

IN AND BEFORE THE OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND  
SUPERVISION,

Plaintiff,

v.

DAVID GROSS YAHNKE, M.D.  
Medical License No. **17257**

Defendant.

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CASE NO. 90-06-1059

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on June 8, 1990, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and David Gross Yahnke, M.D., Defendant, appeared pro se, waived his right to counsel, and agreed to proceed without counsel.

The Board of Medical Licensure and Supervision en banc reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

1. That Defendant, David Gross Yahnke, M.D., is an applicant for licensure in Oklahoma as a physician and surgeon.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That the Defendant is a licensed physician on active status in the State of Indiana and has an inactive license in the State of California.
4. That the Defendant is Board certified by the American Board of Obstetrics and Gynecology.
5. That the Defendant previously appeared on his application for licensure before the Board on May 19, 1990. The Defendant appeared along with Dr. C.B. Rebsamen and presented evidence that he had been offered a position by Dr. Rebsamen with a large multi-specialty clinic in the City of Tulsa, Oklahoma.
6. That on or around October 26, 1989, the Medical Licensure Board of Indiana, following notice and hearing, entered findings of fact, conclusions of law, and order concerning the Defendant wherein the Defendant admitted to improper sexual contact with various female patients and resigned his privileges at Bartholomew County Hospital and entered treatment at Golden Valley Health Center in January, 1989.
7. That at the meeting of May 19, 1990, the Board felt that evidence indicated the application should be tabled until its meeting of June 8, 1990, in order to allow the Board to

review the report from therapist Riette Smith and to allow the Defendant to meet with the Board staff and to work out specific terms and conditions of probation.

8. That the Defendant did meet by long distance telephone with Board counsel and out of that meeting executed a Voluntary Submittal to Jurisdiction on June 4, 1990, wherein he agreed to a probationary term of five (5) years under certain enumerated terms and conditions. In addition, Defendant caused his therapist, Riette Smith, to provide a letter on his progress dated May 22, 1990, and additional correspondence was received from Dr. C.B. Rebsamen, Medical Director, Medical Care Associates of Tulsa.

9. The Board found that some of the terms and conditions of the Voluntary Submittal to Jurisdiction were unnecessary and that the remaining terms and conditions were appropriate and should be kept in force and effect.

#### CONCLUSIONS OF LAW

1. That the Board has jurisdiction of this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1989, Section 481 et seq., and by the Voluntary Submittal to Jurisdiction executed by the Defendant on June 4, 1990.

#### ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That the Defendant, David Gross Yahnke, M.D., holding Oklahoma Medical License No. \_\_\_\_\_, should be and is hereby placed on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on June 8, 1990, under the following terms and conditions:

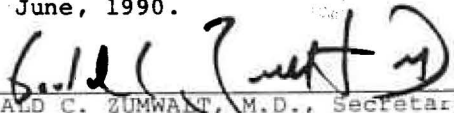
- (a) That Defendant may not examine or treat female patients without a female R.N., L.P.N., or technician in the room, except in emergency situations.
- (b) That Defendant may not engage in solo practice of medicine and surgery.
- (c) That Defendant shall continue his regular therapy sessions with a professional physician or therapist acceptable to the Oklahoma Board of Medical Licensure and Supervision until it is determined that said counseling is no longer necessary. Defendant shall authorize his treating physician or therapist to submit quarterly written reports to the Board probation staff verifying Defendant's continued treatment and progress.
- (d) That Defendant shall authorize his prior therapist, Riette Smith, P.O. Box 1965, Bloomington, Indiana 47402-1965, and the Golden Valley Health Center, to provide copies of his admission and discharge summary, progress notes, and prognosis to the Board staff.
- (e) That Defendant shall continue to attend SAA (Sex Addicts Anonymous) meetings in the area of Tulsa, Oklahoma, at least one time per week, with monthly reports submitted to the Board probation staff verifying same.

- f) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (g) Defendant shall appear before the Board en banc or a designated member thereof whenever requested to do so.
- (h) During the period of probation Defendant will submit to the Investigative Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (i) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the cost of investigation, prosecution and probation of this case.
- (j) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Voluntary Submittal to Jurisdiction and supply a copy thereof.
- (k) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after due notice to the Defendant.

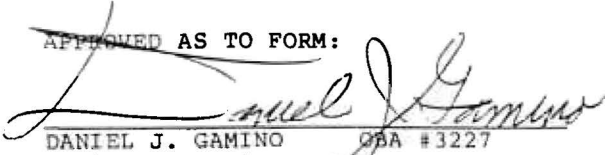
2. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or withdrawn by the Oklahoma State Board of Medical Licensure and Supervision, either on their own motion or on the motion of the Defendant.

3. The Defendant further agrees that failure to meet any of the above terms of probation will constitute cause for the staff of the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma medical license, after due notice and hearing.

DATED this 21st day of June, 1990.

  
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 GERALD C. ZUMWALT, M.D., Secretary  
 State Board of Medical Licensure  
 and Supervision

APPROVED AS TO FORM:

  
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 DANIEL J. GAMINO OBA #3227  
 Daniel J. Gamino & Associates, P.C.  
 3315 NW 63  
 Oklahoma City, OK 73116  
 (405) 840-3741  
 ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 22 day of June, 1990, to:

DAVID GROSS YAHNKE, M.D.

3524 S. Winston  
Jules DR 74137

Janet F. Owens