

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re:	)	CONSENT
David A. York, M.D.	)	AGREEMENT
AD10-172	)	

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice as a physician in the State of Maine held by David A. York, M.D. The parties to the Consent Agreement are: David A. York, M.D. ("Dr. York"), the State of Maine Board of Licensure in Medicine ("the Board"), and the State of Maine Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. At all times relevant to the complaint, Dr. York was a licensee of the Board. The Board first licensed Dr. York a medical license on October 23, 2008. Dr. York specializes in Family Practice.
2. On or about March 24, 2010, Dr. York contacted the Executive Director of the Board and advised him that he had been arrested for downloading child pornography from the internet. Dr. York also reported that his employment at Concentra Medical Center had been terminated following his arrest. Dr. York denied engaging in any sexual improprieties with patients, but stated that he had no intentions of practicing medicine in Maine until all of the criminal charges had been resolved. As a result, Dr. York proposed temporarily surrendering his license to the Board.

3. On April 13, 2010, the Board reviewed the foregoing information and chose not to accept the temporary surrender of licensure.

4. This Consent Agreement has been negotiated by Dr. York and legal counsel for the Board in order to resolve this matter without further proceedings. Absent Dr. York's acceptance of this Consent Agreement by signing it, dating it, having it notarized, and returning it to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before June 4, 2010, the Board will conduct further investigations and proceedings.

5. By signing this Consent Agreement, Dr. York waives any and all objections to, and hereby consents to allow the Board's legal counsel to present this proposed Consent Agreement to the Board for possible ratification on June 8, 2010. Dr. York also forever waives any arguments of bias or otherwise against any of the Board members in the event that the Board fails to ratify this proposed Consent Agreement.

#### COVENANTS

In lieu of further investigations and proceedings in this matter, Dr. York agrees to the following:

6. Dr. York admits that the Board has evidence from which it could conclude by the preponderance of the evidence that his downloading of child pornography could constitute incompetence and unprofessional conduct and grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(E) & (F).

7. As discipline for the conduct described in paragraphs 1-6 above, Dr. York agrees to the IMMEDIATE and VOLUNTARY SURRENDER of his Maine medical license.

8. Nothing in this Consent Agreement shall prohibit Dr. York from, at reasonable intervals, petitioning the Board for reinstatement of his Maine medical license. Upon petitioning the Board for reinstatement, Dr. York shall bear the burden of demonstrating that: (a) his Maine medical license should be reinstated; and (b) that the resumption of his practice of medicine would not pose a risk to the public; and (c) that no grounds exist for the Board to deny his application for reinstatement. The Board, upon receipt of any such petition for reinstatement from Dr. York, may direct that he undergo whatever testing and evaluations that it deems appropriate. In addition, Dr. York shall execute any and all releases so that the Board, Board staff, and Office of Attorney General may obtain copies of his medical, psychological, and counseling records and evaluations. Following its receipt of a petition for reinstatement from Dr. York, and its review of any records, evaluations and investigative information, the Board shall retain the sole discretion to grant or deny the petition and/or grant Dr. York a license subject to restrictions and/or conditions pursuant to 32 M.R.S.A. § 3282-A(2) and 10 M.R.S.A. § 8003(5).

9. Dr. York waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. York agrees that this Consent Agreement and Order is a final order resolving the pending investigation before the Board. This Consent Agreement

is not appealable and is effective until or unless modified or rescinded in writing by the parties hereto. This Consent Agreement cannot be amended orally. It can only be amended by a writing signed by the parties hereto and approved by the Office of Attorney General.

10. The Board and the Office of the Attorney General may communicate and cooperate regarding Dr. York or any other matter relating to this Consent Agreement.

11. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408. This Consent Agreement constitutes disciplinary action that is reportable to the Federation of State Medical Boards (FSMB), the National Practitioner Data Bank (NPDB), and the Healthcare Integrity and Protection Data Bank (HIPDB).

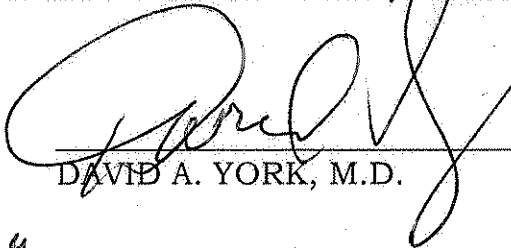
12. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

13. Dr. York acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

I, DAVID A. YORK, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED:

June 26, 2010

  
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DAVID A. YORK, M.D.

STATE OF

North Carolina

\_\_\_\_\_, S.S.

Personally appeared before me the above-named David A. York, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED:

6/24/2010

  
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NOTARY PUBLIC/ATTORNEY

Embossed Hereon Is My  
Mecklenburg County, North Carolina Notary Public Seal  
My Commission Expires September 01, 2010  
JERROLD D HARRIS

MY COMMISSION ENDS:

September 01, 2010

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED:

7/13/2010

  
\_\_\_\_\_  
SHERIDAN R. OLDDHAM, M.D., Chairman

STATE OF MAINE OFFICE  
OF THE ATTORNEY GENERAL

DATED:

7/13/10



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DENNIS E. SMITH  
Assistant Attorney General

Effective Date: 7/13/10