

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 AGAINST:)
)
ABEL HARRINGTON, D.C.)
LICENSE NO. 3641)
)
Respondent.)

Complaint No. 006-2021



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 Abel Harrington, DC ("Respondent"), being represented by legal counsel, 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 Should the Board, in its discretion, not approve this Consent Order, the Consent Order is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees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 done 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.

STUPLICATION OF FACTS

1. Respondent is a Licensed Chiropractor in the State of Oklahoma, holding License Number 3641.

2. On or about April 7, 2021, the Board received an Official Complaint Form from Executive Director Beth Kidd alleging violation of the Oklahoma Chiropractic Practice Act and

certain rules promulgated thereunder. The complaint alleged Respondent failed to disclose disciplinary action taken against his chiropractic license held in Oregon.

3. Respondent filed an Answer thereto. Contested issues were identified.

4. 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. If proven by clear and convincing evidence the conduct and circumstances described in paragraph 2 of the Stipulation of Facts constitutes violations by Respondent of the following:

Violation of Title 59 O.S. § 161.12(B)(9)

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:

9. Obtaining an original license or renewal license in a fraudulent manner;

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

13. Violating any of the rules of the Board.

Violation of the Code of Ethics OAC 140:15-7-5 (12)(E).

Failing to report past, present, or pending disciplinary action by another licensing

board or the current status of a final administrative deposition of a matter. A licensee is required to report any compromise or settlement of disciplinary action, whether voluntary or involuntary, which results in encumbrance of licensure.


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

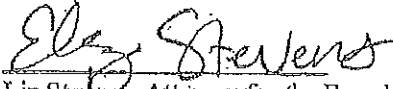
ORDER

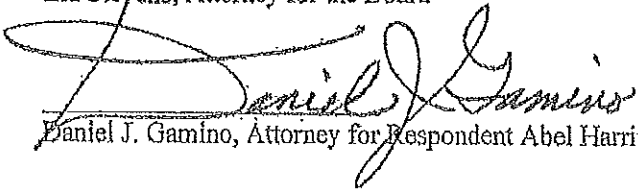
Based upon the above Consent Agreement, Stipulation of Facts and Conclusions of Law, the following Order is issued:

1. Respondent is ordered to pay an administrative penalty of twenty thousand dollars (\$20,000) within six (6) months of the issuing of this Order.
2. 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 Professional Standards and one (1) essay focusing on the area of Fraud. Respondent must receive a passing score on each essay by June 30, 2023.
3. 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.
4. Failure to comply with any of the terms of this Order may result in further disciplinary action against Respondent.
5. This Consent Order shall be effective on the date of entry and signature set forth below.

IT IS SO ORDERED ON THIS 20th DAY OF July 2022.


Board President
Oklahoma Board of Chiropractic Examiners


Liz Stevens, Attorney for the Board


Daniel J. Gamino, Attorney for Respondent Abel Harrington

Able Harrington, D.C.

IT IS SO ORDERED ON THIS _____ DAY OF _____ 2022

Dr. Heath Davis, President
Dishonors Board of Chiropractic Examiners

Dr. Steven, Attorney for the Board



David J. Hamms
David J. Hamms, Attorney for President Heath Harrington

Heath Harrington
Attest, Harrington, D.C.