

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

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6 **In the Matter of the Investigation of**) **Case No. 14-20873-1**
7)
8 **KENT ALAN SWAINE, M.D.,**)
9 **License No. 13917**)

FILED

JAN 31 2014

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

10 _____
11 **ORDER OF SUMMARY SUSPENSION**

12 Prior to the preparation of this Order of Summary Suspension, Nevada State Board of
13 Medical Examiners (Board) staff presented evidence and information to an Investigative
14 Committee (IC) of the Board, composed of Theodore B. Berndt, M.D., Chairman,
15 Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member, regarding
16 Kent Alan Swaine, M.D. (Dr. Swaine). Upon review of the evidence and information presented
17 by Board staff, the IC hereby **IMMEDIATELY SUSPENDS** Dr. Swaine's license to practice
18 medicine in the state of Nevada pursuant to Nevada Revised Statute (NRS) 630.326(1), based
19 upon the following preliminary findings:

20 1. Dr. Swaine is a physician licensed to practice medicine in the state of Nevada. He
21 was originally licensed by the Board on July 1, 2001. On October 14, 2008, the Board revoked
22 Dr. Swaine's license to practice medicine in the state of Nevada.

23 2. On June 10, 2011, the Board issued Dr. Swaine an active license to practice
24 medicine (License No. 13917) in the state of Nevada subject to several terms and conditions.
25 Pursuant to these terms and conditions, Dr. Swaine was prohibited from prescribing any controlled
26 substances or dangerous drugs to his immediate family or himself and ordered to remain in
27 compliance with the complete terms of his contract with the Nevada Professionals Program
28 (NPN). As part of his contract with NPN, Dr. Swaine must abstain from alcohol and drugs.

1 3. Recently, Board investigations have revealed that Dr. Swaine has been
2 impersonating a deceased individual for approximately two (2) years in an attempt to circumvent
3 the Board's requirement that he not prescribe controlled substances or dangerous drugs to himself.
4 Dr. Swaine would write controlled substance and/or dangerous drug prescriptions for the deceased
5 individual. Dr. Swaine would then take these prescriptions to a local pharmacy to be filled. When
6 asked for photo identification, Dr. Swaine would present photo identification demonstrating that
7 he was the deceased individual. Dr. Swaine would then pay for the prescriptions, receive the
8 prescriptions and leave with the prescriptions.

9 4. On or about January 30, 2014, Dr. Swaine tested positive for amphetamines,
10 benzodiazepine and opiates. This positive test also violates the terms of his contract with NPN.

11 5. Further, the Prescription Monitoring Program demonstrates that Dr. Swaine wrote
12 controlled substance and/or dangerous drug prescriptions for his wife, Jean Swaine, and his father-
13 in-law, Crisostomo Oliveros, in violation of the restrictions currently placed on his license to
14 practice medicine in the state of Nevada.

15 6. Based on the foregoing, the IC reasonably determines and believes that the health,
16 safety and welfare of the public is at imminent risk and that a summary suspension of
17 Dr. Swaine's license to practice medicine in the state of Nevada is necessary to remove the risk of
18 imminent harm to the health, safety and welfare of the public.

19 Accordingly, pursuant to NRS 630.326(1):

20 **IT IS HEREBY ORDERED** that the license to practice medicine in the state of Nevada
21 of Dr. Swaine, M.D. (License No. 13917) is **HEREBY SUSPENDED** until further order of the IC
22 or Board; and

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IT IS FURTHER ORDERED that pursuant to NRS 630.326(2), a hearing on this matter is set for the 5th day of March, 2014 at 9:00 a.m. at the Board's office located at 1105 Terminal Way, Ste. 301, Reno, NV 89502, to determine whether this suspension may continue, unless the parties mutually agree in writing to a divergent time frame.

DATED this 31st day of January, 2014.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Theodore B. Berndt
Theodore B. Berndt, M.D.
Chairman, Investigative Committee