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COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 2051

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH  
OF KENTUCKY HELD BY DAVID ARI LAPIDES, M.D., LICENSE NO.  
C0234, 9110 COLLEGE POINTE COURT, FORT MEYERS, FLORIDA 33919

**AGREED ORDER OF SURRENDER**

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel A, and David Ari Lapides, M.D. (“the licensee”), and, based upon their mutual desire to fully and finally resolve this pending investigation without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER OF SURRENDER**:

**STIPULATIONS OF FACT**

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order of Surrender:

1. At all relevant times, David Ari Lapides, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s specialty is Neurology.
3. On or about March 1, 2022, the licensee self-reported a criminal conviction.
4. On or about January 18, 2022, the licensee was charged in the Circuit Court for the City of Charlottesville, Commonwealth of Virginia with two (2) counts of felony distribution of child pornography in case numbers 21-187-01 and 21-187-02.
5. On the same date, the licensee entered a guilty plea to two (2) felony counts of distribution of child pornography.

6. The licensee is on home electronic incarceration pending his final sentencing currently scheduled for May 17, 2022.
7. According to a written statement by the licensee dated March 4, 2022, he was arrested in July 2021 after using a personal cell phone to share a video containing underage pornography.
8. According to an affidavit for a search warrant in the case, the licensee used "Kik Messenger" to send two (2) files between March 21, 2021 and March 29, 2021 which contain videos of two (2) prepubescent/pubescent females nude and manipulating their genitalia.
9. On or about April 18, 2021, the licensee notified the Board that his license to practice medicine in Virginia was suspended on March 16, 2022; that he surrendered his Drug Enforcement Agency license; that he has agreed not to practice medicine in the states of New York and Utah; and that his license to practice medicine was revoked in New Hampshire.
10. At its meeting on April 21, 2022 meeting, the Board's Inquiry Panel A reviewed the investigation. The Panel and the licensee agree to enter into this Agreed Order of Surrender, in lieu of the issuance of a Complaint and Emergency Order of Suspension.

#### STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order of Surrender:

1. The licensee's medical license is subject to regulation and discipline by the Board.

2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(4). Accordingly, there are legal grounds for the parties to enter into this Agreed Order of Surrender.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending investigation without an evidentiary hearing by entering into an informal resolution such as this Agreed Order of Surrender.

### **AGREED ORDER OF SURRENDER**

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve the pending investigation without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER OF SURRENDER:**

1. The licensee hereby SURRENDERS his Kentucky medical license, in lieu of revocation, with that surrender to become effective immediately upon the filing of this Agreed Order of Surrender, and continuing until further order of the Panel.
2. Immediately upon the filing of this Agreed Order of Surrender, the licensee shall not engage in any act which would constitute the "practice of medicine or osteopathy" as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities – in the Commonwealth of Kentucky, until approved to do so by the Panel.
3. The licensee SHALL NOT petition and the Panel SHALL NOT consider a petition for reinstatement of his license or application for regular license by the licensee unless a minimum period of two (2) years from the date of filing of this Agreed Order of Surrender has passed and he has successfully completed his sentence as ordered in *Com. of Virginia v. Lapidis*, Case Nos. 21-187-01 and 21-187-02;
4. The licensee understands and agrees that, if he should petition for reinstatement of his license in the future, the burden shall be upon him to satisfy the Panel that he is presently of good moral character and qualified both physically and mentally to resume the practice of medicine without undue risk or danger to his patients or the public.

5. The licensee understands and agrees that the decision whether or not to permit him to resume the practice of medicine within the Commonwealth of Kentucky lies in the sole discretion of the Panel.
6. If the Board should receive information that, after the date of filing of this Agreed Order of Surrender, the licensee has performed an act which would constitute the "practice of medicine or osteopathy" within the Commonwealth of Kentucky, it shall refer the licensee to the Attorney General or appropriate Commonwealth Attorney for prosecution of such acts of practicing medicine without a license.
7. The licensee expressly agrees that if he should violate any term or condition of the Agreed Order of Surrender, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that he has violated any term or condition of this Agreed Order of Surrender, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree that the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order of Surrender.
8. The licensee understands and agrees that any violation of the terms of this Agreed Order of Surrender would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13) and may provide a legal basis for criminal prosecution for practicing medicine without a license.

SO AGREED on this 4 day of May, 2022.



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DAVID A. LAPIDES, M.D.

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COUNSEL FOR THE LICENSEE  
(IF APPLICABLE)

FOR THE BOARD:



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WAQAR A. SALEEM, M.D.  
CHAIR, INQUIRY PANEL A

*Sara Farmer*

SARA FARMER

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Assistant General Counsel  
Kentucky Board of Medical Licensure  
310 Whittington Parkway, Suite 1B  
Louisville, Kentucky 40222  
Tel. (502) 429-7150