

**BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.)	
BOARD OF CHIROPRACTIC EXAMINERS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 030-2007
)	
John Krueger, D.C., License No. 2557)	
)	
Respondent.)	

AGREED SETTLEMENT

Comes now the Oklahoma Board of Chiropractic Examiners, Plaintiff herein, and John Krueger, DC, license number 2557, Respondent herein, and state as follows:

1. It is alleged in the Statement of Complaint in this matter that Respondent committed numerous violations of the Oklahoma Board of Chiropractic Examiners Code of Ethics. To summarize, it is alleged:

- a) That in March, 2007, Respondent performed an adjustment severely re-injuring a patient's neck.
- b) That during the period of January through July, 2007, Respondent discussed patients and their problems with another patient.
- c) That in August, 2007, Respondent disclosed, or allowed his wife access to, medical and personal information about a patient.
- d) That during the period of January through July, 2007, Respondent treated a patient in an unprofessional and inappropriate manner by striking her on the buttocks, tickling

her, asking questions about her personal life which were unrelated to her physical condition or need for treatment, and attempting to pick her up and carry her.

e) That in July, 2007, Respondent treated a patient in an unprofessional and inappropriate manner by striking her on the buttocks and laying down on top of her while she was laying on the adjustment table.

f) That during the period of February to July, 2007, Respondent allowed a patient to place herself on an intersegmental traction machine and administer her own hot pack treatments without the assistance or help from Respondent or Respondents' staff. Respondent then submitted to a third-party payor claims for those treatments which Respondent did not actually provide to the patient.

h) That during the period of February to April, 2007, Respondent submitted to a third-party payor claims for treatments using an incorrect billing code.

i) That during the period of March to July, 2007, Respondent submitted to a third-party payor claims for electrical stimulation treatments which Respondent did not actually provide to the patient.

2. Respondent denies each and every one of the allegations and makes no admission of liability or fault.

3. Said allegations set forth above, if proven, would constitute a violation of the Oklahoma Board of Chiropractic Examiners Code of Ethics OAC 140:15-7-5 (2), 140:15-7-5 (4), 140:15-7-5 (5), and 140:15-7-5 (12).

4. Respondent recognizes and understands that he has the right to a formal, administrative hearing at which time he can present evidence and cross examine the board's witnesses and Respondent hereby voluntarily waves his right to such formal hearing and his right

to any rehearing or judicial review related to the allegations contained in this Settlement Agreement.

5. Respondent has the right to consult with an attorney prior to entering into this Settlement Agreement and Respondent has done so.

6. Respondent admits that the Oklahoma Board of Chiropractic Examiners has jurisdiction of the parties and subject matter in this action.

7. Respondent hereby enters into this agreement upon his own voluntary action and volition.

8. Respondent understands that the undersigned attorney for the Oklahoma Board of Chiropractic Examiners agrees to recommend this Settlement Agreement to the full Board at its next regularly scheduled meeting. Respondent also understands that the undersigned attorney does not possess the authority to bind the Board or to promise that the Board will accept the Settlement Agreement.

9. This Settlement Agreement is subject to the Oklahoma Board of Chiropractic Examiners approval and will be effective only when the Board accepts it. Should the Board, in its discretion, not approve the Settlement Agreement, the Settlement Agreement is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced into any disciplinary action by any party hereto.

10. Respondent agrees that should the Board reject the Settlement Agreement and this case proceeds to hearing, Respondent shall assert no claim of bias, conflict or disqualification on the part of the Board and/or its members or that the Board was prejudiced by review and discussion of this document or any records relating thereto.

11. In the event the Board does not accept the Settlement Agreement, a formal hearing will be heard on the allegations at a date to be announced.

12. If the Settlement Agreement is accepted by the Board, Respondent will abide by its terms effective upon the date of Board acceptance and subject to paragraph 13 below.

13. Therefore, in settlement of these allegations, Respondent hereby agrees and consents to the following:

- 1 Respondent will pay an administrative fine of \$11,000 within thirty (30) days of the date the Board accepts the Settlement Agreement.
2. Respondent will attend and complete the National Board of Chiropractic Examiners ethics and boundaries examination within twelve (12) months of the date the Board accepts the Settlement Agreement.
3. Respondent will be placed on voluntary probation for a period of two years to begin at the conclusion of Respondent's current probation.
4. Respondent will ensure that a female employee is in the examination room or treatment area at all times while Respondent is present and treating female patients.
5. Respondent hereby acknowledges the Board's authority to send a representative to his office for random visits to monitor his compliance with the terms of his probation.

Dated and entered this 14th Day of October, 2008.

By: 

Dr. Ronald Tripp, D.C.

President, Oklahoma Board of Chiropractic Examiners.

By: 

P. Kay Floyd, Attorney for the Board

By: 

Walter Haskins, Attorney for the Respondent

By: 

John Krueger, D.C., Respondent