,
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 01/13/2025

Signature on File

25 KRISTIN WALKER
26 Executive Officer
27 Board of Chiropractic Examiners
28 Department of Consumer Affairs
State of California
Complainant