

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

BOARD OF
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JUN 28 2023
OKLAHOMA
CHIROPRACTIC EXAMINERS
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STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA BOARD OF)
CHIROPRACTIC EXAMINERS)

IN THE MATTER OF THE)
COMPLAINT AGAINST:)

John Krueger, D.C.)
LICENSE NO. 2557)

Respondent.)

Complaint Nos. 009-2020
013-2020
014-2020
005-2021
020-2021
001-2023

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 John Krueger, 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.*

I. 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 Should the Board, in its discretion, not approve this Consent Order, the Consent Order is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees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.

II. STIPULATION OF FACTS

1. Respondent is a Licensed Chiropractor in the State of Oklahoma, holding License Number 2557.

2. Between July, 2020 and March, 2021, five (5) complaints were filed against Respondent alleging sexual impropriety. All five (5) complaints were assigned to Oklahoma Attorney General Agent Roland Garrett for investigation.

3. Complaint number 009-2020 was filed on or about July 15, 2020, alleging sexual impropriety on behalf of Respondent with patient S.W. Pursuant to Agent Garrett's investigation, Agent Garrett concluded during S.W.'s chiropractic appointment Respondent slapped her buttock. Agent Garrett further concluded Respondent slapped her buttock a total of three (3) times over the course of her treatment.

5. Complaint number 013-2020 was filed on or about August 18, 2020 alleging sexual impropriety on behalf of Respondent with patient H.C. Pursuant to Agent Garrett's investigation, Agent Garrett concluded Complainant K.B. witnessed Respondent slap C.H. on the thigh and tell her to be good or she was going to get it again.

6. Complaint number 014-2020 was filed on or about August 18, 2020 alleging sexual impropriety on behalf of Respondent with patient H.C. Pursuant to Agent Garrett's investigation, Agent Garrett concluded Respondent slapped H.C.'s buttocks and thighs multiple times. Agent Garrett further concluded Respondent referenced H.C.'s breast size and her breast implants in a joking manner.

7. Complaint number 005-2021 was filed on or about March 18, 2021, alleging sexual impropriety on behalf of Respondent with patient M.L. Pursuant to Agent Garrett's investigation, Agent Garrett concluded Respondent touched M.L.'s buttocks during a chiropractic appointment.

8. Complaint 020-2021 was filed on or about August 12, 2021, alleging sexual impropriety on behalf of Respondent with patient S.V. Pursuant to Agent Garrett's investigation, Agent Garrett concluded Respondent slapped S.V.'s buttocks several times during her chiropractic appointments. According to S.V., Respondent claimed to have slapped her buttocks to "loosen

them up." Agent Garrett further concluded Respondent asked S.V. about her sex life and how many men she has slept with.

9. Complaint number 001-2023 was filed on or about February 18, 2023 alleging sexual impropriety on behalf of Respondent with patient C.F. Pursuant to Agent Garrett's investigation, Agent Garrett concluded Respondent put his thigh in C.F.'s groin area multiple times. Agent Garrett further concluded Respondent inappropriately whispered in C.F.'s ear.

10. Respondent is not admitting to sexual impropriety or to any of the specific allegations against him 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.

III. 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:

12. Violating any provision of the Oklahoma Chiropractic Practice Act; or

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:

(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.

IV. ORDER

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

1. Within 30 days of the issuance of this Order, and during the remainder of his professional licensure by OBCE, Respondent shall employ a Patient Representative/Advocate, whose principal duty will entail her physical presence at the treatment table during all patient appointments, and in the patient's presence during all patient interaction. This will be in addition to his existing female office manager/receptionist, who observes all patient interaction within the clinic's open treatment area. The Board shall be provided with the name and contact information

for the Patient Advocate and will be notified within 15 days if the Patient Advocate changes. Additionally, the Patient Advocate shall have permission to speak with a Board representative should an issue arise, after the Board gives notice and in the personal or telephonic presence of Respondent's attorney;

2. Within 30 days of the issuance of this Order, and during the remainder of his professional licensure by OBCE, Respondent shall have installed a surveillance video system which will digitally record video of all patient interaction within the clinic. Said video recordings shall be retained by Respondent for a period of two (2) years. Respondent shall provide date/time stamped digital video recordings to the OBCE or its designated investigator, within 15 days of a written request containing the dates requested. With regard to patient privacy, all existing patients and new patients will be advised in writing of the recording system surveilling the treatment area, and will be required to consent to its use and potential disclosure to OBCE as condition of Respondent's continued treatment. The following shall be included on Respondent's patient intake form, and shall be entered in the chart of his existing patients:

"Your treatment will be video recorded for your protection. The recording is visual only, and does not record sound or your conversations with Dr. Krueger during the course of your appointment. The recording will be retained by Dr. Krueger and kept private, but may be made available to the Oklahoma Board of Chiropractic Examiners if it formally requests a copy. Dr. Krueger's agreement to treat you is dependent on your consent to the video recording.

Your initials verifying your consent: _____. Date: __/__/____;"

3. Respondent shall be on probation for twenty-four (24) months beginning the date of issuance of this Order;

4. Respondent shall undergo a psychological evaluation by an OBCE-approved licensed psychologist or psychiatrist, at his expense, who will assess Respondent's mental and emotional fitness for continued practice of chiropractic, with emphasis on whether his continued practice

poses any foreseeable danger to patients and the public in terms of damaging their health, safety or welfare. Respondent shall nominate any psychologist or psychiatrist in good standing with that practitioner's licensing authority who is qualified to perform said assessment. Respondent shall submit his chosen practitioner's name to OBCE's Executive Director for approval, prior to his appointment with the practitioner. Respondent shall meet with said mental health practitioner at the practitioner's earliest opportunity and shall see said practitioner at bi-annual (six month) intervals during the pendency of his 24-month probation period. Said mental health professional shall submit confidential progress reports to the OBCE Executive Director bi-annually during the pendency of the probation period.

5. Respondent shall undergo and pass Ethics and Boundaries exams for professional standards and boundaries within thirty (30) days of the issuance of this Consent Order;

6. Respondent shall pay an administrative penalty in the amount of \$7,000.00 within thirty (30) days of the issuance of this Order. Said sum comports with OBCE Rules at 140 O.A.C. §3-3-9(c) which provide that a penalty of up to \$1,000 may be assessed per charge. Said amount should also be viewed within the context of Dr. Krueger's substantial expense inherent in accomplishing and maintaining Item No's 1, 2 and 4, above.

7. Respondent shall pay attorney's fees in the amount of \$743.75 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.

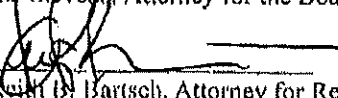
IT IS SO ORDERED ON THIS 24th DAY OF June, 2023.



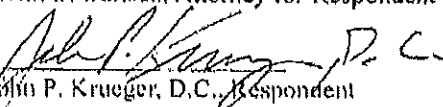
Board President
Oklahoma Board of Chiropractic Examiners



L. B. Stevens, Attorney for the Board



Kevin B. Bartsch, Attorney for Respondent



John P. Krueger, D.C., Respondent