

IN THE MATTER OF

* BEFORE THE MARYLAND

CHARLES TITA, M.D.

* STATE BOARD OF

Respondent.

* PHYSICIANS

License No. D78496

* Case No. 7720-0038B

* * * * *

ORDER AFTER SHOW CAUSE HEARING

On October 15, 2019, Charles Tita, M.D. entered into a Consent Order with Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board"). One of the conditions of the Consent Order required Dr. Tita to enroll in the Maryland Professional Rehabilitation Program ("MPRP") and comply with conditions of a Participant Rehabilitation Agreement ("Agreement") that he signed on October 24, 2019 with MPRP. On September 1, 2020, Panel B issued a Violation of Board Order and Notice to Show Cause, charging Dr. Tita with failure to comply with his Participant Rehabilitation Agreement, in violation of the October 15, 2019 Consent Order. On October 21, 2020, Panel B held a show cause hearing where Dr. Tita had the opportunity to argue why his medical license should not be subject to further discipline.

FINDINGS OF FACT

Background and Disciplinary Charges

On June 28, 2019, Panel B charged Dr. Tita with unprofessional conduct in the practice of medicine, in violation of Maryland Code Ann., Health Occupations ("Health Occ.") § 14-404(a)(3)(ii). A Board investigation established that Dr. Tita had engaged in multiple instances of unprofessional conduct while providing psychiatric treatment to patients and in his interactions with co-workers.

October 15, 2019 Consent Order

To resolve the disciplinary charges against him, Dr. Tita agreed to enter into a Consent Order with Panel B, wherein Panel B concluded that Dr. Tita was guilty of unprofessional conduct in the practice of medicine. Health Occ. § 14-404(a)(3)(ii). Dr. Tita was reprimanded and placed on probation for a minimum of three years, subject to certain terms and conditions, including requirements that he enroll in the Maryland Professional Rehabilitation Program (“MPRP”) and enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan as follows:

* * *

(c) the Respondent shall fully and timely cooperate and comply with all MPRP’s referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreements(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP.

* * *

(f) the Respondent’s failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreements(s) and Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order.

The Consent Order further stated:

ORDERED that if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the disciplinary panel determines that there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel; and if the disciplinary panel determines that there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent’s license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent.

Violation of October 15, 2019 Consent Order

Following his enrollment in MPRP, Dr. Tita signed a Participant Rehabilitation Agreement on October 24, 2019. Dr. Tita agreed to obtain any evaluations as recommended by MPRP, abide by the Rehabilitation Plan, and follow all MPRP recommendations. On March 4, 2020, MPRP notified Board staff that Dr. Tita's case had been closed for cause and that he had been discharged from the program due to his failure to obtain a competency assessment, as directed by MPRP. On March 5, 2020, the Board sent a letter to Dr. Tita requesting, within five days, a written explanation of his failure to obtain the assessment, in violation of his agreement with MPRP and the terms and conditions of the Consent Order. In written responses dated March 15 and March 17, 2020, Dr. Tita acknowledged that he had not obtained the competency assessment directed by MPRP "due to a lack of rationale."

Show Cause Hearing – October 21, 2020

On September 1, 2020, Panel B issued a Violation of Board Order and Notice to Show Cause based on this alleged violation. The Panel conducted a show cause hearing on October 21, 2020, at which Dr. Tita was represented by counsel. At the hearing, Dr. Tita admitted his violation of his Rehabilitation Agreement with MPRP and his Consent Order with the Board. He listed the terms and conditions of his Consent Order with which he had already complied, acknowledged that he had failed to comply with MPRP's competency assessment recommendation, and stated that he was now willing to do so. The State agreed that Dr. Tita had failed to adhere to the Participant Rehabilitation Agreement and Rehabilitation Plan.

Based upon all of the reports from MPRP and the information presented at the show cause hearings, Panel B finds that Dr. Tita failed to comply with the conditions of his October 15, 2019 Consent Order and his October 24, 2019 Rehabilitation Agreement. Dr. Tita's violations are undisputed.

CONCLUSIONS OF LAW

Panel B concludes that Dr. Tita violated the terms and conditions of the October 15, 2019 Consent Order by failing to comply with the terms of his MPRP Participant Rehabilitation Agreement.

ORDER

It is, on an affirmative vote of a majority of a quorum of Disciplinary Panel B, hereby

ORDERED that Dr. Tita is **REPRIMANDED**; and it is further

ORDERED that the Probation and probationary terms and conditions of the October 15, 2019 Consent Order are terminated; and it is further

ORDERED that upon the effective date of this Order, Dr. Tita is placed on **PROBATION** for a minimum period of **THIRTY (30) MONTHS.**¹ During probation, Dr. Tita shall comply with the following terms and conditions of probation:

1. Dr. Tita shall reenroll and remain enrolled in the Maryland Professional Rehabilitation Program ("MPRP") until he fully and satisfactorily complies with and completes all of MPRP's requirements as follows:
 - (a) Within **5 BUSINESS DAYS** of the effective date of this Order, Dr. Tita shall contact MPRP to schedule a consultation for reenrollment;
 - (b) Within **15 BUSINESS DAYS** of the effective date of this Order, Dr. Tita shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
 - (c) Dr. Tita shall fully and timely cooperate and comply with all MPRP's referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;

¹ If Dr. Tita's license expires during the period of probation, the probation and any conditions will be tolled.

- (d) Dr. Tita shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from MPRP records and files in a public order. A failure to, or withdrawal of consent, is a violation of this Order;
- (e) Dr. Tita shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw his release/consent; and
- (f) Dr. Tita's failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Order; and it is further

ORDERED that Dr. Tita shall not apply for early termination of probation; and it is further

ORDERED that after a minimum of thirty months has passed and Dr. Tita has fully and satisfactorily complied with all terms and conditions of probation, Dr. Tita may submit a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of a disciplinary panel. Dr. Tita may be required to appear before the disciplinary panel to discuss his petition for termination. The disciplinary panel may grant the petition to terminate the probation through an order of the disciplinary panel, if Dr. Tita has successfully complied with all of the probationary terms and conditions and if there are no pending complaints related to the charges that led to the October 15, 2019 Consent Order; and it is further

ORDERED that if Dr. Tita allegedly fails to comply with any term or condition imposed by this Order, Dr. Tita shall be given notice and an opportunity for a hearing. If the disciplinary panel determines that there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings. If the disciplinary panel

determines that there is no genuine dispute as to a material fact, Dr. Tita shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that, after the appropriate hearing, if the disciplinary panel determines that Dr. Tita has failed to comply with any term or condition imposed by this Order, the disciplinary panel may reprimand Dr. Tita, place Dr. Tita on probation with appropriate terms and conditions, or suspend or revoke Dr. Tita's license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon Dr. Tita; and it is further

ORDERED that Dr. Tita is responsible for all costs incurred in fulfilling the terms and conditions of this Order; and it is further

ORDERED that the effective date of this Order is the date the Order is signed by the Executive Director of the Board or her designee. The Executive Director or designee signs the Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Order, and it is further

ORDERED that this is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Health Occ. §§ 1-607 and 14-411.1, and Gen. Prov. § 4-333(b) (2014 & 2019 Supp.).

Signature on File

11/20/2020
Date

Christine A. Farrelly, Executive Director
Maryland State Board of Physicians