

DEPARTMENT OF HEALTH,  
BOARD OF MEDICAL LICENSURE AND  
DISCIPLINE

No: C12-258

In the matter of:  
Dave E. David, MD  
License #: MD 13798

**Voluntary Agreement Not To Practice Medicine**

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (2009 Reenactment) the Commonwealth of Massachusetts Board of Registration in Medicine notified the Board of Medical Licensure and Discipline that the Respondent has entered into a Voluntary Agreement Not To Practice Medicine. The Rhode Island Board of Medical Licensure and Discipline has jurisdiction to take reciprocal action by virtue of R.I.G.L 5-37-5.7 (21) of the General Laws. The following constitutes the Investigating Committee's Findings of Fact:

**Findings of Facts**

1. The Respondent is 60 year old physician who has been licensed to practice medicine in the State of Rhode Island since 2011. He is a 1978 graduate of the University of South Florida College of Medicine. His primary specialty is Obstetrics & Gynecology.
2. The Respondent, Dave E. David, MD has entered into a Voluntary Agreement Not to Practice Medicine. The Commonwealth of Massachusetts Voluntary Agreement Not to Practice Medicine is incorporated and attached herewith.

3. The Respondent was indicted by the Commonwealth of Massachusetts Norfolk County at the Superior Court in Dedham on the 5<sup>th</sup> of March 2012 for indecent assault and rape.

**The parties agree as follows:**

The Respondent is a physician with an active allopathic license No.MD13798. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

1. Respondent has read this Voluntary Agreement Not to Practice Medicine and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Voluntary Agreement Not to Practice Medicine is not binding on Respondent until final ratification by the Board.
2. Respondent hereby acknowledges and waives:
  - a. The right to appear personally or by counsel or both before the Board;
  - b. The right to produce witnesses and evidence in his behalf at a hearing;
  - c. The right to cross examine witnesses;
  - d. The right to have subpoenas issued by the Board;
  - e. The right to further procedural steps except for specifically contained herein;

- f. Any and all rights of appeal of this Voluntary Agreement Not to Practice Medicine;
- g. Any objection to the fact that this Voluntary Agreement Not to Practice Medicine will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Voluntary Agreement Not to Practice Medicine;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Voluntary Agreement Not to Practice Medicine.

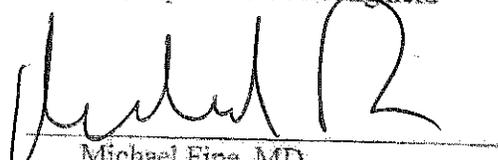
3. If the Voluntary Agreement Not to Practice Medicine is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee votes in favor or finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

4. Acceptance of this Voluntary Agreement Not to Practice Medicine constitutes an admission by the Respondent of the facts set forth herein.
5. This Voluntary Agreement Not to Practice Medicine shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
6. Failure to comply with this Voluntary Agreement Not to Practice Medicine, when signed and accepted, shall subject the Respondent to disciplinary action.
7. Respondent shall be subject to the same restrictions and limitations as imposed by the Commonwealth of Massachusetts Board of Registration in Medicine.
8. If the Respondent is convicted of the charges in Massachusetts or failures to comply with this Voluntary Agreement Not to Practice Medicine, when signed and accepted, the Respondent will be subject to disciplinary action.

Signed this 25 day of Sept, 2012.

  
Dave E. David, MD

Ratified by the Board of Medical Licensure and Discipline at a meeting held  
on 12 September, 2012.

  
Michael Fine, MD  
Director of Health

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Docket No. 12-192

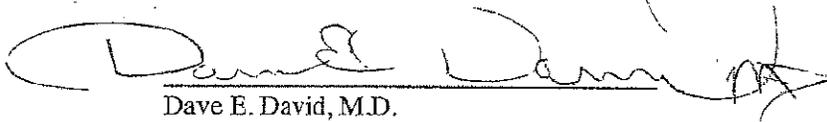
	)
In the Matter of	)
	)
Dave E. David, M.D.	)
Registration No. 44906	)
	)

**VOLUNTARY AGREEMENT NOT TO PRACTICE MEDICINE**

1. I agree to cease my practice of medicine in the Commonwealth of Massachusetts effective immediately.
2. This Agreement will remain in effect until the Board of Registration in Medicine (Board) determines that this Agreement should be modified or terminated; or until the Board takes other action against my license to practice medicine; or until the Board takes final action on the above-referenced matter.
3. I am entering this Agreement voluntarily.
4. I understand that this Agreement is a public document and may be subject to a press release.
5. I understand that this action will be reported by the Board to the appropriate federal data banks and national reporting organizations, including the National Practitioner Data Bank, the Health Care Integrity and Protection Data Bank, and the Federation of State Medical Boards.
6. Any violation of this Agreement shall be prima facie evidence for immediate summary suspension of my license to practice medicine.
7. I understand that by voluntarily agreeing not to practice medicine in the Commonwealth of Massachusetts pursuant to this Agreement, I do not waive my right to contest any allegations brought against me by the Board and my signature to this Agreement does not constitute any admissions on my part. Nothing contained in this Agreement shall be construed as an admission or acknowledgment by me as to wrongdoing of any kind in the practice of medicine or otherwise.

8. I agree to provide a complete copy of this Agreement, within twenty-four (24) hours of notification of the Board's acceptance of this Agreement, by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in-state or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which I practice medicine; any in-state or out-of-state health maintenance organization, with which I have privileges or any other kind of association; any state agency, in-or-out-of state, with which I have a provider contract; any in-state or out-of-state medical employer, whether or not I practice medicine there; the Drug Enforcement Administration Boston Diversion Group; Massachusetts Department of Public Health Drug Control Program; and the state licensing boards of all states in which I have any kind of license to practice medicine. I will certify to the Board within seven (7) days that I have complied with this directive. The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above or any other affected entity, of any action it has taken.

9. This Agreement represents the entire agreement between the parties at this time.

  
\_\_\_\_\_  
Dave E. David, M.D.

10 Apr 12  
Date

  
\_\_\_\_\_  
W. Scott Liebert, Esq.

April 10, 2012  
Date

Accepted by the Board of Registration in Medicine this 10<sup>th</sup> day of April,

20 12.

  
\_\_\_\_\_  
Board Chair or Designee

Ratified by vote of the Board of Registration in Medicine this 11<sup>th</sup> day of April,

20 12.

  
\_\_\_\_\_  
Board Chair or Board Member