

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

L I L E D

JAN 06 1997

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
DONALD G. OEHLECKER, P.A.)
Registration No. 15-00488)
_____)

97-00079

FINAL ORDER

NOW ON THIS 6th day of December, 1996, comes on for hearing before the State Board of Healing Arts ("Board") a Petition to Revoke, Suspend, Remove or Otherwise Limit Registration. Kevin K. LaChance, Disciplinary Counsel, appears on behalf of the Board. Donald G. Oehlecker, P.A. ("Registrant"), appears in person and without counsel.

Having the record before it, including the agency record from the emergency hearing held October 24, 1996, and having heard the arguments of the parties, the Board finds as follows:

1. Registrant is registered by the Board as a physician's assistant.
2. Registrant's application was received December 7, 1995.
3. Registrant indicated in his application that he had never been convicted of a federal, state or local crime.
4. Prior to seeking registration in Kansas, while serving in the United States Air Force as a physician assistant, Registrant was convicted by General Courts-martial of violating federal statutes. Specifically, Registrant was convicted of having sexual intercourse

and of committing sodomy with a female member of the military who was not his wife, and of attempting to impede an investigation. Registrant was an officer in the military during the time the incidents were alleged to have occurred. The female complainant was an enlisted person and a patient of Registrant. Those convictions are now on appeal.

5. Registrant also failed to disclose the convictions to the State of New York on a renewal application and to the State of Texas when he applied for an original registration as a physician assistant.

6. In this case, it is found that Registrant wrongfully failed to disclose the convictions. There is a dispute as to whether the failure was an intentional act to deceive the Board, or whether such failure was incorrectly believed to have been warranted in light of his pending appeal. The Board finds that Registrant did not have grounds upon which to base a good faith belief that he was entitled to deny the conviction when completing the application.

7. Pursuant to K.S.A. 65-2896b, the Board may remove a person's name from the register of physician's assistants upon a finding that a registrant has violated any provision of K.S.A. 65-2896 to 65-2897a, inclusive, or any rules and regulations adopted by the Board. Additionally, the Board may remove a name if the Board determines a request should not have been approved. By failing to present to the Board a request for Registration accurately reporting requested information Registrant was not entitled to have his name entered on the register of physician's assistants.

IT IS, THEREFORE, ORDERED that the name of Donald G. Oehlecker, P.A., be removed from the register of physician's assistants.

Dated this 6th day of January, 1997.



LAWRENCE T. BUENING, JR.
Executive Director

NOTICE REGARDING RELIEF FROM ORDER

This is a Final Order, and is effective upon service. A party may seek relief from this order by filing a Petition for Judicial Review in the District Court. A request for reconsideration is not a prerequisite to filing a Petition for Judicial Review.

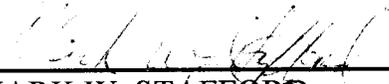
CERTIFICATE OF SERVICE

I, Mark W. Stafford, General Counsel, Kansas State Board of Healing Arts, do hereby certify that on the 1st day of January, 1997, a true and correct copy of the above and foregoing **FINAL ORDER** was deposited in the United States mail, postage prepaid, first-class to the following:

Donald G. Oehlecker, P.A.
P. O. Box 17053
Wichita, Kansas 67217

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

Kevin K. LaChance
Disciplinary Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068



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