



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2020-33A

Beth Kidd, Executive Director
Board of Chiropractic Examiners
421 N.W. 13th Street, Suite 180
Oklahoma City, OK 73103

October 23, 2020

Dear Executive Director Kidd:

This office has received your request for a written Attorney General Opinion regarding action that the Board of Chiropractic Examiners intends to take with respect to Board Complaints numbered 010-2019, 016-2019, 020-2019, 017-2019, and 001-2020. Complaints were filed alleging the licensee failed to provide treatment notes and other records in response to records requests by two individual patients and/or their attorneys. In each case, the Board notified the licensee by certified letter and in person of the complaint and of licensee's duty to respond within thirty (30) days. Subsequently, the Board issued Subpoenas for Production of Documents requesting the records to be submitted directly to the Board. The licensee failed to cooperate with the investigations and failed to comply with the requests for records.

After a Board hearing at which the licensee appeared with counsel, the Board proposes to suspend the license until such time as the licensee can arrange for practice supervision by a Board-approved entity at the licensee's expense and can provide the Board with a report attesting to the licensee's fitness to practice chiropractic. Once these requirements have been met, the license will be placed on probation for a term of two years requiring subsequent reports from the monitor and the licensee's therapist to maintain the license. The licensee must also complete the Professional Standards section of the Ethics and Boundaries Assessment Services exam and pay \$7,500 in administrative penalties and \$9,328 in Board legal fees.

The Oklahoma Chiropractic Act authorizes the Board, after providing notice and an opportunity to be heard, to discipline a licensee who the Board finds by clear and convincing evidence has "[v]iolat[ed] any rules of the Board." 59 O.S.Supp.2019, § 161.12(B)(13). Such discipline may include license suspension, restriction of practice, imposition of administrative penalties, and assessment of Board costs. *Id.* § 161.12(A). The Board's rules require licensees to comply with patients' requests for records, "maintain the highest standards of professional and personal conduct," and "comply with a[ny] lawfully issued subpoena of the Board." OAC 140:15-7-5(3), (5), (14). The Board may reasonably believe that the disciplinary action is necessary to protect patient health and to deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Chiropractic Examiners has adequate support for the conclusion that this action advances the State of Oklahoma's policy to protect public health, safety and welfare by ensuring chiropractic physicians provide adequate care and meet minimum standards of professional conduct.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



ETHAN SHANER
DEPUTY ATTORNEY GENERAL