

**BEFORE THE
VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Citation Against:

Marissa Palmer

Citation No. 4602018000952

CITATION

Complainant alleges:

PARTIES

1. Jessica Sieferman (“Complainant”) brings this Citation solely in her official capacity as the Executive Officer of the Veterinary Medical Board (“Board”), Department of Consumer Affairs, State of California.
2. The Board’s records fail to reveal that Marissa Palmer (“Respondent”) has been issued a veterinarian license.
3. The Board’s records fail to reveal that Respondent has been issued a veterinary premises registration.

STATUTORY PROVISIONS

4. Business and Professions Code (BPC) sections 125.9, 148, and 4875.2 and California Code of Regulations (CCR), title 16, section 2043 authorize the Executive Officer of the Board to issue citations containing orders of abatement and/or administrative fines against a licensee of the Board, or to an unlicensed person, who has committed any acts or omissions in violation of the Veterinary Medicine Practice Act (Act).
5. BPC section 4825 provides that it is unlawful for any person to practice veterinary medicine or any branch thereof in this State unless at the time of so doing, such person holds a valid, unexpired, and unrevoked license as provided in the Act. A person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he or she performs any act set forth in BPC

section 4826, including representing himself or herself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.

6. BPC section 4826 states, in pertinent part: A person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he or she does any one of the following:

- (a) Represents himself or herself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.

[. . .]

- (c) Administers a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals, except where the medicine, appliance, application, or treatment is administered by a registered veterinary technician or a veterinary assistant at the direction of and under the direct supervision of a licensed veterinarian subject to Article 2.5 (commencing with Section 4836) or where the drug, including, but not limited to, a drug that is a controlled substance, is administered by a registered veterinary technician or a veterinary assistant pursuant to Section 4836.1. However, no person, other than a licensed veterinarian, may induce anesthesia unless authorized by regulation of the board.

[. . .]

7. BPC section 4853 states in pertinent part:

- (a) All premises, including a building, kennel, mobile unit, or vehicle, where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof are being practiced to be registered with the Board.

[. . .]

REGULATORY PROVISIONS

8. CCR, title 16, section 2038 states:

- (a) The term musculoskeletal manipulation (MSM) is the system of application of mechanical forces applied manually through the hands or through any mechanical device to enhance physical performance, prevent, cure, or relieve impaired or altered function of related components of the musculoskeletal system of animals. MSM when performed upon animals constitutes the practice of veterinary medicine.

- (b) MSM may only be performed by the following persons:

- (1) A veterinarian who has examined the animal patient and has sufficient knowledge to make a diagnosis of the medical condition of the animal, has assumed responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, including a determination that MSM will not be harmful to the animal patient, discussed with the owner of the animal or the owner's authorized representative a course of treatment, and is readily available or has made arrangements for follow-up evaluation in the event of adverse reactions or failure of the treatment regimen. The veterinarian shall obtain as part of the patient's permanent record, a signed acknowledgment from the owner of the patient or his or her authorized representative that MSM is considered to be an alternative (nonstandard) veterinary therapy.
- (2) A California licensed Doctor of Chiropractic ("chiropractor") working under the direct supervision of a veterinarian. A chiropractor shall be deemed to be working under the direct supervision of a veterinarian where the following protocol has been followed:
 - a. the supervising veterinarian shall comply with the provisions of subsection(b)(1) prior to authorizing a chiropractor to complete an initial examination of and/or perform treatment upon an animal patient.
 - b. After the chiropractor has completed an initial examination of and/or treatment upon the animal patient, the chiropractor shall consult with the supervising veterinarian to confirm that MSM care is appropriate, and to coordinate complementary treatment, to assure proper patient care.
 - c. At the time a chiropractor is performing MSM on an animal patient in an animal hospital setting, the supervising veterinarian shall be on the premises. At the time a chiropractor is performing MSM on an animal patient in a range setting, the supervising veterinarian shall be in the general vicinity of the treatment area.
 - d. The supervising veterinarian shall be responsible to ensure that accurate and complete records of MSM treatments are maintained in the patient's veterinary medical record.
- (c) Where the supervising veterinarian has ceased the relationship with a chiropractor who is performing MSM treatment upon an animal patient, the chiropractor shall immediately terminate such treatment.

(d) (1) A chiropractor who fails to conform with the provisions of this section when performing MSM upon an animal shall be deemed to be engaged in the unlicensed practice of veterinary medicine.

[. . .]

CAUSE FOR CITATION

9. On or about April 28, 2022, Respondent's website for SoCal Animal Chiropractic showed Respondent practicing MSM on an equine animal patient without possessing a current, valid California veterinarian license or complying with the provisions of CCR Title 16, section 2038. Such unlicensed conduct constitutes a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
10. On or about April 28, 2022, Respondent's website for SoCal Animal Chiropractic showed Respondent practicing MSM on a canine animal patient without possessing a current, valid California veterinarian license or complying with the provisions of CCR Title 16, section 2038. Such unlicensed conduct constitutes a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
11. On or about April 28, 2022, Respondent's website for SoCal Animal Chiropractic showed Respondent practicing MSM on a chinchilla animal patient without possessing a current, valid California veterinarian license or complying with the provisions of CCR Title 16, section 2038. Such unlicensed conduct constitutes a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
12. On or about April 28, 2022, Respondent's website for SoCal Animal Chiropractic showed Respondent practicing MSM on a canine animal patient without possessing a current, valid California veterinarian license or complying with the provisions of CCR Title 16, section 2038. Such unlicensed conduct constitutes a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
13. On or about June 14, 2016, Respondent's Facebook page for SoCal Animal Chiropractic showed Respondent practicing MSM on an equine animal patient without possessing a current, valid California veterinarian license or complying with the provisions of CCR Title 16, section 2038. Such unlicensed conduct constitutes a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
14. On or about June 14, 2016, Respondent's Facebook page for SoCal Animal Chiropractic showed Respondent practicing MSM on a canine animal patient without possessing a current, valid California veterinarian license or complying with the provisions of CCR Title 16, section 2038. Such unlicensed conduct constitutes a

violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).

15. On or about June 14, 2016, Respondent's Facebook page for SoCal Animal Chiropractic showed Respondent practicing MSM on a chinchilla animal patient without possessing a current, valid California veterinarian license or complying with the provisions of CCR Title 16, section 2038. Such unlicensed conduct constitutes a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
16. On or about June 14, 2016, Respondent's Facebook page for SoCal Animal Chiropractic showed Respondent practicing MSM on a canine animal patient without possessing a current, valid California veterinarian license or complying with the provisions of CCR Title 16, section 2038. Such unlicensed conduct constitutes a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
17. On or about May 7, 2016, Respondent's Yelp page for SoCal Animal Chiropractic showed Respondent practicing MSM on an equine animal patient without possessing a current, valid California veterinarian license or complying with the provisions of CCR Title 16, section 2038. Such unlicensed conduct constitutes a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
18. On or about May 7, 2016, Respondent's Yelp page for SoCal Animal Chiropractic showed Respondent practicing MSM on a canine animal patient without possessing a current, valid California veterinarian license or complying with the provisions of CCR Title 16, section 2038. Such unlicensed conduct constitutes a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
19. On or about May 7, 2016, Respondent's Yelp page for SoCal Animal Chiropractic showed Respondent practicing MSM on a chinchilla animal patient without possessing a current, valid California veterinarian license or complying with the provisions of CCR Title 16, section 2038. Such unlicensed conduct constitutes a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
20. On or about May 7, 2016, Respondent's Yelp page for SoCal Animal Chiropractic showed Respondent practicing MSM on a canine animal patient without possessing a current, valid California veterinarian license or complying with the provisions of CCR Title 16, section 2038. Such unlicensed conduct constitutes a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
21. On or about May 7, 2016, through April 28, 2022, Respondent's website for SoCal Animal Chiropractic, Facebook page for SoCal Animal Chiropractic and Yelp page

for SoCal Animal Chiropractic, showed Respondent practicing MSM on animal patients without possessing a current, valid California veterinary premise registration. Such unlicensed practice constitutes a violation of BPC section 4853, subdivision (a).

22. On or about May 7, 2016, through April 28, 2022, Respondent's website for SoCal Animal Chiropractic, Facebook page for SoCal Animal Chiropractic and Yelp page for SoCal Animal Chiropractic, advertised Respondent's MSM services on animal patients without possessing a current, valid California veterinary premise registration. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (a).

DETERMINATION OF ISSUES
CAUSE OF ACTION

23. Violations exist pursuant to BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1), as set forth above in Paragraph 9. A cause of action thereby exists.

24. Violations exist pursuant to BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1), as set forth above in Paragraph 10. A cause of action thereby exists.

25. Violations exist pursuant to BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1), as set forth above in Paragraph 11. A cause of action thereby exists.

26. Violations exist pursuant to BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1), as set forth above in Paragraph 12. A cause of action thereby exists.

27. Violations exist pursuant to BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1), as set forth above in Paragraph 13. A cause of action thereby exists.

28. Violations exist pursuant to BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1), as set forth above in Paragraph 14. A cause of action thereby exists.

29. Violations exist pursuant to BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1), as set forth above in Paragraph 15. A cause of action thereby exists.

30. Violations exist pursuant to BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1), as set forth above in Paragraph 16. A cause of action thereby exists.

31. Violations exist pursuant to BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1), as set forth above in Paragraph 17. A cause of action thereby exists.
32. Violations exist pursuant to BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1), as set forth above in Paragraph 18. A cause of action thereby exists.
33. Violations exist pursuant to BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1), as set forth above in Paragraph 19. A cause of action thereby exists.
34. Violations exist pursuant to BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1), as set forth above in Paragraph 20. A cause of action thereby exists.
35. Violations exist pursuant to BPC section 4853 subdivision (a), as set forth above in Paragraph 21. A cause of action thereby exists.
36. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (a), as set forth in Paragraph 22. A cause of action thereby exists.

PENALTY

37. In compliance with BPC sections 148 and 4875.2 and CCR, title 16, section 2043, it is determined that:
 - a. Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 9 constitute a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
 - b. Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 10 constitute a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
 - c. Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 11 constitute a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
 - d. Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 12 constitute a violation of BPC sections 4825

and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).

- e. Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 13 constitute a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
- f. Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 14 constitute a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
- g. Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 15 constitute a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
- h. Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 16 constitute a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
- i. Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 17 constitute a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
- j. Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 18 constitute a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
- k. Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 19 constitute a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
- l. Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 20 constitute a violation of BPC sections 4825 and 4826 subdivision (c), and CCR section 2038, subsections (b)(2),(d)(1).
- m. Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 21 constitute a violation of BPC section 4853, subdivision (a).

n. Respondent be cited for a Class "C" violation in the amount of \$2,500 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 22 constitute a violation of BPC section 4825, as defined in BPC section 4826, subdivision (a).

38. In compliance with BPC sections 125.9 and 4875.2, and CCR, title 16, section 2043, subdivision (c), the total penalty for the above violations is \$67,500. However, pursuant to BPC section 125.9(b)(3) in no event shall the administrative fine assessed by the Board exceed \$5,000.00. Therefore, total fine amount due to the Board is \$5,000.00

ORDER OF ABATEMENT

The Board hereby orders Respondent to cease and desist from violating BPC sections 4825, 4826(a),(c), 4853(a), and CCR section 2038(d)(1).

In addition, pursuant to BPC section 149, subdivision (a)(2), the Board orders Respondent to notify the telephone company furnishing the services to Respondent to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

12/22/2022

DATE

Signature on File

JESSICA SIEFERMAN
Executive Officer
Veterinary Medical Board
Department of Consumer Affairs
State of California