

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,

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

CASE NO. 90-06-1059

Defendant

ORDER TERMINATING PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 5, 1991, 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 heard testimony, 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., holds Oklahoma Medical License No. 17257.
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 following notice and hearing on June 8, 1990, the Board did place Defendant on a term of probation for a period of five years under certain enumerated terms and conditions.
4. That since the imposition of probation, Defendant has fulfilled all terms and conditions of probation and practiced medicine and surgery with skill and care toward patients.
5. That because of the terms and conditions of probation imposed on Defendant's Oklahoma medical license, Defendant was unable to obtain staff privileges at St. Francis Hospital, Tulsa, Oklahoma, and Baptist Medical Center of Oklahoma, Oklahoma City, Oklahoma, and that Defendant presented evidence of those denials to the Oklahoma Board of Medical Licensure and Supervision.
6. That the Board found the Defendant presented substantial evidence of compliance of the terms and conditions of probation, and that the purposes of probation were fulfilled and the probation could be terminated without any danger to public health, safety and welfare and said probation should be terminated.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1990, Sec. 481 et seq., and that termination of probation lies within the exclusive discretion and judgment of the Board, and in the case at bar evidence supported termination of probation.

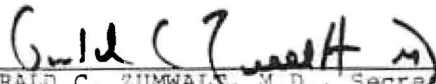
ORDER

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

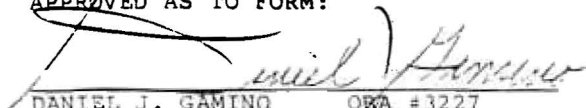
1. That the Defendant, David Gross Yahnke, M.D., holding Oklahoma Medical License No. 17257, should be and is hereby released from the terms and conditions of probation imposed by this Board following notice and hearing on June 8, 1990, and that said probation should be and the same is hereby terminated, set aside and held for naught.

2. That the Defendant should receive a copy of this Order and a copy placed in the public records of the Oklahoma Board of Medical Licensure and Supervision.

DATED this 10 day of Oct, 1991.

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

APPROVED AS TO FORM:

  
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 10 day of October, 1991, to:

DAVID GROSS YAHNKE, M.D.  
8524 S. Winston Ave.  
Tulsa, OK 74137

