

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

In the Matter of)	
)	
Gautam Jayaswal, M.D.)	
Kansas License No. 04-27454)	Docket No. 24-HA00028
_____)	

FINAL ORDER REVOKING LICENSE

NOW ON THIS 14th day of June 2024, comes on for hearing upon due and proper notice, the matter of the revocation of Licensee’s license. The Kansas State Board of Healing Arts (Board) revoked Licensee’s license to practice medicine and surgery in Kansas by summary order entered February 15, 2024. Licensee exercised his right to request a hearing. This matter was then duly set for hearing pursuant to K.S.A. 77-533, as a conference hearing, having no disputed issues of material fact and having been convened as a conference hearing without objection.

R. Jerry DeGrado, D.C. President of the Board, appears with a lawfully convened Board. Todd Hiatt, Litigation Counsel, appears in person on behalf of the Disciplinary Panel (Disciplinary Panel #38). Gautam Jayaswal, M.D. Licensee, appears pro se in person. Bradley Taylor, previously Associate Litigation Counsel, recused himself, did not appear, and did not participate in the hearing, having withdrawn from the case prior to commencement of the hearing. Also recusing

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themselves from deliberations in this matter are board members: Abebe Abebe, M.D.; Robin D. Durrett, D.O.; Steven J. Gould, D.C.; Richard Bradbury, D.P.M.; and Kathy Wolfe Moore who served on the Disciplinary Panel.

I. Summary of Proceedings

The February 15, 2024, Summary Order found that Licensee was convicted of the felony of conspiracy to defraud the federal government. K.S.A. 65-2836(c) requires the Board to revoke a licensee's license upon the conviction of any felony unless 2/3 majority of the Board finds by clear and convincing evidence that the licensee will not pose a threat to the public and that the person has been sufficiently rehabilitated to warrant the public's trust. Licensee objects to entry of the summary order but does not dispute the facts.

II. Exhibits

Attached to the summary order and already in evidence is Exhibit 1, the Plea Agreement in the criminal case against Licensee. Licensee submits Exhibits A-N at the hearing without objection. The Board admits the Licensee's exhibits.

III. Findings of Pertinent Facts and Conclusions of Law

1. On May 9, 2023, Licensee pled guilty to defrauding the federal government. Exhibit 1, Plea Agreement.
2. Licensee admitted that between January 2017 and May 2021, he ordered orthotic braces for approximately 1,433 patients, and that he knew the braces were not medically necessary. Exhibit 1, Plea Agreement, p. 4.

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3. As a part of the conspiracy, companies received approximately \$1,366,123.28 from Medicare Part B based on Licensee's fraudulent orders.
Exhibit 1, Plea Agreement, p. 4.
4. During that same time, Licensee fraudulently signed genetic test orders causing laboratories to submit reimbursement claims to health care benefit programs causing Medicare Part B payouts of approximately \$14,707,687.57 for 2,061 Medicare Part B patients for whom Licensee was identified as the ordering physician.
Exhibit 1, Plea Agreement, p. 4.
5. On February 15, 2024, the Board issued a Summary Order finding Licensee in violation of K.S.A. 65-2836(c) because of his felony conviction. The Summary Order thereupon revoked Dr. Jayaswal's license to practice medicine and surgery in Kansas.
Summary Order, p. 3.
6. Licensee held Licensee No. 04-27454 until it was cancelled on or about July 31, 2023, for failure to renew.
Summary Order, ¶ 1, p. 1.
7. Dr. Jayaswal filed a Request for Hearing seeking Board review of the Summary Order.
March 3, 2024, Request for Hearing.
8. K.S.A. 65-2836(c) states the license of a licensee convicted of a felony, shall be revoked whether or not the felony is related to the practice of the healing arts, unless a 2/3 majority of the board members present and voting determine by clear and convincing evidence that such licensee will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant public trust.
9. Clear and convincing evidence is "evidence that causes the factfinder to believe that the truth of the facts asserted is highly probable." *In the Matter of L.J. Buckner*, 308 Kan. 427, 447 (2018).

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10. The Board has jurisdiction to take disciplinary action in this matter as Licensee was a licensee of the Board at the time the misconduct occurred. See *Friedman v. Kan. St. Bd. Of Healing Arts*, 296 Kan. 636, 643 (2013).
11. The Summary Order: (1) found Licensee violated K.S.A. 65-2836(c) by being convicted of a felony and (2) revoked his license to practice medicine and surgery in Kansas. Summary Order.
12. The Licensee cannot meet his burden to show he will not pose a threat to the public trust.
13. Licensee does not show he has been rehabilitated.
14. The Board notes that Licensee has not been sentenced and that Licensee is unable to provide more information to the Board in support of his objection.

The Board **OVERRULES** the Licensee's objection and **UPHOLDS** the February 15, 2024, Summary Order. **Gautam Jayaswal, M.D.'s** license to practice medicine and surgery in Kansas is **REVOKED**.

KANSAS STATE BOARD OF HEALING ARTS



Susan Gile
Executive Director

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FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Susan Gile, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 15th day of July, 2024 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Gautam Jayaswal, M.D.
CONFIDENTIAL

Licensee

And a copy was hand-delivered to:

J. Todd Hiatt
Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Licensing Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A

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And the original was filed with the office of the Executive Director.

Alexandria Diaz

Alexandria Diaz

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