

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, Kansas 66603-3817
(913) 296-3240

IN THE MATTER OF)
)
Swaran Kumar Jain, P.hD) Case No. 522
License No.)
Respondent.)
_____)

CONSENT AGREEMENT AND ORDER

Now on this 11 day of Dec, 1995, this Agreement is entered into between Swaran Kumar Jain, Ph.D. ("Dr. Jain"), and the Kansas Behavioral Sciences Regulatory Board ("the Board").

WHEREAS, Dr. Jain was convicted in the United States District Court for the Western District of Missouri of violating 18 U.S.C. § 1341 and 42 U.S.C. § 1320a-7(b)(1)(A) and sentenced for those offenses on July 6, 1995; and,

WHEREAS, following the jury verdict in his case on November 2, 1994, Dr. Jain wound up his psychology practice and has not practiced psychology since on or about the first of December 1994; and,

WHEREAS, Dr. Jain has taken an appeal from his conviction to the United States Court of Appeals for the Eighth Circuit; and,

WHEREAS, the Board presently intends to pursue disciplinary action against Dr. Jain in connection with his conviction; and,

WHEREAS, the parties wish to minimize the expense and disruption of litigation while maintaining their rights in any disciplinary proceeding that might be pursued by the Board against Dr. Jain,

It is hereby agreed by the parties as follows:

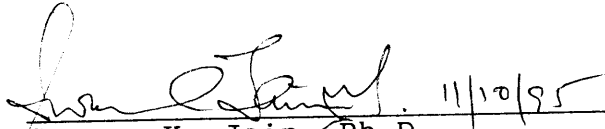
1. Dr. Jain will not practice psychology, as defined by Kansas statutes and regulations, from the date of this agreement until the completion of the appeal of his conviction. If that appeal does not result in a reversal of his conviction, he agrees that he will not practice psychology pending the resolution of any disciplinary action brought against him by the Board. The Board agrees to pursue such an action promptly.

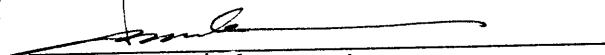
2. If Dr. Jain's appeal results in a reversal of his conviction, he agrees not to practice psychology for a period of at least 60 days following the mandate of the appellate court. If a disciplinary action is filed during the 60-day period by the Board, Dr. Jain agrees not to practice psychology during the pendency of that disciplinary action. Dr. Jain agrees to notify the Board, and its counsel, of the issuance of the mandate from the


court of appeals within 15 days after such mandate is known to Dr. Jain.

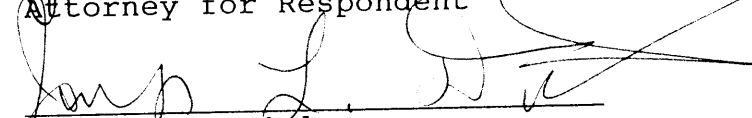
3. Dr. Jain agrees not to apply for a psychology license in any other state during the periods he has agreed not to practice psychology in paragraphs 1 and 2 above.

4. The parties contemplate that they will attempt to reach a mutually agreed upon settlement of this matter upon the resolution of Dr. Jain's appeal. Failure to reach such an agreement, however, will not prejudice either party in pursuing its rights under the law.


Swaran K. Jain, Ph.D.
Respondent


John Homlish, Chairman
Kansas Behavioral Sciences
Regulatory Board


Jean Paul Bradshaw II
Attorney for Respondent


James L. Daniels
Assistant Attorney General
Attorney for BSRB

Wm. Scott Hesse, #12013
Assistant Attorney General
Kansas Judicial Center
301 S.W. 10th Avenue
Topeka, Kansas 66612-1597
Tel: (913) 296-2215
[Location of the file]

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, Kansas 66603-3817
913/296-3240

IN THE MATTER OF)
Swaran Kumar Jain, Ph.D.)
) Case No. 522
)
_____)

SUMMARY ORDER OF REVOCATION OF LICENSE

NOW on this 11 day of August, 1997 the above captioned matter comes on for board action on for board action on Swaran Kumar Jain's license as a psychologist.

The board makes the following findings of fact and conclusions of law:

1. Swaran Kumar Jain is a licensed psychologist, having been issued license 528 on February 14, 1981.
2. On July 8, 1997 the licensee pleaded guilty in United States District Court for the Western District of Kansas of one count of fraud in violation of 42 U.S.C. 1320a-7b(b)(1)(A) and (b)(2)(A). A copy of the Plea Agreement in *United States of America v. Swaran Kumar Jain*, 95-000186-02-CR-W-3 (W.D., MO., 7/8/97) is attached and incorporated by reference.
3. Pursuant to K.S.A. (1996 Supp.) 74-5369 (a) & (b) the board is authorized to

revoke the license of a psychologist that has been convicted of a “felony involving moral turpitude” or “has been found guilty of fraud or deceit in connection with the rendering of professional services”

4. Pursuant to 42 U.S.C. 1320a-7b(b)(1)(A) and (b)(2)(A) the crime of submitting a false claim is a felony.

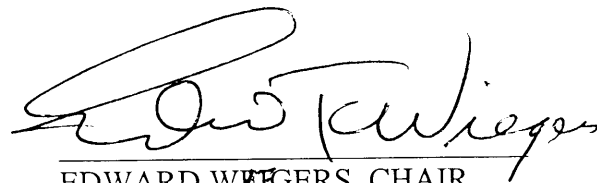
5. Having recently admitted to fraud or deceit in connection with the rendering of professional psychological services is sufficient grounds to revoke the respondent’s license pursuant to K.S.A. (1996 Supp.) 74-5369 (a) & (b).

6. Having previously been convicted of numerous counts of fraud or deceit in connection with the rendering of professional psychological services is sufficient grounds to revoke the respondent’s license pursuant to K.S.A. (1996 Supp.) 74-5369 (a) & (b).

THEREFORE, based on licensee’s violation of 42 U.S.C. 1320a-7b(b)(1)(A) and (b)(2)(A) and K.S.A. (1996 Supp.) 74-5369 (a) & (b) the board orders that Swaran Kumar Jain’s license to practice psychology be revoked.

ACCORDINGLY PSYCHOLOGIST LICENSE 528 ISSUED TO SWARAN KUMAR JAIN IS HEREBY REVOKED.

IT IS SO ORDERED.



EDWARD WEIGERS, CHAIR
BEHAVIORAL SCIENCES
REGULATORY BOARD

NOTICE OF RELIEF FROM THIS ORDER

Pursuant to K.S.A. (1996 Supp.) 77-537, this order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to:

Mary Ann Gabel, Executive Director
Behavioral Sciences Regulatory Board
712 S. Kansas Avenue
Topeka, Kansas 66603-3817

This written request must be filed within fifteen (15) days from the date indicated in the below Certificate of Service. If a hearing is not requested in the time and manner stated above, this decision becomes final and effective upon the expiration of the time for requesting a hearing.

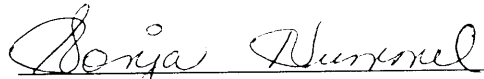
CERTIFICATE OF SERVICE

This is to certify that on the 13th day of August, 1997 a true and correct copy of the above SUMMARY ORDER OF REVOCATION OF LICENSE was deposited in the U.S. Mail, first class postage prepaid, addressed to:

Swaran Kumar Jain



Jean Paul Bradshaw, II
Attorney at Law
Gage and Tucker, P.C.
2345 Grand Blvd.
Kansas City, MO., 64108-2688


For the Behavioral Sciences
Regulatory Board

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

712 Kansas Avenue
Topeka, Kansas 66603

In the Matter)
)
 of) Case No. 522
)
 Swaran K. Jain, Ph.D.)
 _____)

ORDER REINSTATING LICENSE TO PRACTICE PSYCHOLOGY

ON CONDITIONS

Now on this 13th day of September 1999, the above-referenced case comes on for hearing before the Behavioral Sciences Regulatory Board on Swaran K. Jain's request for reinstatement of a license to practice psychology. Petitioner appears in person and by counsel, Jean Paul Bradshaw. Respondent appears by Laurie Kahrs, Assistant Attorney General.

The Board takes notice that Petitioner's psychology license #528 was revoked on August 11, 1997 by a summary order following Petitioner's plea of guilty in United States District Court for the Western District of Missouri of one count of fraud in violation of 42 U.S.C. 1320a-7b(b)(1)(A) and (b)(2)(A).

Having heard statements and arguments of counsel, and having received exhibits submitted by Petitioner, and being duly advised in the premises the Board determines that Petitioner is currently morally fit to practice psychology, has demonstrated consciousness of his wrongful conduct, and is adequately rehabilitated. Further, the nature and seriousness of the original misconduct, although a felony, is not extreme. Further, Petitioner has not engaged in wrongful conduct subsequent to the Board's disciplinary action. Further, although Petitioner's license was revoked two years ago,

Petitioner's voluntarily ceased the practice of psychology approximately five years ago, around the time criminal charges were initiated. Further, although Petitioner has continued to attain continuing education, because of the length of time since Petitioner has engaged in the practice of psychology, the Board has some concern regarding Petitioner's present competence in his current psychological skills and ethical functioning.

IT IS THEREFORE ORDERED that Petitioner's license to practice psychology be reinstated on the following terms and conditions:

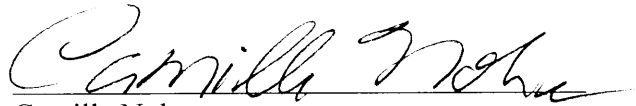
(1) That Petitioner shall inform the Board office when he resumes the practice of psychology and his practice setting.

(2) That for one year following Petitioner's resumption of the practice of psychology, he shall be supervised by a licensed Ph.D. psychologist in relation to Petitioner's general clinical competence and ethical functioning. Petitioner may select his supervisor, and then notify the Board office of the name, address and telephone number of the supervisor. The supervisor selected by Petitioner shall agree to submit quarterly reports to the Board office concerning Petitioner's general clinical competence and ethical functioning.

(2) Within 6 months of the date indicated in the below Certificate of Service, Petitioner shall submit a 10 page professional paper with a minimum of five references on the topic of prohibitions against receiving payment for referral, including the history and current status regarding such prohibitions.

IT IS FURTHER ORDERED that upon Petitioner's successful completion of the above terms and conditions, Petitioner shall be unconditionally licensed to practice psychology.

IT IS SO ORDERED.



Camille Nohe

Assistant Attorney General/General Counsel to the
Behavioral Sciences Regulatory Board
On behalf of the Board

Notice of Relief from This Order

This is a Final Order. It is effective upon the date indicated in the below Certificate of Service unless a stay is granted pursuant to K.S.A. 77-528. Within 15 days after service of the Final Order, any party may file a petition for reconsideration with the Behavioral Sciences Regulatory Board. Such petition must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking judicial review. Judicial review may be had by filing a petition for judicial review with the appropriate district court as provided in the Kansas Act for Judicial Review, K.S.A. 77-601 et seq. The agency officer who may receive service of a petition for judicial review on behalf of the agency is Mark Stafford, Interim Executive Director, Behavioral Sciences Regulatory Board.

Certificate of Service

This is to certify that on the 24th day of September, 1999 a true and correct copy of the above and foregoing ORDER REINSTATING LICENSE TO PRACTICE PSYCHOLOGY ON CONDITIONS was deposited in the U.S. mail, first class postage prepaid, addressed to:

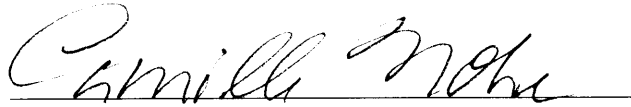
Swaran K. Jain
112 Willow Drive
Lansing, Kansas 66043

and

Jean Paul Bradshaw II
Lathrop and Gage
2345 Grand Boulevard, Suite 2500
Kansas City, Missouri 64108-2684

and a copy placed in inter-office mail addressed to:

Laurie Kahrs
Assistant Attorney General
Office of the Attorney General
301 SW 10th Avenue
Topeka, Kansas 66612

A handwritten signature in cursive script, reading "Camille Nohe", is written over a horizontal line.

Camille Nohe
Assistant Attorney General/General Counsel to the
Behavioral Sciences Regulatory Board
On behalf of the Board

March 6, 2002

Swaran K. Jain, Ph.D.
112 Willow Drive
Lansing, KS 66043

Dear Dr. Jain:

Effective November 9, 2001, I am pleased to notify you that you successfully completed the terms of your Order Reinstating License To Practice Psychology On Conditions (Case No. 522). We appreciate your cooperation in fulfilling the conditions of the order.

Sincerely,

Phyllis Gilmore
Executive Director