

IN THE MATTER OF * **BEFORE THE MARYLAND STATE**
DAVID CENSITS, M.D. * **BOARD OF PHYSICIANS**
APPLICANT * **CASE NUMBER: 2220-0040A**

* * * * *

CONSENT ORDER

On June 12, 2020, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) notified **DAVID CENSITS, M.D.** (the “Applicant”) of Panel A’s intent to deny his Application for Initial Medical Licensure under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

The pertinent provisions of the Act provide:

Health Occ. § 14-205. Miscellaneous powers and duties.

...

(b) *Additional powers.*

...

(3) Subject to the Administrative Procedure Act and the hearing provisions of § 14-405 of this title, a disciplinary panel may deny a license to an application for...

(i) Any of the reasons that are grounds for action under § 14-404 of this title[.]

Health Occ. § 14-307. Qualifications of applicants.

(a) *In general.* To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) *Moral character.* -- The applicant shall be of good moral character[.]

Health Occ. § 14-404. Denials, reprimands, suspensions, and revocations – Grounds.

- (a) *In general.* -- Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the licensee:

...

(21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under this section[.]

Grounds for disciplinary action under Health Occ. § 14-404(a)(21), include

the following grounds under Health Occ. §14-404(a):

- (3) Is guilty of:
- (i) Immoral conduct in the practice of medicine; or
 - (ii) Unprofessional conduct in the practice of medicine[.]

On September 9, 2020, Panel A was convened as a Disciplinary Committee for Case Resolution ("DCCR") in this matter. Based on negotiations occurring as a result of this DCCR, the Applicant agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

Panel A finds:

I. The Application

1. The Applicant specializes in the practice of psychiatry.
2. On or about March 7, 2019, the Applicant submitted to the Board an Application for Initial Medical Licensure (the "Application").

3. The Applicant answered “YES” to “Character and Fitness” question 16B, which states:

16b. *“Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services, or the Veterans Administration, ever taken action against your license? Such actions include, but are not limited to, limitations of practice, required education admonishment or reprimand, suspension, probation or revocation.”*

4. Based on the Applicant’s affirmative response in his Application, the Board initiated an investigation of the Applicant.

II. The Investigation

5. The Board initiated an investigation into the Applicant’s representations in his Application and determined that he was subject to prior disciplinary actions by the Pennsylvania Medical Board (the “Pennsylvania Board”).

Suspension, Pennsylvania Board (2016)

6. On or about July 24, 2002, the Pennsylvania Board initially licensed the Applicant to practice medicine in the State of Pennsylvania.

7. On or about May 24, 2016, the Pennsylvania Board entered into a Consent Order (the “Order”) with the Applicant suspending his license to practice medicine indefinitely, for a minimum of nine months, and effective thirty days from the date of adoption of the Order. In the Order the Applicant admitted that in approximately 2013 he engaged in a sexual relationship with a former patient (the “Patient”) that he treated for anxiety and depression from approximately 2007 through 2009. In approximately September 2014, after the relationship had ended, the Patient filed a complaint against the Applicant with the Pennsylvania Department of State.

8. During the period of suspension, the Applicant was required to undergo an evaluation assessing his fitness to practice medicine and comply with any recommendations therefrom. In addition, the Applicant was required to complete coursework in medical ethics, boundaries, and professionalism.

9. On or about May 31, 2018, the Pennsylvania Board issued a Final Order reinstating the Applicant's license to practice medicine in the State of Pennsylvania.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, Disciplinary Panel A concludes as a matter of law that the Applicant was disciplined by a licensing or disciplinary authority for acts that, if committed in Maryland, would be grounds for disciplinary actions under Health Occ. §14-404(a), in violation of Health Occ. § 14-404(a)(21). The underlying grounds for action under Health Occ. § 14-404(a)(21), if committed in Maryland, include the following provisions of Health Occ. § 14-404(a): (3)(i), is guilty of immoral conduct in the practice of medicine; (ii) is guilty of unprofessional conduct in the practice of medicine.

ORDER

It is thus by Disciplinary Panel A of the Board, hereby

ORDERED that the Application of David M. Censits, M.D. to practice medicine in Maryland is **GRANTED**; and it is further

ORDERED that Dr. Censits is placed on **PROBATION** for a minimum of **TWO (2) YEARS**.¹ During probation, Dr. Censits shall comply with the following terms and conditions of probation:

- (1) Dr. Censits shall enroll in the Maryland Professional Rehabilitation Program (MPRP) as follows:
 - (a) Within 5 business days, Dr. Censits shall contact MPRP to schedule an initial consultation for enrollment;
 - (b) Within 15 business days, Dr. Censits shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
 - (c) Dr. Censits 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;
 - (d) Dr. Censits 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. Dr. Censits shall not withdraw his release/consent;
 - (e) Dr. Censits 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 Dr. Censits's current therapists and treatment providers) verbal and written information concerning Dr. Censits and to ensure that MPRP is authorized to receive the medical records of Dr. Censits, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. Dr. Censits shall not withdraw his release/consent;

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

- (f) Dr. Censits'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 Consent Order; and it is further

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

ORDERED that, after MPRP notifies the Board that Dr. Censits is safe to practice medicine without monitoring and Dr. Censits has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, Dr. Censits may submit to the Board a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of the disciplinary panel. Dr. Censits may be required to appear before the disciplinary panel to discuss his petition for termination. The disciplinary panel will grant the petition to terminate the probation if Dr. Censits has complied with all probationary terms and conditions, there are no pending complaints relating to the charges, and the disciplinary panel determines that it is safe for Dr. Censits to practice medicine without monitoring. If the disciplinary panel determines that it is not safe for Dr. Censits to practice of medicine without monitoring through MPRP, the probation shall be continued through an order of the disciplinary panel for a length of time determined by the disciplinary panel, and the disciplinary panel may impose any additional terms and conditions it deems appropriate; and it is further

ORDERED that a violation of probation constitutes a violation of the Consent Order; and it is further

ORDERED that, if Dr. Censits allegedly fails to comply with any term or condition imposed by this Consent Order, Dr. Censits shall be given notice and an opportunity for a hearing. If the disciplinary panel determines 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 there is no genuine dispute as to a material fact, Dr. Censits 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. Censits has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand Dr. Censits, place Dr. Censits on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke Dr. Censits'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 on Dr. Censits; and it is further

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

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

ORDERED that this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

Signature on File

09/22/2020
Date

Christine A. Farrelly¹ U U
Executive Director
Maryland State Board of Physicians

CONSENT

I, David M. Censits, M.D., acknowledge that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the Notice of Intent to Deny. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

Signature on File

9/16/2020
Date

David M. Censits, M.D.
Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF HOWARD

I HEREBY CERTIFY that on this 17 day of September 2020, before me, a Notary Public of the foregoing State and City/County, David M. Censits, M.D., personally appeared and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



[Signature]
Notary Public

My Commission expires: 10/12/22