

Filed by
 BOARD OF
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 MAR 28 2024
 OKLAHOMA
 CHIROPRACTIC EXAMINERS

**BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS
 STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.,)	
OKLAHOMA BOARD OF)	
CHIROPRACTIC EXAMINERS)	
)	
IN THE MATTER OF THE)	Complaint Nos. 013-2021
COMPLAINT AGAINST:)	025-2021
)	026-2021
MARK KIMBLE, D.C.)	028-2021
LICENSE NO. 4154)	029-2021
)	001-2022
Respondent.)	

CONSENT ORDER

COMES NOW, the Oklahoma State Board of Chiropractic Examiners (hereinafter the "Board") by and through its legal counsel, Assistant Attorney General Liz Stevens, and Mark Kimble, DC ("Respondent"), do hereby submit the following Consent Agreement, Stipulation of Facts, Conclusions of Law, and Order (collectively "Consent Order") to the Board and request the acceptance of same pursuant to 75 O.S. Section 309(E) *et seq.*, 59 O.S. Section 161 *et seq.* and OAC 140: 1-1-1 *et seq.*

CONSENT AGREEMENT

Respondent understands and agrees that:

1. The Board has jurisdiction over the parties and subject matter of this action pursuant to 59 O.S. § 161.1 *et seq.* Respondent agrees to submit to the Board's jurisdiction and present this action to the members currently appointed.
2. This Consent Order is subject to the Board's approval and will be effective only when the

Board accepts it. Should the Board, in its discretion, not approve this Consent Order, the Consent Order is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees that should the Board reject the Consent Order and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.

3. Respondent has the right to a formal administrative hearing at which he may present and cross examine the Board's witnesses. Respondent hereby irrevocably waives his right to such formal hearing concerning these allegations and irrevocably waives his right to any rehearing or judicial review relating to the allegations contained in this Consent Order.

4. Respondent has the right to consult an attorney prior to entering into this Consent Order and Respondent has chosen not to do so.

5. Any record prepared in this matter, all investigative materials prepared or received by the Board concerning allegations, and all related materials and exhibits may be retained in the Board's file.

6. Respondent understands that once the Board approves and adopts this Consent Order, it shall constitute a public record that may be disseminated as a formal action by the Board.

STUIPULATION OF FACTS

1. A Consent Order was approved by the Board on February 23, 2023. The Order entered approving the agreed penalty provided in relevant part as follows:

ORDER

Based upon the above Consent Agreement, Stipulation of Facts and Conclusions of Law, the following Order is issued:

1. Respondent shall have his chiropractic license suspended for four

- (4) months beginning March 1, 2023.
2. Respondent is ordered to pay an administrative penalty of three thousand and five hundred (\$3,500.00) dollars within thirty (30) days of the issuance of this Order.
 3. Respondent shall complete the Ethics and Boundaries Assessment Services (EBAS) Ethics and Boundaries Essay Examination. Respondent shall complete one (1) essay focusing on the area of Boundaries. Respondent must receive a passing score on the essay by the completion of his suspension period.
 4. Respondent will be on probation for a period of eighteen (18) months after the completion of his suspension.
 5. During the remainder of his professional licensure by OBCE, Respondent will be required to have a female employee present in the treatment room when treating a female patient.
 6. Respondent shall at Respondent's expense submit himself to a psychological evaluation by a licensed psychologist or psychiatrist approved in advance by the Board's Executive Director before the termination of his suspension period. The evaluation shall determine a treatment plan for Respondent. Respondent shall follow all recommendations made during the evaluation. Respondent shall execute all waivers necessary for the psychologist or psychiatrist to provide a confidential report and treatment plan to the Executive Director.
 - a. Respondent shall meet with the psychologist or psychiatrist regularly during his probation period. Respondent shall have the psychologist or psychiatrist submit confidential progress reports to the Executive Director every three (3) months during his probation period.
 7. Respondent shall pay attorney's fees in the amount of \$995.75 within thirty (30) days of the issuance of this Order.
 8. Respondent understands and agrees that the Board reserves the right to prosecute any future violations of the Oklahoma Chiropractic Examiners Act or the Oklahoma Administrative Code, and to consider this Consent Order as a factor in the determination of any sanctions and penalties, if any, should the Board determine any violation has occurred.
 9. Failure to comply with any of the terms of this Order may result in further disciplinary action against Respondent.

VIOLATIONS

2. On or about January 29, 2024 the Board received information pertaining to Respondent and female patient (hereafter K.N.) who accused Respondent of sexual impropriety.

3. Attorney General Agent Tony Blasier contacted K.N. on or about January 30, 2024.

4. Pursuant to Agent Blasier's conversation with K.N., Respondent caressed K.N.'s bottom and upper legs, and rubbed the inside of her upper thighs. Additionally, Respondent pressed his upper body against her bottom and lower back and stroked her hair. Respondent told K.N. to "take it all off" when she asked if she should remove her hoodie for treatment and also said "I knew your family was attractive, but I didn't know you were this attractive." There was no female employee in the room during K.N.'s treatment.

5. On or about February 8, 2024, Agent Blasier and Advisory Committee member Dr. Amanda Housh went to Respondent's practice to check compliance with the Consent Order.

6. During the visit, Respondent informed Agent Blasier and Dr. Housh that his receptionist, Alex Hendler, acted as a female chaperone when he treated female patients. Dr. Housh asked Ms. Hendler about monitoring Respondent's female patient visits, and she said she goes in and out to monitor because she doesn't want patients to feel uncomfortable with someone watching them and because she has other front desk duties that take up her time. Dr. Housh asked what percentage of Respondent's female patient visits Ms. Hendler monitors and she answered, "about half."

7. After the visit by Agent Blasier and Dr. Housh, Respondent sent an email to the Board stating that Ms. Hendler doesn't monitor his female patient visits when the female is with her children or with a boyfriend or husband.

8. In order to resolve all contested issues raised in this matter, the parties agree to the below Agreed Conclusions of Law and Agreed Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the parties and subject matter of this action pursuant to The Oklahoma Chiropractic Examiners Act 59 O.S. § 161.6 *et seq.*
2. The Board has the authority to revoke, suspend, restrict, or place on probation any license, or assess an administrative penalty against a license holder if that license holder has violated the Oklahoma Chiropractic Practice Act or the rules of the Board pursuant to 59 O.S. § 161.12.
3. The conduct and circumstances described in the Stipulation of Facts constitute violations by Respondent of the following:

Violation of Title 59 O.S. § 161.12(B)(13)

The following acts or occurrences by a chiropractic physician shall constitute grounds for which the penalties specified in subsection A of this section may be imposed by order of the Board:

13. Violating any of the rules of the Board.

Violation of the Code of Ethics OAC 140:15-7-5.

There is hereby created the "Oklahoma Chiropractic Code of Ethics." This Code of Ethics is based upon the fundamental principle that the ultimate end and objective of the chiropractic physician's professional services and effort should be: "The greatest good for the patient."

(14) chiropractic physicians shall not violate any lawful order of the the Board previously entered in a disciplinary hearing or fail to comply with a lawfully issued subpoena of the Board.

4. Any stipulation of fact which is properly a conclusion of law is incorporated herein as a conclusion of law.

ORDER

Based upon the above Consent Agreement, Stipulation of Facts and Conclusions of Law, the following Order is issued:

5. Respondent shall surrender his chiropractic license, effective April 15, 2024.

6. Respondent shall not reapply for licensure until at least two and a half (2.5) years have elapsed from the date of surrender.


7. Successful completion of the Special Purposes Examination for Chiropractic through the National Board of Chiropractic Examiners shall be a prerequisite to reapplication.

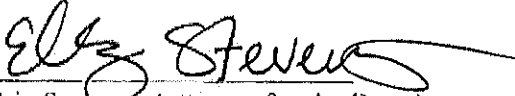
8. Respondent understands and agrees that the Board reserves the right to prosecute any future violations of the Oklahoma Chiropractic Examiners Act or the Oklahoma Administrative Code, and to consider this Consent Order as a factor in the determination of any sanctions and penalties, if any, should the Board determine any violation has occurred.


9. Failure to comply with any of the terms of this Order may result in further disciplinary action against Respondent.

10. This Consent Order shall be effective on the date of entry and signature set forth below.

IT IS SO ORDERED ON THIS 28th DAY OF March 2024.


Board President
Oklahoma Board of Chiropractic Examiners


Liz Stevens, Attorney for the Board


Mark Kimble, D.C.