

Hand delivery
3/26/09

**BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.)
BOARD OF CHIROPRACTIC EXAMINERS,)
)
Plaintiff,)
)
vs.)
)
Mark Prado, D.C. License Number 2313)
)
Respondent.)

Case No. 026-2007

FINAL ORDER

Hearing on this matter was held March 10th, 2009, before the Oklahoma Board of Chiropractic Examiners (hereinafter "the Board"). at the offices of the Veterinary and Dental Board, 201 N.E. 38th, Suite 1 and 2, Oklahoma City, Oklahoma. Present for the Board was legal counsel, P. Kay Floyd. Respondent Mark Prado failed to appear after proper notice.

Whereupon the hearing began and the sworn testimony of witnesses for the Plaintiff was presented, along with exhibits, which were admitted and are incorporated herein and made a part hereof.

Accordingly, after careful consideration of all evidence, testimony, and exhibits, the Board issues the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. Respondent was licensed to practice Chiropractic in the State of Oklahoma in the year

██████.

2. Respondent failed to renew his license to practice chiropractic in Oklahoma for the calendar year 2007 on or before January 1, 2007 as required by State statute and Board rule.
3. On March 6, 2007, formal notice was sent to Respondent stating that as of January 1, 2007, his license was placed in lapsed status for failure to renew and effective March 1, 2007 his license was administratively suspended for failure to comply with Oklahoma Statute 59 O.S. § 161.11.
4. An employee at Respondent's clinic accepted the March 6, 2007 notice however Respondent did not respond to the notice.
5. On July 24, 2007, the Board received a complaint from Progressive Direct Insurance Company stating that Progressive Direct had paid \$3600.00 to Prado Chiropractic for treatment of a patient rendered by Dr. Prado while he was not license from March 8 through April 5, 2007.
6. On August 25, 2007, the Board sent notice to Dr. Prado that a complaint had been filed against him and notifying him that he would be contacted by a member of the Board Advisory Committee, Dr. Jim Muse.
7. After concluding his investigation on December 3, 2007, Dr Muse recommended a hearing be scheduled before the Board.
8. On Fe [REDACTED] 9, notice of hearing was sent certified mail to Respondent. On or about [REDACTED] 9 Respondents' notice of hearing was returned to the Board office unclaimed by Respondent.
9. Respondent had failed to renew his license to practice chiropractic in Oklahoma on or before January 1, as required by State statute and Board rule in [REDACTED].

Each time the Respondents license was administratively suspended and then later renewed.

CONCLUSIONS OF LAW

1. The Oklahoma Board of Chiropractic Examiners has jurisdiction over the parties and subject matter in the above entitled cause.
2. Any finding of fact which is properly a conclusion of law is so incorporated herein as a conclusion of law.
3. O.S. Title 59 § 161.11, **Renewal license fee**, and OAC 140:10-5-1, **Renewal license; requirements**, states in part that each licensee holding an original license to practice chiropractic in the state shall pay to the Board, on or before the 1st day of January of each year, an annual renewal fee. Failure to comply with the statute and rule shall result in suspension or revocation of the original license.
4. O.S. 59 § 161.12, **Grounds for imposing penalties**, states in part that certain acts or occurrences by a chiropractic physician shall constitute grounds for penalties, including violating a provision of the Oklahoma Chiropractic Practice Act or violation of any rule of the Board.
5. O.S. 59 § 161.14, **Requirement of License**, prohibits practicing chiropractic in this state without having first obtained an original license to practice chiropractic from the Board of Chiropractic Examiners, or after the original license has been revoked or suspended .
6. Respondent failed to renew his license in violation of Title 59 O.S., Section 161.11 and OAC 140:10-5-1. Thereafter, Respondents' chiropractic license was suspended for the period of January 1 through July 26, 2007. During the period of

January 1 through July 26, 2007, Respondent continued to practice chiropractic in Oklahoma even though he was not licensed by the Board in violation of the Act and Rules listed above.

7. Based on the above Findings of Fact, the Board has authority to take disciplinary action against Respondent pursuant to 59 O.S., Section 161.12.

ORDER

It is therefore **ORDERED, ADJUDGED** and **DECREED** by the Oklahoma Board of Chiropractic Examiners that Respondent, Mark Prado, violated State statute and Board rule and is hereby ordered to pay a Ten Thousand Dollars (\$10,000.00) fine. In addition, Respondents license will remain suspended until such time as Respondent appears before the Board with proof that he has taken and passed the SPEC examination of the National Boards after the date of this order.

Dated this 24th day of March, 2009.

By: 

Dr. Ronald Tripp, D.C.

President, Oklahoma Board of Chiropractic Examiners.