

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE INITIAL
APPLICATION FOR SOUTH DAKOTA
60 DAY PHYSICIAN CERTIFICATE
SUBMITTED BY SAMIR F. JAIN, MD

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

WHEREAS, the Investigative Review Panel of the South Dakota Board of Medical and Osteopathic Examiners having performed due diligence with regard to the application for a 60 Day Physician Certificate submitted by Samir F. Jain, MD and the South Dakota Board of Medical and Osteopathic Examiners, being fully advised of the premises, hereby makes and enters its:

FINDINGS OF FACT

1. Samir F. Jain, MD, the Applicant, filed an application for a 60 Day Physician Certificate on or about September 15, 2009.
2. The Application, among other things, required Dr. Jain to disclose whether he had been subjected to disciplinary action, and whether he had been treated for substance abuse.
3. Applicant disclosed affirmatively that he had been subjected to a disciplinary action and had been treated for substance abuse.
4. As a result, the application was placed under investigation by the Board's Investigative Review Panel, and the Applicant was notified in writing on September 30, 2009, that he was required to personally attend an informal meeting with the Board's Investigative Review Panel on October 13, 2009 at the Board's office.
5. The Applicant did not reply to the Board's letter, and on January 6, 2010, the Board again notified Applicant of the contents of the Board's prior letter, and that his lack of cooperation would constitute a reportable event.
6. On January 10, 2010, Applicant wrote a letter to the Board informing that he desired that his application for a 60 Day Physician Certificate be withdrawn while under investigation.

7. That this constitutes a withdrawal of application for a 60 Day Physician Certificate while under investigation or to avoid the results of an investigation.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the application for a 60 Day Physician Certificate under the provisions of SDCL Chapter 36-4.
2. The Applicant has the burden of proving that he is qualified, competent and is of good moral character. Applicant did not meet this burden.
3. The Applicant requested withdrawal of his 60 Day Physician Certificate, which was under investigation or to avoid the results of an investigation.
4. The application of Dr. Samir Jain for a 60 Day Physician Certificate is hereby considered withdrawn while under investigation or to avoid the results of an investigation.

IT IS HEREBY ORDERED that the Findings of Fact and Conclusions of Law herein are approved.

Dated on March 17, 2010.

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS



Margaret B. Hansen
Executive Director

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE INITIAL
APPLICATION FOR SOUTH DAKOTA
60 DAY PHYSICIAN CERTIFICATE
SUBMITTED BY SAMIR F. JAIN, MD

ORDER

The above-entitled matter having come before the South Dakota Board of Medical and Osteopathic Examiners, and the Board having been informed that an investigation was initiated by members of the Board's Investigative Review Panel for good cause shown, and Applicant Samir F. Jain, MD subsequently failing to cooperate with the Board's investigation in that he did not respond to the Board's correspondence or its request to appear at an informal meeting, and the Applicant then submitting a request to withdraw his application for a 60 Day Physician Certificate while under investigation, and the Board finding that this constitutes a withdrawal of application while under investigation or to avoid the results of an investigation; and the Board being fully advised in the premises and having heretofore made and entered its Findings Of Fact And Conclusions Of Law;

IT IS THEREFORE ORDERED that the Findings of Fact and Conclusions of Law and the Order are approved, and

IT IS FURTHER ORDERED that the Findings of Fact and Conclusions of Law and the Order are public documents and shall be published and reported as the Board deems necessary.

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS



Date: 7 Apr 10

Robert Ferrell, MD, President, SDBMOE