



**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 |
| |) | 043-2022 |
| 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”), 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 the 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 Should the Board, in its discretion, not approve this Consent Order, the Consent Order is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees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. In the event this Consent Order is approved, 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.

STUIPULATION OF FACTS

1. Respondent is a Licensed Chiropractor in the State of Oklahoma, holding License Number 4154.

2. Between May 2021 and November 2022, seven (7) complaints were filed against Respondent alleging sexual impropriety. All seven (7) complaints were assigned to Oklahoma

Attorney General Agent Roland Garrett for investigation.

3. Complaint number 013-2021 was filed on or about May 24, 2021, alleging sexual impropriety on behalf of Respondent with patient M.W. Pursuant to Agent Garrett's investigation, during M.W.'s chiropractic appointment, Respondent told her that he had slept with a stripper and got an STD test. Additionally, Respondent told M.W. about receiving a "happy ending" massage while giving M.W. a massage during a chiropractic appointment. M.W. also alleged that Respondent put his hands in her pants, groped her buttocks, and put his fingers near her vulva during a chiropractic appointment.

4. Complaint number 025-2021 was filed on or about September 27, 2021, alleging sexual impropriety on behalf of Respondent with patient C.H. Pursuant to Agent Garrett's investigation, Respondent rubbed C.H.'s thigh and low back, and touched her buttock for an extended period of time. On one occasion, Respondent rubbed near C.H.'s vagina.

5. Complaint number 026-2021 was filed on or about September 28, 2021, alleging sexual impropriety on behalf of Respondent with patient A.B. Pursuant to Agent Garrett's investigation, Respondent rubbed the inside and outside of A.B.'s thighs while sitting on a stool between her spread legs.

6. Complaint number 028-2021 was filed on or about September 30, 2021, alleging sexual impropriety on behalf of respondent with patient P.C. Pursuant to Agent Garrett's investigation, Respondent touched P.C.'s buttocks during a chiropractic appointment and discussed trying to convince his wife to engage in "swinging."

7. Complaint 029-2021 was filed on or about October 1, 2021, alleging a sexual relationship between respondent and patient K.H. Pursuant to Agent Garrett's investigation, K.H. alleged that during chiropractic appointments Respondent would rub her buttocks, whisper in her

ear, and kiss her neck. Respondent and K.H. began a sexual relationship that lasted a year while she was his patient. During Agent Garrett's interview with Respondent, he admitted to the year-long sexual relationship with K.H.

8. Complaint number 001-2022 was filed on or about January 11, 2022, alleging sexual impropriety on behalf of Respondent with patient J.H. Pursuant to Agent Garrett's investigation, Respondent put J.H.'s legs in a sexual position and rubbed his genitals against hers. Additionally, he rubbed her inner thigh and flirted with her.

9. Complaint number 043-2022 was filed on or about November 18, 2022, alleging a sexual relationship between Respondent and D.G. during the time Respondent was providing chiropractic services to D.G. During Agent Garrett's interview with Respondent, he admitted to having a sexual relationship with D.G. and providing chiropractic services to D.G.

10. Respondent is not admitting to sexual impropriety or to any of the specific allegations against him, with the exception of the year-long relationship with K.H. identified in Paragraph 7 and the sexual relationship with D.G. in paragraph 9, by entering into this Consent Agreement.

11. 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 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."

(5) Chiropractic physicians shall maintain the highest standards of professional and personal conduct. Chiropractic physicians shall refrain from all illegal and morally reprehensible conduct;

(7) Chiropractic physicians shall observe the appropriate laws, decisions and rules of state governmental agencies of the United States and the State of Oklahoma and cooperate with the pertinent activities.

(13) Chiropractic physicians shall not abuse the physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship which includes, but is not limited to:

(A) Engaging in sexual misconduct which consists of sexual behavior that occurs during the doctor-patient relationship. Chiropractic physicians shall terminate the doctor-patient relationship before dating or having a sexual relationship with a patient. Such termination shall be done in writing and signed by both the patient and the chiropractic physician and placed in the patient's record. This paragraph shall not apply to chiropractic physicians treating their spouses.

(B) Engaging in sexual impropriety which consists of behavior, verbal or physical, that is suggestive, seductive, harassing, intimidating or demeaning to a patient.

(C) Engaging in sexual violation which consists of physical contact, whether or not initiated by the patient, that is sexual or may be reasonably interpreted as such.

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 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 998.75 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.

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

IT IS SO ORDERED ON THIS 23rd DAY OF February 2023.




Board President


Oklahoma Board of Chiropractic Examiners



Liz Stevens, Attorney for the Board



Curt Dewberry, Attorney for Respondent Mark Kimble



Mark Kimble, D.C.