

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

State of Oklahoma, ex rel. Oklahoma	)	
Board of Chiropractic Examiners,	)	
Plaintiff,	)	
	)	Case No. 001-2006
v.	)	
	)	
John Krueger, D.C., License No. 2557,	)	
Respondent.	)	

**FINAL ORDER**

On this 14<sup>th</sup> day of November, 2006, the Oklahoma State Board of Chiropractic Examiners (hereinafter "the Board") by and through its legal counsel, P. Kay Floyd, and Respondent, by and through his legal counsel, Joel A. LaCourse, do hereby submit the following Consent Agreement, Findings of Fact, Conclusions of Law and Final Order (collectively the "Final Order") to the Board and request the acceptance of the same pursuant to 75 O.S. Section 308 (a) *et seq.*, 59 O.S. Section 161 *et seq.* and OAC 140: 1-1-1 *et seq.*

**CONSENT AGREEMENT**

Respondent, John Krueger, D.C., holder of license no. 2557 to practice chiropractic in the State of Oklahoma understands and agrees that:

1. Respondent has the right to a formal administrative hearing at which time he can present evidence 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 Final Order.

2. Respondent has the right to consult with an attorney prior to entering into this Final Order and Respondent has done so.

3. The findings contained in the Findings of Fact portion of this Final Order are conclusive evidence of the facts stated herein and may be used for purposes of determining sanctions in any future disciplinary matter.

4. This Final 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 Should the Board, in its discretion, not approve this Final Order, this Final Order is withdrawn and shall be of no evidentiary value, nor shall it be allowed upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees that should the Board reject the Final 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 of any records relating thereto.

5. Respondent understands that once the Board approves and signs this Final Order, it shall constitute a public record that may be disseminated as a formal action of the Board.

6. Any record prepared in the matter, all investigative materials prepared or received by the Board concerning the allegations, and all related materials and exhibits may be retained in the Board's file.

## **FINDINGS OF FACT**

1. Respondent holds license no. 2557 issued by the Board.
2. In June, July, and August 2002, Respondent treated three minors who were ages one (1), five (5), and nine (9) after they were in an automobile accident with their mother. Respondent then billed the insurance company for x-rays which were not taken and submitted an x-ray report on the untaken x-rays to the insurance company. In addition, during the same period of time, Respondent submitted to the insurance company claims for services which were inappropriate for the injuries and ages of the patients.
3. Respondent admits that he billed the insurance company for x-rays which were not taken on one child and submitted an x-ray report on the untaken x-rays.
4. Respondent maintains that he did not submit to the insurance company claims for services which were inappropriate for the injuries and ages of the patients.

## **CONCLUSIONS OF LAW**

1. The Board has jurisdiction over the parties and the subject matter of this action pursuant to 59 O.S. 2005, §161.12.
2. Any finding of fact which is properly a conclusion of law is hereby incorporated herein as a conclusion of law.
3. Respondent has violated OAC 140:15-7-5(12)(F) by making or filing a false report.
4. Respondent has violated OAC 140:15-7-5(12)(G) by submitting to an

insured a claim for service or treatment which was not actually provided to a patient.

5. Respondent has violated OAC 140:15-7-5(1) by providing unnecessary treatments to his patients.

6. Respondent has violated 59 O.S. § 161.12(B)(13) by violating rules of the Board.

7. Based on the above findings of fact, the Board has the authority to take action against the Respondent pursuant to 59 O.S. § 161.12.

### **ORDER**

Based on the Findings of Fact and Conclusions of Law, the following Order is issued:

1. Respondent is placed on probation for a period of two (2) years commencing on the effective date of this Final Order. During the period of probation, Respondent shall submit to random audits of his patient and billing records which shall be conducted through the services of a Board approved auditor who shall submit a written report of his/her findings directly to the Board within fourteen (14) days of the conclusion of the audit. Any costs associated with the auditing of Respondents patient and billing records shall be the responsibility of the Respondent.

2. Within the first probationary year after the effective date of this Order, Respondent shall take eight (8) hours or its equivalent of continuing education on record keeping and ethics. Respondent must submit the course information to the Board for approval prior to attending the course. All costs of attending the course will be the

responsibility of the Respondent. Attending the course will not be counted toward fulfillment of the annual mandatory continuing education requirements.

3. Respondent is ordered to pay \$3,000.00 in fines and costs. Such payment is to be made to the Board by December 14, 2006.

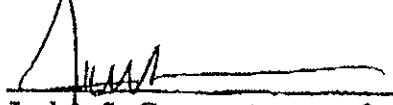
4. In the event the Respondent violates any of the terms of this Order or if any of the reports submitted to the Board by the auditor indicate that Respondents conduct is not in compliance with profession standards, Board rule or State statute, the Board, after conducting a formal administrative hearing, may take disciplinary action as authorized by law.

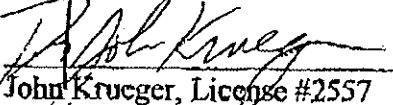
5. Respondent the full costs of complying with the terms and conditions set forth in this Final Order including any costs incurred by hiring the services of a Board approved auditor shall be the responsibility of the Respondent.

6. This Final Order shall be effective on the date entered below.

By: \_\_\_\_\_  
Dr. Ronald Tripp, D.C.  
President, Oklahoma Board of Chiropractic Examiners

\_\_\_\_\_  
P. Kay Floyd, Attorney for the Board

  
\_\_\_\_\_  
Joel A. LaCourse, Attorney for John Krueger

  
\_\_\_\_\_  
John Krueger, License #2557

Dated and entered this \_\_\_\_\_ day of November, 2006.