

**FILED**

APR 21 2000

**BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS**

**KANSAS STATE BOARD OF  
HEALING ARTS**

**In the Matter of** )  
**GREGORY P. MALONEY, D.O.** )  
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\_\_\_\_\_ )

**Case NO. 00-HA-31**

**FINAL ORDER**

NOW ON THIS Eighth Day of April, 2000, comes before the Board of Healing Arts the application of Gregory P. Maloney, D.O. (Applicant) for a license to practice osteopathic medicine and surgery. Applicant does not appear. Kelli J. Benintendi, Associate Counsel, appears in opposition to the application. Board counsel has filed a written response to the application and alleged grounds upon which the application may be denied.

This matter initially was set for hearing on February 12, 2000. At Applicant's request, the hearing was continued to April 8.

The participants were notified in the original notice of hearing that the matter was to commence as a conference hearing, but that the matter would be converted to a formal hearing if it appeared that the material facts were in dispute. The Board has not been notified that the material facts are in dispute, and thus a conference hearing is appropriate.

The parties submit exhibits in advance of the hearing. Those exhibits, specifically including Board exhibits 1 through 11, and Applicant exhibits 1 through 13, are admitted.

Applicant requests that he be permitted to withdraw his application. Because there are undisputed facts in the agency record that constitute grounds for denying the application, the Board finds that the public interest is best served by making appropriate findings of fact, conclusions of law

and order. Applicant's request to withdraw the application is denied.

**WHEREFORE**, the Board finds, concludes and orders as follows:

1. Applicant submitted an application dated November 11, 1999 for a license to practice osteopathic medicine and surgery.

2. In his application, Applicant acknowledged that he previously had been denied a license to practice the healing arts, that he previously had a license limited, restricted, suspended or revoked by a licensing or disciplinary agency, that he had been notified or requested to appear before a licensing or disciplinary agency, and that he had previously been arrested, fined, charged with or convicted of a crime, or indicted, imprisoned or placed on probation.

3. Applicant was convicted of sexual misconduct, a class A misdemeanor, in the State of Missouri August 17, 1988.

4. Based upon the August 17 conviction, Applicant was denied a temporary license to practice the healing arts in Missouri on July 2, 1996.

5. Applicant was granted a license with conditions by the Oklahoma Board of Osteopathic Examiners on June 18, 1998. These conditions have been modified since the license was granted. Applicant's license continues to be limited and is considered probationary at this time. Applicant currently practices osteopathic medicine and surgery in the State of Oklahoma.

6. An application for a license to practice the healing arts may be denied as provided by K.S.A. 1999 Supp. 65-2836(c) based upon a finding that the Applicant has been convicted of a class A misdemeanor, whether or not connected with the practice of the healing arts.

7. An application for a license to practice the healing arts may be denied as provided by K.S.A. 1999 Supp. 65-2836(j) based upon a finding that the applicant has had a license to practice

the healing arts denied or limited by the proper licensing authority of another state.

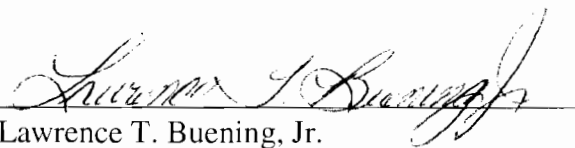
8. The Board concludes that the criminal conviction in the State of Missouri, the denial of the license in the State of Missouri, and the limitation of the license in the State of Oklahoma, were based upon misconduct that affects the public health, safety and welfare, and that as a matter of the Board's discretion the application should be denied.

**IT IS, THEREFORE, ORDERED** that the application of George P. Maloney, D.O. for a license to practice osteopathic medicine and surgery is denied.

**PLEASE TAKE NOTICE** that this is a Final Order. A Final Order is effective when served. A party to an agency proceeding may file a petition for judicial review with the district court within 30 days following service of the order. Reconsideration of the order by the Board is not a prerequisite to judicial review. A copy of any petition for judicial review shall be served upon the agency by sending a copy to Lawrence T. Buening, Jr., Executive Director, at 235 S. Topeka Blvd., Topeka, Kansas 66603.

**DATED THIS 21<sup>st</sup> day of April, 2000.**

STATE BOARD OF HEALING ARTS

  
Lawrence T. Buening, Jr.  
Executive Director


**Certificate of Service**

I certify that a true copy of the foregoing order was served this 21<sup>st</sup> day of April, 2000 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Gregory P. Maloney, D.O.  
3711 South Indianapolis, Unit C  
Tulsa, Oklahoma 74135

and a copy was hand-delivered to the office of:

Kelli J. Benintendi  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

  
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